

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ-2101

**Date:** December 13, 2004

**Applicant:** Peter Caffrey

**Address of Property:** 3008 Lyndale Avenue South

**Project Name:** Caffrey's Deli and Subs

**Contact Person and Phone:** Peter Caffrey, 612/822-5551

**Planning Staff and Phone:** Fred Neet, 612/673-3242

**Date Application Deemed Complete:** November 2, 2004

**End of 60-Day Decision Period:** January 1, 2005

**End of 120-Day Decision Period:** March 2, 2005

**Ward:** 10      **Neighborhood Organization:** Calhoun Area Residents Action Group

**Existing Zoning:** C2 Neighborhood Corridor Commercial District  
PO Pedestrian Oriented Overlay District

**Zoning Plate Number:** 24

**Proposed Use:** extended hours to 3 a.m. daily for a restaurant

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

**Background:** The applicant began his restaurant operation in May, 2004. Soon thereafter the business was cited for operating later than the permitted hours of 6 a.m.-10 p.m. Monday-Thursday (11 p.m. Friday-Saturday), and the applicant was advised to apply for a conditional use permit for extended hours. Previous restaurants operated in the same location. The restaurant occupies the north half of the building's 1<sup>st</sup> floor. A retail use occupies the south half. 6-8 efficiency dwelling units are on the upper levels of the 3-story building, the occupants of which the owner has advised that he will not restrict the restaurant's hours of operation. At least 4 other uses in the immediate vicinity are permitted to operate until 2:30 a.m. daily by virtue of their liquor licenses. These are located immediately next door, on 2 of the Lyn-Lake corners, and the 5<sup>th</sup> building north of Lake on Lyndale. The applicant wishes to serve their patrons both before and after their closing hours of 2 a.m. The applicant also makes deliveries in the general area until 3 a.m. daily. Deliveries alone is a permitted use. Frequent patrons are from Abbott Northwestern Hospital and Hennepin County Medical Center. The applicant reports 6-10 walk-in

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trade per hour between 10 or 11 p.m. and 2 a.m. 18 walk-in patrons were served between 11 p.m. and 2:30 p.m. Sunday, October 31. Walk-ins between 2-3 a.m. average 15, up to 20-25.

Lyndale Avenue south of Lake Street is a Community Corridor, north of Lake Street is a Commercial Corridor. The Lyn-Lake area centering on the intersection of Lyndale Avenue and Lake Street is an Activity Center. Lake Street is a heavily traveled transit corridor, with late night bus service.

The subject property is surrounded by the C2 zoning district, including the parking lot immediately to the west. A single-family home is 3 lots south, also zoned C2. A 12-unit condominium structure is across the alley to the southwest facing Aldrich Avenue, zoned R-5. The least dense zoning district within 350 feet is R4.

**Findings as required by the Minneapolis Zoning Code:**

The 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 extended hours are for walk-in patrons only, in addition to the food delivery service which is permitted, and should not be detrimental to the public. Increased patronage could increase safety. Nearby residences are separated from the facility by other uses. Exterior noise if any would be limited to public streets and walks. The extended food service hours for nearby bar patrons could be considered a positive public service, as could service to area employees 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.**

The use does not change, only the hours of food service, and should not adversely affect other properties.

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

Adequate infrastructure has been provided for this site and its continuing restaurant use for many years.

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

Lyndale Avenue as well as Lake Street is significantly reduced during the extended hours requested.

**5. Is consistent with the applicable policies of the comprehensive plan as noted:**

**4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.**

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- 4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets 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.
- 4.3 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.
- 4.4 Minneapolis will 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.
- 4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

**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 permitted in the C2 district. The Minor Site Plan review required will address all other applicable regulations.

**In addition, the following findings must be addressed if applying for a conditional use permit for extension of hours open to the public:**

**1. Proximity to permitted or conditional residential uses.**

Residential uses are physically separated from the site.

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

The restaurant's menu is primarily sandwiches. The extended hours alone should have no effect on noise and light impacts, and existing traffic at these hours is considerably less than before 10 p.m.

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

The existing use, yards, and floor area are permitted. Specific development standards will be addressed through minor site plan review.

**4. History of complaints related to the use.**

According to Police Dept. incident reports, the property had the following incidents:

	<b>Incidents</b>	<b># of Reports Files</b>
2004	11	2
2003	13	0
1999-2002	27	6
Total (58 months)	51	8
Average per month	<9	<1

**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 hours of operation to 3 a.m. daily at 3008 Lyndale Avenue South.

**Attachments:**           Statement of use  
                                  Correspondence  
                                  Zoning map  
                                  Plans  
                                  Photos