

Department of Community Planning and Economic Development
Conditional Use Permit
BZZ-5898

Date: February 4, 2013

Applicant: Daniel Kerkinni

Address of Property: 1851 Central Avenue Northeast

Project Name: New liquor store

Contact Person and Phone: Daniel Kerkinni, (612) 269-3119

CPED Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: December 27, 2012

End of 60 Day Decision Period: February 25, 2013

Ward: 1 **Neighborhood Organization:** Windom Park and neighboring Holland Neighborhood Improvement Association and Logan Park Neighborhood Association.

Existing Zoning: C2, Neighborhood Corridor Commercial District

Zoning Plate Number: 10

Legal Description: Not applicable for this application

Proposed Use: Liquor store

Concurrent Review:

Conditional Use Permit: To allow for an off-sale liquor store.

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

Background: The applicant proposes to establish an off-sale liquor store in an existing building at 1851 Central Avenue Northeast. The building was built in 2007 for Porky's Restaurant. Falafel King, the most recent tenant, closed in 2012.

The neighboring properties along Central Avenue Northeast are primarily a mix of commercial, multifamily, and mixed-use development. The Minneapolis Police Department's 3rd Precinct building is located to the north (1911 Central Avenue Northeast). The properties directly to the east (along 19th Avenue Northeast) are residential.

The subject property is 14,040 square feet and contains a one-story building that is 2,150 square feet. The building has a drive-through window on the east elevation from the previous restaurant uses. However, if the off-sale liquor store receives all city approvals, it will not be allowed to maintain the drive-through for the sale of liquor per State of Minnesota Statute 7515.0570.

Off-sale liquor stores are a conditional use in the C2 district and have specific development standards outlined in Chapter 536. The development standards include spacing requirements and maintaining the site and area free of litter. The applicant will also be required to obtain a license for an off-sale liquor store. CPED worked with the City's Licensing Department to determine that the subject parcel appears to meet the following spacing requirements:

- It contains more than 5 acres of contiguous C2/Neighborhood Corridor Commercial zoning;
- It is located more than 300 feet away from a religious institution and school;
- And it is located at least 2,000 feet away from another liquor store.

The applicant is proposing a wall sign for the Central Avenue elevation that meets zoning code size requirements. The sign is 11'4" wide by 2' tall (22.5 square feet).

No changes are proposed to the site as part of this application. Last year, the site came in to full compliance with their 2006 site plan review requirements.

Staff received a letter from the Windom Park Citizens in Action neighborhood organization stating their opposition to the off-sale liquor store project. The letter stated that the neighborhood voted unanimously to not support the application. The letter explains that the reason for this nonsupport was that the applicant failed to attend their January meeting to present details of the project and to gain community feedback.

Correspondence received between the publication of the staff report and the Planning Commission meeting will be forwarded to the commission for consideration.

CONDITIONAL USE PERMIT - to allow an off-sale liquor store in an existing building

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department 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.**

Staff would not expect that the proposal would have adverse impacts or prove detrimental to public health, safety, comfort or general welfare. The proposed establishment appears to meet the City of Minneapolis spacing requirements for off-sale liquor stores. In addition, the liquor store

will fill a vacant storefront and contribute to the overall goal of providing a wide range of goods and services within the immediate neighborhood.

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 establishment and operation of the off-sale liquor store will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development of surrounding property for uses permitted in the district.

The applicant will be required to obtain a business license. The proposed location appears to meet the business license spacing requirements for the establishment of a new off-sale liquor store. The spacing requirements were established to prohibit multiple off-sale liquor stores concentrating in one area.

If the applicant gains all city approvals for the liquor store and opens the proposed establishment at this location, it will preclude another liquor store from opening within at least 2,000 feet of the subject property.

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.

Adequate measures will be provided to minimize traffic congestion on public streets. The subject property exceeds their minimum parking requirement for vehicles and bicycles. Per Chapter 541 of the Minneapolis Zoning Code, the proposed 2,150 square foot liquor store is required to have parking for five vehicles (one space per 500 square feet of gross floor area) and three bicycles. The applicant is proposing to maintain the 14 vehicle parking spaces and parking for four bicycles. The applicant is also proposing to maintain the one access and one exit point to the site that was approved by the City of Minneapolis in 2006. The curb cut on Central Avenue provides access to the parcel and the curb cut on 19th Avenue Northeast provides the exit.

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

The proposed use would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. Central Avenue Northeast from 15th Avenue Northeast to 31st Avenue Northeast is designated as a commercial corridor. Commercial corridors are designated Minneapolis streets that tend to have high traffic volumes that support a wide range of commercial uses, including off-sale liquor stores.

The future land use of the site is designated as mixed use. Mixed use may include either a mix of retail, office or residential uses within a building or within a district; however, there is no requirement that every building be mixed use. If approved, the applicant will bring a commercial use to the area, fill a vacant store front, and potentially make the site more attractive for a future mixed-used redevelopment by increasing the vitality of Central Avenue.

According to the principles and policies outlined in this plan, the following apply to this proposal:

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.

Applicable Implementation Step

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.3 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.

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

Applicable Implementation Step

- 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.

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.

Applicable Implementation Step

- 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.

The proposed project is also consistent with the *Central Avenue Small Area Plan (adopted by the City Council in 2008)*. The 2008 plan divided Central Avenue into three sections. The subject property is within the Central Segment, between 18th Avenue Northeast and 27th Avenue Northeast. The *Central Avenue Small Area Plan* considers this stretch to be the “historic commercial strip” and the goal of this area is to “have a vibrant mixed-use street alive with a range of businesses that serve all of Northeast as well as a series of niche markets attracting customers from around the region.” The proposed project will contribute to having a range of businesses that serve Northeast Minneapolis.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

The use will conform to the applicable regulations of the district in which it is located, including the specific development standards for an off-sale liquor store. 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.

The most current City of Minneapolis Regulatory Services Map shows that the site appears to comply with the spacing requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances.

The site is in compliance with the site plan approved by the City in 2006.

Window signs, shelving, mechanical equipment, newspaper racks, and similar fixtures shall be in compliance with Section 530.120 and Section 543.480 of the Minneapolis Zoning Code in terms of maintaining views into and out of the building at eye level.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to allow an off-sale liquore store for the property located at 1851 Central Avenue Northeast, 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 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.
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.

4. A final merchandising plan shall be submitted to CPED 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.
5. Compliance with the window sign provision as stated in Chapter 543.480 of the Zoning Code.
6. The landscaping of the site shall be maintained in a manner that is in compliance with the 2006 City Council approvals.

Attachments:

1. Statement and findings from applicant
2. Conditional use permit findings
3. Letter authorizing application
4. Letters to council office and neighborhood organizations
5. Zoning, future land use, and off-sale liquor license map
6. Site plan and floor plan
7. Aerials and photos
8. Proposed sign
9. Correspondence