

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ-2285

**Date:** April 25, 2005

**Applicant:** Acky-Calhoun, LLC

**Address of Property:** 3033 Excelsior Boulevard

**Project Name:** Mocha Delites

**Contact Person and Phone:** Kwang Kim, 952/457-9810

**Planning Staff and Phone:** Fred Neet, 612/673-3242

**Date Application Deemed Complete:** March 29, 2005

**End of 60-Day Decision Period:** May 28, 2005

**Ward: 13    Neighborhood Organization:** West Calhoun Neighborhood Council

**Existing Zoning:** OR2

**Zoning Plate Number:** 23

**Proposed Use:** Coffee shop within the Lake Calhoun Executive Center

**Concurrent Review:** None. Site Plan Review (BZZ-1932) was approved for the Lake Calhoun Executive Center on September 13, 2004.

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

**Background:** Mocha Delites, a coffee shop with sandwiches and sundries, seeks to locate within the Lake Calhoun Executive Center. Coffee shops within the OR2 district require a conditional use permit and are limited to 30 seats and 2,000 square feet. Mocha Delites proposes 1312 square feet with 24 seats and a vending area. It will be the only “neighborhood serving retail and sales service” within the Executive Center (OR2 regulations prohibit more than two on a single zoning lot). The Executive Center provides an excess of 71 parking spaces without the coffee shop.

The Executive Center is a five-story metal and glass, 27,491 square foot structure. A connected companion building has 13,193 square feet and underground parking, constructed as an auditorium, now converted to office uses. Lot area is 212,336 square feet, adjoining a parking area of 60,322 square feet owned by and shared with the Park Board. The current parking requirement is 414 stalls; 485 are provided.

**Department of Community Planning and Economic Development – Planning Division**  
BZZ-2285

A conditional use permit was approved in 1989 to allow commercial parking on park property, and the Public Works Department approved the shared parking site plan, also in 1989.

Excelsior Boulevard, designated a Community Corridor, is to the north. Park land is located on the other three sides.

**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 addition of a small coffee shop to an existing large office building should not adversely affect public health, safety, comfort or general welfare. Parking is adequate and existing. The retail services are directed to building tenants and their clients and patients.

**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.**

Operations are entirely enclosed. Deliveries will not affect other properties. Improvements to the proposed coffee shop, including new tiles and glazing, will encourage the property owner to make additional property improvements such as refinishing the atrium and new awnings. A vending area will be provided to the public.

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

Utilities, access roads, and other public infrastructure are existing and adequate. The Department of Public Works reviewed and approved drainage provisions in 2004.

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

Ample parking is provided to accommodate a coffee shop. No changes to parking access from the public streets are required.

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

*The Minneapolis Plan* encourages both mixed use, particularly in office-residence districts, and shared parking. It also encourages reinvestment, specifying “along major urban corridors.”

**Department of Community Planning and Economic Development – Planning Division**  
BZZ-2285

**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 application for Mocha Delites complies with the following requirements of Section 547.30 of the Zoning Code:

- (2) The maximum size of neighborhood serving retail sales and services uses shall be two thousand (2,000) square feet of gross floor area.
- (3) All neighborhood serving retail sales and services shall be located on the ground floor of a mixed use building of at least two (2) stories, with no more than two (2) such retail sales and services uses on a single zoning lot.
- (4) Drive-through facilities shall be prohibited.
- (5) Wholesale and off-premise sales shall be prohibited.
- (6) The minimum floor area of the structure in which the neighborhood serving retail sales and service use is located shall be twenty thousand (20,000) square feet.

**RECOMMENDATION**

**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 above findings and **approve** the conditional use permit to allow a coffee shop within the Lake Calhoun Executive Center at 3033 Excelsior Boulevard.

**Attachments:**

1. Applicant's statements
2. Zoning map
3. Site and floor plans
4. Land use policy map
5. Aerial photo
6. Photographs