

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit
BZZ-4325

Date: March 23, 2009

Applicant: Qdoba Mexican Grill

Address of Property: 324 14th Avenue SE

Project Name: Qdoba Mexican Grill

Contact Person and Phone: Randall Gast, (612) 232-4861

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

Date Application Deemed Complete: February 24, 2009

End of 60 Day Decision Period: April 25, 2009

Ward: 3 Neighborhood Organization: Marcy Holmes Neighborhood Association

Existing Zoning: C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District

Zoning Plate Number: 15

Legal Descriptions: Not applicable

Existing Use: Restaurant within an existing storefront building

Conditional Use Permit: to extend the hours of operation for the following times for an existing restaurant located at 324 14th Avenue SE in the C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District.:

- from 6:00am through 10:00pm to 6:00am through 11:00pm Sunday through Wednesday
- from 6:00am through 10:00pm to 6:00am through 3:00am Thursdays
- from 6:00am through 11:00pm to 6:00am through 3:00am Fridays and Saturdays

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 applicant has operated the Dinkytown Qdoba Mexican Grill at the 324 14th Avenue SE since November of 2006. The applicant is proposing to extended hours of operation from 6:00am to 10:00pm Sunday through Thursday and 6:00am to 11pm Friday and Saturday to 6:00am to 11:00 pm Sunday through Wednesday and to 6:00am to 3:00am Thursday, Friday and Saturday, for the existing restaurant located in the C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay

CPED Planning Division Report

BZZ-4325

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.

The Marcy-Holmes Neighborhood Association 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. In addition, Lt. Skomra, from the 2nd Precinct, e-mailed staff to say that there were no objections to the proposed hours at this location.

CONDITIONAL USE PERMIT (to allow extended hours of operation for an existing restaurant in the C1 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 storefront building with multiple commercial tenants located on the near the southeast corner of 4th Street SE and 14th Avenue SE. The permitted hours of operation in the C1 District are from 6:00am to 10:00pm Sunday through Thursday and 6:00am. to 11:00pm Friday and Saturday. The applicant proposes to be open until 11:00pm Sunday through Wednesday and until 3:00am Thursday through Saturday. The subject property is located within a designated activity center and is not located near residential; the nearest residential use is located along University Avenue and across 14th Ave SE to the west. The proposed hours of operation should not be detrimental to or endanger the public health, safety, comfort or general welfare.

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 storefront building with multiple commercial tenants located near the southeast corner of 4th Street SE and 14th Avenue SE. The applicant has requested to extend the hours of operation to 11:00pm Sunday through Wednesday and to 3am Thursday through Saturday. There are no proposed changes to the building. The adjacent uses on the block and at the intersection are a predominately commercial. The site is located within an Activity Center and is located within the Dinkytown Pedestrian Oriented Overlay District. Staff believes that the proposed hours of operation may improve the stability and economic vitality of the neighborhood.

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

a) Proximity to permitted or conditional residential uses.

The nearest residential uses are located along University Avenue and across 14th Ave SE, directly behind another commercial storefront building.

CPED Planning Division Report

BZZ-4325

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

The existing use is a restaurant located in a storefront building. The applicant has requested to extend the hours of operation to 3am, seven days per week. The adjacent uses on the block and at the intersection are predominately commercial. 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. Finally, the subject property is located within the Dinkytown Pedestrian Oriented Overlay District 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 restaurant is a permitted use in the C1 District. If the application for extended hours is approved, the use will be in conformance with the Minneapolis Zoning Code.

d) Complaints received.

The only complaint received for this use was regarding the operation of hours beyond what is allowed by the Zoning Code. Upon notification of the violation, the business owner has complied with the required hours of operation in the Zoning Code.

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

The site is served by existing infrastructure. The structure does not have an off-street parking area.

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

The use is located in an existing building within the Dinkytown Pedestrian Oriented Overlay District. 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 identifies this property within the Dinkytown Activity Center. Activity centers on the other hand encourage a mix of uses and activities throughout the day and into the evening and are heavily oriented towards the pedestrian. However, while the character of this street is primarily commercial, residential areas are located to the west of this property and city policy for activity centers stress that impacts from commercial uses within these areas must be mitigated as appropriate. Commercial uses in this area will be supported insofar as they do not create excessive negative impacts relative to the location and its surroundings.

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

THE MINNEAPOLIS PLAN (2000)

- 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.**

CPED Planning Division Report

BZZ-4325

Implementation Steps:

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Plan, implement and monitor projects and programs that encourage and support the city's neighborhood commercial areas.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

Encourage coordination and communication between business associations and neighboring residents groups.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH (2008)

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.

Implementation Steps:

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".

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.

With the approval of this conditional use permit, the use will be in conformance with the applicable regulations.

CPED Planning Division Report

BZZ-4325

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 from 6:00am to 10:00pm to 6:00am to 11:00pm Sunday through Wednesday, from 6:00am to 10:00pm to 6:00am to 3:00am Thursdays and from 6:00am to 11:00pm to 6:00am to 3:00am Fridays and Saturdays for an existing restaurant located at 324 14th Avenue SE in the C1 Neighborhood Commercial 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 February 12, 2009, to CM Hofstede and the Marcy-Holmes Neighborhood Association
3. Letter of support from Marcy-Holmes Neighborhood Association
4. Correspondence from the Dinkytown Business Association and *The Minnesota Daily*
5. Documentation of past land use applications at this location
6. Zoning map
7. Floor plans
8. Photos of the site and surrounding area
9. Oblique aerial photos