

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-2367

Date: June 13, 2005

Applicant: Facility Management Partners, LLC

Address of Property: 2700 East Lake Street

Project Name: Denny's

Contact Person and Phone: Tracy Beasley, (763) 566-0073

Planning Staff and Phone: Lonnie Nichols, (612) 673-5468

Date Application Deemed Complete: May 11, 2005

End of 60-Day Decision Period: July 9, 2005

End of 120-Day Decision Period: Not applicable at this time

Ward: 9 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: C2 (Neighborhood Commercial Corridor) with PO (Pedestrian Oriented) Overlay

Proposed Zoning: No change proposed, not applicable for this application

Zoning Plate Number: 27

Legal Description: No zoning change proposed, not applicable for this application

Proposed Use: 24-hour operation of an existing ground floor restaurant in mixed-use commercial building.

Concurrent Review: Conditional Use Permit for 24-hour operation of restaurant, sit down

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 548, Commercial Districts, Chapter 551, Overlay Districts.

Background: Tracy Beasley has filed application for a conditional use permit to extend hours of operation to 24-hours daily for the Denny's restaurant located on the ground floor of the Coliseum building at 2700 East Lake Street in the C2 district. The Denny's is currently open during the regular hours of operation allowed under the C2 district, from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The subject site is also located in a Pedestrian Oriented Overlay district and the Lake Street/Midtown LRT-Transit Station Area.

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The Coliseum building is a 1920's, 3-story, brick building. The Board of Adjustment approved a variance (BZZ 1176) for a vintage-style marquee sign for the building on May 28, 2003. There are no residential tenants in the building. The commercial tenants include restaurant (Denny's and Manny's Tortas), health (La Clinica and CLUES), and social service (Advocacy Alliance and La Oportunidad) uses. The subject site is located adjacent to a C3S (Community Shopping Center) district that includes two grocery stores (Cub Foods and Rainbow) that operate 24 hours per day, and the Third Precinct of the Police Department is located one block away on the opposite side of Lake Street. The site is located approximately three blocks east of the Lake Street/Midtown LRT-Transit Station. The City's Crime Prevention Through Environmental Design Officer was supportive of the Denny's application for 24-hour operation. A nearby neighbor has submitted a statement of support, indicating that Denny's does not serve alcohol and should not create a parking problem. The Longfellow Community Council voted unanimously to approve the CUP for 24-hour operation of the Denny's.

CONDITIONAL USE PERMIT:

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.

Extending the hours of operation to 24-hours per day of this sit down restaurant, located within the Lake Street LRT transit station area and within close proximity to the Third (Police) Precinct and two grocery stores with 24-hour operation, will not be detrimental to or endanger the public health, safety, comfort or general welfare.

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 sit down restaurant is located in a fully developed commercial area on a commercial corridor in the C2 district with a pedestrian oriented overlay. There are no residential units in the same building or on the same block face as the subject site. 24-hour operation of the Denny's restaurant will not be injurious to the use and enjoyment of other property in the vicinity and should not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. Staff uses the following criteria to determine compatibility of extended hours with the surrounding area.

Proximity to permitted or conditional residential uses. There are no residential tenants in the building or on the same block face as the subject site. The commercial tenants include restaurants (Denny's and Manny's Tortas) at the ground floor, health (La Clinica and CLUES), and social service (Advocacy Alliance and La Oportunidad) uses. The subject site is located adjacent to a C3S (Community Shopping Center) district that includes two grocery stores (Cub Foods and Rainbow) that operate 24 hours per day, and the Third Precinct of the Police Department is located one block away on

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the opposite side of Lake Street. The site is located approximately three blocks east of the Lake Street/Midtown LRT-Transit Station. The Planning Commission previously approved a multi-family apartment building (Hiawatha Commons by Alliance Housing) that will be located approximately 2 blocks northwest of the subject site.

Nature of the business and its impacts of noise, light and traffic. The applicant is proposing to keep the existing Denny's restaurant open 24-hours a day, seven days a week. Given that the site is located on a commercial corridor served by public bus and LRT transit and there are two grocery stores in the immediate vicinity that already operate 24-hours per day, staff does not believe the 24-hour operation of the Denny's, sit down restaurant will create a significant amount of noise, light, and traffic.

Conformance of use. Sit down restaurants are a permitted use in the C2 and PO zoning district. The applicant has been a ground floor tenant of the Coliseum building for the past three years. The applicant is currently operating the business during the hours allowed under the C2 district. The Board of Adjustment approved a variance (BZZ 1176) for a vintage-style marquee sign for the building on May 28, 2003.

Complaints received. Staff printed a police incidents report from the City of Minneapolis property information webpage for 2700 East Lake Street, which includes Denny's and the rest of the uses in the Coliseum building. There have been 38 incidents and 3 reports filed from January 1, 2005, through May 23, 2005, one of which was a check one down during extended hours. From January 1, 2004, to December 31, 2004, there were 89 incidents reported and 6 reports filed. Three (3) of the incidents occurred during extended hours (1 hit and run, 1 slumped in vehicle, 1 biz audible alarm) with no reports filed. During the five year period from January 1, 1999, to December 31, 2003, there were 185 incidents and 31 reports filed. Five (5) of the incidents occurred during extended hours (1 domestic abuse, 1 intoxicated person, 2 biz audible alarms, 1 bldg walk thru) with no reports filed. However, it is not clear that any of the incidents or reports listed can be directly attributed to Denny's.

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

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

Extended hours of operation should not add significantly to traffic congestion in the public streets during late night hours. The development has provided 46 parking stalls and there is curbside parking on 27th Avenue South in front of the establishment. The site is located on a bus route and approximately three blocks East of the Lake Street/Midtown LRT-Transit Station.

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

MINNEAPOLIS PLAN: *The Minneapolis Plan* designates this area of Lake Street as a commercial corridor. Commercial Corridors are streets that are available for development including more intensive commercial and high traffic activities. However, commercial corridors must also balance both pedestrian and automobile orientation in their design and development. The plan has the following policies and relevant implementation steps to this application:

4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.

Relevant Implementation Steps

Develop standards based on a recognition of the qualities that make urban 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 which add interest at the scale of the pedestrian.

Designate certain streets as commercial corridors with the adoption of this Plan.

4.3 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Relevant Implementation Steps

Designate a network of Commercial Corridors. (See criteria above.)

Support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.

Ensure that commercial uses do not negatively impact nearby residential areas.

Regulate impacts of commercial uses, and in some cases prevent some uses from locating on designated Commercial Corridors, due to their adverse impacts on the viability of nearby residential areas.

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.

Develop economic development incentives for the rehabilitation, re-use and revitalization of older or historic commercial buildings and districts.

Ensure that parking structures and surface lots conform with identified design principles. (See discussion of traditional urban form in Chapter 9.)

Reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.

Require that street design for Commercial Corridor streets provide automobile access and parking in keeping with traditional urban form

Require that street designs provide high quality access to Commercial Corridors for pedestrians and cyclists, as well as facilitate transit service and through passage of traffic.

4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Relevant Implementation Steps

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Plan, implement and monitor projects and programs that encourage and support the city's neighborhood commercial areas.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

Maximize the effectiveness of city support services and continue to build successful partnerships with the business community, neighborhood groups and other interested parties.

4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Relevant Implementation Steps

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

Discourage automobile services and drive-through facilities from locating or expanding in these designated areas.

4.19 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Relevant Implementation Steps

Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).

Work in partnership with neighborhoods and businesses to enhance the safety and aesthetics of TSA streets and sidewalks through installation of streetscape elements (e.g., lighting, trees, and street furniture).

Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

4.21 Minneapolis recognizes that parking is a necessary part of the urban environment, but will limit the amount, location and design of parking in TSAs in order to encourage and support walking, bicycling, and transit use.

Relevant Implementation Steps

Establish upper limits on the amount of off-street parking so that walking, bicycling and transit use are not discouraged.

Allow reductions in minimum off-street parking requirements.

Support shared use of parking by commercial uses with different peak periods of parking demand.

Use parking meters and other parking management practices to ensure an adequate supply and turnover of on-street parking for commercial activities.

Discourage long-term on-street parking by non-residents.

Work in partnership with other entities to identify opportunities for shared parking facilities to strategically support the development within TSAs.

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 is in conformance with the applicable policies of the zoning code for the C2 zoning district. Denny's is also subject to the following specific development standards from Chapter 536 of the zoning code for a restaurant, sit down:

(1) Where alcoholic beverages are served, not less than sixty (60) percent of total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and 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 and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

RECOMMENDATIONS

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

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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 for 24-hour operation of the Denny’s restaurant at 2700 East Lake Street, subject to the following conditions:

1. Compliance with the applicable specific development standards listed in Chapter 536 of the zoning code.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Police incidents report
5. Zoning map
6. Plans
7. Photos