

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4303

Date: February 2, 2009

Applicant: Paul Setter with MGM Wine & Spirits, Inc.

Address of Property: 3060 Excelsior Boulevard

Project Name: MGM Wine & Spirits, Inc.

Contact Person and Phone: Julie Perrus with Larkin Hoffman, (952) 896-3308

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

Date Application Deemed Complete: January 5, 2009

End of 60-Day Decision Period: March 6, 2009

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

Ward: 13 **Neighborhood Organization:** West Calhoun Neighborhood Council

Existing Zoning: C3S, Community Shopping Center District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 23

Legal Description (properties to be rezoned): Not applicable for this application

Proposed Use: Liquor store

Concurrent Review:

Conditional use permit: for a liquor store

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

Background: MGM Wine and Spirits is currently located in the Calhoun Village Shopping Center at 3254 West Lake Street. The applicant was presented with an opportunity to move the store's location to the Calhoun Commons Shopping Center at 3060 Excelsior Boulevard and has since secured a lease for the new location. Liquor stores are a conditional use in the C3S zoning district and therefore the applicant has made application for a conditional use permit.

CONDITIONAL USE PERMIT – for a liquor store

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division 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 Planning Division does not believe that a liquor store would be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding area. The liquor store is currently located on the north side of West Lake Street and is proposing to move to the south side of West Lake Street. The liquor store would be located within an existing shopping center that includes a grocery store, several eateries and general retail sales and services uses.

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 Planning Division does not believe that a liquor store would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. The space that the liquor store will occupy is one of three tenant spaces in an existing building and the building is one of several that make up the Calhoun Commons Shopping Center.

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

The applicant will be working closely with the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

As for vehicular access, there are two driveways along Excelsior Boulevard which provide access to the surface parking area that serves the Calhoun Commons Shopping Center. The curb cuts and parking area will remain.

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

The minimum parking requirement for a liquor store is one space per 500 square feet of gross floor area. The liquor store is approximately 10,000 square feet so the parking requirement is 20 spaces. There are a total of 301 parking spaces available for the users of the Calhoun Commons Shopping Center.

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

The site is located along West Lake Street and Excelsior Boulevard which are both designated Commercial Corridors. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support development in Commercial Corridors where it enhances the street's character, improve its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered (Policy 4.3).
- Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic, reduced visual impacts and shared use of parking facilities (Implementation Step for Policy 4.3).
- Continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 4.4).

The Planning Division believes that using the vacant tenant space for a liquor store is in conformance with the above policies of *The Minneapolis Plan*.

In the *Midtown Greenway Land Use and Development Plan*, which was adopted by the Minneapolis City Council in February of 2007, the site is called out as a commercial, mixed-use. Again, the Planning Division believes that using the vacant tenant space for a liquor store is in conformance with the above policies of the *Midtown Greenway Land Use and Development Plan*.

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

- **Use:** Liquor stores are a conditional use in the C3S zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: The minimum parking requirement for a liquor store is one space per 500 square feet of gross floor area. The liquor store is approximately 10,000 square feet so the minimum parking requirement is 20 spaces. There are a total of 301 parking spaces available for the users of the Calhoun Commons Shopping Center.

Maximum automobile parking requirement: The maximum parking requirement for a liquor store is one space per 200 square feet of gross floor area. The liquor store is approximately 10,000 square feet so the maximum parking requirement is 50 spaces. There are a total of 301 parking spaces available for the users of the Calhoun Commons Shopping Center.

Bicycle parking requirement: Existing buildings have grandfathered rights from the bicycle parking requirements. There are a total of 20 bicycle parking spaces on the site and there is a bicycle rack which can accommodate ten bicycles located in front of the space that the liquor store will occupy.

Loading: The loading requirement for a shopping center is as approved by the conditional use permit. The loading requirement for a liquor store that is between 10,000 and 20,000 square feet is one small loading space. There are a total of four loading spaces for the shopping center and one specifically for the liquor store.

- **Maximum Floor Area:** No changes are proposed to the size of the building.
- **Building Height:** No changes are proposed to the height of the building.
- **Minimum Lot Area:** No changes are proposed to the size of the lot.
- **Yard Requirements:** No changes are proposed to setbacks.
- **Maximum lot coverage:** No changes are proposed to the size of the building.
- **Maximum impervious surface:** No changes are proposed to the amount of impervious surface on the site.
- **Specific Development Standards:** Liquor stores are subject to specific development standards:

Liquor store:

- The use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
 - 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.
- **Hours of Operation:** The hours of operation for the C3S District are Sunday through Thursday, 6 am to 10 pm, and Friday and Saturday, 6 am to 11 pm. The applicant has indicated that the use will be open Monday through Thursday, 9 am until 8 pm, Friday from 9 am until 10 pm and Saturday from 8 am until 10 pm.
 - **Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. In the C3S zoning district one can have two square feet of signage for every one foot of primary building wall. Wall signs are limited to 300 square feet in size. Projecting signs are limited to 24 square feet in size. There is no height limitation for either wall signs or projecting signs however, neither are permitted to extend above the roofline of the building. In the C3S zoning district one freestanding sign is allowed for every 600 feet of primary frontage but not more than two signs and one freestanding sign is allowed for secondary frontage of 600 feet or more. One freestanding sign may be as large as 250 square feet on the primary frontage and all other freestanding signs are limited to 80 square feet. One freestanding sign may be as tall as 30 feet on the primary frontage and all other freestanding signs are limited to 20 feet.

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The applicant has indicated that there will be one wall sign located above the entrance to the liquor store. The sign is approximately 63 square feet in size and will be located within the sign band that is part of the overall building design.

- **Refuse storage:** The refuse storage containers are located within the building.
- **Lighting:** Lighting exists at the site.

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 application to allow for a liquor store located at 3060 Excelsior Boulevard 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.

Attachments:

1. Written description of the project and conditional use permit findings
2. January 2, 2009, letter to Council Member Hodges and the West Calhoun Neighborhood Council
3. January 8, 2009, letter to the Cedar Isles Dean Neighborhood Association
4. Zoning Map
5. Aerial photos
6. Site plan, floor plans and elevations
7. Photo of the existing liquor store
8. Photos of the property
9. Photo showing the proposed signage