

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permits
BZZ-4701

Date: March 8, 2010

Applicant: Luis Caire

Address of Property: 2728-50 Nicollet Ave S, 10 West 28th Street and 2741 Blaisdell Avenue South

Project Name: El Campestre Reception Hall Relocation

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

Planning Staff and Phone: Shanna Sether (612) 673-2307

Date Application Deemed Complete: February 10, 2010

End of 60 Day Decision Period: April 11, 2010

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: Shopping Center

Concurrent Review:

- **Conditional use permit** to relocate an existing reception meeting hall within an existing shopping center
- **Conditional use permit** to extend the hours of operation for an existing meeting hall on Fridays and Saturdays from 11pm to 1am.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits, Chapter 548 Commercial Districts, Chapter 551, Article II Pedestrian Oriented Overlay District

Background: The subject property is approximately 62,041 sqft and consists of two structures and three parking areas. The use of the subject property is an existing shopping center. Recent land use approvals were granted by the Minneapolis City Planning Commission in 2009 for a conditional use permit (BZZ 4203) to extend the hours of operation for an existing reception meeting hall from 11pm to 1am on Friday and Saturdays. In addition, the following land use applications were reviewed and approved by the Minneapolis City Planning Commission and City Council in 2003:

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- **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 Blaisdell 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.

There is an existing reception meeting hall, El Campestre located in the North Building and a restaurant, El Mariachi, located in the South Building. The applicant is proposing to exchange the tenant spaces and locate the reception meeting hall in the South Building, where the El Mariachi restaurant exists and vice versa. The zoning code was amended on September 18, 2009, specifically to address the use and impacts of reception meeting halls city wide. The amendment included a definition of reception and meeting halls, created specific development standards, and changed them from permitted to conditional uses in the C2, C3S, and C4 District. It was at this time that the existing El Campestre reception meeting hall became a conditional use in the C2 Neighborhood Corridor Commercial District. Changes to the development plan affecting uses, bulk regulations, parking and or loading, or components of the conditional use other than minor changes in placement and site of improvements shall require amendment to the conditional use permit by the city planning commission. Therefore, the relocation of the existing reception meeting hall to the South building requires an amendment to the conditional use permit.

In addition, the applicant intends on continuing the hours of operation to 1:00 a.m. on Friday and Saturday, as previously approved by the city planning commission in 2009. 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. Therefore, the relocation of the existing reception meeting hall to the South building requires an amendment to the conditional use permit authorizing the extension of hours open to the public to 1:00 a.m. on Friday and Saturday.

Staff has received a letter of support from the Whittier Alliance and a copy of the letter is attached to the staff report. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

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CONDITIONAL USE PERMIT: to amend and existing conditional use permit for a reception meeting hall

Findings as required by the Minneapolis Zoning Code for the conditional use permit: The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below 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.

This site is zoned C2 Neighborhood Corridor Commercial District and is on a commercial corridor. The buildings are existing retail structures and the site is in compliance with the previously approved site plan review. The applicant is proposing to exchange tenant spaces between an existing reception meeting hall and a restaurant. The relocation of the existing reception meeting hall should have little impact on the surrounding area. In addition, the use will not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes 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.

The use of the site as a reception meeting hall should not be detrimental to the surrounding area, provided that the parking requirement is met. Food and beverage uses are an appropriate uses on a commercial corridor. The buildings have been placed up to the street and the site plan is in conformance with the goals of traditional urban design.

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

The site is served by existing infrastructure. The Public Works Department has reviewed the project for appropriate drainage and stormwater management in or over the public right of way and the previously approved site plan is in compliance.

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

The required parking for the proposed uses in the building, under typical circumstances, would be 107 spaces. The site is in the Pedestrian Oriented (PO) Overlay District, which allows 75 percent of the parking requirement for the commercial uses specified by Chapter 541 of the zoning code is provided. This reduces the required parking to 80 spaces. The site has grandfather rights for 12 parking spaces. There are a total of 71 vehicle parking spaces, 26 bicycle spaces (equivalent to 9 vehicle spaces) and nonconforming rights for an additional 12 spaces. The site is in compliance with the required off-street parking for vehicles and bicycles.

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South Building Establishment	Establishment Type	Gross Square Footage (sqft)	Seating Area (sqft)	Required Parking with PO Reduction
Marissa's Market	Grocery	13,497	0	14
Marissa's Bakery	Bakery	3,980	0	3
Laundromat	Laundromat	3,174	0	3
El Campestre	Reception Hall	3,437	1,820	27
North Building Establishment				
Emily's Hair Salon	Salon	1,020	0	3
Restaurant	Restaurant	1,020	132	3
Tax Office	Office	990	0	0*
General Office	Office	525	0	0*
El Mariachi	Rest. w/ Gen Entertain	4336	1,900	27
Total Required Parking				80
Provided Parking and Reductions				
Vehicle Parking Provided				71
Bicycle Parking Reduction				9
Nonconforming Rights				12
Total Required Parking				16 space surplus
*Note: Table 541-1 exempts parking requirements for up to four tenant spaces of 1,000 square feet or less				

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

The Minneapolis Plan for Sustainable Growth 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 property is an existing shopping center; in addition, both the existing restaurant and the reception meeting hall have late night hours of operation and there have been no recent complaints. Therefore, staff believes that the use is consistent with the following policies of the comprehensive plan:

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

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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”.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.

In addition to the conditional use permit, several land use applications are required due to the addition of the proposed parking lot and the proposed use is subject to the following Specific Development Standards, addressed in Chapter 536:

Shopping center.

- (1) Only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center.
- (2) Uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance.
- (3) 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 building and intended use shall comply with all of the development standards.

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 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

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until 1:00 a.m. Friday and Saturday. These are the same hours of the existing reception hall. 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 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 project.

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.

There have been no complaints made about the existing reception meeting hall and the applicant has stated that the reception hall will not disturb the residential areas to the west at its new location. The El Mariachi Restaurant is the current tenant in the proposed location for the reception hall, on the west side (south building) of the shopping center is currently open until 1:00 a.m. The restaurant has 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.

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.

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 in the previous land use application that they were supported of the extended hours. In addition, Whittier Alliance has submitted a letter of support for the application.

c) Conformance of use.

A reception hall is a conditional use in the C2 zone. The site is in conformance with the previously approved site plan. If the applications for an amendment to the conditional use permit to allow for the reception meeting hall and for extended hours are approved, the use will be in conformance with the Minneapolis Zoning Code.

d) Complaints received.

Staff is unaware of any recent complaints regarding the reception meeting hall or other uses in the two buildings on the subject property.

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

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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.

See #4 under conditional use permit to allow for the reception meeting hall.

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

See #5 under conditional use permit to allow for the reception meeting hall.

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.

In addition to the conditional use permits, the reception meeting hall is subject to the following Specific Development Standards, addressed in Chapter 536:

Reception or meeting hall.

(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.

(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 building and intended use shall comply with all of the development standards.

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 relocate an existing reception meeting hall within an existing shopping center at 2738-2744 Nicollet Ave S subject to the following conditions:

- 1) The Community Planning and Economic Development Planning Division shall review and approve the final plans prior to permitting.
- 2) 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.

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- 3) 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.

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 2738-2744 Nicollet Ave S subject to the following conditions:

- 1) The Community Planning and Economic Development - Planning Division shall review and approve the final plans prior to permitting.
- 2) 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.
- 3) 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.
- 4) Bicycle racks shall be provided to accommodate no fewer than twenty-six (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.

Attachments:

1. Statements from applicant and findings
2. Copy of a letter to Whittier Alliance and CM Lilligren
3. Copy of letter from Whittier Alliance
4. Zoning map
5. Site plans and floor plans
6. Photos