

**Department of Community Planning and Economic Development – Planning
Division
Conditional Use Permit
BZZ-2103**

Date: December 13, 2004

Applicant: Mr. Mark Stobb, Uptown Pizza, 1214 Lowry Avenue North, Apt. 308,
Minneapolis, MN 55411, (612)702-2692

Address of Property: 323 Lake Street West

Project Name: Uptown Pizza

Contact Person and Phone: Mr. Mark Stobb, Uptown Pizza, 1214 Lowry Avenue
North, Apt. 308, Minneapolis, MN 55411, (612)702-2692

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: November 17, 2004

End of 60-Day Decision Period: January 15, 2005

End of 120-Day Decision Period: Not applicable

Ward: 10 **Neighborhood Organization:** Lyndale Neighborhood Association

Existing Zoning: C1 (Neighborhood Commercial) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 25

Lot area: 12,851 square feet or .30 acres

Legal Description: Not applicable for this application

Proposed Use: Continue existing use as a pizza delivery business (Uptown Pizza) and
extend the permitted operational hours.

Concurrent Review:

- Conditional Use Permit to extend the permitted operational hours of the existing
pizza delivery business in the C1 zone district.

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits -
Section 548.300 (3) *Hours open to the public.*

Background: The applicant, Mark Stobb, proposes to extend the operational hours for the existing Uptown Pizza delivery business. Under the C1 district requirements, the business is allowed to operate Sunday through Thursday 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 applicant is proposing to extend the operational hours Sunday through Thursday from 10:00 a.m. to 1:00 a.m. and Friday and Saturday from 10:00 a.m. to 2:00 a.m.

Uptown Pizza has been operating out of the building on the property since 1982. Uptown Pizza is a pizza manufacturing and delivery store only, as it does not offer dine-in. Patrons and customers do not congregate on the property. Pizza orders are taken by employees over the phone, made and delivered to the customer's address. The owner/manager/applicant is at the business 6+ days per week and is able to supervise the above mentioned processes. Uptown Pizza has a base of over 5000 customers, and provides a quality product and professional service. The applicant claims that the pizza delivery business has operated with hours that are identical to those that are now being formally applied for without neighborhood complaint or concern. After a review by the City, the applicant became aware that the business hours were not in compliance with the zoning code thus the application for a conditional use permit to extend the operational hours. Major site plan review was previously required for the site in 2003. The required site improvements have not yet been completed. The Zoning Inspections Division has been notified and will follow up with the property owner to ensure that the required improvements are completed.

There are several other businesses located in close proximity that have hours of operation that are either similar or above and beyond those that Uptown Pizza is requesting which include: Dulono's, Pizza Luce, Wendy's, White Castle, Popeye's, etc.

Staff has analyzed the site in regard to crime and police calls. The information has been attached for reference. There are several incidents spread among the various property addresses attributed to the building. There have been no significant numbers of late night incidents on the property.

Staff did receive a letter of support dated October 4, 2004 from the Lyndale Neighborhood Association. The Lyndale Neighborhood Development Corporation voted to support the request for extended hours as did those in attendance at the Lyndale Neighborhood General Membership Meeting.

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 along a Commercial Corridor within close proximity to an Activity Center. The police incidents have been attached for reference. It is important to note that there have been some police incidents in 2004 and 2003, however, there do not appear to be a significant number of late night incidents on the property. Staff does not believe that extending the permitted operational hours will be detrimental to or endanger the public health, safety, comfort or general welfare.

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 the location is generally non-residential in nature, extending the hours open to the public should not impede development of surrounding properties and would not affect the use and enjoyment of other properties in the area. There are R5 zoned residential properties on the same block. However, the closest residential use, according to the applicant, is located approximately 200 feet away across Grand Avenue. There are apartments located on the 2nd level of the building.

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 scale of the use is such that congestion of the public streets would not be substantially affected during the hours the applicant has requested. There would be no patrons or customers on the premises as the business is a pizza delivery business only.

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

The site is located along a Commercial Corridor near an Activity Center. Some of the applicable characteristics of Commercial Corridors include: streets having high traffic volumes, streets having a mix of uses with commercial uses dominating, a mix of uses commonly occurs within some of the structures.

Relevant Policy: **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.

Relevant Policy: 4.3 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.

Additionally, as the property is located adjacent to an 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.

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 property was previously subject to the standards of Chapter 530. Another building tenant had concurrently applied for major site plan review and other land use applications to bring the property into compliance. However, upon review of the previous applications it has been brought to Staff’s attention that the required site improvements were never completed. Zoning Inspections has been notified and will work with the property owner to bring the property into conformance. Upon approval of the conditional use permit for extended hours, this specific tenant shall conform to the applicable regulations of the C2 district.

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 adjacent to and on the same block as residentially zoned properties (R5 and R6), however, there are no properties that front on this portion of Lake Street that are residentially zoned. According to the applicant, the closest residential use is located approximately 200 feet away across Grand Avenue, in a second floor apartment.

(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. The business is a pizza delivery business only. There will be no impacts from customers, only from the delivery drivers leaving and returning to the parking lot located in the

back of the building. There should be very minimal impacts of noise, light and traffic.

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

The project is in conformance with general standards of the zoning ordinance. The property owner will need to work with Inspections to implement the approved site plan for the property.

(4) History of complaints related to the use.

Staff reviewed police incidents associated with the property. According to City records, there have been a few police calls, however, the calls do not appear to be related to late night operational hours.

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 **approve** the application for a conditional use permit to extend the maximum operational hours open to the public for an existing pizza delivery business Sunday through Thursday to 1:00 a.m. and Friday and Saturday to 2:00 a.m. for property located at 323 Lake Street West.

Attachments:

1. Statement of use
2. Findings
3. Correspondence & Police reports
4. Zoning map
5. Plans
6. Photos