

**Department of Community Planning and Economic Development - Planning Division**  
Conditional Use Permit  
BZZ-4949

**Date:** October 4, 2010

**Applicant:** Ibrahim Said

**Address of Property:** 1127 West Broadway

**Project Name:** Hook Fish and Chicken

**Contact Person and Phone:** Ibrahim Said (612) 227-0177

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

**Date Application Deemed Complete:** September 2, 2010

**End of 60 Day Decision Period:** November 1, 2010

**Ward: 5 Neighborhood Organization:** Northside Residents Redevelopment Council

**Existing Zoning:** C1 Neighborhood Commercial District, PO Pedestrian Oriented Overlay District

**Zoning Plate Number:** 7

**Legal Descriptions:** Not applicable

**Existing Use:** Restaurant, delicatessen

**Concurrent Review:**

**Conditional Use Permit:** To extend the hours of operation for an existing restaurant to 12:00 midnight Sunday through Thursday and 1:00 a.m. Friday and Saturday.

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

**Background:** Ibrahim Said has submitted an application for a conditional use permit to allow extended hours of operation for an existing delicatessen restaurant use, Hook Fish and Chicken. The site is zoned C1 and is in the PO Overlay district. The hours permitted in the C1 District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The request is to extend the hours open to the public for the existing restaurant to 12:00 midnight Sunday through Thursday and 1:00 a.m. Friday and Saturday.

The property received a site plan approval for a restaurant in 2000. Zoning enforcement staff has recently inspected the site and found it to be in compliance with the previously approved plan. Planning

## CPED Planning Division Report

BZZ-4938

Staff has consulted with the applicable Police Precinct which does not object to the extension of hours on the premises. An e-mail from the Commander of the 4<sup>th</sup> Precinct has been attached accordingly.

Staff has not received any official correspondence from any of the neighborhood groups prior to the printing of this report. However, staff did receive a letter from the West Broadway Business and Area Coalition in support of the request. Any further correspondence received prior to the meeting shall be forwarded on to the Planning Commission for consideration.

### **CONDITIONAL USE PERMIT (To extend the hours of operation for a restaurant, delicatessen to 12:00 midnight Sunday through Thursday and 1:00 a.m. Friday and Saturday)**

#### **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 permitted hours of operation in the C1 District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant proposes to be open until 12:00 midnight Sunday through Thursday and 1:00 a.m. Friday and Saturday. The site is on a commercial corridor, at the intersection of a commercial corridor and a community corridor. Planning Staff does not believe that granting extended hours in this location would endanger the public health, safety, comfort of general welfare. The surrounding area contains a variety of commercial and residential uses with numerous businesses that operate with late night hours.

**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.**

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

- a) Proximity to permitted or conditional residential uses. There are no residential uses directly adjacent to the site. The closest residential property is four parcels to the south along Fremont Avenue. Three of the properties at this intersection are zoned C1 and one is zoned OR2. The property directly south of the site is zoned R4 but contains the Transitional Parking overlay district to accommodate a parking lot. The property is located on a commercial corridor.
- b) Nature of the business and its impacts of noise, light and traffic. Planning Staff does not expect extended operational hours for this business to result in substantive impacts on noise, light, and/or traffic within the immediate vicinity. The business is located on a commercial corridor that intersects with a community corridor. The use does not have a drive-through facility. There are other establishments in the area that have late night operational hours. The Olympic Café at

## CPED Planning Division Report

BZZ-4938

923 West Broadway, two blocks to the east, received a conditional use permit for extended hours of operation in April with hours identical to

those requested by the applicant. There are several fast food establishments along West Broadway in this general area that also operate with late night hours.

- c) 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 delicatessen restaurant which is a permitted use in the C1 district. The property has a previously approved site plan and is in compliance with said plan. Should the conditional use permit for extended hours be approved and the business comply with the specific development standards that pertain to delicatessen restaurants, the proposal would appear to be in conformance with the applicable zoning regulations.
- d) History of complaints related to the use. Staff is not aware of any complaints related to the use. In the past two years there have been a number of police calls to the general area. However, only two of these calls resulted in reports being filed. The Commander of the 4<sup>th</sup> Police Precinct responded to an inquiry by staff by stating that the Police Department has no concerns with the request for additional hours of operation.

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

Roads and utilities are existing and adequate.

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

The application for extended hours should not have any significant additional impacts on congestion in the public streets beyond that allowed under the existing hours. The site has adequate off-street parking.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject property is located in a mixed-use area at the intersection of Fremont Avenue N, a designated Community Corridor, and West Broadway, a designated Commercial Corridor. The following policies and implementation steps pertain to the request:

**Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.**

**Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.**

## CPED Planning Division Report

BZZ-4938

- 1.2.3 Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.

**Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.**

- 1.4.3 Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.

**Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.**

- 1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.
- 1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.

**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.

Allowing late night hours for a food and beverage use at the intersection of a community corridor and a commercial corridor is consistent with the above policies of the comprehensive plan.

**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.**

Restaurants are subject to specific development standards, as outlined below

1. 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.

**CPED Planning Division Report**  
BZZ-4938

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 to extended hours of operation 12:00 midnight Sunday through Thursday and 1:00 a.m. Friday and Saturday for property at 1127 West Broadway, 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. E-mail from 4<sup>th</sup> Police Precinct.
3. Correspondence.
4. Zoning maps.
5. Site plans and floor plans.
6. Photos.