

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-2532

Date: August 29, 2005

Applicant: Wael Sakallah

Address of Property: 1523 Como Ave SE

Project Name: Wally's Corner Market

Contact Person and Phone: Natalie Volin, 1400 2nd St S Apt B113, Minneapolis, MN, 55454, (612) 205-6106

Planning Staff and Phone: Tara Beard, (612)673-2351

Date Application Deemed Complete: August 1, 2005

End of 60-Day Decision Period: September 30, 2005

End of 120-Day Decision Period: Not applicable

Ward: 1 **Neighborhood Organization:** Southeast Como Improvement Association

Existing Zoning: C1 (Neighborhood Commercial) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 15

Lot area: 10,704 square feet

Legal Description: Not applicable for this application

Proposed Use: Extend the permitted operational hours of Wally's Corner Market.

Concurrent Review:

- Conditional Use Permit to extend the operational hours of Wally's Corner Market to 10 AM to midnight seven days a week. 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, Wael Sakallah, has submitted a request to extend the operational hours for a small neighborhood convenience store that is located in a multi-tenant storefront building at 1523 Como Ave SE in the Southeast Como neighborhood. The use is categorized as general retail sales and services and is a permitted use in the C1 district. Under the C1 district requirements, the store is allowed to operate Sunday through Thursday from 6:00 AM to 10:00 PM and Friday and Saturday from 6:00 AM to 11:00 PM. The applicant is proposing to extend the daily operational hours from 10 AM to 12 AM

None of the existing businesses adjacent to Wally's Corner Market are open later than permitted operational hours. However, a cafe in the same building expressed interest in applying for a conditional use permit for later hours when they open this fall, and a larger convenience store four blocks to the east is open until 11 PM on weekdays.

Staff has analyzed the site in regard to crime and police calls. The information has been attached for reference. Police calls have been reduced by more than half (from an average of 18 per year in 1999 and 2000 to an average of 7 per year from 2001 to the present) since the current business was established in 2001. Only one call since 2001 has occurred after the permitted hours of operation.

There are approximately six off-street parking spaces located behind Wally's Corner Market. They are available to any patron of any business in the building (there are three businesses in the building in addition to Wally's Corner Market) and any of the six residences on the second floor. There is no signage that indicates they are for Wally's Corner Market patrons and the applicant maintains that driving customers almost always park on the street (16th Ave SE or Como Ave S).

Staff has received correspondence stating an official position on the application from the Southeast Como Improvement Association (SECIA) on August 12, 2005. SECIA opposes staff's recommendation to approve the Conditional Use Permit for extended operating hours. Please see the attached letter.

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 Southeast Como neighborhood which contains a large population of university students, multi-family dwelling units, and businesses serving the student population and broader community. There is also a significant amount of single family housing in the neighborhood.

The police incidents have been attached for reference. There do not appear to be a significant number of late night incidents on the property since the current owner has been operating the store. 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 is located within a short strip of commercial uses, 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. The site is adjacent to R2B zoned residences but faces commercial uses on three sides of the business. The rear of the business, which faces a residential structure, does include parking spaces that are separated by a fence and landscaping. See attached photos for reference.

- 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 site is designated as a neighborhood commercial district in the comprehensive plan. The site is located at the intersection of 16th Ave SE and Como Ave SE which is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

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 extending the permitted hours of operation for Wally’s Corner Market.

- 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.

Wally's Corner Market is within a mixed use building with a floor of housing above it and permitted residential uses directly to the north. The activities consistent with a small convenience store are not likely to have an impact on those residences. Furthermore, the only entrance/exit and lit signage faces commercial uses to the south. Off street parking is unlikely to be used by customers but if it is it is screened from the adjacent housing by a fence and landscaping.

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

The business is a convenience store that sells tobacco, groceries, off-sale liquor, and related items. There should be minimal impacts of noise, light and traffic. There are no outdoor speakers or music, and the market is small in scale and does not have a drive through facility. It is not likely to be a large producer of traffic.

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

General retail sales and services are a permitted use in a C-1 district.

(4) History of complaints related to the use.

Staff reviewed police incidents associated with the property. According to City records, police calls have been significantly reduced since the applicant has operated this business.

RECOMMENDATION:

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 Wally's Corner Market until midnight daily, for property located at 1523 Como Ave SE.

Attachments:

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