

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5296

Date: October 3, 2011

Applicant: Daniel Kerkinni

Address of Property: 2653 Hennepin Avenue

Project Name: Uptown Liquor

Contact Person and Phone: Daniel Kerkinni, (651) 269-3119

Planning Staff and Phone: Joe Bernard, (612) 673-2422

Date Application Deemed Complete: August 31, 2011

End of 60-Day Decision Period: October 30, 2011

Ward: 10 **Neighborhood Organization:** Lowry Hill East (adjacent to East Isles)

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 24

Legal Description: Not applicable for this application

Proposed Use: Off-sale Liquor Store in existing commercial space

Concurrent Review:

Conditional Use Permit to allow an off-sale liquor store

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits

Background: The applicant seeks to establish an off-sale liquor store in the C2 neighborhood corridor commercial district at 2653 Hennepin Avenue. The entire property is occupied by a one-story building with two tenant spaces. This property was recently the subject of a rezoning application. On February 22, 2011, the City Planning Commission approved a rezoning from the C1 district to the C2 district to allow for the establishment of a tobacco shop. The tobacco shop has thus far not been established and the applicant intends to occupy the space initially intended for the tobacco shop. The last active use in the proposed liquor store space was a tailor.

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 use of an off-sale liquor store will not be detrimental to or endanger the public health, safety, comfort, or general welfare provided the use complies with all licensing and zoning ordinance requirements. The applicant intends to install video surveillance to monitor store activity. The use must comply with the standards of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances. Title 14 applies spacing requirements from proposed liquor stores to other off-sale establishments (2,000 feet) and schools and churches (300 feet). The applicant has submitted a map (attached to this report) describing how the site will comply with the spacing requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances. License and Consumer Services staff will verify the spacing requirements as part of the process for issuing a liquor license. As a condition of approval for this application, all requirements of Title 14, Liquor and Beer shall be met.

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 use will occupy 931 square feet of a 3,100 square foot building. The remaining square footage is currently occupied by a wireless product retailer. The proposed use fronts Hennepin Avenue, identified as a Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. The space is immediately adjacent to other commercial uses, is across the street from multi-family residential uses to the south and east, and is across the street diagonally from single-family dwellings to the southeast. Continued use of the property for commercial purposes should not impede the normal or orderly development of surrounding properties. However, depending on the location and time of deliveries to the use, surrounding residential uses could experience negative impacts related to noise and traffic. A liquor store would be expected to have more frequent deliveries compared to many other retail sales and services uses.

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

The utilities, access roads, and drainage are existing and adequate.

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

Because of the small-scale nature of uses of this size, businesses with less than 1,000 square feet of floor area are exempted from minimum off-street parking requirements. Addition of the proposed off-sale liquor store does not increase the parking requirement on site due to the use being less than 1,000 square feet. The property is grandfathered as to its current off-street parking requirement and the new use does

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not increase the parking requirements in the zoning ordinance. On-street parking is available on the three streets that surround the property. Deliveries will increase to the location if the use is established. The site is uniquely situated with street frontage on three sides of the property. Depending on the time of day and location of deliveries, an increase in traffic congestion could occur.

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

The use is consistent with the following applicable policies of the comprehensive plan:

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

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.

The use will conform to the applicable regulations of the districts in which it is located, including the specific development standards for an off-sale liquor store, upon the approval of the conditional use permits.

The specific development standards for a liquor store, off-sale, are as follows:

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

The applicant has submitted a map (attached to this report) describing how the site will comply with the spacing requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances. However, Licensing and Consumer Services requires a licensed survey in situations where approximated distances are within 30 feet of the required spacing for a given use. The applicant has shown that the proposed use is adequately spaced from the nearest school and is 2,017 feet from the closest established off-sale liquor store.

RECOMMENDATIONS

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 findings above and **approve** the conditional use permit to allow an off-sale liquor store for the property located at 2653 Hennepin Avenue, subject to the following conditions.

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The use shall comply with all requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter. In this instance, the applicant must provide adequate proof that the property meets spacing requirements by way of a licensed survey.
3. The applicant will work with the Public Works Department to determine the best location for deliveries from both a neighborhood and traffic perspective.

Attachments:

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