

Department of Community Planning and Economic Development
Conditional Use Permit
BZZ – 6007

Date: May 6, 2013

Applicant: Nasib Bakery Food Distribution, LLC

Address of Property: 607 Cedar Avenue South

Project Name: Nasib Bakery

Contact Person and Phone: Luis Caire, (612) 290-1701

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

Date Application Deemed Complete: April 4, 2013

End of 60-Day Decision Period: June 3, 2013

Ward: 2 Neighborhood Organization: West Bank Community Coalition

Existing Zoning: C3A Community Activity Center District, PO Pedestrian Oriented Overlay District, and UA University Area Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 21

Legal Description: Not applicable for this application

Proposed Use: Limited production and processing to produce cupcakes for wholesale as part of an existing bakery.

Concurrent Review: Conditional use permit to allow limited processing and production at an existing bakery to produce cupcakes for wholesale.

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

Background: The Nasib Bakery is located at 607 Cedar Avenue South and was established in 2010 on this site. The applicant proposes to produce cupcakes for wholesale, which is classified as limited production and processing. No interior or exterior changes to the building are proposed. Limited production and processing uses require a conditional use permit in the C1 district. If the conditional use permit is approved, the action must be recorded with Hennepin County as required by state law.

The building where the bakery is located is part of a larger site including the properties of 601-619 Cedar Avenue South that received site plan review approval in 2003 (BZZ-1086 and PW#7479). In 2010, a conditional use permit to allow a shopping center was obtained. Properties are required to maintain compliance with previous land use approvals. A recent inspection found that some required landscaping is dead or missing, a bike rack is missing, and not all refuse containers are sufficiently screened. Otherwise the site is in compliance with the previous approvals. These violations will need to be corrected before the zoning approval for the license will be issued.

As of the writing of this staff report, staff has not received comments from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Department of Community Planning and Economic Development has analyzed the application and from the findings below 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.

No expansions or modifications to the existing tenant space would need to be made to allow the production of the cupcakes. The establishment of a limited production and processing use would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable licensing, building codes and life safety ordinances.

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 immediate area includes a mix of nonresidential and residential uses. The bakery is part of a multiple-tenant commercial property. No expansions or modifications to the existing tenant space would need to be made to allow the production of the cupcakes. The addition of wholesale cupcake production to the existing bakery is not expected to have an effect on surrounding properties.

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

Utilities and access roads are existing and adequate.

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

The addition of limited production and processing to the 730 square foot bakery would not increase the minimum parking requirement. The applicant has indicated that a minivan will be the only vehicle used for deliveries. Twenty-eight parking spaces and a loading space are located on the site.

The site also has convenient access to alternate modes of transportation. Adequate measures have been provided to minimize traffic in the public streets.

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

The proposed use would be consistent with these goals of the comprehensive plan and small area plan. The comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, designates Cedar Avenue South as a commercial corridor. In addition, the plan designates this area as an activity center and as a transit station area. According to the principles and policies outlined in the plan, the following apply to this proposal:

Land Use 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.

- 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.
- 1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.

Land Use Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

- 1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- 1.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.

Land Use Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

- 1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.

The *Cedar Riverside Small Area Plan* was adopted by the City Council on April 18, 2008. The plan designates this site as mixed-use commercial. Further, it states that “South Cedar will continue to build on its proximity to Riverside Plaza and The Cedars by primarily emphasizing ethnic businesses meeting the culturally unique daily needs of the area’s diverse population.”

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 establishment of a limited production and processing use will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permit. The maximum allowed floor area for this type of use in the commercial districts is 1,200 square feet, and the main entrance must open to a retail or office component equal to not less than 15 percent of the gross floor area of the use. The existing bakery complies with this requirement. The site is not in full compliance with the previously approved plan. The property owner is responsible for maintaining compliance and will need to address the aforementioned violations.

RECOMMENDATION

Recommendation of the Department of Community Planning and Economic Development for the Conditional Use Permit:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a limited production and processing conditional use permit to allow Nasib Bakery to produce cupcakes for wholesale located at the property of 607 Cedar Avenue South, 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 two years of approval.
2. The site shall be in compliance with the approved site plan. The property owner shall replace all required plantings that are missing or dead, install required bicycle parking, and screen all refuse containers.

Attachments:

1. Statement of use and findings
2. Zoning map
3. Plans
4. Photos