

**Department of Community Planning and Economic Development – Planning  
Division**  
Conditional Use Permit  
BZZ-2466

**Date:** August 1, 2005

**Applicant:** Mike Mulligan, Miklin Enterprises, 4375 Trilliam Lane West, Minnetrista, MN 55364, (952)485-1917

**Address of Property:** 404 14<sup>th</sup> Avenue SE

**Project Name:** Jimmy Johns

**Contact Person and Phone:** Gary Fagerstrom, C.M. Architecture, 219 N. 2<sup>nd</sup> Street, Suite 301, Minneapolis, MN 55401, (612)338-6677

**Planning Staff and Phone:** Becca Farrar, (612)673-3594

**Date Application Deemed Complete:** June 28, 2005

**End of 60-Day Decision Period:** August 27, 2005

**End of 120-Day Decision Period:** Not applicable

**Ward:** 2      **Neighborhood Organization:** Marcy-Holmes Neighborhood Assn.

**Existing Zoning:** C1 (Neighborhood Commercial) District, PO (Pedestrian Overlay) District

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

**Zoning Plate Number:** 15

**Lot area:** 9,099 square feet or .21 acres

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

**Proposed Use:** Extend the permitted operational hours of a Jimmy Johns sandwich shop.

**Concurrent Review:**

- Conditional Use Permit to extend the operational hours of the proposed Jimmy Johns to 11 AM to 3 AM daily. The standard permitted operational hours in the C1 district are 6 AM to 10 PM Sunday thru Thursday and 6 AM to 11 PM Friday and Saturday.

**Applicable zoning code provisions:** Chapter 525: Article VII Conditional Use Permits - Section 548.300 (3) *Hours open to the public.*

**Background:** The applicant, Miklin Enterprises, has submitted a request to extend the operational hours for a Jimmy Johns gourmet sandwich shop which is proposed to be located in an existing multi-tenant storefront building at 404 14<sup>th</sup> Avenue SE in Dinkytown. The use is categorized as a delicatessen and is a permitted use in the C1 district. Under the C1 district requirements, the delicatessen is allowed to operate Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The applicant is proposing to extend the daily operational hours from 11:00 a.m. to 3:00 a.m.

There are other businesses located in close proximity that have hours of operation that are similar to those that Jimmy Johns is requesting. McDonalds was granted similar hours of operation in December of 2003, from 5:30 a.m. daily to 3:00 a.m.

Staff has analyzed the site in regard to crime and police calls. The information has been attached for reference. There have been no significant numbers of late night incidents on the property, however, it is important to note that the proposed business has not yet been established on the premises.

There is no parking associated with the proposed Jimmy Johns, however, the site is located in the Dinkytown PO, which does not require off-street parking for new non-residential uses per Section 551.160.

Any new signage or awning for the proposed Jimmy Johns would require a separate permit. A sign plan and permits are required before signage may be installed. An encroachment permit would be required should an awning project into the right-of-way.

Staff did not receive correspondence stating an official position on the application from the Marcy-Holmes Neighborhood Association prior to the printing of this report.

## **CONDITIONAL USE PERMIT -**

### **Required Findings for the Conditional Use Permit:**

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The use is relatively small in scale and is located in the Dinkytown area which contains a large population of university students, institutional buildings, multi-family dwelling units, and businesses serving the student population and broader community.

The police incidents have been attached for reference. There do not appear to be a significant number of late night incidents on the property, however, it is important to note that the business has not yet been established on the site. Staff does not believe that extending the permitted operational hours will 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.**

Given that the use is relatively small in scale and the location is generally non-residential in nature, extending the hours open to the public should not impede development of surrounding properties and would not affect the use and enjoyment of other properties in the area. There are R5 zoned residential properties approximately a block to the northeast of the site.

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

Utilities, access roads, drainage and other facilities would not be affected by extended hours of operation.

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

The scale of the use is such that congestion of the public streets would not be substantially affected during the hours the applicant has requested.

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

The Minneapolis Plan, Chapter 4.4 states: “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”.

This section of the Minneapolis Plan is consistent with a CUP for extended the permitted hours of operation for the proposed Jimmy Johns sandwich shop

**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.**

Upon approval of the conditional use permit for extended hours, this specific tenant shall conform to the applicable regulations of the C1 district.

**In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:**

**(1) Proximity to permitted or conditional residential uses.**

The use is not adjacent to or on the same block as permitted or conditional residential uses. The surrounding properties are predominantly zoned C1 or C2. The closest residentially zoned properties are located approximately a block to the northeast and are zoned R5.

**(2) Nature of the business and its impacts of noise, light and traffic.**

The use is small in scale and does not have a drive through facility. The business is a sandwich shop. There should be very minimal impacts of noise, light and traffic.

**(3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.**

The project is in conformance with general standards of the zoning ordinance. The property is located in the Dinkytown PO, which does not require off-street parking for new non-residential uses.

**(4) History of complaints related to the use.**

Staff reviewed police incidents associated with the property. According to City records, there have been a few police calls, however, the calls do not appear to be related to late night operational hours.

**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 **approve** the application for a conditional use permit to extend the operational hours for a Jimmy Johns sandwich shop from 11 a.m. to 3 a.m. daily, for property located at 404 14<sup>th</sup> Avenue SE.

**Attachments:**

1. Statement of use
2. Findings
3. Correspondence & Police reports
4. Zoning map
5. Plans
6. Photos

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