

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5086

Date: March 28, 2011

Applicant: Dan Kerkinni

Addresses of Property: 2532-2546 Hennepin Avenue

Project Name: Uptown Wine and Spirits

Contact Person and Phone: Dan Kerkinni 651-269-3119

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

Date Application Deemed Complete: February 8, 2011

End of 60-Day Decision Period: April 9, 2011

Date Extension Letter Sent: March 8, 2011

End of 120 Day Decision Period: June 8, 2011

Ward: 10 **Neighborhood Organization:** East Isles

Existing Zoning: C2 Neighborhood Corridor Commercial District

Zoning Plate Number: 18

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: This item was continued from the March 7, 2011, meeting of the City Planning Commission. The applicant proposes to open a liquor store at the shopping center located at 2532-2546 Hennepin Avenue in the tenant space addressed as 2546 Hennepin Avenue. This space is currently occupied by US Bank. An off-sale liquor store is allowed as a conditional use permit in the C2 District. On February 25, 2011, the City Council passed a revision to Section 360.120 of Title 14 of the Municipal Code of Ordinances revising the spacing regulations for off-sale liquor stores. This ordinance

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went into effect on March 6, 2011, and now requires that an off-sale liquor store provide spacing from a school, measured property line to property line, of 300 feet. The conditional use permit application was continued from the March 7, 2011, meeting of the City Planning Commission to allow staff to evaluate the effect of the ordinance change to Title 14. Licensing staff has informed Planning staff that this site is not eligible for an off-sale liquor license as they have determined that the site does not meet the 300 foot spacing (property line to property line) from Jefferson School to the east across Hennepin Avenue. The specific development standards of Chapter 536 of the zoning code require that an off-sale liquor store, “comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.” The proposed location does not comply with the spacing requirement of Title 14, as required by the zoning code, and therefore is not eligible for a conditional use permit. For this reason staff recommends denial of the application.

As of the writing of this report, staff has not received comments from the East Isles neighborhood group, but will forward comments, if any are received, to the City Planning Commission at its meeting. Please see the attached letter from the Lowry Hill East Neighborhood Association.

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.

Licensing staff has determined that this site does not meet the minimum spacing requirement of Section 360.120 and is not eligible for a license. The specific development standards of Chapter 536 of the zoning code require that an off-sale liquor store, “comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.” The proposed conditional use permit application does not comply with Title 14 and therefore is not eligible for a conditional use permit.

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.

Licensing staff has determined that this site does not meet the minimum spacing requirement of Section 360.120 and is not eligible for a license. The specific development standards of Chapter 536 of the zoning code require that an off-sale liquor store, “comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.” The proposed conditional use permit application does not comply with Title 14 and therefore is not eligible for a conditional use permit.

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

Licensing staff has determined that this site does not meet the minimum spacing requirement of Section 360.120 and is not eligible for a license. The specific development standards of Chapter 536 of the zoning code require that an off-sale liquor store, “comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.” The proposed conditional use permit application does not comply with Title 14 and therefore is not eligible for a conditional use permit.

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

Licensing staff has determined that this site does not meet the minimum spacing requirement of Section 360.120 and is not eligible for a license. The specific development standards of Chapter 536 of the zoning code require that an off-sale liquor store, “comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.” The proposed conditional use permit application does not comply with Title 14 and therefore is not eligible for a conditional use permit.

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

Licensing staff has determined that this site does not meet the minimum spacing requirement of Section 360.120 and is not eligible for a license. The specific development standards of Chapter 536 of the zoning code require that an off-sale liquor store, “comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.” The proposed conditional use permit application does not comply with Title 14 and therefore is not eligible for a conditional use permit.

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.

Licensing staff has determined that this site does not meet the minimum spacing requirement of Section 360.120 and is not eligible for a license. The specific development standards of Chapter 536 of the zoning code require that an off-sale liquor store, “comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.” The proposed conditional use permit application does not comply with Title 14 and therefore is not eligible for a conditional use permit.

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 **deny** the conditional use permit for an off-sale liquor store for property located at 2546 Hennepin Avenue.

Attachments:

1. Statement from the applicant.
2. Public comments.
3. Zoning map.
4. Site plan and floor plan.
5. Photos.