

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permit

BZZ-4924

Date: September 20, 2010

Applicant: U. B. Properties, 727 Hennepin Avenue, Minneapolis, MN 55403, (612) 238-3970

Addresses of Property: 700 West Broadway

Project Name: Merwin's Addition

Contact Person and Phone: U. B. Properties, LLC, Attn: Louis Dachis, 700 West Broadway, Minneapolis, MN 55411, (612) 387-7875

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: August 12, 2010

End of 60-Day Decision Period: October 10, 2010

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

Ward: 3 **Neighborhood Organization:** Hawthorne Area Community Council & Northside Residents Redevelopment Council (NRRC)

Existing Zoning: C3S (Community Shopping Center) District, WB (West Broadway Overlay District)

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 8

Lot area: 37,400 square feet or approximately .85 acres

Legal Description: Not applicable for this application

Proposed Use: Expand the existing liquor store on the premises.

Concurrent Review:

- U.B. Properties, LLC, on behalf of Merwin Liquors, has submitted an application to amend their conditional use permit for a liquor store in order to construct a 360 square foot addition to the existing building in the C3S (Community Shopping Center) district on the property located at 700 West Broadway.

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

Background: The applicant proposes to construct a 360 square foot single-story addition to Merwins which is approximately 10,766 square feet in size and is located on the property at 700 West Broadway. The property is zoned C3S (Community Shopping Center District) and is located in the WB Overlay District. The WB Overlay District was established to preserve and encourage a high-density, transit-supportive and pedestrian oriented environment in the West Broadway commercial core, to attract destination goods and services, and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses. Merwins is technically defined as a shopping center and includes a liquor store, convenience store/pharmacy and financial services center/currency exchange. The proposal to expand the use requires that the conditional use permit for a liquor store be amended; the other components/uses are permitted in the C3S district although under the umbrella of a shopping center use which is a conditional use. While the determination has been made that the proposed expansion of the existing liquor store use necessitates an amendment to the conditional use permit for the liquor store, Staff has determined that the changes to the overall approved plan are minor in nature and that requiring an amendment to the conditional use permit for a shopping center would be duplicative.

Merwins has operated on the premises since the early 1950s. The property has been owned by U.B. Properties for the past five years. The proposed expansion accompanies a façade redesign which would improve the exterior of the storefront elevation facing West Broadway. The interior of the store has already been remodeled. In addition to the proposed building expansion, the applicant proposes to add a landscape planter, provide lighting upgrades and new bike racks.

The site received approvals in 2005 (BZZ-2296) for an amendment to their conditional use permit for a shopping center. The approval was contingent on the applicant submitted site, landscaping and signage plans to City Staff. The site is in conformance.

Staff has not received any official correspondence from the Hawthorne Area Community Council or the Northside Residents Redevelopment Council (NRRC) prior to the printing of this report. Any correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

CONDITIONAL USE PERMIT –to expand an existing liquor store

Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:

The Minneapolis Department of Community Planning and 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 construction of a small single-story addition to the existing structure on the premises would not be expected to have any negative impacts on the area. As previously mentioned, the use has operated on the site since the 1950s and allowing a 360 square foot addition to the front façade of the building would not be expected to have any additional adverse impacts. Staff does not believe that the proposal would prove detrimental to public safety, comfort or general welfare.

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 proposal to add an approximately 360 square foot addition to the building as part of a façade redesign would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. The use has occupied the site since the 1950s and allowing a relatively small addition would not be expected to have any additional adverse impacts.

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

The site would continue to be accessed in the same manner via two access points; one off of West Broadway and one off of Lyndale Avenue North. A total of 54 surface parking stalls are located on the site which exceeds the minimum parking requirement. The proposed addition would not have any impact on the existing utilities, access roads, drainage or other necessary facilities.

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

Typically, Chapter 541 of the zoning code would require 1 space per 500 square feet of gross floor area for a liquor store. Based on the gross floor area of the liquor store which is approximately 8,000 square feet, a total of 16 off-street parking spaces would be necessary for this use. The convenience store/pharmacy totals 1,500 square feet. This use is subject to the general retail sales and services minimum parking requirement which is 1 space per 500 square feet of gross floor area in excess of 4,000 square feet. Due to the fact that the gross floor area is less than 4,000 square feet but greater than 1,000 square feet, a total of 4 spaces would be required for this use. The financial services center/currency exchange also totals approximately 1,500 square feet. This use also has a minimum parking requirement which is 1 space per 500 square feet of gross floor area in excess of 4,000 square feet; a total of 4 spaces would be required for this use. Therefore, when looking at the combined parking requirement, a total of 24 off-street parking spaces would be necessary; a total of 54 currently exist on the premises. Staff believes that adequate measures exist to minimize traffic congestion in the public streets.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located at the northwest intersection of West Broadway, which is a designated Commercial Corridor in this location, and Lyndale Avenue North, which is a designated Community Corridor in this location. The area is primarily mixed-use and is also a designated Major Retail Center as well. The proposal to expand the existing liquor store on the property is consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “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.”

Land Use Policy 1.10 of *The Minneapolis Plan for Sustainable Growth* states, “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.”

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, the rezoning request, relevant variances, and site plan review.

If all land use/zoning applications are approved, including the application to amend the conditional use permit, the proposal would appear to comply with all applicable provisions of the C3S District and WB Overlay District. The proposed elevation of the new addition provides window openings that are the same as those that are being removed. The storefront windows are merely being bumped out. The elevation does not appear to meet the 40% window requirement in the WB Overlay; however, the elevation is not becoming more nonconforming than what currently exists. Additionally, the minimum floor area ratio provision doesn’t apply as expansions to existing buildings are not subject to this provision.

Any new signage proposed for the site would require a separate permit from the Zoning Office and would further be required to comply with all applicable standards outlined in Chapter 543 of the Zoning Code. Backlit signs are prohibited. Any/all window signage would need to comply with Section 543.480 of the Zoning Code.

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 application to amend an existing conditional use permit for a liquor store in order to allow a 360 square foot addition to the building on the property located at 700 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. Statement of use/description/CUP findings
2. Correspondence
3. Zoning map
4. Plans – site/survey/landscape, floor plans, elevations
5. Pictures of the existing conditions