

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4629

Date: December 14, 2009

Applicant: Crescent Moon Bakery, Inc.

Addresses of Property: 2337-2339 Central Avenue NE

Project Name: Crescent Moon Banquet Hall

Contact Person and Phone: Meerwais Azizi 612-782-0169

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: November 12, 2009

End of 60-Day Decision Period: January 11, 2010

Ward: 1 Neighborhood Organization: Windom Park (adjacent to Holland)

Existing Zoning: C2 Neighborhood Corridor Commercial District

Zoning Plate Number: 10

Legal Description: Not applicable for this application

Existing Use: Reception or meeting hall.

Concurrent Review:

Conditional use permit: To allow the facility to be open until 3:00 a.m. everyday.

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

Background: The Crescent Moon Bakery is located on the first floor of the building located at 2337-2339 Central Avenue NE. The second floor of the building has apartments and the third floor has a reception hall space. The hours allowed in the C2 District are from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The facility has rights to be open until 1:00 a.m. based on historical licensing and use of the reception hall. The request for extension of hours is from 1:00 a.m. until 3:00 a.m. everyday. The windows on the third floor facing central have been closed in with panels. Section 535.95 prohibits the enclosure of all of these windows. The building is required to be brought into conformance with this code requirement regardless of the issue of extended hours.

As of the writing of this report staff has not received comments from the neighborhood group, but will forward comments, if any, at the Planning Commission meeting.

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

The permitted hours of operation in the C2 Neighborhood Corridor Commercial District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The facility has rights to be open until 1:00 a.m. based on historical licensing and use of the reception hall. The applicant proposes to be open until 3:00 a.m. everyday. The only other use in the immediate area with extended operating hours is the Holy Land Deli and Grocery, which was granted a conditional use permit for 24 hour operation in 2003. While there has not been a record of complaints or a significant number of police calls about the use, staff is concerned about the impact on residential uses to the north and east of the site (and on the floor below in the building) if the facility is open until 3:00 a.m. every night. The parking for events, if needed is provided on street or in the Wells Fargo parking lot. However, if limited to weekends, when later hours can be considered more reasonable, the extended hours should not prove detrimental to public health, safety, comfort or general welfare with the proposed conditions of approval, proposed management plan, and provided the use complies with all applicable zoning, licensing and life safety ordinances.

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

- Proximity to permitted or conditional residential uses. There are commercial buildings adjacent to the building, but there are residential uses adjacent or across the street from the Wells Fargo parking lot and adjacent streets where visitors may park cars when attending the facility. The applicant has indicated that the majority of the users of the facility walk to the site, but there is no guarantee that larger events would not have a number of vehicles in the parking area. the residential uses on the second floor of the building will be the most significantly impacted by the extended hours.
- Nature of the business and its impacts of noise, light and traffic. The business is a reception hall that typically does not serve alcohol; however, the license does allow alcohol to be served. While the applicant has indicated that the users of the facility typically walk to the site there is a potential for noise to be generated by the customers and vehicles in the parking lot.
- Conformance of use. The site is in conformance with the zoning code and licensing requirements. If the conditional use permit for extended hours is approved, then the proposed hours and use will be in conformance with the code.

CPED – Planning Division Report
BZZ-4629

d) Complaints received. The City has received no formal complaints. The 2nd precinct Crime Prevention Specialist has indicated that the Police Department has not received complaints with the site and that the business has been a good neighbor, but that there would be some concern on the possible impact on nearby residential properties. Attached to this report are the calls for service at the site address. During extended hours there have been zero calls for service to the police in 2009 and 2008; seven in 2007; six in 2006; and three in 2005. Please note that these are calls for service and are not necessarily related to problems with the reception hall.

While staff is concerned about the possible noise and activity impacts of extended hours on the adjacent residential area, taken in context of the last five years the site has not been a problem property. In addition, the site is located on a commercial corridor. Extended hours until 3:00 a.m. on Friday and Saturday should be reasonable and not be injurious to nearby residential properties. Staff does not recommend granting extend hours during week nights to lessen the impact of the use on the surrounding area.

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

The site is served by existing infrastructure and utilities and access roads are adequate.

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

The site is nonconforming as to parking. The building does not have a parking lot. Based on the information supplied by the applicant the reception hall has an area of 2,192 square feet. The current parking standards of the zoning code would require parking equal to 30 percent of the capacity of persons, for a total of 62 spaces, but as mentioned above the facility is legally nonconforming as to parking. The applicant has indicated that events typically are limited to 50 to 75 people and that they have an agreement to utilize the Wells Fargo parking lot to the east of the building; however, there is no formal lease agreement on record with the Zoning Office. The additional two hours of operation should not increase the congestion on the public streets beyond that allowed under the existing hours, but the impact from spillover traffic could be in the streets adjacent to the residential properties to the north and east of the site. Limiting the extend hours to Friday and Saturday will lessen the potential for this negative impacts on surrounding properties during weeknights when one can reasonably expect less activity than weekends.

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

The Minneapolis Plan for Sustainable Growth designates this site as part of the Central-Lowry Activity Center. The plan states that Activity Centers are “areas that 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 evening. An important consideration is the balance between the benefits Activity Centers bring to the city as a whole and the need to mitigate undesirable impacts...”

The plan has the following relevant policy and implementation steps:

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.

1.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.

1.12.8 Support district parking strategies in Activity Centers, including shared parking facilities with uniform signage, and other strategies.

The *Central Avenue Small Area Plan* (adopted June of 2008) recognizes this part of Central Avenue as the “historic commercial strip” and as “Northeast’s downtown.” The plan designates this parcel as mixed use commercial. While the plan does not speak directly to the issue of extended hours, it does recommend (on page 58) that the City “support uses that will make the Activity Center a regional destination that is active throughout the day and into the evening.”

The proposed extended hours, on Friday and Saturday, are in conformance with the above noted policies of the comprehensive and small area 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.

With the approval of the conditional use permit, the conditional use permit will conform to the applicable district regulations.

Specific Development Standards: Specific Development Standards for a reception or meeting hall are as follows:

- (1) Where alcoholic beverages are served, 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.

CPED – Planning Division Report
BZZ-4629

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

The applicant has indicated that alcohol is not served at the functions that the facility typically hosts (please note that there is not a prohibition on serving alcohol though) and is aware of and in compliance with the licensing requirements. The applicant is aware of the requirement to remove litter.

RECOMMENDATION:

Recommendation of the Community Planning and Economic Development Department - Planning Division for conditional use permit for to allow extended hours:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the conditional use permit to be open every day until 3:00 a.m. and in lieu thereof **approve** a conditional use permit to allow the facility to be open until 3:00 a.m. on Friday and Saturday nights for a reception or meeting hall located at 2337-2339 Central Avenue NE 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. Statements from the applicant.
2. Police calls.
3. Zoning map.
4. Photos.