

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4796

Date: June 14, 2010

Applicant: Allen & Allen LLC

Addresses of Property: 3604 Minnehaha Avenue

Project Name: Hiawatha Falls Liquor

Contact Person and Phone: Steve Allen 612-581-2572

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

Date Application Deemed Complete: May 19, 2010

End of 60-Day Decision Period: July 18, 2010

Ward: 12 **Neighborhood Organization:** Longfellow Community Council (Hiawatha)

Existing Zoning: C3A Community Activity Center District and PO Pedestrian Oriented Overlay District.

Zoning Plate Number: 34

Legal Description: Not applicable for this application

Proposed Use: Off-sale liquor store.

Concurrent Review:

Conditional use permit: To allow an off-sale liquor store.

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

Background: The applicant proposes to move his liquor store at 4727 Hiawatha Avenue to this site. An off-sale liquor store is allowed as a conditional use permit in the C3A District. The liquor store is required to meet all licensing requirements. Approval of the conditional use permit does not guarantee the issuance of a license. As of the writing of this report, staff has not received comments from the neighborhood group, but will forward comments, if any are received, to the City Planning Commission at its meeting.

CONDITIONAL USE PERMIT: (for an off-sale liquor store)

Findings as required by the Minneapolis Zoning Code: The Community Planning and Economic Development Planning Division 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 proposed use should not be detrimental to or endanger the public health, safety, comfort or general welfare. The site is currently operated as a convenience store. A liquor store will be similar in operation.

- 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 surrounding area is developed and consists of office, industrial, and commercial uses to the west of the site and along 46th Street East. There are single-family homes to the south of the site and east and north beyond the commercial uses on 46th Street. It is anticipated that the area to the west will be redeveloped as mixed-used with retail on the first floor as outlined in the *46th & Hiawatha Station Area Master Plan*. A retail use should not be injurious to the surrounding area or future plans.

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

The utilities, access, drainage, and other measures are existing and adequate.

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

The site has adequate existing parking. The zoning code requires one space per 500 square feet of gross floor area. At 2,280 square feet of gross floor area, five spaces are required, one of which is required to be accessible. The site plan shows seven spaces, one of which is accessible.

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

The Minneapolis Plan for Sustainable Growth designates this area as part of the 46th Street LRT station Area Activity Center. Activity Centers support a wide range of commercial, office, and residential uses with a city-wide and regional draw. 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.

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- 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.
- 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.
- 1.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.
- 1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.
- 1.12.7 Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.
- 1.12.8 Support district parking strategies in Activity Centers, including shared parking facilities with uniform signage, and other strategies.
- 1.12.9 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.

The 46th & Hiawatha Station Area Master Plan was adopted in 2001. The plan calls for mixed use development with retail on the first floor (please see attached map from the plan).

The reuse of an existing commercial building for a liquor store is in conformance with the above noted polices of the comprehensive plan and the *46th & Hiawatha Station Area Master Plan*. If the site is redeveloped in the future, this site design and intensity would not be in conformance with the above noted polices and plans.

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

Off-sale liquor stores are subject to the following development standards:

- (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 one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

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The parking area does not comply with all of the design and maintenance requirements of Chapter 541 of the zoning code. The parking stalls are not marked on the site and the required landscaping is not provided. The dumpster enclosure is not enclosed.

With the approval of the conditional use permit and design and maintenance review, the proposed off-sale liquor store will conform to the applicable district regulations.

RECOMMENDATION:

Recommendation of the Community Planning and Economic Development Department - Planning Division for conditional use permit for an off-sale liquor store:

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 for property located at 4604 Minnehaha Avenue 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.
- 2) Compliance of the specific development standards for an off-sale liquor store as required by Chapter 536 Specific Development Standards of the zoning code.
- 3) The site shall be brought into compliance with the zoning code provision of section 541.320, marking of parking spaces, and section 541.360, landscaping, screening and curbing.
- 4) Provision of a trash enclosure as required by section 535.80 of the zoning code
- 5) All site improvements shall be completed by June 14, 2011, or the permit may be revoked for non-compliance.

Attachments:

1. Statements from the applicant.
2. Zoning map.
3. Site plan and floor plan.
4. Photos.