

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5572

Date: June 11, 2012

Applicant: Longfellow Brewing Company, LLC DBA Elevated Beer Wine and Spirits

Addresses of Property: 4135 Hiawatha Avenue

Contact Person and Phone: Ryan Widuch, (612) 384-2980

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: May 11, 2012

End of 60-Day Decision Period: July 10, 2012

End of 120-Day Decision Period: Not applicable for this application

Ward: 12 **Neighborhood Organization:** Longfellow Community Council and Standish Ericsson

Existing Zoning: I1, Light Industrial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 33

Legal Description: Lots 10, 11, 12, 13 and 14, Block 40, Palmer's Addition to Minneapolis.

Proposed Use: Off-sale liquor store

Concurrent Review:

Conditional use permit: for an off-sale liquor store

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

Background: The applicant is proposing to establish an off-sale liquor store in a portion of the building located at 4135 Hiawatha Avenue. The statement submitted by the applicant asserts that the use will serve craft beer, wine and liquor but that the focus will be on offering a vast selection of beer and wine. The proposed use will occupy approximately 4,000 square feet of the building towards the northwest end of the property. Other uses in the building include a child care center, a catering use and an office.

The site went through the site plan review process in January of 2003. The site was deemed to be in compliance with the conditions of approval from the City Planning Commission in December of 2003. Since this time much of the landscaping has either died or has been removed and the trash dumpsters are

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no longer enclosed. As part of this application the Planning Division is recommending that the City Planning Commission require additional landscaping on the site so it meets the requirements of Section 530.170 of the zoning code.

Parking lots of more than four parking spaces are subject to the landscaping, screening and curbing requirements of Chapter 530, Site Plan Review.

- The zoning code requires that a seven-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. There is a 19-foot wide green space located between the public street/sidewalk and the parking lot on the site.
- Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. The green space area located between the public street/sidewalk and the parking lot along Hiawatha Avenue is void of any landscape materials except for one ornamental tree. The Planning Division is recommending that additional landscape materials be added to the green space area along Hiawatha Avenue in order to bring this area into conformance with the screening requirements.
- Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage. There is 131 feet of parking lot frontage along Hiawatha Avenue. This amount of parking lot frontage would require that five trees be planted in the green space area along Hiawatha Avenue. There is currently one ornamental tree located in the green space area along Hiawatha Avenue. The Planning Division is recommending that four additional ornamental trees be planted in the green space area along Hiawatha Avenue.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. There are two on-site deciduous trees located on the property. Given the placement of these trees only the southern most row of parking spaces meet this requirement. Once the four ornamental trees are planted in the green space area along Hiawatha Avenue the majority of the parking spaces will meet this requirement. However, the parking spaces located in the northeast portion of the site will not. The Planning Division is recommending that a landscaped island with a deciduous tree planted in it be located in the parking lot so that every parking space is located within 50 feet of an on-site deciduous tree. Tree islands in parking lots must have a minimum width of 7 feet in any direction.

CONDITIONAL USE PERMIT: for an off-sale liquor store in the I1, Light Industrial district

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

- 1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that locating an off-sale liquor store within the existing building located at 4135 Hiawatha Avenue will be detrimental to or endanger the public health, safety, comfort or general welfare. There are a variety of uses located within the surrounding area and within the building itself. Uses in close proximity to the subject site include office, catering, a child care facility, a fast-food

restaurant with a drive-through, a self-service car wash, an auto-repair garage, a self-service storage facility, residential uses of varying densities and the Hiawatha Light Rail line.

- 2. The conditional use 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 Planning Division does not believe that locating an off-sale liquor store in the building located at 4135 Hiawatha Avenue will 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 with a variety of uses as described above. The proposed off-sale liquor store will occupy the northwest tenant space in a building that has been vacant for an extended period of time. The applicants are not proposing to make any modifications to the building except to add signage. The Planning Division is recommending that landscaping and screening be added to the site, as required by Sections 530.170 and 531.110 of the zoning code. These improvements will help to mitigate any impacts of the proposed use.

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

There will be no impacts made on the utilities, roads or drainage.

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

The use is not expected to contribute to traffic congestion in the public streets. The minimum parking requirement for an off-sale liquor store is one space per 500 square feet of gross floor area. The size of the space that the applicants are proposing to occupy is approximately 4,000 square feet, equating to a parking requirement of eight spaces. In terms of parking for the other uses in the building, the office is less than 1,000 square feet and therefore exempt from parking requirements. The catering use is 2,600 square feet and the parking requirement for said use is one space for each 500 square feet in excess of 4,000 square feet with a minimum of four spaces. In this case, the four space minimum applies. Finally, the child care center is 5,400 square feet and the parking requirement for said use is one space per 500 square feet, or 11 spaces, plus two drop off spaces. In summary, the total parking requirement for all uses in the building is 25 spaces. The surface parking lot on the subject site contains 36 spaces.

- 5. The conditional use is consistent with the applicable policies of the comprehensive plan.**

This site is located on Hiawatha Avenue between 41st Street East and 42nd Street East. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Transitional Industrial. According to *The Minneapolis Plan for Sustainable Growth*, areas that are designated as transitional industrial are areas that are located outside of the Industrial Employment Districts that may eventually evolve to other uses compatible with surrounding development. Properties that are designated as transitional industrial may remain industrial for some time but will not have the same level of policy protection as areas within industrial districts.

According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Reduce the visual impact of automobile parking facilities (Urban Design Policy 10.18).
- Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines (Implementation Step 10.18.2).

The Minneapolis City Council adopted the *38th Street Station Area Plan* in October of 2006. The site is located in an area called Hiawatha South in the plan. The plan specifically says that buildings fronting along Hiawatha Avenue just south of 40th Street may have continuing value for light industrial or conversion to office or residential.

The Planning Division believes that locating an off-sale liquor store in the building located at 4135 Hiawatha Avenue is in conformance with the prescribed guidance provided in *The Minneapolis Plan for Sustainable Growth* and the *38th Street Station Area Plan* for this particular site.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

- **Use:** off-sale liquor stores are a conditional use in the I1 zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: The minimum parking requirement for an off-sale liquor store is one space per 500 square feet of gross floor area. The size of the space that the applicants are proposing to occupy is approximately 4,000 square feet, equating to a parking requirement of eight spaces. The on-site surface parking lot contains 36 spaces.

Maximum automobile parking requirement: The maximum parking requirement for an off-sale liquor store is one space per 200 square feet. For this 4,000 square foot space, the maximum off-street parking allowance is 20 spaces. With the other uses in the building, the 36 existing spaces are within the parameters allowed.

Bicycle parking requirement: The minimum bicycle parking requirement for an off-sale liquor store is three short-term spaces. The applicant has indicated that three spaces can be accommodated in the large sidewalk area in front of their tenant space.

Loading: Off-sale liquor stores have a medium loading requirement but the subject tenant space is smaller than the minimum prescribed by the zoning code. Therefore, the use is required to provide adequate shipping and receiving facilities on site. There is adequate room within the parking area for delivery trucks.

- **Maximum Floor Area:** No changes are proposed to the size of the building.
- **Building Height:** No changes are proposed to the height of the building.

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- **Minimum Lot Area:** No changes are proposed to the size of the lot.
- **Yard Requirements:** No changes are proposed to setbacks.
- **Maximum lot coverage:** No changes are proposed to the size of the building.
- **Maximum impervious surface:** No changes are proposed to the amount of impervious surface on the site.
- **Specific Development Standards:** Off-sale liquor store are subject to the following specific development standards:

Liquor store, off-sale.

- 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.
- The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- **Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. In the I1 zoning district one can have 1.5 square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 80 square feet and can be no taller than eight feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. There is an existing pole sign on the site. The applicant intends to reface a 40 square foot sign for their use on the existing pole sign. The sign exhibit submitted shows the “e” projecting up above the sign cabinet. This would not be allowed. The applicant is also proposing wall signage over the entrance on the south building wall. This elevation is eligible for up to 75 square feet of signage. The elevations show two signs, one that is 25 square feet and a second that is 38 square feet. Again, no portion of the sign will be allowed to extend above the roofline.
- **Refuse storage:** The refuse containers are currently located in the southwest corner of the parking lot. To meet the requirements of the zoning code the refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two 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 Planning Division is recommending that the refuse and recycling containers be enclosed per these standards.
- **Lighting:** Lighting exists at 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 findings above and **approve** the conditional use permit for an off-sale liquor store located at 4135 Hiawatha 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. Approval of the final site, landscaping and dumpster enclosure plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by June 11, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. Four additional ornamental trees shall be planted in the green space area along Hiawatha Avenue.
5. A landscaped island with a deciduous tree planted in it shall be located in the parking lot so that every parking space is located within 50 feet of an on-site deciduous tree.
6. A minimum of three short-term bicycle parking spaces shall be provided on the site, in compliance with Section 541.180 of the zoning code.
7. The refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two 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 as required by section 535.80 of the zoning code.
8. Shelving, mechanical equipment, signage or other similar fixtures shall not block views into and out of the building in the area between four feet and seven feet above the adjacent grade, in compliance with Section 530.120 of the zoning code.

Attachments:

1. Statement of proposed use and description of project
2. Conditional use permit findings
3. Emails to Council Member Colvin Roy, Longfellow Community Council and Standish Ericsson
4. Zoning map
5. Site plan and floor plans
6. Sign plan
7. Photos of property and existing structures.