

**Department of Community Planning and Economic Development - Planning Division**  
Conditional Use Permit  
BZZ-4937

**Date:** October 18, 2010

**Applicant:** 1<sup>st</sup> Cup Café

**Address of Property:** 2740 Minnehaha Avenue, #180

**Project Name:** 1<sup>st</sup> Cup Café Extended Hours

**Contact Person and Phone:** Samme Siste, (651) 366-9959

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** September 20, 2010

**End of 60 Day Decision Period:** November 19, 2010

**Ward: 9 Neighborhood Organization:** Longfellow Community Council

**Existing Zoning:** C3S Community Shopping Center District and PO Pedestrian Oriented Overlay District

**Zoning Plate Number:** 27

**Legal Descriptions:** Not applicable

**Existing Use:** Coffee shop within an existing mixed-use building

**Conditional Use Permit:** to extend the hours of operation to 2am, seven days a week, for an existing coffee shop.

**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits; Chapter 548 Commercial Districts; and Chapter 551, Article II Pedestrian Oriented Overlay District.

**Background:** The subject property is Hiawatha Commons, a mixed use development that was approved in 2005. The existing building has 80 dwelling units and four commercial tenants on the first floor. The applicant is proposing to extended hours of operation from 6:00am to 10:00 pm Sunday through Thursday and 6:00am to 11pm Friday and Saturday to 2:00 am, seven days per week, for the existing coffee shop located in the C3S Community Shopping Center District and PO Pedestrian Oriented Overlay District. The hours open to the public may be extended by conditional use permit. Therefore, the applicant is applying for conditional use permit to allow for the extended hours of operation.

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The Longfellow Community Council has submitted a letter supporting the application to allow for the extend hours of operation. A copy of the letter is included in the attachments to the staff report. However, Lt. Gerold, from the 3<sup>rd</sup> Precinct, e-mailed staff to say that they object to any extension of hours open to the public due to the proximity of residential and the complaints about noise, traffic and loitering related to the coffee shop.

### **CONDITIONAL USE PERMIT (to allow extended hours of operation for an existing coffee shop in the C3S and PO Districts):**

#### **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. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The subject property is an existing mixed use building with 80 dwelling units and four commercial tenants located north of Minnehaha Center and west of Cub Foods. The permitted hours of operation in the C3S District are from 6:00am to 10:00pm Sunday through Thursday and 6:00am to 11:00pm Friday and Saturday. The applicant is requesting to extend the hours open to the public until 2:00 a.m., seven days a week. The subject property is located within a designated activity center; however, residential uses are directly above the existing coffee shop. A closing time of 12:00 a.m. indoors only, would be less likely to detrimental to or endanger the public health, safety, comfort or general welfare, due to the adjacency of residential uses. For the outdoor seating area, which has a greater likelihood of being disruptive to the residential uses on the upper floors, staff would recommend that the hours open to the public would be limited to from 6:00am to 10:00pm Sunday through Thursday and 6:00am to 11:00pm Friday and Saturday.

**2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and may impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The subject property is an existing mixed use building with 80 dwelling units and four commercial tenants. The site is located north of Minnehaha Center and west of Cub Foods. The permitted hours of operation in the C3S District are from 6:00am to 10:00pm Sunday through Thursday and 6:00am to 11:00 pm Friday and Saturday. The applicant proposes to be open until 2:00 a.m., seven days a week. There are no proposed changes to the building. The other properties in the vicinity are shopping centers and large scale retail uses. There are residential uses in the building and therefore staff believes that the hours open to the public should be limited to from 6:00am to 10:00pm Sunday through Thursday and 6:00am to 11:00pm Friday and Saturday for the outdoor seating area. The site is located within an activity center and is located within the Lake Street/Midtown Transit Station Area, which is a Pedestrian Oriented Overlay District. Staff believes that the proposed hours of operation are consistent with other uses in the area and may improve the stability and economic vitality of the neighborhood.

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**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 80 dwelling units in the existing building. The residential uses are located on floors 2 through 5.

b) Nature of the business and its impacts of noise, light and traffic.

The existing use is a coffee shop located in a mixed-use building. The applicant has requested to extend the hours of operation to 2:00 a.m., seven days per week. The surrounding uses include Cub Foods, Target and the Minnehaha Center shopping center. The site is located within an Activity Center and staff does not believe that the nature of the business will result in significant increases of adverse, off-site impacts of noise or light, as long as the outdoor seating is limited to the hours allowed in the district, which is from 6:00am to 10:00pm Sunday through Thursday and 6:00am to 11:00pm Friday and Saturday. Finally, the subject property is located within the Lake Street/Midtown Transit Station Area and the area is pedestrian in nature and well-served by transit. Staff does not believe that the proposed hours of operation will create adverse, off-site impacts to traffic or parking congestion.

c) Conformance of use.

A coffee shop is a permitted use in the C3S District. If the application for extended hours is approved, the use will be in conformance with the Minneapolis Zoning Code.

d) Complaints received.

Staff is aware of complaints received for this use was regarding the operation of hours beyond what is allowed by the Zoning Code. Staff has heard from Lt. Gerold of the 3<sup>rd</sup> precinct that there have been complaints from the residents regarding noise, traffic and loitering related to the coffee shop.

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

The site is served by existing infrastructure. There are 59 surface stalls available to the commercial tenants in the building.

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

The use is located in an existing building within the Lake Street/Midtown Transit Station Area, a Pedestrian Oriented Overlay District. The existing coffee shop requires three (3) off-street parking spaces. There are 59 surface stalls available to the commercial tenants in the building. No additional parking is required for this use at this location.

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

*The Minneapolis Plan for Sustainable Growth* identifies this property within the Lake Street/Midtown Activity Center. Activity Centers support a wide range of commercial, office, and residential uses. They typically have a busy street life with activity throughout the day and into the

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evening. They are heavily oriented towards pedestrians, and maintain a traditional urban form and scale.

In addition, staff believes that the proposed use is consistent with the following policies of the comprehensive plan:

### **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.**

**1.4.1** Support a variety of commercial districts and corridors of varying size, Intensity of development, mix of uses, and market served.

**1.4.2** Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

**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.

**1.4.4** Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

### **Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.**

**1.12.1** Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.

**1.12.2** Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.

**1.12.3** Encourage active uses on the ground floor of buildings in Activity Centers.

**1.12.4** Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive-through facilities.

**6. And, the conditional use shall in all other respects conform, to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

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With the approval of this conditional use permit, the use will be in conformance with the applicable 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 extend the hours of operation to **12:00 a.m.**, seven days a week, indoors only, for an existing café located at 2740 Minnehaha Avenue in the C3S Community Shopping Center District and PO Pedestrian Oriented Overlay District, subject to the following condition of approval:

- 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. Written descriptions and findings submitted by the applicant
2. Copy of a letter sent August 5, 2010, to CM Schiff and the Longfellow Community Council
3. Letter of support from the Longfellow Community Council
4. Correspondence from the Lake Street Business Association
5. Correspondence from Lt. Gerold
6. Additional correspondence
7. Zoning map
8. Floor plans
9. Photos of the site and surrounding area