

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit
BZZ-4203

Date: January 20th, 2008

Applicant: Luis Caire – El Campestre Reception Hall Inc.

Address of Property: 2728 Nicollet Ave S

Project Name: El Campestre Reception Hall

Contact Person and Phone: Luis Caire (612) 290-1701

Planning Staff and Phone: Jessica Thesing (612) 673-5887

Date Application Deemed Complete: September 25, 2008

End of 60 Day Decision Period: November 24, 2008

End of 120 Day Decision Period: On November 7th, 2008 staff sent a letter to the applicant extending the decision period to no later than January 23, 2009.

Decision Period Extension: The applicant sent a notarized letter on November 16th, 2008 requesting an extension of the 120 day decision period to March 2nd, 2009.

Ward: 6 **Neighborhood Organization:** Whittier, Whittier Alliance

Existing Zoning: C2 Neighborhood Corridor Commercial District; PO Pedestrian Oriented Overlay District

Zoning Plate Number: 25

Legal Descriptions: Not applicable

Existing Use: Vacant commercial tenant space in an existing shopping center

Application Type:

- **Conditional Use Permit:** To extend the hours of operation for a reception hall to 1:00 a.m. Friday and Saturday.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances (7), and Chapter 548 Commercial Districts, Chapter 551, Article II Pedestrian Oriented Overlay District.

Background: The applicant originally applied for a conditional use permit for extended hours and a variance to reduce the parking requirement for a proposed reception hall at the property located at 2728

CPED Planning Division Report

BZZ-4203

Nicollet Ave S. These applications were originally scheduled for the October 20, 2008 City Planning Commission hearings however were continued at the applicants request to allow additional time to secure parking for the purpose of reducing the overall variance request. During that time period however, the City of Minneapolis parking requirements were approved to be amended and this approval is scheduled to be published January 17, 2009. Due to the amendments mentioned, a parking reduction variance is now no longer needed and the previous application for such has been returned to the applicant. It has been determined that the parking is sufficient for the existing and proposed uses within the buildings.

The applicant Isidro Perez owns 2728 – 2750 Nicollet Ave S, 10 28th Street W, and 2741 Blaisdell Ave which is a total of 7 parcels according to Hennepin County records; all of which are utilized by two buildings comprised of an existing shopping center (south building) and a multiple tenant commercial shopping center (north building) and three parking areas.

The following land use applications were reviewed by the Minneapolis City Planning Commission in 2003:

- **Zoning Amendment**-to add the TP Overlay to the R6 zoned parcel located at 2741 Blaisdell Ave S.
- **Conditional Use Permit**-to allow a parking lot in the TP Overlay District at 2741 Blaisell Ave S.
- **Site Plan Review**-for an existing shopping center at 2728-2750 Nicollet Avenue South and an off-site parking lot located at 2741 Blaisdell Ave S.
- **Variance**-from the requirement that a parking lot in the TP Overlay District shall have a side lot line that abuts the zoning district served by the parking lot to allow a parking lot at 2741 Blaisdell Ave S.
- **Variance**-to reduce the required front yard setback along Blaisdell Ave S from 24 feet to 5 feet for a parking lot at 2741 Blaisdell Ave S.
- **Variance**-to reduce the required south side yard setback from 5 feet to 0 feet for a parking lot at 2741 Blaisdell Ave S.
- **Variance**-to reduce the required rear yard setback from 5 feet to 0 feet for a parking lot at 2741 Blaisdell Ave S.

The City Planning Commission approved the rezoning petition, conditional use permit, three variances, and the site plan review application; and the City Council and Mayor gave final approval of the rezoning petition for the TP Overlay District to be added to the parcel located at 2741 Blaisdell Avenue South to legalize a parking lot to be utilized by the existing shopping center under the previous land use applications (BZZ 1395). The variance to reduce the front yard setback along Blaisdell Ave S for the parking lot was denied.

In 2003, the north building was comprised of 4 retail tenant spaces and a restaurant. The south building was also comprised of 4 retail tenant spaces and a restaurant. For the north building, it was determined that the total parking requirement was 26; 16 for the 4 retail spaces and 10 for the restaurant. For the south building, it was determined that the total parking requirement was either 56 or 65; 5 for the bakery, 26 for the restaurant (El Mariachi), 4 for the laundry facility, and either 21 or 30 for the grocery/retail space depending on the usage. The total requirement for all uses in both buildings was determined to be either 82 or 91 depending as stated on space usage. According to the site plan

CPED Planning Division Report

BZZ-4203

provided and approved as part of those applications, the three parking lots provided a total of 75 spaces, 10 of which are permanently leased by the fire department located at 2749 Blaisdell Ave S. It was also determined that the site had 12 nonconforming credits (grandfather rights) to parking. In total, the three parking areas plus the determined nonconforming credits provided a total of 87 spaces to be utilized by the fire department and the shopping center. It was determined that the three parking areas provided sufficient parking for all the uses mentioned.

According to the applicant at this time, the north building is now comprised of a salon, two restaurants, a vacant retail tenant space, and the vacant retail space proposed to be utilized by a reception hall per this application. The south building is comprised of a restaurant, market, laundry facility, deli (part of the market), and a bakery. The existing shopping center in the south building is open meaning, you can walk freely once inside the building from one use to the other except for the restaurant (El Mariachi) that must be entered from the parking area between the north and south building (2728 Nicollet Ave S and 2738 Nicollet Ave S). See analysis table below for parking calculation:

Parking Analysis Table

Note: * denotes general entertainment

South Building Establishment	Establishment Type	Gross Square Footage	Seating Area	New Requirement with 25% Reduction for PO per Section 551.140 (f)
Marissa's Market	Grocery	13,497	0	14
Marissa's Bakery	Bakery	4069	0	3
Laundromat	Laundromat	3174	0	3
El Mariachi	Restaurant	4336	2191	9
North Building Establishment				29
Emily's Hair Salon	Salon	1400	0	3
Hoang Thien Y	Restaurant	1100	132	3
Retail-Vacant	Retail	1160	0	3
Quarac	Restaurant	1200	240	3
El Campestre	Reception Hall	3437	2420	36*
				49

The total of the three parking lots currently provides 62 spaces and the site is credited with nonconforming rights for an additional 12 spaces. The total requirement for all the uses is now 78 and the applicant is proposing to install bicycle racks in lieu of any deficiencies. There are nine uses in the building and per the newly adopted parking requirements; the shopping center with the proposed reception hall will now be deficient 4 vehicle parking spaces. Therefore, the applicant will be required to provide 26 bicycle parking spaces in lieu of the 4 deficient parking spaces per section 541.220 of the Minneapolis Zoning Code. The revised parking chapter of the Minneapolis zoning code allows for applicants to provide bicycle parking in the amount of 25% of the total vehicle parking requirement (before any Pedestrian Oriented Overlay reductions are applied) in lieu of 1 parking space per non residential use or 10% whichever is greater. The original parking requirement for all the uses in the shopping center prior to the 25% PO reduction was 104 vehicle parking spaces which equates to 26 bicycle parking spaces required to qualify for the incentive. (See analysis table to follow)

CPED Planning Division Report

BZZ-4203

Final Parking Analysis:

	Requirement
Total Required	78
Total Provided	62
Grandfather Rights	12
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Total Required	78
Provided + Grandfathered	74
Bicycle Space Reduction (104 X 25% = 26 Required Spaces)	4
Parking Deficiency/Surplus	0

Proposal: Luis Caire on behalf of Isidro Perez and El Campestre Reception Hall Inc. is applying for conditional use permit to allow for extended hours beyond the district hours to establish a reception hall in an existing shopping center located at 2728 Nicollet Ave S. The proposed reception hall will be located within the north building of the existing shopping center. Permitted hours of operation in the C2 Neighborhood Corridor Commercial Districts are from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and from 6:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant has proposed to be open from 6 a.m. to 10:00 p.m. Sunday through Thursday and from 6:00 a.m. to 1:00 a.m. Friday and Saturday. The hours open to the public for uses licensed that sell alcoholic beverages may be increased, depending on the license for liquor, wine or beer or any special late hours entertainment license approved for the facility. However, the reception hall does not have a license to sell alcoholic beverages or a late hours entertainment license. Therefore, the applicant has applied for a conditional use permit to allow for hours open to the public beyond those permitted by the zoning code and licensing.

Correspondence:

The Ward 6 City Council member and the Whittier Alliance Neighborhood Organization were both notified of the proposal under consideration by the commission. Staff has received letters from the Whittier Alliance Neighborhood Organization and they are attached to this report. The neighborhood organization moved to grant approval of a parking variance up to 30 spaces which is no longer needed and supports the Conditional Use Permit for extended hours to 1:00 am Friday and Saturday nights. Staff will forward further correspondence, if received, to the commission prior to or at the meeting.

In addition, Inspector Kristine Arneson from the Fifth Precinct commented on October 15, 2008 that the only concern would be parking, which she indicated is an issue in the area in general. She also indicated that large late night gatherings could potentially be a noise issue however the area isn't mainly residential so most likely will not be a problem. In addition, she indicated that late hours were supported by the Whittier Alliance in order to bring activity in the area later at night and to funnel more activity to Nicollet.

CPED Planning Division Report
BZZ-4203

CONDITIONAL USE PERMIT (to allow extended hours)

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 applicant believes that the hours imposed by the ordinance are out of sync with the current uses found on “Eat Street” and also argues that there are easily seven acres of establishments which stay open until 1:00 am or 2:00 am due to their restaurant liquor licenses. The applicant believes that the district permitted hours are out of sync with the general culture of “hipness for the young middle class” that frequent “Eat Street” and wish to enjoy themselves after a long week at work in a multicultural commercial district. Also, the applicant indicates that the use proposed by El Campestre Reception Hall which is available to all diverse groups fits like a shoe within the culture created by “Eat Street” and also brings more commercial activity to the south end.

The permitted hours of operation in the C2 District are from 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 applicant proposes to be open until 10:00 p.m. Sunday through Thursday which is allowed in the district and is proposing to be open until 1:00 a.m. Friday and Saturday. The subject property is located on a Commercial Corridor and near the 26th and Nicollet Activity Center which allows hours of operation until 1:00 a.m. Sunday through Saturday. Although the proposed use is located directly across the alley from a residential use, it is believed that bringing people into the area later at night for a legitimate reason may cut down on some of the negative activity in the area. Although allowing late night hours may directly affect the comfort and general welfare of those that live nearby, staff does believe that allowing the hall to be open until the proposed hours is reasonable, if the applicant manages noise and traffic from the site. The applicant has stated that they will hire security to manage the events at the site and, the Whittier Alliance Neighborhood Organization has sent a letter of support for the extended hours application.

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.

According to the applicant, the property owner Mr. Isidro Perez has invested a significant amount in renovating this small shopping center to make it commercially attractive. In addition, the applicant believes that a reception hall at this site will not disturb the residential areas to the west. The applicant indicates that the El Mariachi Restaurant located on the west side (south building) of the shopping center is open until 1:00 a.m. due to an approved on sale liquor license and has not received complaints from nearby residents. In addition, the applicant indicates the El Campestre Reception Hall if approved will be well managed.

CPED Planning Division Report

BZZ-4203

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 to the west directly across the alley from the site; otherwise, the use is bordered by commercial uses along Nicollet Avenue. The proposed location of the reception hall is actually located across the site close to Nicollet.

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

The business is a reception hall; one which does not have a license to sell liquor or have late night entertainment. In addition, the Minneapolis Police 5th Precinct commented that extended hours were supported through the Whittier Alliance neighborhood association who indicated that bringing people to Nicollet later in the evening could be positive because the area can be dark at night.

c) Conformance of use.

A reception hall is a permitted use in the C2 zone. If the application for extended hours is approved, the use will be in conformance with the Minneapolis Zoning Code.

d) Complaints received.

There doesn't appear to be any recent complaints regarding either building at the subject location.

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

Roads and utilities are existing and adequate. The site has an approved site plan that addresses these issues.

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

With the newly adopted parking requirements and the proposed bicycle rack reduction, the use will be in compliance with the current zoning code parking requirements. In addition, Luis Claire, on behalf of the applicant submitted materials via email October 23, 2008 and January 3rd, 2009 indicating additional parking located at 2835 Nicollet Ave S which is located approximately 1 block south of the subject property. Records indicate that 2835 Nicollet Ave S is a two story building with approximately 4,738 square feet per floor. There is a restaurant currently located on the first floor that has approximately 2,726 square feet of seating area however it does not currently have a general entertainment license and therefore, the parking requirement is approximately 9 spaces. The second floor of the building is comprised primarily of an office in addition to an open area previously occupied by a restaurant; the parking calculation for this area based on office use is approximately 5 spaces. In total, the overall requirement for the building is approximately 14 spaces and the building is providing 28 spaces on site. The building owner of the property located at 2835 Nicollet Ave S also owns a property located at 2834 1st Ave S which he uses as additional parking for his building. Therefore, the building located at 2835 Nicollet Ave S seems to have some excess parking stalls available to provide parking for uses at 2728 Nicollet Ave S through a lease agreement. A shared parking agreement or other formal measures are not required at this time since 2728 Nicollet Ave S is providing enough parking however this information indicates that the applicant has secured

CPED Planning Division Report

BZZ-4203

additional parking to accommodate a perceived need and therefore has taken adequate measure to minimize traffic congestion in the public streets.

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

The Minneapolis Plan shows this part of Nicollet as a commercial corridor. The plan states the following about uses on commercial corridors: “The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate. Commercial uses on these streets will be supported insofar as they do not create excessive negative impacts relative to the location and its surroundings.

The use of the shopping center is existing including a restaurant with late night hours of operation and there have been no recent complaints. Therefore, staff believes that the use is consistent with the applicable policies of the comprehensive plan.

The currently adopted Minneapolis Plan has the following relevant policies and implementation steps for commercial corridors and commercial areas:

4.3 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 (including Major Housing Sites where designated), 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.

Regulate impacts of commercial uses, and in some cases prevent some uses from locating on designated Commercial Corridors, due to their adverse impacts on the viability of nearby residential areas.

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.

Ensure that parking structures and surface lots conform with identified design principles.

Reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.

CPED Planning Division Report

BZZ-4203

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:

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 soon to be adopted Minneapolis Plan for Sustainable Growth has the following relevant policies and implementation steps for commercial corridors and commercial areas:

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".

CPED Planning Division Report

BZZ-4203

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.

It is unclear at this time if the site is in conformance with the City's sign regulations however it does appear that the improvements required as part of the 2003 site plan review approval were finished. Although signs are not part of this application review, the applicant submitted information indicating that there are 14 signs including one freestanding sign on the subject property. Per Table 543-2 of the Minneapolis Zoning Code, the maximum sign area guaranteed for a ground floor nonresidential use that comprises a portion of the building wall is 30 square feet. Signs attached to the building are allotted 1 square feet of signage per 1 foot of primary building wall because a free standing sign exists on the property. Wall signs shall never exceed 180 square feet in area and shall not be more than 24 feet in height above grade. Freestanding signs are limited to one square feet of signage per 1 foot of frontage toward which the sign is oriented. A freestanding sign shall not exceed 80 square feet in area and there is a limit of 1 per zoning lot. Also, a freestanding sign shall not exceed 25 feet in height above grade. There are two buildings that comprise the subject location; the south building has approximately 225 feet of primary building wall along 28th Street S, 145' of primary building wall along Nicollet Ave S, and 190 feet of primary building wall facing the parking lot in between the north and south building. The north building has approximately 140 feet of frontage along the parking area between the north and south building and approximately 60 feet of frontage along Nicollet Ave S. The applicant is advised to work with the Planning Department for a review of all existing and proposed signage at the site.

In addition, on September 26, Council Member Schiff moved to introduce the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, for first reading and referral to the Zoning & Planning Committee (adding a new Chapter 586 providing for a moratorium on the establishment, re-establishment or expansion of reception, banquet, rental and/or meeting halls outside of the B4, B4S and B4C zoning district). Because this interim ordinance was introduced after this applicant submitted a complete application, the establishment of the reception hall will not be restricted by the moratorium.

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 a reception hall until 1:00 a.m. Friday and Saturday at 2728 Nicollet Ave S subject to the following conditions:

- 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.

CPED Planning Division Report

BZZ-4203

- 2) The applicant shall develop a plan to mitigate noise and traffic leaving the site during the extended hours that may include security, parking lot attendants, or signage to limit parking lot noise.
- 3) The applicant must notify the Planning Division of any proposed changes to licensing that may involve upgrades to general entertainment for any establishment within the existing buildings on the site.
- 4) Bicycle racks shall be provided to accommodate no fewer than four (26) bicycles on the property in accordance with section 541.220 of the Minneapolis Zoning Code.
- 5) The applicant must meet all applicable zoning code requirements in the district in which the use is located. This includes signage; the applicant must submit a master sign plan to the planning division to ensure compliance with the Minneapolis Sign Regulations.
- 6) The Community Planning and Economic Development Planning Division shall review and approve the final plans prior to permitting.

Attachments:

1. Statements from applicant and findings
2. Copies of e-mail correspondence from the applicant to CM Lilligren and the neighborhood organizations
3. Copy of a letter from Whittier Alliance Neighborhood Organization
4. Copy of email from Luis Claire requesting continuance
5. Copy of 60 day letter sent to applicant
6. Other correspondence
7. El Campestre Policy Documentation
8. Licensing Information
9. Zoning maps
10. Site plans and floor plans
11. Photos
12. Additional information submitted regarding 2835 Nicollet Ave S and 2834 1st Ave S