

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4744

Date: April 12, 2010

Applicant: Zaki Ibrahim

Address of Property: 1202 East Lake Street

Project Name: Ibrahim Restaurant

Contact Person and Phone: Zaki Ibrahim, (612) 721-4550

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: March 18, 2010

End of 60-Day Decision Period: May 17, 2010

End of 120-Day Decision Period: Not applicable for this development

Ward: 9 **Neighborhood Organization:** Midtown Phillips and Powderhorn Park

Existing Zoning: C2, Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 26

Legal Description: Not applicable for this development

Proposed Use: Extension of hours for a restaurant

Concurrent Review:

Conditional use permit: Zaki Ibrahim with Ibrahim Restaurant has submitted a conditional use permit application to extend the hours of operation for Ibrahim Restaurant located at 1202 East Lake Street. In the C2 zoning district the permitted hours of operation are 6 am to 10 pm Sunday through Thursday and 6 am to 11 pm Friday and Saturday. The applicant is requesting to keep the business open from 7 am until 12 midnight, seven days a week.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits.

Background: The applicant is proposing to extend the hours of operation for his existing business, Ibrahim Restaurant, located at 1202 East Lake Street. The property is zoned C2. Restaurants are a permitted use in the C2 zoning district. Within the building there are four different uses: the subject

restaurant, a grocery store, a dry cleaners and a coffee shop. The permitted hours of operation in the C2 district are Sunday through Thursday from 6 am to 10 pm and Friday and Saturday from 6 am to 11:00 pm. The applicant is requesting to keep the business open from 7 am until 12 midnight, seven days a week. The applicant has been operating the coffee shop at this location since June of 2006.

The business was recently issued a citation for operating past 11 o'clock on a Friday night. According to the police incidents report, there have been minimal disturbances at the property since the restaurant began operating.

CONDITIONAL USE PERMIT - to extend the hours of operation for Ibrahim Restaurant

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that allowing the restaurant to stay open until 12 midnight, seven days a week will be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant is requesting to stay open an additional two hours on Sunday through Thursday and an additional one hour on Friday and Saturdays for a total of 12 additional hours per week. According to the police incidents report, there have been minimal disturbances at the property since the restaurant began operating.

2. The conditional use 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 Planning Division does not believe that that allowing the restaurant to stay open until 12 midnight, seven days a week will 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 surrounding area is fully developed. Commercial uses line both sides of the Lake Street corridor. Within four blocks of this location there have been four other businesses that have been granted extended hours of operation. The nearest residential use is located on the west side of 12th Avenue South approximately 100 feet north of the subject site (see list). A commercial surface parking lot and an automobile repair facility are located between the business and the residential use. In addition, the entrance to the restaurant faces East Lake Street not 12th Avenue South so the majority of the noise originating from the business would be directed towards East Lake Street.

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

The Planning Division would not expect the utilities, access roads, drainage and other facilities to be affected by the extended hours of operation.

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

Extending the hours of operation for the restaurant should not have any impact on traffic congestion in the public streets.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

The site is located on East Lake Street between 12th and 13th avenues south. East Lake Street is a designated Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. In addition, the site is located one block east of the designated Chicago and Lake Activity Center. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as Mixed Use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- 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 (Land Use Policy 1.10).
- 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 (Implementation Step for Land Use Policy 1.10).
- 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 (Land Use Policy 1.12).
- Encourage a variety of commercial and residential uses that generate activity all day long and into the evening (Implementation Step for Land Use Policy 1.12).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. Extending the hours of operation for the restaurant until 12 midnight, seven days a week would be appropriate for a business location along a Commercial Corridor and one block away from an Activity Center.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permits and site plan review this development will meet the applicable regulations of the C4 zoning district.

Additional Findings Required for Extension of Hours Open To the Public:

1. Proximity to permitted or conditional residential uses.

The properties located within the immediate vicinity are predominantly zoned commercial. The subject parcel abuts C2 zoning to the west, north, east and south across East Lake Street. The nearest residential use is located on the west side of 12th Avenue South approximately 100 feet north of the subject site. A commercial surface parking lot and an automobile repair facility are located between the business and the residential use. In addition, the entrance to the restaurant faces East Lake Street not 12th Avenue South so the majority of the noise originating from the business would be directed towards East Lake Street.

2. Nature of the business and its impacts of noise, light and traffic.

The Planning Division would not expect that a one or two hour extension of operational hours for the restaurant would have substantive impacts of noise, light and traffic within the immediate vicinity. The majority of the noise originating from the business would be directed towards East Lake Street. No off-street parking for the business is available.

3. Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.

The existing business is categorized as a restaurant which is a permitted use in the C2 zoning district. Within the building there are four different uses: the subject restaurant, a grocery store, a dry cleaners and a coffee shop. With the approval of the conditional use permit for extended hours and compliance with the specific development standards that pertain to restaurants, the use would be in conformance with the applicable zoning regulations.

4. History of complaints related to the use.

According to the police incidents report, there have been minimal disturbances at the property since the restaurant began operating.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to extend the hours of operation for Irbahim Restaurant located at 1202 East Lake Street to 12 midnight, seven days a week subject to the following conditions:

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.

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Attachments:

1. Statement of proposed use and description of the project
2. Conditional use permit findings
3. License history for the property
4. Police incidents for the property – 1999 to present
5. List of uses in the 9th Ward that have requested to extend their hours of operation and the City actions for each
6. Fax record to Council Member Schiff
7. March 16, 2010, e-mail to Midtown Phillips
8. Letter of support from the property owner
9. Zoning Map
10. Survey and floor plan
11. Photographs of the site