

**Department of Community Planning and Economic Development – Planning
Division
Conditional Use Permit
BZZ-3248**

Date: October 30, 2006

Applicant: Jessy & Luke, Inc. / Hi-Lake Liquors, 2218 B East Lake Street, Minneapolis, MN 55407

Address of Property: 2130 E. Lake Street (2104-2218 E. Lake Street)

Project Name: Hi-Lake Liquors

Contact Person and Phone: Peter Hilger, Portfolio Design Svcs, Inc, 725 Stillwater Road, Mahtomedi, MN 55115 (651)631-1300

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

Date Application Deemed Complete: September 25, 2006

End of 60-Day Decision Period: November 23, 2006

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

Ward: 9 Neighborhood Organization: East Phillips Improvement Coalition & Corcoran Neighborhood Organization

Existing Zoning: C2 (Neighborhood Corridor Commercial District), PO (Pedestrian Oriented) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 27

Lot area: 346,141 square feet or 7.9 acres (entire PUD)

Legal Description: Not applicable for this application

Proposed Use: Liquor store.

Concurrent Review:

- Amend the Conditional Use Permit for a liquor store in the C2 district. The Hi-Lake Liquor store located in the Hi-Lake Shopping Center is proposing to move and expand into a new tenant space within the development.

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

Background: The applicant proposes to relocate and expand the existing Hi-Lake Liquor Store located on the east end of the Hi-Lake Shopping Center into the east end of the new multi-tenant retail building currently under construction on the property located at 2130 E. Lake Street. The property is currently zoned C2 and is located within the PO district. Liquor stores are a conditional use in the C2 district and are subject to specific development standards.

The Hi-Lake Shopping Center site was approved as a Planning Unit Development in October of 2005. The approvals allowed for two new stand-alone structures within the development including a mixed-use building containing a ground level Aldi grocery store with 3 stories of residential units located above, in addition to the single story multi-tenant retail building where the liquor store intends to relocate. Site improvements including landscaping, etc., were also included in the approvals. The proposal to relocate and expand the liquor store requires that the conditional use permit be amended. The existing liquor store is approximately 3,357 square feet in size and the proposed liquor store would be approximately 5,160 square feet in size.

Staff has not received official correspondence from either the East Phillips Improvement Coalition or the Corcoran Neighborhood Organization stating a position on the applications prior to the printing of this report.

CONDITIONAL USE PERMIT

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 business has been established on the site for a long period of time. Allowing the liquor store to relocate within the development into a new building and a larger tenant space would not be expected to be detrimental to or endanger the public health, safety, comfort or general welfare. The relocation would result in an overall improvement in the appearance of the store as well as improved security. While the elevations provided indicate compliance with the Pedestrian Overlay District standards as they relate to window area, Staff is concerned with the potential of excess window signage within the context of public safety and visibility. Staff would recommend that the Planning Commission approve the

conditional use permit subject to strict compliance with the window sign provision as stated in Chapter 543.350 of the Zoning Code.

- 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 would not expect that relocating and expanding the liquor store within the development would be injurious to the use and enjoyment of other property in the vicinity and would not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

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

The applicant would be required to work closely with the Public Works Department and with the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

Even with the expansion in size of the proposed use, the parking provided for the shopping center is adequate. A total of 374 parking stalls are located on the site. The parking provided exceeds the minimum requirements for all of the uses located within the planned unit development. Adequate measure have been provided to minimize traffic congestion in the public streets.

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

According to the *Minneapolis Plan*, the site is located on a Commercial Corridor and in a designated Transit Station Area (TSA), identified in the comprehensive plan as those areas generally within one-half mile of light rail transit stations. Staff has identified the following policies and implementation steps that apply to the proposal:

Relevant Policy: 9.36 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Relevant Implementation Steps:

- Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood.

Relevant Policy: 9.23 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.

Relevant Policy: 9.28 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.

Relevant Implementation Steps:

- Support a mix of uses on commercial corridors-such as retail sales, office, institutional, higher density residential, and clean low impact light industrial-where compatible with the existing and desired character of the street.

The proposal is in conformance with the above noted principles, policies and implementation steps 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, the rezoning request, relevant variances, and site plan review.

If all land use/zoning applications are approved, including a conditional use permit as well as compliance with the applicable specific development standards for a liquor store, off-sale, the proposal will comply with all provisions of the C2 District.

The specific development standards for a liquor store, off-sale, are as follows:

- (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, alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

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 a conditional use permit to allow a liquor store on the property located at 2130 E. Lake Street subject to the following conditions:

1. Compliance with the specific development standards for a liquor store , off-sale, as defined by Chapter 536.20 of the Zoning Code.
2. Compliance with the window sign provision as stated in Chapter 543.350 of the Zoning Code.

Attachments:

1. Statement of use and description of project
2. Findings – CUP
3. Correspondence
4. Zoning map
5. Plans –site plan, floor plans, elevations
7. Photos