

**Department of Community Planning and Economic Development—Planning Division
Conditional Use Permits, Parking Variance, Site Plan Review
BZZ-2048**

Hearing Date: 11/22/04

Date Application Deemed Complete: 10/27/04

End of 60-Day Decision Period: 12/26/04

Applicant: Copa Cabana Nightclub, Inc.; 7514 Chicago Ave. S., Richfield, MN 55423

Address of Property: 2532-38 25 Ave. S.

Contact Person and Phone: Daniel M. Kennedy, 4103 E Lake St., Mpls., MN 55406; 612-728-8080, fax: 728-8055; kenne032@umn.edu

Staff Contact Person and Phone: J. Michael Orange, Principal Planner (voice: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: michael.orange@ci.minneapolis.mn.us)

Ward: 2 **Neighborhood Organization:** Seward Neighborhood Group

Existing Zoning: I2, Medium Industrial District

Proposed Use: Application by Copa Cabana Nightclub, Inc. to establish the Copa Cabana Nightclub in the existing building located at 2532-38 25th Ave. S. (the former American Legion Hall).

Prior Actions: Parking variance from 41 to 36 stalls for the American Legion in 1984.

Concurrent Review:

- Conditional use permit for the use: Per Table 551-1.
- CUP for extended hours (to allow a one-hour extension beyond the hours permitted by the liquor license ordinance from 2:00 a.m. to 3:00 a.m. seven days a week): Per section 550.90 (b).
- Parking variance from the required 54 (which includes the previously approved 5-stall variance) to 24 spaces (a 30-stall reduction).
- Site plan review: Food and beverage uses require Site Plan Review per Table 530-1.
- Liquor license application.

BACKGROUND

The applicant recently purchased a building in the Seward neighborhood that had served since 1984 as an American Legion post. The American Legion had two bars, a restaurant, a dance area, and meeting spaces. The applicant plans to continue those uses but will market to a different clientele with a Latin nightclub theme. The conversion of some meeting space to restaurant seating will also

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Minneapolis Planning Division at 612-673-2597.

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require a larger parking variance than the five spaces obtained by the American Legion in 1984. Businesses in the near vicinity are industrial uses and offices, an Eagles lodge and the Stardust bowling lanes, both of which are one block away. Additional bars and nightclubs are a few blocks east of the site (refer to Attachment 4). According to the applicant, the business will employ at least ten people.

The table in Attachment 9 describes the parking requirements. Since all of the possible seating must be included, the maximum number of seats is 196 and the parking requirement is 59. The 1984 variance reduces this requirement by 5. Only the 22 full-sized stalls can be counted so the required parking variance equals 32 stalls.

Neighborhood review: Staff have not received any comment from the neighborhood group. Attachment 11 includes a letter from a neighbor who is in opposition to the applications.

FINDINGS

A. CONDITIONAL USE PERMIT FOR THE USE

Findings as Required by the Minneapolis Zoning Code for the Conditional Use Permit Application for the Copa Cabana Nightclub at 2532-38 25 Ave. S.:

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.

The applicant's statement follows: "The applicant will be continuing a pre-existing use, but changing the hours of operation and appealing to a different clientele. This is not in a residential neighborhood, and the only other notable businesses that are open late are similar in nature. There is no aspect of the plans that would endanger the public health, safety, comfort or general welfare, and indeed this nightclub will be a benefit to the area by offering new entertainment choices to the Seward neighborhood and to the city's growing Latino population."

As Attachment 4 shows, the surrounding uses include industrial and offices, an Eagles lodge, a bowling alley, and other bars and nightclubs. The closest residences are about 750 feet to the north. The conversion of the site from an American Legion club to a nightclub will be compatible with the adjacent and nearby uses in the area.

At issue is the lack of parking. As proposed, the use will require a minimum of 54 spaces but will only provide 24 "legal" stalls (including two compact stalls), less than half of the minimum required. However, there is considerable on-street parking capacity in the area, especially during the evening hours when the nightclub will generate its peak parking

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demand. 25th Ave. is only one-block long so there is virtually no through-traffic. Access to the site will be via Hiawatha, and 25th and 26th Streets. The additional traffic from the use will not constitute a significant increase on these well-traveled roads. Since the peak use of the nightclub will occur when most of the other commercial and industrial uses in the area will have closed, the on-street parking demand and the additional traffic generation should not be a substantial problem for the area.

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 applicant's statement follows: "Almost all of the other businesses in the vicinity will be closed during the nightclub's peak hours, and the businesses that are open are compatible with a nightclub."

As stated above, the reuse of the site as a nightclub will be compatible with the adjacent and nearby uses in the area. The additional traffic and demand for on-street parking will not constitute a substantial problem.

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

Access to the site is via 25th Ave. Garbage trucks will access the dumpster enclosure via the alley. All of the uses on the alley are commercial and industrial uses. Route 20 provides regular bus service along 25th St and Minnehaha. Route 7 provides regular bus service along 27th Ave. Four routes run along Hiawatha, which has a bus stop 0.4 miles to the west. The closest LRT station is at Lake and Hiawatha, about a half mile to the south.

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

The applicant's response follows: "Even during the day when neighboring businesses are open, the streets around the nightclub are quiet. When those businesses close, there is very little traffic. 25th Avenue itself is not a through street to the north or south, further minimizing traffic. The nightclub does not have the capacity to generate enough traffic to cause congestion on these underutilized streets."

Refer to the response to Finding # 1.

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

Applicable policies of the *Minneapolis Plan* and the City's Eight Goals:

- a. **The City's Goals (selected goal):** Strengthen the participation of all citizens, including children, in the economic and civic life of the community.

b. **The *Minneapolis Plan* (adopted by the City Council in 2000):**

Policy 4.1: 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.

Implementation Steps (selected):

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

Policy 4.2: 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.

Implementation Steps (selected):

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

Policy 9.23: 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.

Implementation Steps (selected):

- Encourage comprehensive and site specific solutions that address issues of compatibility of commercial areas with surrounding uses.
- Facilitate the redevelopment of underutilized commercial areas and promote their reuse as infill development, such as office or housing, while maintaining neighborhood compatibility.

Policy 9.24: Minneapolis will support continued growth in designated commercial areas, while allowing for market conditions to significantly influence the viability of a commercial presence in undesignated areas of the city.

Implementation Steps (selected):

- Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.
- Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on neighborhood compatibility.

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- c. Petition’s Consistency with City Plans and Policies:** The following describes how the project relates to the above plans and policies:
- Consistent with the City Goal #3, the project would provide a nightclub oriented to the City’s growing Hispanic community.
 - Consistent with Policies 4.1, 4.2, 9.23 and 9.24, the project reuses an existing building for a use that will have minimal impact on surrounding uses and the residential area to the north.
- d. Applicant’s statement follows:** “The nightclub use is consistent with the comprehensive plan’s goals to connect residents to living wage jobs (Section 2.6), emphasize business retention and expansion (Section 2.8), and 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. (Section 9.23)”
- 6. And does in all other respects conform to the applicable regulations of the district in which it is located.**

B. CONDITIONAL USE PERMIT FOR EXTENDED HOURS

Findings as required by the Minneapolis Zoning Code for the Conditional Use Application for the Copa Cabana Nightclub at 2532-38 25 Ave. S.:

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.**

Refer to the response to findings for a conditional use permit for extension of hours open to the public in the next section.

- 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.**

Refer to the response to findings for a conditional use permit for extension of hours open to the public in the next section.

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

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The I2 Medium Industrial District restricts hours to 6 am to 10 pm Sunday through Thursday, and 6 am to 11 pm on Fridays and Saturdays. However, the applicant is applying for a liquor license which, if approved, will extend the allowable hours to be open to the public to 2 am seven days a week. The subject application is to extend the allowable hours by one hour each day to 3 am, provided, of course, the City approves the liquor application. A one-hour extension of hours will have no impact on access, parking, or drainage.

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

The applicant's statement follows: "Even during the day when neighboring businesses are open, the streets around the nightclub are quiet. When those businesses close, there is very little traffic. 25th Avenue itself is not a through street to the north or south, further minimizing traffic. The nightclub does not have the capacity to generate enough traffic to cause congestion on these underutilized streets."

As stated above, the one-hour extension each day to 3 am will have no impact on parking and traffic congestion.

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

Refer to the response to Finding #5 in the above CUP analysis in Section A.

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.

Refer to the response to findings for a conditional use permit for extension of hours open to the public in the next section.

In addition, the following findings must be addressed if applying for a conditional use permit for extension of hours open to the public:

1. Proximity to permitted or conditional residential uses.

There are no residential uses in the area. The closest residential area is 750 feet to the north.

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

The applicant's statement follows: "The applicant requests a conditional use permit allowing a nightclub use and allowing extended hours so that the applicant may remain open until 3:00 a.m. In order to operate successfully, the nightclub must be open at times appropriate to its market. Although the restaurant will be open for lunch, the peak hours will be in the evening, from dinnertime until the early morning. Almost all of the other businesses in the vicinity will be closed during the nightclub's peak hours, and the businesses that are open are compatible with a nightclub. The activities of the nightclub will be entirely internal; there are no concerns

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such as those raised by filling stations and drive-throughs that seek extended hours (e.g., bright lights, idling cars, speaker noises). The success of the nightclub really depends on being open at night and permitting dancing into the early morning hours. Closing at 10 or 11 p.m. would not permit the business to succeed.”

The primary off-site impacts of the nightclub could include 1) noisy patrons, 2) headlight glare and noise from vehicular movements, and 3) especially loud vehicle radios when vehicles come and go from the parking lot. The one-hour extension beyond the hours permitted by the liquor license would constitute a very minor increase in these potential impacts. The site, once improved, will include landscaping and screening of the parking lot from the street as required by the Zoning Code. This will help minimize the potential adverse impacts from vehicle headlights and the unsightliness of the current parking lot (which includes no landscaping currently), and mitigate the project’s impacts. As stated above, the one-hour extension each day to 3 am will have no impact on parking and traffic congestion.

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

The portion of this report dealing with the site plan review application addresses all remaining applicable zoning regulations. The recommended conditions account for the Specific Development Standards applicable to nightclubs.

4. History of complaints related to the use.

This is a new use for the site.

C. PARKING VARIANCE

Findings as Required By the Minneapolis Zoning Code for the Parking Variance for the Copa Cabana Nightclub at 2532-38 25 Ave. S.:

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

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

The applicant’s statement follows: “This property was converted to a bar/restaurant/meeting facility at considerable expense, and it would not be reasonable to expect it to be changed to another use at this time. The American Legion received a variance from 41 spaces to 36, but 41 was a vast understatement of the code requirement for this building. Nonetheless, the American Legion’s parking supply was adequate due to the vast amounts of on-street parking available.”

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Parking analysis: This is an existing facility and the applicant is reusing it for a purpose that is similar to its original use with minor changes to its interior layout. The areas reserved for food preparation, storage, and other non-seating areas are very similar for both uses. The exception is that the American Legion used the room that the floor plan shows as the smaller dining/dance floor, only for storage.

- **Seats:** The table in Attachment 9 compares the peak usage and parking demand for the facility when used by the American Legion and as proposed for the Copa Cabana. During a peak event the meeting room with 32 seats would not be in use in either case. The maximum seats in use would equal 212 and 164 respectively for the American Legion and the Copa Cabana.
- **Parking supply:** The 1963 Zoning Code did not have the landscaping requirements of the 1999 Code and, as such, the American Legion was able to park 28 cars on the site, however, only 22 stalls were full-sized stalls that met the requirements of the 1963 Zoning Code. In order to meet the current landscaping and screening requirements and the handicap parking requirements, only 20 full-sized stalls, 2 handicap stalls, and 2 compact stalls can fit—a reduction of 4 total stalls from the current configuration.
- **Peak events:** The table compares the parking requirements (per the 1999 Zoning Code) for the peak event seating of the American Legion and the Copa Cabana. The Legion would have satisfied 44% of the peak parking demand on site and the remainder on the surrounding streets (36 stalls). The Copa Cabana will be able to meet 49% of its peak event parking on site (including the two compact stalls) and rely on the surrounding streets for the remaining 51% of parking demand (25 stalls). As such, a peak use event at the Copa Cabana is likely to generate a smaller demand for off-street parking than that generated when the American Legion hosted a peak use event. However, it is very likely that the Copa Cabana will generate peak use events on a regular basis while the American Legion probably had only occasional peak use events.
- **Parking requirements:** The table shows how the two uses addressed the parking requirements in the Zoning Code. All of the possible seating must be included and only “legal” stalls can be counted, which is 22 and 24 stalls respectively for the Legion and the Copa Cabana. Before taking into account the variances, the Legion provided 30% of the required stalls on site and the Copa Cabana would provide 41%.
- **Variance:** The Code requires 59 stalls on site, less the previously approved 5-stall variance equals 54 stalls. With 24 “legal” stalls on site, a variance of 30 stalls is needed.

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.

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Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

As stated above, these are existing conditions.

- 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.**

As stated above, there are a variety of commercial and industrial uses in the I2 District in the surrounding area and the closest residential uses are 750 feet to the north. The nightclub is compatible with the surrounding uses.

- 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.**

Refer to the response to the first finding in this section the report.

D. SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code for the Site Plan Review Application for the Copa Cabana Nightclub at 2532-38 25 Ave. S.:

1. Required Findings for Major Site Plan Review

- a. **The site plan conforms to all applicable standards of Chapter 530, Site Plan Review (refer Section A below for evaluation.)**
- b. **The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan (refer to the above discussions).**
- c. **The site plan is consistent with applicable development plans or development objectives adopted by the City Council (refer to the above discussions).**

Section A: Conformance with Chapter 530 of Zoning Code
Building Placement and Facade:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**

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- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses shall be subject to section 530.110 (b) (1).**
 - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Planning Division Evaluation of Building Placement and Façade Requirements:

- This is an existing building that is built up to the street with the parking to the side of the building consistent with the Code.
- The applicant will add landscaping in the area between the building and the street and in all other areas not occupied by the building and pavement.
- The primary entrance faces the street.
- Only the front of the building includes windows and a brick facade.

Access and Circulation:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

Planning Division Evaluation of Access and Circulation:

- The applicant will comply with the lighting requirements in the Code.
- Sidewalks and walkways connect the project in conformance with the walkway, sidewalk, and access requirements of the Code.
- Transit access is good in the area (refer to the response to Finding #3 in Section A of this report).

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- The site is located within the jurisdiction of the Middle Mississippi Watershed Management Organization. Public Works will review the project as regards conformance with the City's Stormwater Management Ordinance.

Landscaping and Screening:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

Planning Division Evaluation of Landscaping and Screening:

- As stated above, the applicant will add landscaping in the area between the building and the street and in all other areas not occupied by the building and pavement. The parking areas will include landscaping and screening along 25th Ave. Landscaping will equal 20% of the net site.

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- The site will include more than the minimum requirement of trees and bushes.

Additional Standards:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260: The Police Department has reviewed the plans.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Planning Division Evaluation of the Additional Standards:

- The applicant is committed to installing lighting fixtures that will prevent glare from escaping the site and a lighting plan. The bulbs will be primarily metal halide in order to maximize true color rendition and enhance site safety.
- This is an existing one-story building which will have no effect on important views of the City.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE:

Hours of Operation: Hours businesses can be open to the public in the I2 District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. through 11:00 p.m. Friday and Saturday. Refer to Section B of this report that addresses extension of hours.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses.

The applicant shall comply with a fully enclosed dumpster.

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Signage: All new signage is required to meet the requirements of the Zoning Code and permits are required from the Zoning Office.

The applicant intends to put new faces on the existing three signs on the building. All three signs conform to the Code per table 543-4.

MINNEAPOLIS PLAN:

Refer to the response to Finding 5 in Section A of this report.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

There are no development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan.

Alternative Compliance: The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Planning Division Analysis Regarding Alternative Compliance:

The site is in compliance with the Code.

RECOMMENDATIONS OF THE MINNEAPOLIS PLANNING DIVISION

A. Conditional Use Permit: The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for the Copa Cabana Nightclub located at 2532-38 25 Ave. S. with the following conditions:

1. The applicant shall comply with the liquor license laws.
2. The applicant shall inspect all adjacent streets, sidewalks, and alleys within 100 feet regularly to remove litter.

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- B. Conditional Use Permit for Extended Hours:** The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for extended hours for the Copa Cabana Nightclub located at 2532-38 25 Ave. S. with the following conditions:
1. The City grants the applicant’s liquor license application.
 2. The applicant shall comply with the liquor license laws.
 3. The applicant shall inspect all adjacent streets, sidewalks, and alleys within 100 feet regularly to remove litter.
- C. Parking Variance:** The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the parking variance for the Copa Cabana Nightclub located at 2532-38 25 Ave. S. to reduce the parking requirement from 54 to 24 stalls.
- D. Site Plan Review:** The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for the Copa Cabana Nightclub located at 2532-38 25 Ave. S. with the following conditions:
1. Approval by the Planning Division of the final construction drawings, floor plans, the elevations, the lighting plan, and the landscape plan.
 2. If the roof drains are connected to the sanitary sewer, the applicant shall disconnect them.
 3. The site improvements shall be completed by November 30, 2005 or the application may be revoked for noncompliance, unless extended by the Zoning Administrator or the City Council.

Attachments:

- 1) Zoning in the area
- 2) Zoning and lot lines in the vicinity of the site
- 3) Aerial photo
- 4) Uses in the area
- 5) Site plan
- 6) Floor plan
- 7) Information from the applicant
- 8) Photos of the site and surrounding area
- 9) Parking analysis
- 10) Zoning data sheet
- 11) Letters from the neighborhood group and others