

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variance
BZZ-2160

Date: January 24, 2004

Applicant: Enuye Faneta

Address Of Property: 617 Cedar Avenue South

Contact Person And Phone: Enuye Faneta 612-332-7020

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: December 23, 2004

End of 60 Day Decision Period: February 21, 2005

Ward: 2 Neighborhood Organization: Cedar Riverside\West Bank

Existing Zoning: C3A Community Activity Center District
PO Pedestrian Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 21

Legal Description: Not applicable for this application.

Proposed Use: Liquor store in an existing mixed-use retail and residential building.

Concurrent Review:

Conditional Use Permit: For a liquor store.

Variance: To reduce the required parking from 9 spaces to 5 spaces (55 percent variance).

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and Article IX, Variances, Specifically Section 525.520(7), “To reduce the applicable off-street parking requirements up to 100 percent, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use.

Background: A conditional use permit site plan review for a new mixed-use retail and residential (six units) building; for the adjacent existing commercial buildings to the north; and for the adjacent parking area to the east was approved by the City Planning Commission on March 31, 2003 (BZZ-1086 & PW#7479).

CPED – Planning Division Report
BZZ-2160

The site plan originally showed three retail spaces on the first floor that would have a parking requirement of four spaces each. The applicant now proposes to move an existing liquor store from 525 Cedar Avenue South to this building at 617 Cedar Avenue South. While retail is a permitted use in the C3A District, a liquor store requires a conditional use permit. In addition, a liquor store has a higher parking requirement than retail (one space for every 300 square feet of gross floor area), so the required parking for this tenant space has been increased from four to nine spaces. There is a 28-space parking lot to the east of and adjacent to the buildings, but all of these spaces are dedicated to meeting the parking requirement of the site as originally approved in 2003; therefore, the liquor store needs a variance of the difference, or five spaces.

CONDITIONAL USE PERMIT (to allow a liquor store)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department 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.**

The applicant proposes to move an existing liquor store from 525 Cedar to 619 Cedar (about a half block). Use of a portion of a multi-tenant building for a service use is an appropriate use in an Activity Center. Liquor stores are required to meet the following development standards as required by Section 536.20 of the zoning code:

- 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 and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purposes of removing any litter thereon.

The licensing office has indicated that this proposal meets their code requirements and that there have not been violations or complaints with this use to their office.

- 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 surrounding area is fully developed and has commercial uses to the north and south including the Triple Rock Social Club immediately to the south.

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

Adequate utilities and access roads are existing. Public Works and the Fire Department have reviewed the plan for access and circulation and find the plan adequate for these items. Vehicular access will be off of 6th Street South. Site drainage has been reviewed and approved by the Public Works Department as a part of final site plan approval.

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

The applicant is requesting a variance to reduce the parking requirement by five spaces for the liquor store. There is a 28 space parking lot behind the store, the site is near the LRT station and is on a transit route, and it is near several multi-family housing sites, so the variance should not have a detrimental impact on the area. There should be enough pedestrian traffic to the store and surrounding uses to justify a parking reduction.

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

The Minneapolis Plan identifies this area a southernmost area of an activity center. The plan states that “Activity Centers are destinations that attract large numbers of visitors, workers and residents. They support a wide range of commercial, office-residential and residential uses, a busy streetlife and levels of activity throughout the day and into the evening. They are heavily oriented towards pedestrians, and maintain a traditional urban form and scale. While many commercial uses are permitted in these areas, it is important to note that some commercial uses on these streets will be evaluated on the basis of negative impacts the use generates relative to the location and its surroundings. These impacts may include noise, fumes and negative aesthetics, and will be addressed from the perspective of how nearby residential areas are affected by such impacts.” *The Minneapolis Plan* has the following policy and implementation steps regarding Activity Centers:

Policy 4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Implementation Steps

Develop a master plan for each designated Activity Center that a) establishes boundaries for these areas; b) addresses the identity, role and design features of the Center; c) gives guidance to the mix of land uses, scale and size of development in these areas and d) identifies transportation and circulation needs for each area.

Ensure that land use regulations support diverse commercial and residential development types, which generate activity all day long and into the evening.

Promote the incorporation of residential uses within the same structure as other commercial uses.

Preserve traditional urban form in buildings where it currently exists, and encourage new development to relate to traditional siting and massing, where it is already established.

CPED – Planning Division Report
BZZ-2160

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

Develop parking facilities and management strategies that accommodate high customer demand, promote shared facilities and minimize visual impact and adverse effects on pedestrian and sidewalk traffic.

Ensure that regulations balance the transition between high traffic land uses and adjoining residential areas.

Require that buildings in Activity Center districts incorporate a pedestrian orientation at the street edge.

Apply street design criteria that incorporates a pedestrian orientation and accommodates a variety of traffic (pedestrian, cyclist, transit, automobile).

The site is also in a Transit Station Area (TSA). *The Minneapolis Plan* has the following relevant policies regarding TSAs:

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

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

Policy 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.

A commercial service use is an appropriate use in an Activity Center and Transit Station Area and is in conformance with the above noted goals and policies of the comprehensive 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 and variance.

In all other respects the store conforms to the applicable regulations of the district in which it is located upon the approval of this conditional use permit and parking variance.

VARIANCE (to reduce the required parking from 9 spaces to 5 spaces)

Findings Required by the Minneapolis Zoning Code:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

The site is flat and rectangular, so in this sense there is not a hardship. However, liquor stores are limited, under licensing regulations, to areas of at least 5 acres of contiguous commercial zoning and have to maintain a separation from other liquor stores. This limits the potential locations where the store could relocate. The applicant proposes to move the liquor store one half-block south to this new building. The area is an Activity Center with significant pedestrian activity and close proximity to

CPED – Planning Division Report
BZZ-2160

transit. There is a 28 space parking lot that is shared by the adjacent commercial uses at the rear of the buildings, but there is no more room for additional parking. Based on these factors it is a reasonable use of the property to allow the store with the reduction in parking. It would be a hardship to make the store provide the required parking, when there is evidence that it may not be necessary, especially where potential relocation sites are restricted.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The close proximity to transit and higher density housing is not a condition generally applicable to commercial uses throughout the City.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The intent of parking requirements is to provide a reasonable level of parking that meets the demand generated by the use. In a higher-density residential area and Activity Center that has good access to transit, the parking requirements may not be as necessary as in other areas; therefore, granting the variance should not circumvent the intent of the ordinance.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

There is a 28-space parking area adjacent to the site, there is good access to transit, and there is significant pedestrian activity in the area, so granting the variance should not significantly increase congestion in the public streets. It should not increase the danger of fire or be detrimental to public safety. The site is located in a Critical parking Area, which places restrictions on on-street parking and would limit the impact and extent of any spillover parking from the site.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a liquor store for property located at 617 Cedar Avenue South.

CPED – Planning Division Report
BZZ-2160

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required parking from 9 spaces to 4 spaces for a liquor store located at 617 Cedar Avenue South.

Attachments:

- 1) Letter from applicant.
- 2) Letters from neighboring property owner's
- 3) Zoning map.
- 4) Site and floor plans.
- 5) Photos.