

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ – 5264

Date: September 19, 2011

Applicant: Roger Mourado

Address of Property: 2426 2nd Street Northeast

Project Name: Mourado's Liquor

Contact Person and Phone: Roger Mourado, (612) 282-5003

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: August 25, 2011

End of 60-Day Decision Period: October 24, 2011

Ward: 3 **Neighborhood Organization:** Bottineau (adjacent to Marshall Terrace)

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable

Zoning Plate Number: 9

Legal Description: Not applicable

Proposed Use: Liquor store, off-sale

Concurrent Review: Conditional use permit to expand an off-sale liquor store.

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

Background: The applicant proposes to expand the Maurado's Liquors store into an adjacent tenant space previously occupied by a self-service laundry in the building located at 2426 2nd Street Northeast. The applicant has operated the liquor store at this location since 2003. A liquor store is a conditional use in the C2 district. A conditional use permit is required to expand it. Upon approval of the conditional use permits, the actions must be recorded with Hennepin County as required by state law. As of writing this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to expand an off-sale liquor store.

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.

Expanding the liquor store would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards. To increase eyes on the street and improve public safety, staff is recommending that the planning commission approve the conditional use permit subject to compliance with the window sign provision found in section 543.480 of the zoning code.

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.

All proposed modifications would be interior to the existing structure. The previous use of the space proposed to be occupied by the liquor store was a self-service laundry. Expanding a portion of the existing retail space to another retail use as a liquor store is not expected to result in detrimental impacts as long as the property is maintained. There are broken windows adjacent to Lowry Avenue. To improve the appearance of the building and reinforce stability in the area, staff is recommending that the planning commission require the applicant to replace all broken windows consistent with the nonresidential windows requirements of Chapter 530, Site Plan Review. With the implementation of the site improvements recommended by staff, the expansion should have little effect on surrounding properties.

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.

The minimum parking requirement for a liquor store is one space per 500 square feet of gross floor area or 4 spaces, whichever is greater. The proposed floor area of the liquor store is approximately 4,500 square feet, which requires 9 spaces. Fourteen spaces are provided on-site. Of the 14 spaces provided, at least one is required to be accessible. No accessible spaces exist; therefore one will need to be provided that complies with the Minnesota State Building Code. Alternative transportation options would also be available. The applicant has indicated that bicycle parking is available near the trash storage area. A minimum of 3 bicycle parking spaces are required for a

liquor store. Not less than 50 percent of the required bicycle parking must meet the standards for short-term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, short term spaces must be located in a convenient and visible area within 50 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position without damage to the wheels, frames or components. The site is adjacent to two bus routes. The expansion of the proposed liquor store should have little effect on congestion in the streets upon compliance with the accessibility and bicycle parking requirements.

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

The future land use of the site is designated as urban neighborhood in *The Minneapolis Plan for Sustainable Growth*. Lowry Avenue and 2nd Street Northeast are designated as community corridors. According to the principles and polices outlined in the plan, the following apply to this proposal:

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.

Applicable Implementation Steps

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

Applicable Implementation Step

- 1.6.1 Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact surrounding areas.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

Applicable Implementation Step

- 1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

Applicable Implementation Step

10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

Policy 10.18: Reduce the visual impact of automobile parking facilities.

Applicable Implementation Step

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

Staff comment: The proposed expansion would be consistent with the applicable policies of the comprehensive plan with the implementation of the staff recommendations requiring the windows and signage to be brought into compliance with applicable code provisions and installation of landscaping in the parking area.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

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.

Title 14 applies spacing requirements from liquor stores to other off-sale establishments (2,000 feet) and schools and churches (300 feet). The principal door of the use would not change. License and Consumer Services staff has indicated that the use complies with the required spacing from churches and schools.

The maximum allowed floor area of commercial uses in the C2 district is 30,000 square feet. The floor area of the liquor store would be approximately 4,500 square feet.

Refuse and recycling storage containers are required to be screened on all four sides with screening compatible with the principal structure not less than two feet higher than the containers or otherwise effectively screened from the street and adjacent residential uses. A screened enclosure exists; however, chain link fencing with slats used for the screen is prohibited by the zoning code. A screened enclosure that also complies with the fence design standards in section 535.430 of the zoning code will need to be installed.

Section 535.95 of the zoning code requires that nonresidential buildings are oriented so that at least one principal entrance faces a public street rather than the interior of the site, that clear and well-lighted walkways at least four feet in width connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site, and that the building maintains compliance with the nonresidential windows requirements of Chapter 530, Site Plan Review. Where a

nonresidential building is nonconforming to these requirements, it has all the rights of a conforming building, except that said building cannot be enlarged, altered, or relocated in such a way as to increase its nonconformity with these requirements. The existing liquor store has a principal entrance facing the parking area at the southeast corner of the building and not the street. The former self-service laundry tenant space has a door facing Lowry Avenue. No changes are proposed to the liquor store entrance and the applicant is proposing to use the door on Lowry Avenue for emergency egress. Because of the existing conditions and as long as a door on Lowry Avenue is not removed, the zoning administrator has determined that strict adherence with the principal entrance requirement would be practically and economically infeasible. In the former self-service laundry tenant space, there are also windows that face Lowry Avenue and 1st Street Northeast. Those windows are currently boarded. To maintain compliance with this provision, specifically 530.120(b)(2)(e), most of those windows will need to be unboarded to allow views into and out of the building.

530.120. Building design.

- (b) *Entrances, windows, and active functions.*
- (2) *Nonresidential uses.* Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs, or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

In the C2 district, yards for nonresidential uses are not required unless adjacent to a residence district or allowed residential use. The property south of the subject site is occupied by an allowed residential use located in a residence district. Adjacent to each street frontage, a 20 foot wide landscaped front yard is required. Adjacent to the shared interior side lot line, a 5 foot wide landscaped yard is required. The existing parking area encroaches into these yards. Because the parking area was established before the zoning code did not allow parking in required side yards, nonconforming rights for the parking location exist. However, some improvements can be made to the parking area to bring it closer to compliance with section 541.360 and Chapter 530 landscaping, screening, and curbing requirements for parking lots. A landscaped yard 7 feet wide is required where a parking area abuts a residentially zoned property. Screening that is 6 feet tall and 95 percent opaque is also required in this yard. The parking lot was established before these regulations existed with no landscaped yards and providing a 5 or 7 foot wide interior side yard would make the drive aisle width nonconforming and eliminate required parking. A hedgerow on the adjacent residential property and wood fences provide screening of the parking area. A 7 foot wide landscaped yard is

CPED Planning Division Report
BZZ – 5264

required between parking areas and adjacent streets. Screening that is 3 feet tall and 60 percent opaque and at least one canopy tree is also required in each of these yards. A landscaped yard between 1st Street and the parking area may not be practical because the street is built and functions more like an alley. Landscaping and screening adjacent to 2nd Street could be provided. Staff is recommending that the planning commission require the applicant to provide a landscaped yard at least 7 feet in width between the parking area and the lot line adjacent to 2nd Street with sufficient screening and a canopy tree.

The applicant has obtained permits for several of the existing signs. For any other signs that have been installed without permit and that are not exempted from requiring a permit as defined in section 543.100 of the zoning code, the applicant will need to obtain a sign permit(s). New signage will also require Zoning Office review, approval, and permits. Window signs are allowed, provided that such signage does not exceed 30 percent of the window area, whether attached to the window or not, and does not block views into and out of the building in the area between four and seven feet above the adjacent grade. Window signs are included in the calculation of the total permitted building sign area, except as provided for temporary signs in Section 543.450. The window signage on the building will need to be brought into compliance with these standards.

With the approval of the conditional use permit and implementation of the recommended site improvements, the use would comply with the applicable regulations of the district.

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 application for a conditional use permit to expand an off-sale liquor store for the property located at 2426 2nd Street Northeast, subject to the following condition:

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. Broken windows shall be replaced to improve the appearance of the building and reinforce stability of the area.
3. At least one accessible parking space that complies with the requirements of the Minnesota State Building Code shall be provided.
4. At least 3 bicycle parking spaces that comply with the standards of section 541.180 in the zoning code shall be provided.

CPED Planning Division Report

BZZ – 5264

5. Screening for refuse and recycling storage containers that complies with sections 535.80 and 535.430 of the zoning code shall be provided.
6. Windows in the former self-service laundry tenant space shall maintain compliance with sections 530.120 and 535.95 of the zoning code.
7. A landscaped yard at least 7 feet in width shall be installed between parking and the lot line adjacent to 2nd Street Northeast. The applicant shall also install screening that is 3 feet in height and at least 60 percent opaque and a canopy tree in the yard as required by sections 541.360 and 530.170 of the zoning code.
8. Windows signs shall be brought into compliance with the standards of section 543.480 of the zoning code.
9. Community Planning and Economic Development Department – Planning Division staff review and approval of the floor, site and landscape plans.
10. All site improvements shall be completed by September 19, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:

1. PDR comments
2. Statement of use
3. Applicant findings
4. Correspondence
5. Zoning map
6. Plans
7. Photos