

**Department of Community Planning and Economic Development - Planning Division**  
Conditional Use Permit  
BZZ-4913

**Date:** September 20, 2010

**Applicant:** Hud Hud LLC

**Address of Property:** 607 Cedar Avenue South

**Project Name:** Hud Hud Bakery

**Contact Person and Phone:** Jeff McElmury – Disenos 612-309-1234

**Planning Staff and Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** August 19, 2010

**End of 60 Day Decision Period:** October 18, 2010

**Ward: 2     Neighborhood Organization:** Cedar Riverside/West Bank

**Existing Zoning:** C3A Community Activity Center District, PO Pedestrian Oriented Overlay District, and UA University Area Overlay District.

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 21

**Legal Description:** Not applicable for this application.

**Proposed Use:** Bakery/shopping center.

**Concurrent Review:**

**Conditional use permit:** To allow a shopping center.

**Applicable zoning code provisions:** Chapter 525, Administration and Enforcement, Article VII, Conditional Use Permits.

**Background:** The applicant has added a bakery to the back part of the building located at 607 Cedar Avenue South. This building is part of a larger site at 601-619 Cedar Avenue south that received site plan review approval in 2003 (BZZ-1086 & PW#7479). The addition of the bakery and an adjacent bookstore classify the building as a shopping center. The alteration was cited by the CPED-Zoning Enforcement Office on June 16, 2010. A shopping center requires a conditional use permit in the C3A Community Activity Center District. Approval of the conditional use permit will remedy the zoning violation. The other elements of the site are in compliance with the approved site plan.

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As of the writing of this staff report, staff has not received comments from the neighborhood group, but will forward comments, if any, to the City Planning Commission.

### **CONDITIONAL USE PERMIT (for a shopping center)**

#### **Findings as required by the Minneapolis Zoning Code:**

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The zoning code defines a shopping center as “a unified development of two or more ground floor commercial uses, excluding offices, operated under common ownership or management, which may be connected by a common wall or may be freestanding, and which may include common parking and signage. A shopping center shall not include:

- 1) A storefront building or group of storefront buildings where each use includes a separate principal customer entrance facing the street.
- 2) A commercial or mixed use building with a separate commercial principal customer entrance for each ground floor use with street frontage with any on-site parking facilities located at the interior or rear of the site.”

The bakery is located in a storefront building, but the floor plan has been modified since the last site plan review in 2003, to add a bookstore and the bakery in a manner that classifies the building as a shopping center. If the book store were eliminated, then all of the uses that front on the street would have a principal entrance and the building would not be classified as a shopping center (please note that the spaces marked as “office” are office for the check cashing business that fronts the street, not individual office tenant spaces). The bakery would then be allowed with an entrance at the rear of the building, because it does not front on the public street and the parking is located to the side and rear of the building. The book store cannot be eliminated.

The new building layout does not change the storefront character of the buildings and meets the required parking, so it should have little effect on the surrounding area. It will not be detrimental to the public health, safety, comfort or general welfare of the surrounding area.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The overall site plan received site plan approval in 2003, and will not change. The building size will not change. There will be little noticeable effect on the surrounding area and the proposed change should not be detrimental to nearby properties.

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**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Utilities and access are existing and adequate. A drainage plan was approved with the site plan review in 2003.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The existing parking lot for the overall site provides 28 parking spaces and all of the uses on the overall site require 27 parking spaces. The conversion of the floor plan of the existing buildings will not lead to traffic congestion in the public streets.

**5. Is consistent with the applicable policies of the comprehensive plan.**

*The Minneapolis Plan for Sustainable Growth* designates Cedar Avenue South as a Commercial Corridor. In addition, the plan designates this area as an Activity Center and as a Transit Station Area.

The plan has the following relevant policy for Commercial Corridors:

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.

1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

The plan has the following relevant policy for Activity Centers:

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.

1.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.

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1.12.3 Encourage active uses on the ground floor of buildings in Activity Centers.

1.12.4 Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive-through facilities.

1.12.8 Support district parking strategies in Activity Centers, including shared parking facilities with uniform signage, and other strategies.

The plan has the following relevant policy for Transit Station Areas:

Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.

1.13.3 Discourage uses that diminish the transit and pedestrian character of areas around transit stations, such as automobile services, surface parking lots, and drive-through facilities.

1.13.4 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces near the station.

The *Cedar Riverside Small Area Plan* was adopted by the City Council on April 18, 2008. The plan designates this site as mixed-use commercial. Further, it states that “South Cedar will continue to build on its proximity to Riverside Plaza and The Cedars by primarily emphasizing ethnic businesses meeting the culturally unique daily needs of the area’s diverse population.”

The reconfiguration of the floor plan of this one building will not change the storefront character of the overall site and therefore is in conformance with the above noted policies of the comprehensive plan and the adopted small area plan.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

The proposal will conform to the applicable regulations of the C3A Community Activity Center District, the PO Pedestrian Oriented Overlay District, and the UA University Area Overlay District upon the approval of the conditional use permit.

Individual tenant spaces within shopping centers in the C3A District are limited to 4,000 square feet.

Shopping Centers are subject to the following Specific Development Standards:

(1) Only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center.

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(2) Uses which require a conditional use permit, site plan review, or other land use approval shall comply with all review and approval requirements of the zoning ordinance.

(3) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within One hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

The rear wall of the building is required to be painted in a uniform manner. Staff encourages the applicant to consider the addition of a window for the tenant space facing the parking lot, which would be required for the construction of a new building.

### **RECOMMENDATIONS:**

#### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit for a shopping center:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for a shopping center at 607 Cedar Avenue South, subject to the following condition:

1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

### **Attachments:**

1. Statement from applicant.
2. Site plan and floor plan.
3. Photos.