

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit for Extended Hours
BZZ-2067

Date: November 22, 2004

Applicant: Pete Bonahoom, dba, Galactic Pizza

Address of Property: 2917 Lyndale Avenue South

Project Name: Galactic Pizza

Contact Person and Phone: Pete Bonahoom, (612) 824-9100

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

Date Application Deemed Complete: October 29, 2004

End of 60-Day Decision Period: December 28, 2004

End of 120-Day Decision Period: February 26, 2005

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: C-2 (Neighborhood Corridor Commercial)

Proposed Zoning: No change proposed, Not applicable for this application.

Zoning Plate Number: 24

Legal Description: Excelsior Addition to MPLS, Lot 12, Block 008

Proposed Use: Extension of hours of operation to 12:00 am (midnight) Sunday through Thursday and to 2:30 am on Friday and Saturday for an existing sit down and delivery pizza restaurant located at 2917 Lyndale Avenue South in the C-2 district. Regular hours of operation allowed under the C2 district are 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.

Concurrent Review: Conditional Use Permit for extended hours of operation.

Applicable zoning code provisions: Chapter 520 Introductory Provisions, Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement-specifically, Article VII, Conditional Use Permits, Chapter 530 Site Plan Review, Chapter 535 Regulations of General Applicability, Chapter 536 Specific Development Standards, Chapter 541-Off Street Parking and Loading, Chapter 543 On-premise Signs, Chapter 548 Commercial Districts.

Background: In June of this year, Galactic Pizza started operating from the ground floor storefront of a mixed use building with a second story apartment that was constructed in 1908. The applicants have made physical improvements to the interior and exterior of the building and market their business as a “socially responsible” pizza restaurant, with electric vehicle and bicycle delivery. Records indicate that in the recent past, the ground floor commercial space has been previously used by Urban Groove Clothing, Colby Cleaners, and Java Noire. Galactic Pizza has now filed application for a conditional use permit for extended hours of operation to 12:00 am (midnight) Sunday through Thursday and to 2:30 am on Friday and Saturday. Staff has not received objections to the proposed extension of hours.

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.

The proposed extension of operating hours should not be detrimental to or endanger the public health, safety, comfort or general welfare in the general area. The restaurant has been licensed as a food manufacturer since April 2004. An application for a wine/strong beer license is pending review by the City.

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.

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

- a) Proximity to permitted or conditional residential uses. The site is zoned C2 (Neighborhood Corridor Commercial District) and is located on Lyndale Avenue South, a commercial corridor. The property is bordered by C2 (Neighborhood Corridor Commercial) zoned properties to the North, South, East, and West. An I1 district is kitty corner to the Northeast of the subject property. The property fronts Lyndale Avenue and there is a dwelling unit located above the restaurant in the same building. The applicant has indicated that the tenants in the upstairs apartment and residents in an adjacent apartment are in support of the proposed extension of hours. The property owners have submitted a statement of support for the proposed extension of hours.
- b) Nature of the business and its impacts of noise, light and traffic. Galactic Pizza proposes to operate from 11:00 A.M. to 12:00 A.M. (midnight), Sunday through Thursday and 11:00 A.M. to 2:30 A.M. on Friday and Saturday. Galactic Pizza is a dine-in and carry-out restaurant that uses three-wheeled electric vehicles to deliver pizzas in a defined geographic area of SW Minneapolis. The pedestrian nature of the uptown area facilitates customers arriving by foot or bike. Given that Lyndale is a commercial corridor and a major urban arterial, the extension of hours for Galactic Pizza should not significant increase noise, light, or traffic in the area.

c) Conformance of use. The existing pizza restaurant use is a permitted use in the C2 (Neighborhood Corridor Commercial) District. Restaurants, sit down, including the serving of alcoholic beverages, with limited and general entertainment is permitted in the C2 district with the specific development standard of removing litter within 100 feet of the premises. The zoning code limits operating hours 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 in the C2 district. Galactic Pizza has also submitted an application for a wine/strong beer license that is pending review by the City.

d) Complaints received. Staff pulled a police incidents report from the City of Minneapolis property information webpage. From January 1, 2004 to November 1, 2004 there were 9 incidents, including two, an unwanted person and a traffic stop, that occurred between 12:00 midnight and 2:00 A.M. In all of 2003, prior to Galactic Pizza's presence, there were 9 incidents, and from 1999 through 2002 there were 48 incidents with 13 reports filed.

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

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

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

The site provides parking behind the building in a chain link gated area for the electric delivery vehicles. The applicant has also indicated they perform bicycle delivery. The applicant has contract parking for 8 stalls with the City of Minneapolis in the Lyn-Lake public parking lot. As per a minor site plan review (BZZ 1714), 12 parking stalls were approved for the site (4 off-street behind the building and 8 off-street adjacent to the business in the public Lyn-Lake parking lot.

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

MINNEAPOLIS PLAN: *The Minneapolis Plan* designates this area of Lyndale Avenue 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 application is in conformance with commercial corridor policies. The plan has the following policies and implementation steps related to this application:

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

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.

Implementation Steps

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 plans for the City's major Commercial Corridors which articulate the desired character of the street.

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.

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.

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.

Maintain and strengthen the character and marketability of small-scale commercial areas throughout the city through technical and financial assistance to qualified neighborhood businesses, neighborhood based business associations and local development corporations.

Continue to promote the creation of neighborhood based business associations and local development corporations where they will be most effective in promoting local business interests.

Encourage coordination and communication between business associations and neighboring residents groups.

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.

Restaurants, sit down, including the serving of alcoholic beverages, with limited and general entertainment is permitted in the C2 district with the specific development standard of removing litter within 100 feet of the premises. As per BZZ 1714, the dumpster located behind the building will need to be screened per code, and signage must comply with Chapter 543 of the code. Encroachment permits are required by the Public Works department for items, such as landscaping, awnings, and bicycle parking, located in the public right of way. The establishment can conform to the applicable regulations of the district in which it is located.

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 adopt the above findings and **approve** the conditional use permit for extended hours of operation from 11:00 am to 12:00 am (Midnight) from Sunday to Thursday and from 11:00 am to 2:30 am on Friday and Saturday for Galactic Pizza located at 2917 Lyndale Avenue South in the C2 district subject to following conditions:

1. Continued Retention of Eight (8) Parking Spaces from The Municipal Lot is Required to Meet Parking Requirement.
2. Any Trash Containers On Site Shall Be Enclosed With A Solid Wood Fence, Two (2) Feet Taller Than The Height Of The Dumpster.
3. Signage shall Comply With Chapter 543 Of The Zoning Code. Exterior Signs Require A Permit. A Licensed Sign Contractor Must Apply For The Permit. For More Information Or Any Sign Questions, Call (612) 673-5812.
4. The premises, and all adjacent streets, sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Attachments:

1. Staff report including zoning code information
2. Statement of use
3. Findings
4. Correspondence
5. Licensing, Police Incidents, Zoning report
6. Zoning map
7. Plans
8. Photos