

Department of Community Planning and Economic Development
Conditional Use Permit
BZZ-5967

Date: March 25, 2013

Applicant: MN Halal Market, Inc., Attn: Abdinasir Mohamed, 1926 Chicago Avenue, Minneapolis, MN 55404, (612) 879-5002

Addresses of Property: 1926 Chicago Avenue (1910 Chicago Avenue) and 732 Franklin Avenue East

Project Name: Halal Market

Contact Person and Phone: MN Halal Market, Inc., Attn: Abdinasir Mohamed, 1926 Chicago Avenue, Minneapolis, MN 55404, (612) 879-5002

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

Date Application Deemed Complete: February 21, 2013

End of 60-Day Decision Period: April 22, 2013

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

Ward: 6

Neighborhood Organization: Ventura Village

Existing Zoning: C2 (Neighborhood Corridor Commercial) District and NP (North Phillips) Overlay District.

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 20

Lot area: 43,054 square feet or approximately .98 acres

Legal Description: Lots 14 to 17 including also the south 50 feet of Lot 13 including all of adjacent vacated alley, Auditor's Subdivision No. 002, Hennepin County, Minnesota.

Proposed Use: To allow limited production and processing within an existing grocery store.

Concurrent Review:

- MN Halal Market, Inc., has applied for a Conditional Use Permit for limited production and processing within the existing grocery store on the property located at 1926 Chicago Avenue (1910 Chicago Avenue) and 732 Franklin Avenue East.

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

Background: The site consists of a single-story, commercial, multi-tenant structure on the property located on the northwest corner of Chicago Avenue and Franklin Avenue at 1926 Chicago Avenue (1910 Chicago Avenue) and 732 Franklin Avenue East. The building was constructed in 1992 and is

approximately 18,024 square feet in size. The subject tenant space is occupied by an existing grocery store that sells ethnic food, halal meat and other products. The applicant proposes to repackage food products that include spices, corn meal and red beans for resale accessory to the existing use of the property as a grocery store. Repackaging of food products for resale is defined as limited production and processing. The property is zoned C2 (Neighborhood Corridor Commercial) District and is located in the NP (North Phillips) Overlay District. Grocery stores are permitted uses in the C2 district; limited production and processing requires a conditional use permit, thus the application. The NP Overlay District was established to create additional housing, to promote home ownership and to allow a variety of housing types, costs and arrangements that may not meet the regulations of the primary zoning district. This overlay is not applicable in this specific circumstance.

The applicant does not propose to modify the existing structure as the limited production and processing can be accommodated within the existing grocery store. The applicant intends to sell approximately 60% of the bulk materials at his store and approximately 40% to other stores.

Staff has not received official correspondence from Ventura Village or any neighborhood letters or emails prior to the printing of this report. Any correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

CONDITIONAL USE PERMIT – for limited production and processing

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

The Minneapolis Department of Community Planning and Development, 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.

There is an existing grocery store that occupies the subject tenant space on the property. The applicant proposes to utilize a portion of the grocery store for small-scale limited production and processing. No expansions or modifications to the existing tenant space would need to be made. The applicant proposes to repackage food products that include spices, corn meal and red beans for resale accessory to the existing use. Repackaging of food products for resale is defined as limited production and processing. Staff concludes that the proposal would not prove detrimental to public safety, comfort or general welfare given its accessory nature and the minor scale of the operation.

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 existing building located on the premises is a single-story, commercial, multi-tenant structure. The existing grocery store with the addition of small-scale limited production and processing to resell bulk spices, corn meal and red beans would prove compatible with the surrounding uses and should not impede or have any impact on the normal and orderly development of the area.

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

The current configuration of the site has two curb cuts, one off of Chicago Avenue and one off of Franklin Avenue East. Both curb cuts would remain as no modifications to the site are proposed. Currently, a total of 47 surface parking stalls exist on site which is sufficient for the existing development.

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

The request to allow limited production and processing accessory to an existing grocery store has no impact on the off-street parking requirement. A total of 47 surface parking spaces exist on the premises which would exceed the minimum requirements for the development. Adequate measures have been provided to minimize traffic congestion in the public streets. Further, the site is in close proximity to several existing transit lines; a bus stop is located directly abutting the site along Chicago Avenue.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject site is designated as mixed-use and is located at the intersection of Chicago Avenue and Franklin Avenue East which are both designated Commercial Corridors. Regarding the mixed-use designation the plan states that “it 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.” Further, there is no requirement that every building be mixed-use; the building is existing. Commercial Corridors “serve as boundaries connecting a number of neighborhoods and serve as focal points for activity. Development and revitalization of these corridors helps to strengthen surrounding urban neighborhoods. 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. Additionally, the City encourages new medium- to high-density residential development along Commercial Corridors, particularly as part of mixed use development. These corridors frequently carry large traffic volumes and must balance significant vehicular through-traffic capacity with automobile and pedestrian access to commercial property.” The proposal to allow limited production and processing accessory to an existing grocery store is consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* 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.” This policy includes the following 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.”

Land Use Policy 1.10 states, “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.”

There is an additional plan that must be considered when evaluating the proposal which is the *Chicago Avenue Corridor Plan*. The *Chicago Avenue Corridor Plan* and associated zoning changes were approved by the City Council in 2012. The plan provides guidance for future development and land use

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changes, outlines multimodal transportation initiatives in the area, and includes an action plan for focusing investment on Chicago Avenue. The subject parcels were commercially zoned prior to the initiation of the plan. The subject parcels are highlighted on the Opportunities Map with the notes, “Improved urban prototype retail node”, and “Mixed use infill development”. The corridor is broken down into three sub-areas – the subject parcels are located in the “Mixed use” sub-area. The plan states that “land use and development in this area should exhibit characteristics consistent with the Commercial Corridor designation of the comprehensive plan, which supports a mix of uses such as retail sales, office, institutional, and high-density residential. While any of these land uses may be present in standalone buildings, city policy encourages mixing uses within a building.”

The proposal to allow limited production and processing within the existing grocery store located in the retail strip development on the subject site is in compliance with *The Minneapolis Plan for Sustainable Growth* and the *Chicago Avenue Corridor Plan*.

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 the conditional use permit is approved, the proposal would appear to comply with all applicable provisions of the C2 District. Further, the site must comply with the approved landscape plan for the site; the property owner shall be responsible for the replacement of all required tree and shrub plantings as applicable.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow limited production and processing within an existing grocery store on the properties located at 1926 Chicago Avenue (1910 Chicago Avenue) and 732 Franklin Avenue East 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 two years of approval.
2. All landscaping shall be in compliance with the approved plan. The property owner shall replace all required tree and shrub plantings.

Attachments:

1. Statement of use and description/findings
2. Correspondence
3. Zoning map
4. Plans
5. Pictures of the existing conditions