

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

Conditional Use Permit

BZZ-4400

**Date:** June 8, 2009

**Applicant:** Lyndale Grocery & Deli, Attn: Thabt Mohamed, 2551 Lyndale Avenue South, Minneapolis, MN 55405, (612) 558-6555

**Addresses of Property:** 2551 Lyndale Avenue South

**Project Name:** Lyndale Grocery & Deli

**Contact Person and Phone:** Lyndale Grocery & Deli, Attn: Thabt Mohamed, 2551 Lyndale Avenue South, Minneapolis, MN 55405, (612) 558-6555

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

**Date Application Deemed Complete:** April 30, 2009

**End of 60-Day Decision Period:** June 28, 2009

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

**Ward: 6 Neighborhood Organization:** Whittier Alliance and adjacent to Lowry Hill East Neighborhood Association (LHENA)

**Existing Zoning:** C1 (Neighborhood Commercial) District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 18

**Lot area:** 3,184 square feet or .07 acres

**Legal Description:** Not applicable for this application.

**Proposed Use:** Extend the operational hours of an existing business.

**Concurrent Review:**

- Conditional Use Permit to extend the hours of operation for the existing business to 3 a.m. daily.

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

**Background:** The applicant proposes to extend the hours of operation for an existing business located on the property at 2551 Lyndale Avenue South. The property is zoned C1. Standard hours of operation in the C1 district are Sunday through Thursday from 6 a.m. to 10 p.m. and Friday and Saturday from 6 a.m. to 11:00 p.m. The applicant is proposing to extend the hours of operation to 3 a.m. on a daily basis.

According to the applicant, Lyndale Deli and Grocery has operated on the premises for the past five years. The services that business provides include: a deli, grocery store and tobacco shop. The business abuts the Uptown Bulldog Restaurant to the north and the Treehouse Records store to the south which is located at the corner of Lyndale Avenue South and 26<sup>th</sup> Street West. There are several businesses within the immediate vicinity that currently operate under extended hours including the adjacent Bulldog Restaurant and the CC Club located across Lyndale Avenue South.

The applicant contends that he has operated his business until 3 am over the course of the last five years and that the prior business owner did so as well. The applicant recently was issued a citation due to late night operation hours without a permit; thus the submission of a conditional use permit application for extended hours.

Staff has not received any official correspondence on the proposed application from either the Whittier Alliance or the adjacent neighborhood group the Lowry Hill East Neighborhood Association (LHENA), prior to the printing of this report. Neighborhood letters as well as a petition have been attached for reference.

**CONDITIONAL USE PERMIT** – for extended hours

**Findings as Required by the Minneapolis Zoning Code:**

The Community Planning and Economic Development Department – 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.**

Planning Staff would not expect that granting a conditional use permit to extend the operational hours of an existing business would be detrimental to or endanger the public health, safety, comfort or general welfare. There are several bars and restaurants in the immediate vicinity with extended hours, and the addition of another with late night hours would not be expected to have negative impacts on the surrounding area. Further, Lyndale Deli and Grocery does not serve alcohol which presents an alternative during late night hours for patrons wanting a different atmosphere. Additionally, Planning Staff consulted with the applicable Police Precinct which expressed no concern for the proposed extension of hours at this time.

**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 allowing an existing business to operate with extended hours would be injurious to the use and enjoyment of other property in the vicinity nor would it impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. As previously mentioned, there are numerous bars and restaurants located in close proximity to the subject site, including one directly abutting the subject site and one across the street from the site, and many of these establishments have late night operational hours. The proposed use and hours of operation are compatible with the adjacent land uses and zoning classifications.

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

The utilities, access roads, and drainage are existing and adequate.

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

The structure on the subject parcel was constructed in 1907 with no associated off-street parking. The application for extended hours should not have any additional impacts on congestion in the public streets.

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

According to the *Minneapolis Plan*, the subject parcel is zoned C1 and is located along Lyndale Avenue South which is a designated Commercial Corridor north of West Lake Street. According to the policies and implementation steps outlined in the *Minneapolis Plan*, the following apply to this proposal to extend the permitted operational hours:

*4.1 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.*

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.
- Ensure that commercial uses do not negatively impact nearby residential areas.

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.

Implementation Steps:

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

The proposal to extend the permitted operational hours of this business should not have negative impacts on residential areas as the impacts from this particular business would be expected to be minimal and would not be expected to spill into the neighborhood. The proposal to allow the business to extend its permitted operational hours is in conformance with the above noted 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.**

If the conditional use permit is approved, the development would appear to comply with all of the applicable provisions of the C1 district.

**Additional Findings Required for Extension of Hours Open To the Public:**

**(1) Proximity to permitted or conditional residential uses.**

The properties located within the immediate vicinity are varied and include R6, OR1, C1, C2 and C4. The subject parcel directly abuts R6 zoning to the east. There is also R6 zoning to the north of the site although it is not adjacent to the subject parcel. There are residential uses located within close proximity to the existing business, as the adjacent parcels to the north and south (which are commercially zoned) have residential uses located on the upper floors. Additionally, there is a multi-family residential structure to the east which is also commercially zoned. Further, there are residential uses (and zoning) across the alley to the east along Garfield Avenue. As previously mentioned the site is zoned C1 and is located along a Commercial Corridor; other businesses located in the immediate vicinity have extended hours of operation.

**(2) Nature of the business and its impacts of noise, light and traffic.**

Planning Staff would not expect the proposal to result in substantive impacts of noise, light and traffic in the immediate vicinity. Any noise or light emanating from the business would be minimal, directed towards Lyndale Avenue South and would not be expected to spill into the neighborhood. No parking for the proposed development is available on site.

**(3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.**

The business is existing and is located in a single-story, commercial structure. With the approval of the conditional use permit for extended hours the proposal would be in conformance with the applicable zoning regulations.

**(4) History of complaints related to the use.**

Planning Staff has consulted with the City's Police Precinct officer regarding the proposed extension of operational hours. At this time, no concern was expressed. Over the course of the last five years, there have been minimal disturbances at the subject property.

**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 for a conditional use permit to extend the permitted hours of operation in the C1 district to 3 a.m. daily for Lyndale Grocery & Deli which is located on the property at 2551 Lyndale Avenue South 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 and description of project
2. Findings – Conditional Use Permit
3. Correspondence
4. Zoning map
5. Plans –site plan and floor plan
6. Photos

