

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-3604

Date: June 25, 2007

Applicant: Michael Mulligan

Address of Property: 600 Hennepin Avenue

Project Name: Jimmy John's

Contact Person and Phone: Michael Mulligan, (952) 495-1917

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: May 22, 2007

End of 60-Day Decision Period: July 21, 2007

Ward: 7 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association

Existing Zoning: B4S-2 Downtown Service District and DP Downtown Parking Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Legal Description: Not applicable for this application

Proposed Use: Extend the hours open to the public for an existing restaurant.

Concurrent Review: Conditional Use Permit to extend the hours open to the public from 1:00 a.m. to 3:00 a.m. for an existing restaurant.

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

Background: Jimmy John's, located at 600 Hennepin Avenue in Block E, is proposing to extend their hours open to the public to 3:00 a.m. In the B4S district, businesses are allowed to be open to the public from 6:00 a.m. to 1:00 a.m. A conditional use permit is required to extend the hours. The restaurant has been in operation at this site since 2003. The operating hours of 10:30 a.m. to 3:00 a.m. have been maintained since the City extended the bar closing time from 1:00 a.m. to 2:00 a.m. However, they did not obtain a conditional use permit to remain open after 1:00 a.m. As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development 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.

According to the Business Licensing Division of the Regulatory Services Department, Jimmy John's has had only one complaint related to not allowing access to the restrooms after a certain time. The restaurant has remedied the situation. Also, the Police Department did not cite any history of problems related to this use. The extension of hours should not prove detrimental to public health, safety, comfort or general welfare provided the use complies with all applicable 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.

Uses in the immediate area are nonresidential and include other restaurants, nightclubs, a book store, offices and a hotel. The extension of hours should have little impact on surrounding properties.

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

The site is served by existing infrastructure.

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

Most of the patrons are pedestrians. Public parking is available on-street and off-street in parking structures.

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

The site is within an area designated as "entertainment" in the *Downtown 2010 Plan*. The plan promotes street-level retail and entertainment in this area to create vitality.

In the *Downtown East/North Loop Master Plan*, the site is located in an area where street-level retail is encouraged throughout the district. In areas where retail is appropriate, the plan calls for "encourage[ing] retail uses that promote extended hours of operation—such as restaurants, coffee shops, bookstores, and the like—in pursuit of city streets that are lively at most hours of the day and night."

Staff comment: The extended hours would be consistent with the goals of these plans adopted by the City Council.

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 use will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permit.

Additional Findings Required to Extend Hours Open to the Public:

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.

There are no residential uses in the immediate area.

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

The use is pedestrian oriented and produces little vehicle traffic. Other impacts of the business, including light and noise, are also insignificant.

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

The use will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permit.

4. History of complaints related to the use.

According to the Business Licensing Division of the Regulatory Services Department, Jimmy John's has had only one complaint related to not allowing access to the restrooms after a certain time. The restaurant has remedied the situation. Also, the Police Department did not cite any history of problems related to this use.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to extend the hours open to the public from 1:00 a.m. to 3:00 a.m. for a restaurant located at the property of 600 Hennepin Avenue.

Attachments:

- 1) Findings
- 2) Correspondence
- 3) Zoning map
- 4) Plans
- 5) Photos