

**Department of Community Planning and Economic Development – Planning
Division**
Conditional Use Permit
BZZ-5425

Date: December 12, 2011

Applicant: Michael Swenson and Stinson Marketplace, LLC, 971 Sibley Memorial Highway #300, St. Paul, MN 55118, (651) 698-3452

Addresses of Property: 2303 18th Avenue NE

Project Name: 2303 18th Avenue NE

Contact Person and Phone: Robert Anderson, 2858 Arthur Street NE, Minneapolis, MN 55418, (612) 709-4076

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

Date Application Deemed Complete: November 9, 2011

End of 60-Day Decision Period: January 8, 2012

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

Ward: 1 **Neighborhood Organization:** Windom Park Citizens in Action & Northeast Park Neighborhood Association

Existing Zoning: C2 (Neighborhood Corridor Commercial) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 10

Lot area: 43,124 square feet or approximately .99 acres

Legal Description: Not applicable for this application

Proposed Use: Establish a new liquor store on the premises.

Concurrent Review:

- Robert Anderson, on behalf of Michael Swenson and Stinson Marketplace, LLC, has submitted an application for a Conditional Use Permit to allow a new off-sale liquor store in the C2 (Neighborhood Corridor Commercial) district as a new tenant within the existing multi-tenant Stinson Marketplace located at 2303 18th Avenue NE.

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

Background: The applicant proposes to establish a new 4,083 square foot liquor store as a new tenant within the existing multi-tenant Stinson Marketplace located on the property at 2303 18th Avenue NE. The property is zoned C2, Neighborhood Corridor Commercial District and is located to the northeast of the Quarry Shopping Center and due west of Stinson Parkway. Off-sale liquor stores are conditional uses in the C2 district and are also subject to specific development standards as outlined in Chapter 536 of the Zoning Code that includes compliance with Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter. Preliminary review by the City’s Licensing Department suggests that the site meets all applicable spacing requirements.

Stinson Marketplace is technically defined as a shopping center and includes a liquor store, several retail sales and services uses, and a delicatessen. The proposal to locate a liquor store on the premises requires a conditional use permit; the other components/uses are permitted in the C2 district although under the umbrella of a shopping center use which is a conditional use. Staff has determined that the changes to the overall approved plan are minor in nature and that requiring an amendment to the conditional use permit for a shopping center would be duplicative as the only modifications proposed are internal to the structure. A total of six tenant spaces currently exist in the building, five of which are occupied. Patina (2854 square feet), Great Clips (1,275 square feet), Mystic Nails (3,402 square feet), Tobacco Outlet Plus (3,402 square feet) and Jimmy Johns (1,971 square feet) currently occupy the building.

The shopping center was originally approved in 1997 (PR-366) in conjunction with adjacent townhomes. The site received site plan approval in 2004 (BZZ-1885) to allow alterations to the shopping center. The alterations resulted in the removal of a greenhouse structure that was attached to the east side of the building and a single-tenant addition was constructed in that location. The site does not appear to be currently in compliance with the approved landscape plan per BZZ-1885 pertaining to screening requirements adjacent to 18th Avenue NE and Stinson Parkway.

Staff has not received any official correspondence from the Windom Park Citizens in Action or the Northeast Park Neighborhood Association prior to the printing of this report. Neighborhood letters received have been attached to the staff report. Any additional correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

CONDITIONAL USE PERMIT –to establish a new liquor store

Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:

The Minneapolis Department of Community Planning and 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.

Allowing a liquor store to locate in a 4,083 square foot tenant space within an existing multi-tenant building would not be expected to have negative impacts on the area. The liquor store would replace the flower shop that previously occupied the space. Allowing a new commercial use in the building would be expected to contribute to the overall goal of providing a wide range of goods and services within the immediate neighborhood.

Staff would not expect that the proposal would have adverse impacts or prove detrimental to public health, safety, comfort or general welfare. Planning Staff would recommend that the Planning Commission approve the conditional use permit subject to compliance, with the specific development standards as outlined in Section 536.20, with the window sign provision as stated in Section 543.480 of the Zoning Code, as well as upon submission of a merchandising plan that indicates that no shelving, displays or other mechanisms shall obstruct views into and out of the building.

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.

All proposed modifications would be interior to the structure as a tenant finish. No additional square footage would be added to the existing building. The previous use of the space proposed to be occupied by the liquor store was a flower shop. Staff would not expect that the establishment of a liquor store on the premises would be injurious to the use and enjoyment of other property in the vicinity, nor would it impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

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.

Chapter 541 of the zoning code would require one space per 500 square feet of gross floor area for a liquor store. Based on the gross floor area of the proposed liquor store which is approximately 4,083 square feet, a total of five off-street parking spaces would be necessary for this use.

A total of six tenant spaces currently exist in the building, five of which are occupied. Patina (2854 square feet), Great Clips (1,275 square feet), Mystic Nails (3,402 square feet), Tobacco Outlet Plus (3,402 square feet) and Jimmy Johns (1,971 square feet) currently occupy the building. Patina, Great Clips and Mystic Nails, all categorized as general retail sales and service, and the tobacco shop are subject to a minimum parking requirement of one space per 500 square feet of gross floor area in excess of 4,000 square feet. None of these tenant spaces exceed 4,000 square feet but are greater than 1,000 square feet; therefore, each tenant space requires a minimum of four spaces. A total of 16 spaces would be required for these uses. The delicatessen use is subject to a minimum parking requirement of one space per 500 square feet of gross floor area up to 2,000 square feet. Four spaces are also required for this use based on the square footage.

Overall, a minimum of 25 spaces are required for the development. A total of 55 spaces exist on the premises as well as three bicycle parking spaces. Staff believes that adequate measures exist to minimize traffic congestion in the public streets.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located to the northeast of the Quarry Shopping Center, a Major Retail Center, and due west of Stinson Parkway. The property is designated as mixed-use and the general area consists of various commercial and residential uses. The development serves as a transition between the Major Retail Center and the surrounding residential uses to the north and west. The mixed-use designation allows for mixed use development, including mixed-use with residential. Mixed-use may include either a mix of retail, office or residential uses within a building or within a district. There is no requirement that every building be mixed-use. The proposal to locate a new liquor store within the existing shopping center on the property is consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 states, “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 states, “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.” The following applicable implementation steps also apply: (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.”

Land Use Policy 1.16 states, “Support a limited number of Major Retail Centers, while promoting their compatibility with the surrounding area and their accessibility to transit, bicycle and foot traffic”. The following applicable implementation step applies (1.16.1) “Encourage the development of mixed residential, office, institutional and, where appropriate, small-scale retail sales and services to serve as transitions between Major Retail Centers and neighboring residential areas.

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 rezoning request, relevant variances, and site plan review.

If all land use/zoning applications are approved, including the conditional use permit for a new off-sale liquor store as well as compliance with the applicable specific development standards, the proposal would comply with all applicable provisions of the C2 District.

The specific development standards for a liquor store, off-sale, are as follows:

- (1) 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, alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

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Any new signage proposed for the site would require a separate permit from the Zoning Office and would further be required to comply with all applicable standards outlined in Chapter 543 of the Zoning Code. Backlit signs are prohibited. Any/all window signage would need to comply with Section 543.480 of the Zoning Code.

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 application for a conditional use permit to allow a new 4,083 square foot liquor store in the existing building on the property located at 2303 18th Avenue NE 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.
2. A final merchandising plan shall be submitted to Planning Staff for review and approval. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows.
3. Compliance with the specific development standards for a liquor store, off-sale, as defined by Chapter 536.20 of the Zoning Code.
4. Compliance with the window sign provision as stated in Chapter 543.480 of the Zoning Code.
5. The property owner shall install landscaping in compliance with the approved landscape plan per BZZ-1885, as it pertains to screening requirements adjacent to 18th Avenue NE and Stinson Parkway.

Attachments:

1. Statement of use/description/CUP findings
2. Correspondence
3. Zoning map
4. Plans – site, floor plan, previously approved plans for the site
5. Pictures of the existing conditions