

**Department of Community Planning and Economic Development - Planning Division**  
Conditional Use Permit  
BZZ-4301

**Date:** February 2, 2009

**Applicant:** Russell Fay

**Address of Property:** 4726 Cedar Ave S

**Project Name:** Cork Dork Wine Co.

**Contact Person and Phone:** Russell Fay (612) 867-5960

**Planning Staff and Phone:** Kimberly Holien (612) 673-2402

**Date Application Deemed Complete:** December 29, 2008

**End of 60 Day Decision Period:** March 1, 2009

**Ward:** 11    **Neighborhood Organization:** Field, Regina, Northrop

**Existing Zoning:** C2 Neighborhood Corridor Commercial District

**Zoning Plate Number:** 32

**Legal Descriptions:** Not applicable

**Existing Use:** Office

**Concurrent Review:**

**Conditional Use Permit:** To establish an off-sale liquor store.

**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits; Chapter 548 Commercial Districts

**Background:** The subject site contains an existing commercial building consisting of four tenant spaces. The applicant is proposing to establish an off-sale liquor store in the tenant space at 4726 Cedar Ave South. Other existing uses on the site include Carbone's Pizza, which is a restaurant use, Anna's Alterations and Toby's Hair Styling. The tenant space proposed for the off-sale liquor store use has most recently been utilized as office space. The subject site is located on Cedar Avenue S, a community corridor. The site is bordered by commercial uses to the south and east, a contractor's office to the north and residential uses to the west.

Two specific development standards apply to off-sale liquor stores, as follows:

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1. 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.
2. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet shall be inspected regularly for purposes of removing any litter found thereon.

One requirement of Title 14 of the Code of Ordinances states, “No off-sale license shall be issued for a location, the main entrance of which is within a radius of two thousand (2,000) feet from the main entrance of an existing off-sale location.” The subject site is located more than 2,000 feet from any existing off-sale liquor stores.

### **CONDITIONAL USE PERMIT (to allow an off-sale liquor store)**

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

The Minneapolis City Planning Department has analyzed the application and from the findings below 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 site is zoned C2 and is located on a community corridor with commercial uses bordering it on three of four sides. The building and subject tenant space are currently occupied by commercial uses. The establishment of an off-sale liquor store should not prove detrimental to public health, safety, comfort or general welfare, provided the development complies with all applicable licensing requirements, building codes and life safety ordinances.

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 applicant is proposing a tenant change to establish an off-sale liquor store in a space most recently occupied by Coldwell Banker, an office use. The site is adjacent to commercial uses to the north, south and east and meets the spacing requirements for off-sale liquor stores. Residential uses are located west of the site and a fence is located along the applicant’s property line to serve as a buffer. The property has been used for commercial purposes since at least 1957. In a narrative submitted by the applicant, it is stated that the use will specifically be a boutique wine store, suggesting a small scale retail use. Such uses are supported on community corridors through city policies and the proposed off-sale liquor store should have little effect on surrounding properties.

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

Roads and utilities are existing and adequate.

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

The proposed use is not expected to generate a lot of traffic or contribute to traffic congestion. The site contains 28 off-street parking stalls. The minimum automobile parking requirement for the existing uses and proposes use is as follows:

Use	Minimum Requirement	GFA	Spaces Required
Off-sale liquor store	1 space per 500 square feet of GFA	565 sq. ft.	exempt
Carbone's Pizza -Sit-down restaurant	1 space per 500 sq. ft. of GFA up to 2,000 sq. ft. + 1 space per 300 sq. ft. of GFA in excess of 2,000 sq. ft.	3,255 sq. ft.	8 stalls
Anna's Alterations -General retail sales/service	1 space per 500 sq. ft. of GFA in excess of 4,000 sq. ft.	380 sq. ft.	exempt
Toby's Hair Styling -General retail sales/service	1 space per 500 sq. ft. of GFA in excess of 4,000 sq. ft.	425 sq. ft.	exempt
Total			8 stalls

The maximum automobile parking requirement for the existing and proposes uses are as follows:

Use	Maximum Requirement	GFA	Spaces Allowed
Off-sale liquor store	1 space per 200 square feet of GFA	565 sq. ft.	3 stalls
Carbone's Pizza	1 space per 75 sq. ft. of GFA	3,255 sq. ft.	43 stalls
Anna's Alterations	1 space per 200 sq. ft. of GFA	380 sq. ft.	2
Toby's Hair Styling	1 space per 200 sq. ft. of GFA	425 sq. ft.	2

The site is in compliance with both the minimum automobile parking requirement and the maximum automobile parking requirement. Due to the fact that the building has been established on the site since approximately 1926, the existing uses have grandfather rights to the minimum bicycle parking requirement. The proposed off-sale liquor store use is less than 1,000 square feet in gross floor area, and therefore is exempt from the minimum bicycle parking requirement as well. The off-sale liquor store use does not have a minimum loading requirement. However, space is provided for shipping and receiving facilities on the south side of the building.

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

*The Minneapolis Plan* shows this part of Cedar Ave S as a community corridor. The plan states the following about uses on community corridors: "Corridors have a land use pattern that is primarily residential with intermittent commercial uses clustered at intersections in a pattern of nodes," and, "Commercial uses on community corridors are generally small-scale retail sales and services serving the immediate neighborhood."

An off-sale liquor store use is in conformance with this language of the comprehensive plan. The site is an existing commercial building and no alternation or expansion to the building is proposed to accommodate the use. The tenant space is only 565 square feet, therefore consistent with the intent to allow small-scale retail uses.

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The plan has the following relevant policy and implementation steps for community corridors:

**4.3 Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.**

### **Implementation Steps**

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

Ensure that commercial uses do not negatively impact nearby residential areas.

The *Minneapolis Plan for Sustainable Growth* identifies the site as a neighborhood commercial node and Cedar Avenue S remains a community corridor. Neighborhood commercial nodes are intended to generally provide retail or service uses on at least three corners of an intersection and serve the surrounding neighborhood with a limited number of businesses serving a larger area. In that regard, the proposed off-sale liquor store use is also consistent with the *Minneapolis Plan for Sustainable Growth*.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

With the approval of the conditional use permit, the use will conform to the applicable district regulations.

### **RECOMMENDATIONS:**

#### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit for extended hours:**

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 an off-sale liquor store located at the property of 4726 Cedar Ave S, 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. Statements from applicant.
2. Zoning maps.
3. Map of existing off-sale liquor establishments
4. Site plans and floor plans.
5. Photos.