

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ – 2014

Date: October 25, 2004

Applicant: Saleh Hamshari

Address of Property: 1409 W. Lake St.

Project Name: Rotisserie

Contact Person and Phone: Saleh Hamshari, (612) 822-7400

Planning Staff and Phone: Jason Wittenberg, (612) 673-2297

Date Application Deemed Complete: October 1, 2004

End of 60-Day Decision Period: November 30, 2004

Ward: 10 **Neighborhood Organization:** CARAG; Lowry Hill East Neighborhood Assn.

Existing Zoning: C3A & PO (Pedestrian Oriented) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 24

Legal Description: Not applicable for this application

Proposed Use: Extend hours open to the public from 1:00 a.m. to 3:00 a.m. nightly for to allow an existing restaurant.

Concurrent Review: Not applicable for this application

Applicable zoning code provisions:

Section 548.300 (3) *Hours open to the public*

Background: The applicant operates a restaurant located at 1409 W. Lake Street. The request is to extend the hours open to the public from the permitted 1:00 a.m. closing time to 3:00 a.m. nightly. The restaurant has apparently been open until 3:00 a.m. in the past, but without the necessary conditional use permit. The business was formerly known as Uptown Express.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The use is relatively small in scale and is located in an Activity Center. Note, however, that there have been a significant number of police incidents in 2004, including several fights, particularly between the hours of 2:00 a.m. and 3:00 a.m.

- 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.**

Given that the use is relatively small in scale and is insulated from residential properties, extending the hours open to the public would not impede development of surrounding properties and would not affect the use and enjoyment of other properties in the area.

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

Utilities, access roads, drainage and other facilities would not be affected by extended hours of operation.

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

The site is located in an Activity Center with parking facilities that are open to the general public. The scale of the use is such that congestion of the public streets would not be substantially affected during the hours the applicant has requested.

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

The site is located in a designated Activity Center. One of the characteristics of Activity Centers is that they “have uses that are active all day long and into the evening.”

Relevant Policy: 9.31. Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Relevant Implementation Step: Ensure that land use regulations support diverse commercial and residential development types that generate activity all day long and into the evening.

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Staff comment: While extending hours of operation may not be appropriate for every use in an Activity Center, extending the hours of a small-scale restaurant is consistent with the above policy and implementation step.

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 use is subject to the standards of Chapter 530. The applicant must apply for minor site plan review.

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

(1) Proximity to permitted or conditional residential uses.

The use is not adjacent to or on the same block as residential uses. The nearest residential use appears to be approximately 375 feet away.

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

The use is small in scale and does not have a drive through facility or parking lot.

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

The project appears to be in conformance with general standards of the zoning ordinance except that minor site plan review application must be filed.

(4) History of complaints related to the use.

Staff reviewed police incidents associated with the property. According to City records, nine police calls have been made between the hours of 1:00 a.m. at 3:00 in 2004, primarily related to fights and “unknown trouble.” Many of the calls have been between the hours of 2:00 a.m. and 3:00 a.m., after the closing hours of establishments serving liquor. Planning staff spoke with the Police Department and discovered that the incidents were inside the business (rather than incidents out in the street that had no association with the business).

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to extend the maximum hours open to the public for an existing restaurant from 1:00 a.m. to 2:00 a.m. at 1409 West Lake Street.

Attachments:

1. Statements submitted by the applicant
2. Letters from the applicant to the council office. (A similar letter was sent to CARAGE and LHENA)
3. Letter from the property owner
4. Zoning map
5. Aerial photo
6. Survey of property
7. Floor plans
8. Photos