

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permit

BZZ-4907

Date: September 7, 2010

Applicant: Mona Properties, LLP, Attn: Fouad Masroujh, 701 West Lake Street,
Minneapolis, MN 55408, (612)824-7887

Addresses of Property: 701 West Lake Street

Project Name: Falafel King

Contact Person and Phone: Mona Properties, LLP, Attn: Fouad Masroujh, 701 West
Lake Street, Minneapolis, MN 55408, (612)824-7887

Planning Staff and Phone: Becca Farrar, Senior City Planner, (612)673-3594

Date Application Deemed Complete: July 27, 2010

End of 60-Day Decision Period: September 24, 2010

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

Ward: 10 **Neighborhood Organization:** Calhoun Area Residents Action Group
(CARAG), Lowry Hill East Neighborhood Association (LHENA),
Whittier Alliance, and Lyndale Neighborhood Association

Existing Zoning: C3A (Community Activity Center) district and PO (Pedestrian
Oriented) Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 24

Lot area: 3,513 square feet or approximately .08 acres

Legal Description: Not applicable for this application.

Proposed Use: Extend the operational hours of an existing business.

Concurrent Review: Mona Properties, LLP, on behalf of Falafel King Inc., has applied
for a Conditional Use Permit to extend the hours of operation for Falafel King located at
701 West Lake Street to 3:00 a.m. daily. Typically, the hours of operation allowed in the
C3A district are 6:00 a.m. to 1:00 a.m. daily.

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

Background: The applicant proposes to extend the hours of operation for an existing business located on the southwest corner of Lyndale Avenue South and West Lake Street at 701 West Lake Street. The property is zoned C3A and is located in the PO Overlay District. The Falafel King is categorized as a delicatessen restaurant which is a permitted use in the C3A district. Falafel King has operated on the premises since 1984 and occupies the building on the ground floor along with a tobacco shop. Residential units are located on the second floor of the building. The standard hours of operation in the C3A district are typically 6:00 a.m. to 1:00 a.m. daily. The applicant proposes to extend the hours of operation until 3:00 a.m. daily. The restaurant does not serve alcoholic beverages.

The business recently received a violation notice for operating beyond the hours allowed under the C3A district regulations; thus the application to legally extend the hours of operation. Planning Staff has consulted with the applicable Police Precinct which does not object to the extension of hours on the premises.

Staff has not received any official correspondence from any of the applicable neighborhood groups prior to the printing of this report; however, correspondence is attached from the Lyn-Lake Business Association. Correspondence received prior to the meeting shall be forwarded on to the Planning Commission for consideration.

CONDITIONAL USE PERMIT – for extended hours to 3 a.m. daily

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 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.

After consulting with the applicable Police Precinct, Planning Staff does not believe that allowing extended hours of operation in this location would be detrimental to or endanger the public health, safety, comfort and/or general welfare. Based on information obtained from the Police Department, preliminary analysis does not show any major concerns with the extended hours request. The Police Precinct Commander did note that trend information indicates that businesses in the area (that are open into the early morning) show considerable increased traffic and require increased patrol. It was further noted that the Police Department will continue to monitor this as more businesses make the request for late night hours.

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.

Planning Staff does not believe that granting extended hours in this location would be injurious to the use and enjoyment of other property in the vicinity and would 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 commercial and residential uses. The area is also a designated Activity Center with numerous businesses that operate with late night hours.

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 application for extended hours should not have any significant additional impacts on congestion in the public streets beyond that allowed under the existing hours. The capacity of the restaurant is small and there is no associated off-street parking for the business.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject property is located in a mixed-use area at the intersection of Lyndale Avenue South, a designated Community Corridor, and West Lake Street, a designated Commercial Corridor. The properties in the immediate vicinity are located within a designated Activity Center. The plan states that, “Activity Centers support a wide range of commercial, office, and residential uses. They typically have a busy street life with activity throughout the day and into the evening. They are heavily oriented towards pedestrians, and maintain a traditional urban form and scale. Activity Centers are also well-served by transit.” The proposed hours are generally consistent with the following relevant policy and implementation steps that pertain to the request:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity. This policy includes the following applicable

implementation step: (1.2.3) “Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.”

Land Use 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. This policy includes the following applicable implementation step: (1.4.3) Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.

Land Use Policy 1.12: Support Activity Centers by preserving the mix and intensity of and uses and by enhancing the design features that give each center its unique urban character. This policy includes the following applicable implementation steps: (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”; (1.12.3) “Encourage active uses on the ground floor of buildings in Activity Centers.”

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

If the conditional use permit were to be approved, the development would appear to comply with all of the applicable provisions of the C3A district. Any/all window signage would need to comply with Section 543.480 of the Zoning Code. Planning Staff considers this provision important to public safety/visibility, especially if extended hours are granted for the business. The use is also subject to specific development standards for delicatessen restaurants as follows:

- (1) 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.

Additional Findings Required for Extension of Hours Open To the Public:

(1) Proximity to permitted or conditional residential uses.

The properties located within the immediate vicinity are zoned C3A. The subject parcel abuts C3A zoning to the north, south, east and west. There are residential dwellings located within the subject building on the second floor directly above the business proposing the extended hours. The site is located within a designated Activity Center which typically have a busy street life with activity throughout the day and into the evening.

(2) Nature of the business and its impacts of noise, light and traffic.

Planning Staff would not expect extended operational hours for this business to result in substantive impacts on noise, light, and/or traffic within the immediate vicinity. The business is located within a designated Activity Center and there are numerous establishments within the immediate vicinity that have late night operational hours.

(3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.

The existing business is categorized as a delicatessen restaurant which is a permitted use in the C3A district. The Falafel King shares the ground floor of the building with a tobacco shop; residential units are located on the second floor. Should the conditional use permit for extended hours be approved and the business comply with the specific development standards that pertain to delicatessen restaurants, the proposal would appear to be in conformance with the applicable zoning regulations.

(4) History of complaints related to the use.

The business recently received a violation notice for operating beyond the hours allowed under the C3A district regulations; thus the application to legally extend the hours of operation. Planning Staff has consulted with the applicable Police Precinct which does not object to the extension of hours on the premises.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow extended hours:

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 the existing restaurant to operate until 3 a.m. daily for the property located at 701 West Lake Street 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.

Attachments:

1. Statement / Findings – Conditional Use Permit
2. Correspondence – CM, neighborhood letters
3. Zoning map
4. Plans –floor plan /photos
5. Police calls