

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

Conditional Use Permit

BZZ-4971

**Date:** October 18, 2010

**Applicant:** Butler North, LLC, 510 1<sup>st</sup> Avenue North, Minneapolis, MN 55403,  
(612)332-8323

**Addresses of Property:** 504 1<sup>st</sup> Avenue North (111 5<sup>th</sup> Street North)

**Project Name:** Pizza LaVista

**Contact Person and Phone:** RJ Marco Construction, Inc., Attn: Paul Nolan, 75 West  
Viking Drive #104, Little Canada, MN 55117, (651)484-5635

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

**Date Application Deemed Complete:** September 16, 2010

**End of 60-Day Decision Period:** November 15, 2010

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

**Ward:** 7                    **Neighborhood Organization:** Downtown Minneapolis Neighborhood  
Association (DMNA)

**Existing Zoning:** B4S-1 (Downtown Service) district and DP (Downtown Parking)  
Overlay District

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

**Zoning Plate Number:** 19

**Lot area:** 23,458 square feet or approximately .54 acres

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

**Proposed Use:** Extend the operational hours of a new business.

**Concurrent Review:** RJ Marco Construction, Inc., on behalf of Butler North LLC, has  
applied for a Conditional Use Permit to extend the hours of operation for Pizza LaVista  
located at 504 1<sup>st</sup> Avenue North to 3 a.m. daily. Typically, the hours of operation  
allowed in the B4S-1 (Downtown Service) district are 6:00 a.m. to 1:00 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 a new business proposed within the Butler North building located on the northwest corner of 5<sup>th</sup> Street North and 1<sup>st</sup> Avenue North. The property is zoned B4S-1 (Downtown Service) and is located in the DP (Downtown Parking) Overlay District. Pizza LaVista would be categorized as a delicatessen restaurant which is a permitted use in the B4S-1 district and would occupy an approximately 1,500 square foot tenant space, which has been newly created with a street facing entrance, located between the Loon Café and the 508 Bar along 1<sup>st</sup> Avenue North. The applicant is requesting a conditional use permit to operate the restaurant until 3 a.m. daily; typically the hours of operation allowed in the B4S-1 district are 6:00 a.m. to 1:00 a.m. daily.

As proposed the restaurant would serve primarily pizza, but will offer other foods as well. The 1,500 square foot tenant space is expected to provide seating for up to 48 customers. The restaurant would not serve alcoholic beverages. Planning Staff has consulted with the applicable Police Precinct and it was suggested that the applicant provide on-site security during the extended hours. At this time, the applicant does not intend to provide uniformed, on-site security during the extended hours of operation.

Staff has not received any official correspondence from the Downtown Minneapolis Neighborhood Association (DMNA) or any neighborhood letters prior to the printing of this report. Correspondence received prior to the meeting shall be forwarded on to the Planning Commission for consideration.

**CONDITIONAL USE PERMIT** – for extended hours to 3 a.m. daily

**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 does not believe that allowing extended hours of operation in this location would be detrimental to or endanger the public health, safety, comfort and/or general welfare. Planning Staff did consult with the applicable Police Precinct and it was suggested that the applicant provide on-site security during the extended hours. At this time, the applicant does not intend to provide uniformed, on-site security during the extended hours of operation. The proposed business would be located downtown within a vicinity that has several establishments with late night hours.

**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.**

Planning Staff does not believe that granting extended hours in this location would be injurious to the use and enjoyment of other property in the vicinity and would not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The surrounding downtown area is fully developed with primarily commercial and office uses. There are numerous businesses including bars and various restaurants that operate with late night hours within the immediate vicinity, and in the broader vicinity of downtown.

**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 application for extended hours should not have any significant additional impacts on congestion in the public streets beyond that allowed under the existing hours. The capacity of the restaurant is small and there is no associated off-street parking for the business. The business would be located less than a half block from the Warehouse District LRT platform.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject property is located downtown Minneapolis, adjacent to a Transit Station Area and within a designated Activity Center. The plan states that, “Activity Centers 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. They are heavily oriented towards pedestrians, and maintain a traditional urban form and scale. Activity Centers are also well-served by transit.” The proposed hours are generally consistent with the following relevant policy and implementation steps that pertain to the request:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

Land Use 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. This policy includes the following applicable implementation step: (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.

Land Use Policy 1.12: Support Activity Centers by preserving the mix and intensity of and uses and by enhancing the design features that give each center its unique urban character. This policy includes the following applicable implementation steps: (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.”

**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 were to be approved, the development would appear to comply with all of the applicable provisions of the B4S-1 district. Any/all window signage would need to comply with Section 543.480 of the Zoning Code. Planning Staff considers this provision important to public safety/visibility, especially if extended hours are granted for the business. The use is also subject to specific development standards for delicatessen restaurants as follows:

- (1) 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.

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

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

The properties located within the vicinity all have downtown zoning classifications including B4S-1 and B4S-2. All properties located on the north side of 1<sup>st</sup> Avenue North are zoned B4S-1 and those located on the south side of 1<sup>st</sup> Avenue North are zoned B4S-2. There are no residential uses directly abutting the subject site. There are numerous bars and restaurants primarily located on the ground floor of the buildings in the area. Typically office space occupies the upper stories of these buildings.

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

Planning Staff would not expect extended operational hours for this business to result in substantive impacts on noise, light, and/or traffic within the immediate vicinity. The business is located downtown Minneapolis and there are numerous establishments within the immediate vicinity that have late night operational hours.

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

The existing business is categorized as a delicatessen restaurant which is a permitted use in the B4S-1 district. Should the conditional use permit for extended hours be approved and the business comply with the specific development standards that pertain to delicatessen restaurants, the proposal would appear to be in conformance with the applicable zoning regulations.

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

The business is new and therefore there is no history of complaints related to the use. As previously mentioned, Planning Staff did consult with the applicable Police Precinct and it was suggested that the applicant provide on-site security during the extended hours. At this time, the applicant does not intend to provide uniformed, on-site security during the extended hours of operation.

**RECOMMENDATIONS:**

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to allow Pizza LaVista to operate until 3 a.m. daily for the property located at 504 1<sup>st</sup> Avenue North (111 5<sup>th</sup> Street North) 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.

**Attachments:**

1. Statement / Findings – Conditional Use Permit
2. Correspondence – CM, neighborhood letters
3. Zoning map
4. Plans –floor plan