

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ-5655

**Date:** August 27, 2012

**Applicant:** American Legion Johnny Baker Post No. 291

**Address of Property:** 2038 West Broadway

**Project Name:** American Legion

**Contact Person and Phone:** Elton Johnson, (952) 200-5048

**Planning Staff and Phone:** Aly Pennucci, (612) 673-5342

**Date Application Deemed Complete:** July 31, 2012

**End of 60-Day Decision Period:** September 29, 2012

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

**Ward: 5**      **Neighborhood Organization:** Jordan Area Community Council

**Existing Zoning:** C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District

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

**Zoning Plate Number:** 7

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

**Proposed Use:** Club or lodge, with limited entertainment

**Concurrent Review:**

**Conditional Use Permit:** for a club or lodge, with limited entertainment.

**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits; Chapter 548 Commercial Districts

**Background:** The American Legion Johnny Baker Post No. 291 has submitted an application for a conditional use permit to establish a club or lodge, with limited entertainment within the existing building located at 2038 West Broadway. The property is zoned C1 and a club or lodge, with limited entertainment, is a conditional use in the C1 District. The subject site is 5,625 square feet and the majority of the site is occupied by the existing single-story building. The building was previously occupied by two general retail sales and services uses. The applicants will utilize the entire building for their club but no expansions or additions are proposed to accommodate the use.

As of the writing of this report staff has not received comments from the Jordan Area Community Council. Any comments, if received, will be forwarded to the Planning Commission.

**CONDITIONAL USE PERMIT (for a club or lodge, with limited entertainment)**

**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 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.**

The Planning Division does not believe that the club will be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed club will be located within the building and no expansions are proposed at this time. The applicants will repair and improve the exterior façade and are planning interior renovations to accommodate the club. The primary mission for the club is to provide information, resource and outreach to veterans and host occasional gatherings. There are no active business licenses for this use and the applicants are not proposing any alcohol related licenses at this location.

**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 Planning Division does not believe that allowing a club within an existing building in the C1 district would be injurious to the use and enjoyment of surrounding property nor would it impede the normal development of the surrounding area. The subject site is adjacent to residential uses to the north and east and is adjacent to a vacant lot to the south. The properties to the south and west are a mix of residential and commercial uses. The proposed club will host occasional gatherings for the members and will serve as a resource for veterans from the area.

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

Roads and utilities are existing and adequate. No changes are proposed as part of the project.

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

The existing building occupies the majority of the site. The building was previously occupied by two general retail sales and services uses that required a total of six off-street parking spaces; three parking stalls are provided on-site and, because the building was constructed prior to the City's first off-street parking requirement, the three additional spaces were grandfathered in. The

vehicle parking requirement for a club is one space per 500 square feet of gross floor area excluding rooming units plus one space per rooming unit (no rooming units are proposed). The subject site is also located within the PO Pedestrian Oriented Overlay District which requires that only 75 percent of the minimum requirement be provided. The building is 4,196 square feet in area, requiring 6 off-street parking stalls. The building has three existing parking stalls located to the rear of the building that do not conform to the dimensional requirements of the zoning code but were previously established and are grandfathered in. These parking spaces are accessed via the alley. No changes are proposed. The property has grandfather rights to the three remaining parking spaces.

The bicycle parking requirement for a club is 3 short-term spaces. No bicycle parking is shown on the site plan submitted by the applicants. As a condition of approval, staff recommends that bicycle parking is provided.

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

The site is designated as mixed use on the future land use map in *The Minneapolis Plan for Sustainable Growth*. 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. The site is located along West Broadway which is a designated Commercial Corridor in this location. According to *The Minneapolis Plan for Sustainable Growth*, “Commercial Corridors can accommodate intensive commercial uses and high levels of traffic. 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 mainly commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate.” The property is also located within the West Broadway and Penn Avenue neighborhood commercial node. According to the comprehensive plan, “Minneapolis’ Neighborhood Commercial Nodes are typically comprised of a handful of small- and medium-sized businesses focused around one intersection. These nodes primarily serve the needs of the immediate surrounding area, although they may also contain specialty stores that serve a regional client base. Neighborhood business prosperity varies throughout the city and is affected by a variety of factors, including the buying power in the surrounding locality and competition from other commercial areas.”

The following policies of the Comprehensive Plan apply to this project and this site:

**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.**

- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

**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.**

- 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 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.**

- 1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.
- 1.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.
- 1.5.3 Promote the preservation of traditional commercial storefronts wherever feasible.

**Land Use Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.**

- 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.
- 1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.
- 1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

**Land Use Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.**

1.11.2 Support the continued presence of small-scale, neighborhood-serving retail and commercial services in Neighborhood

Staff finds that the conditional use permit to allow a club is in conformance with the comprehensive plan. In addition, the *West Broadway Alive* plan which was adopted by the City Council in 2008, is a small area plan that covers the subject site. The plan guides future development and public realm improvements, and offers a roadmap for revitalization by naming near- and long-term actions to be undertaken around which the energy and resources of stakeholders can be focused. The future land use map in the plan identifies the property as mixed-use. The proposal to adaptively re-use the single-story commercial building and to locate a club with limited entertainment within the existing building is supported by adopted policy.

**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.**

With the requested conditional use permit the use will conform to the applicable district regulations.

**RECOMMENDATIONS:**

**Recommendation of the Community Planning and Economic Development Department - Planning Division for the amended conditional use permit:**

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 for a club or lodge, with limited entertainment, at 2038 West Broadway in the C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District, 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. The applicant shall provide a minimum of three bicycle parking spaces on site or within the public right-of-way, as approved by the city engineer.
3. All site improvements shall be completed by August 27, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Statement from applicant
2. Correspondence to the neighborhood group and council office
3. Zoning maps
4. Site plans and floor plans and photos