

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Taco Bell/Border Foods **FILE #:** 15-134-559
  2. **APPLICANT:** Border Foods INC. **HEARING DATE:** July 16, 2015
  3. **TYPE OF APPLICATION:** Conditional Use Permit & Variance
  4. **LOCATION:** 565 Snelling Ave N, SW corner at Edmund
  5. **PIN & LEGAL DESCRIPTION:** 332923140031, R B Thompsons Addition Ex S 6.05 Ft Of W 37.42 Ft & Ex S 1 Ft Of E 10.5 Ft Lot 2 & All Of Lot 1 In Stirerle Mc Conville & Seegers Midway Add & In Sd R B Thompsons Add Lots 1 Thru Lot 3
  6. **PLANNING DISTRICT:** 11 **PRESENT ZONING:** T2
  7. **ZONING CODE REFERENCE:** § 61.501; 61.601; 61.202(b); §63.207(c); §65.513; §65.615; §66.331; §66.343
  8. **STAFF REPORT DATE:** July 10, 2015; July 13, 2015 **BY:** Jake Reilly
  9. **DATE RECEIVED:** June 29, 2015 **60 DAY DEADLINE FOR ACTION:** August 28, 2015
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- A. **PURPOSE:** Conditional use permit for drive-through sales with modification of the condition that drive-through lanes must be at least 60 feet away from a residentially zoned or used structure; to increase the maximum number of off-street parking spaces; and variances of minimum floor area ratio (0.5 required, 0.11 proposed), window and door openings of front facade length (50% required, 47% proposed), and interior parking lot landscaping (15% required, 12% proposed)
- B. **PARCEL SIZE:** Rectangular parcel ~160 ft (Snelling) by ~126 ft (Edmund) totaling 16,584 sq. ft.
- C. **EXISTING LAND USE:** Fast food restaurant with drive through
- D. **SURROUNDING LAND USE:**
  - North: Mixed residential and commercial (T2)
  - East: Retail & Other Commercial (T2)
  - South: Retail & Other Commercial (T2 and T4)
  - West: Residential (RM2 – Multiple-family)
- E. **ZONING CODE CITATION:** §61.501 lists general requirements for all conditional uses; §61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of §61.601; §63.207(c) establishes off-street parking maximums and authorizes the planning commission to approve conditional use permits for increasing the maximum based on demonstration of need; §65.513 lists the standards and conditions for drive-through sales and services use; §65.615 is the definition of fast-food restaurant; §66.331 lists the setback and Floor Area Ratio requirements for Traditional Neighborhood districts; §66.343 lists design standards for Traditional Neighborhood districts
- F. **HISTORY/DISCUSSION:** The building presently located at 565 North Snelling Avenue was constructed in 1973. The land on which the building was constructed was, at that time, zoned “commercial.” Fast-food restaurants were a permitted use in a commercial zoning district with a conditional use permit. Prior to 1975, there was one “commercial” zoning district classification for the entire city. In 1975, the zoning code was amended. One purpose of the amendments was to create “finer-grained” zoning districts. As a result, the subject property was rezoned to B3. In 2011, as part of the Central Corridor zoning study, the subject land was rezoned again, this time to T2. Fast-food restaurants are permitted in both B3 and T2 zoning districts with a conditional use permit if over 10,000 sq. ft. Drive-through sales and services are permitted with a conditional use permit in T2 zoning districts and

permitted as-of-right in B3 zoning districts.

The first fast-food restaurant was known as Zapata. Consistent with the commercial zoning classification for the property, Zapata obtained a conditional use permit from the city in 1973. At the public hearing for the permit, the Zapata representative said the hours of the restaurant would be 11 a.m. to 11 p.m. during the week and 11 a.m. to 1 or 2 a.m. on weekends. This was not specifically included as a condition of the permits. Each fast-food restaurant occupying the subject property since 1973, including the present occupant, Taco Bell, has used the property subject to the 1973 conditional use permit. At some point in time after 1973, a drive-through window was added to this use. Staff has found no record of any zoning or building permits pulled for the construction and operation of this drive-through window.

Among the 1975 zoning amendments governing fast-food restaurants were two provisions under Leg. Code § 60.564.4(g) which regulated fast-food restaurants with drive-through windows by requiring, that “speaker box sounds from drive-through lanes shall not be plainly audible so as to unreasonably disturb the peace, quiet and comfort of abutting residential property and .4(i) that “impact on adjoining property by use of the site may not result in the following: (1) Loud, boisterous and disturbing noise levels; (2) Hazardous traffic conditions; (3) Offensive, obnoxious and disturbing odors; (4) Excessive litter; (5) Excessive artificial lighting; (6) Substantial decrease in adjoining property values.” All of these remain in effect today.

In March 2014 an attorney representing the neighboring residential property owners, Kristine and Mark Vesley, alleged that the Taco Bell was a nonconforming use in a complaint to DSI. In April 2014 the Zoning Administrator issued a letter stating that the business was a conforming use but that if a new drive-through service with a different configuration was proposed, a new conditional use permit would be required for the drive through. This letter was appealed to the Board of Zoning Appeals, which denied the appeal. There are many complaints regarding noise associated with this use filed with the police department and there is a record in the AMANDA system of complaints to DSI regarding noise and the volume of the drive-through speaker box, among others.

G. **DISTRICT COUNCIL RECOMMENDATION:** District 11 intends to submit comments prior to the zoning committee meeting.

H. **FINDINGS:**

1. The applicant, Border Foods, intends to demolish the existing restaurant at 565 Snelling Avenue North and construct a new Taco Bell restaurant at the same location, but with a different site plan. As stated above, this triggers the requirement for a new conditional use permit application. The configuration of the drive-through and traffic flow will change, as will the number of parking spaces, and the location of the structure on the property. The applicant seeks a conditional use permit for a drive-through service lane, with a modification of the condition to allow the drive-through lanes to be closer than 60 feet to a residentially zoned or used structure and to increase the maximum number of off-street parking spaces. The applicant also has applied for variances detailed in Finding No. 7 of minimum floor area ratio (0.5 required, 0.11 proposed), window and door openings as a percentage of front facade length (50% required, 47% proposed), and interior parking lot landscaping (15% required, 12% proposed).
2. §65.513 lists the following standards and conditions for drive-through sales and services:
  - (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned*

*property or property occupied with a one-, two-, or multiple-family dwelling. This standard is **not** met. The proposed drive-through service lane and windows are located to the sides and rear of the building's Snelling Avenue frontage. The drive-through service lane as proposed is not 60 feet away the closest point of residentially zoned and used property. The drive-through window is more than 60 feet from the adjacent residential zone. The applicant has requested a modification of this condition. See finding No. 4.*

- (b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property. This standard is met. The single ingress/egress point is at least 60 feet from the intersection of two streets and from abutting residentially zoned property.*
- (c) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property. This standard **can** be met. According to the applicant, speaker box sounds will not be audible from the closest residential property, 100 feet to the west. A fence and landscaping will be installed along the west side of the property to further minimize noise impacts from the speaker box. However, there is not enough information provided by the applicant to state the manner in which speaker box sounds, and drive-through-related sounds generally, will be minimized so as to not be plainly audible on abutting residentially zoned property.*
- (d) A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property. This standard does not apply. There is no adjoining existing residence or residentially zoned property. There is an alley between this property and the existing residence or residentially zoned property to the west.*

Additional conditions in the T2 traditional neighborhood district:

- (e) There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes. This condition is met. There is only one drive-through lane and only one drive-through service window.*
  - (f) The number of curb cuts shall be minimized. In light rail station areas, there shall generally be no more than one (1) curb cut on a block face per drive-through. Drive-through sales and services are prohibited along the entire length of block faces adjacent to light rail transit station platforms. This condition is met. This is in the Snelling Avenue Station area. There is only one curb cut on one block face, the Snelling Avenue face.*
3. §65.615 lists standards and conditions for fast-food restaurants. The standards not duplicated elsewhere in these findings are:
- (f) When the site abuts an alley which also serves residentially zoned land, no access from the site to the alley shall be permitted. This standard is met.*
  - (g) Trash receptacles shall be housed in a three-sided masonry enclosure, six (6) feet high, or equal in height to the dumpster, whichever is greater, and have an entrance gate constructed of a durable, opaque material. The site plan included with this application complies with this standard.*
  - (h) A litter collection plan shall be developed and submitted to the planning commission, which obligates the restaurant operator to keep the area surrounding said restaurant*

*free of restaurant litter for a reasonable specified distance. A litter collection plan has not yet been submitted.*

(i) *A landscaped area not less than fifteen (15) percent of the impervious surface area of the lot shall be provided and maintained. This standard is met.*

(j) *Impact on adjoining property by use of the site may not result in the following:*

*(1) Loud, boisterous and disturbing noise levels.*

*(2) Hazardous traffic conditions.*

*(3) Offensive, obnoxious and disturbing odors.*

*(4) Excessive litter.*

*(5) Excessive artificial lighting.*

*(6) Substantial decrease in adjoining property values.*

4. The planning commission may approve modifications of special conditions when specific criteria are met: *Strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. The parcel is approximately 125 feet deep from Snelling Avenue right-of-way to the alley. There is no way to design the drive through without violating multiple conditions. To meet the 60-foot distance standard for drive-through lanes and windows, the drive-through lanes would have to be placed between the building and the street. This would require that the building be moved away from the corner. Both of which are standards for the zoning district in which the property is located. Strict application of the standard would require a difficult and dangerous turning movement; increase potential for conflicts with pedestrians; and decrease the distance of the speaker box and windows from the abutting residentially-zoned property. The modification will not impair the intent and purpose of the condition and is consistent with health, morals, and general welfare, and is consistent with reasonable enjoyment of adjacent property, provided that design steps are taken to ensure that speaker box sounds are not plainly audible at the abutting residential property line.

5. §63.207(c) *Off-street parking maximum* states: *Surface parking facilities with more than fifteen (15) spaces that exceed the specified off-street parking minimum...shall not be created unless a conditional use permit is approved based on demonstration of need.* The applicant has requested a conditional use permit to increase the parking maximum. The applicant states that the franchise standards require a minimum of 20 spaces. The current condition has 29 spaces. This request reduces the number of spaces on the site from the current condition, to 20. The applicant's request for increased parking is based on high average daily traffic volumes along Snelling Avenue; lack of on-street parking availability in the neighborhood; a desire to prevent customers from parking in the neighborhood; a need to store snow on site during the winter months; and the inability to accommodate other forms of parking alternatives such as structured or shared parking. However, for an establishment of this size (1,847 square feet) the typical minimum requirement is five (5) spaces. The site is located in a T2 zoning district within ¼ mile of the Green Line LRT and within the Snelling Avenue station area. Given the requirements of §63.207(c) and the location of this facility, the maximum number of spaces at this location without a conditional use permit is 10. However, §63.207(b) *Off-street parking*

*reductions*, allows for a reduction by 100 percent of required parking spaces within ¼ mile of University Avenue, for an effective minimum of zero (0). This reduction is permitted because of enhanced accessibility to sites within a ¼ mile of the light rail line by pedestrians and transit-riders. The supporting material provided by the applicant does not demonstrate enough need to justify permitting four times the minimum number of vehicle parking spaces in this area. There are no statements regarding existing use of parking spaces by employees or customers that would justify such an increase in the number of parking spaces.

6. §61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This standard is **not** met. The use generally complies with the City of Saint Paul's city-wide Comprehensive Plan which seeks, in land use policy 1.24 to "support a mix of uses on Mixed-use corridors" of which Snelling is one and land use policy 1.50 "facilitate the redevelopment of commercial areas where existing buildings are no longer considered functional."

The proposed use is generally not consistent with the Snelling Station Area Plan. The plan includes the following policies regarding land use along Snelling Avenue on the north side of University Avenue:

- Under the introduction to section 4.3 entitled "Revitalize Snelling Main Street" the plan states "North of University Avenue, preserving and strengthening this Lower Main Street pattern [just north of University Avenue] through gradual intensification and infill will help to extend the activity along the corridor north towards Hamline University."
- 4.3.1.a) New development or expansion of existing buildings should be predominantly low to mid-rise in scale up to 3 commercial stories in height or 3 residential stories above one story of first floor retail..
- 4.3.1.f) Ensure first floor units and storefronts have at least one entrance that is oriented towards the Avenue, access points to the station platforms, and/or key gathering places.
- 4.3.2 a) Land uses along Snelling Avenue north of University should support a predominance of commercial and retail uses oriented to meeting local needs.

The use is also not in compliance with the Hamline-Midway Community Plan which included a request to study rezoning the area in question to T2. This was accomplished through the Central Corridor zoning study. The T2 district has standards and requirements for minimum floor area, maximum front yard setback, maximum parking and parking location, maximum signage, and a number of design standards. The applicant worked with staff to develop a site plan that moved somewhat closer to the intent of traditional neighborhood zoning standards and requirements. However, the application for this very auto-oriented use includes a request for three variances from these standards and requirements; the result is a use that does not meet the overall intent of the T2 zoning district, and is not in compliance with the Hamline-Midway Community Plan.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed plan provides a single right-in/right-out access from Snelling Avenue which will minimize congestion in the local

- streets, as will the stacking lanes provided for the drive through. The location of the drive through and parking spaces is designed to minimize conflicts between vehicles and pedestrians and business operations' effect on abutting residential properties.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed new building and site plan replace an outdated and obsolete building and inefficient site. The new building, landscaping, and customer amenities like bicycle racks, may improve the existing character of the neighborhood. The reconfigured drive through will improve upon the existing situation and will provide better stacking of vehicles than in the existing condition.
  - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* The fast-food with drive-through use, which is a reconstruction of the existing use, will not itself impede the normal and orderly development of the surrounding properties.
  - a) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition **may be** met subject to approval of a modification of a condition and the approval of several requested variances. The applicant has requested three (3) variances from the applicable regulations of the T2 Traditional Neighborhood District. They are:
    - 1) A variance from the minimum Floor Area Ratio (FAR) of 0.5. The applicant proposes an FAR of .11.
    - 2) A variance from the interior landscaping requirement in a parking area of 15%. The applicant proposes 12%.
    - 3) A variance from the length of required door and window openings of 50 % of the front façade length. The applicant proposes 47%.
7. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. The Board of Zoning Appeals and the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:
- a) *The variance is in harmony with the general purposes and intent of the zoning code.* This standard is **not fully** met. The proposed variance for Floor Area Ratio (FAR) is not in keeping with the spirit and intent of the code. The minimum FAR in the T2 district is 0.5, nearly five times greater than the FAR of .11 proposed by the applicant. This not in keeping with the Traditional Neighborhood District standards or intent. The T2 traditional neighborhood district is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods. This use is not pedestrian oriented, does not support increased transit usage, and does not pay careful attention to the transition to adjacent residential neighborhoods. However, the request for variances for the landscaping and window and door openings is in keeping with the general purposes and intent of the zoning code.
  - b) *The variance is consistent with the comprehensive plan.* This finding is **not** met. The use generally complies with the City of Saint Paul's city-wide Comprehensive Plan which seeks, in land use policy 1.24 to "support a mix of uses on Mixed-use corridors" of which Snelling is one and land use policy 1.50 "facilitate the

- redevelopment of commercial areas where existing buildings are no longer considered functional.” However, the use is not in compliance with the Snelling Station Area Plan and Hamline-Midway Community Plan as stated in Finding 6(a) above.
- c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is **not fully** met.
- i. The applicant has requested a variance from the FAR requirement for this zoning district. The lot size is 16,584 sq. ft. An FAR of .5 could be accomplished with a single-story building of 8,292 sq. ft., or a two-story building of 4,146 sq. ft. on each level. A number of suitable uses could be accommodated in such a structure or a larger restaurant could be constructed. Given that there is no minimum parking required within ¼ mile of University Avenue, a larger structure would not require more parking on the site. Thus there are no practical difficulties in complying with the required FAR.
  - ii. The applicant has requested a variance from the interior landscaping requirement for this zoning district. The applicant’s request for an increase to the parking maximum of 100 percent or 20 parking spaces causes an inability to provide 15% of the interior landscaping in the parking area. If the applicant reduced the number of parking spaces, which is in excess of the requirement, the applicant could provide the required landscaping. Therefore there is no practical difficulty in complying with the landscaping provision.
  - iii. The applicant has requested a variance of the door and window openings. The applicant states that the layout of interior programming for the franchise in question does not allow for door and window openings to comprise 50% of the length of the building. The applicant has attempted to maximize window and door openings in the public areas of the restaurant but is still unable to meet the 50% requirement. This represents a practical difficulty in complying with the provision.
- d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is not met. Strict adherence to corporate architecture, site plans and site programming is a plight created by the landowner.
- e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. This use is allowed in this zoning district subject to approval of a conditional use permit by the Planning Commission.
- f) *The variance will not alter the essential character of the surrounding area.* This finding is met. Granting the variances will somewhat improve the essential character of the surrounding area, given that programming of the site is superior to what is in place in the existing condition.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the conditional use permit for drive-through sales; denial of the modification of the distance requirement; denial of the conditional use permit to increase the maximum number of off-street parking spaces; and denial of the requested variances.





## CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

### Zoning office use only

File # 15-134559  
Fee: \_\_\_\_\_  
Tentative Hearing Date: 7-16-15

PD=11

\* 332923140031

### APPLICANT

Name BORDER FOODS, INC.  
Address c/o Brian D. Alton, McClay-Alton, PLLP, 951 Grand Avenue  
City St. Paul St. MN Zip 55105 Daytime Phone 651-290-0301  
Name of Owner (if different) \_\_\_\_\_  
Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

### PROPERTY LOCATION

Address / Location 565 N. Snelling Avenue, St. Paul, MN 55104  
Legal Description Ex S 6.05 Ft Of W 37.42 Ft & Ex S 1 Ft Of E 10.5 Ft Lot 2 & All Of Lot 1 In  
Stirerle Mc Conville & Seegers Midway Add & In Sd R B Thompsons Add Lots 1 Thru Lot 3  
Current Zoning T2  
(attach additional sheet if necessary)

**TYPE OF PERMIT:** Application is hereby made for a Conditional Use Permit under provisions of  
Chapter 66, Section 321, Paragraph \_\_\_\_\_ of the Zoning Code.  
Chapter 63, Section 207, Paragraph (c) of the Zoning Code

**SUPPORTING INFORMATION:** Explain how the use will meet all of the application standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

Section 66.321 Drive through sales and service  
Section 63.207(c) Off street parking maximum in light rail station area.

See Attachment.

Applicant's signature

Date

City Agent



## **Conditional Use Permit**

### **Drive through service facility (Sec. 66.321)**

#### **Exceeding maximum parking in station area (Sec. 63.207(c))**

1. *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable sub-area plans which were approved by the city council.*

The continued use of the property as a restaurant with a drive through will be in substantial compliance with the Saint Paul Comprehensive Plan and is consistent with the redevelopment goals for the Central Corridor. The drive through facility will be located at the back of the building, fully screened and separated from Snelling Avenue, the alley and adjacent residential property.

2. *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

The proposed plan provides adequate ingress and egress to minimize congestion. A right in, right out access on Snelling is used. There is no access from Edmund. There will be no alley access to the property. There is a single curb cut on Snelling Avenue.

The location of the drive through facility and design of the site provides stacking space for 4 cars. This will prevent conflicts with ingress and egress in the parking lot. The drive lane will prevent any potential conflict with adjacent residential properties.

There is enough parking to accommodate the needs of the restaurant, but not too much parking. The existing site has 29 spaces. The new facility reduces the amount of parking spaces to 20. There is a demonstrated need for more than maximum allowable parking. The parking provided needs to be sufficient so as to not impinge on the scarce on-street parking on the neighborhood streets. Improvements to Snelling Avenue, including the A Line BRT, will reduce available on street parking.

3. *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

The proposed new building replaces an outdated and obsolete building. The size of the new building is similar to the existing building and is appropriate for the type of business. The new building will improve the existing character of the neighborhood and not endanger public health, safety or general welfare. The new building, improved landscaping, bicycle racks and other amenities will improve the appearance of the site. The improvements will encourage pedestrian and bicycle use and enhance the LRT and BRT.

The upgrades to the property will be done in compliance with design standards, dimensional standards, off-street parking and other conditions for property located in T2 zoning districts.

## Attachment to Application for Conditional Use Permit

Property address: 565 N. Snelling Avenue, St. Paul, MN

June 24, 2015

The redesigned drive through will improve on the existing situation and lessen the impact on the nearby residential properties. It will provide an orderly flow, sufficient stacking space and exit.

4. *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The building and site design proposed for the rebuilding of the restaurant will not impede the normal and orderly development of the surrounding properties.

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

The drive through service facility for the restaurant and parking in excess of the maximum will in all other respects conform to the applicable regulations of this district.

McCLAY • ALTON, P.L.L.P.  
951 Grand Avenue  
St. Paul, MN 55105  
651-290-0301

Attachment to Application for Conditional Use Permit  
(Supplement)

Property address: 565 N. Snelling Avenue, St. Paul, MN  
June 24, 2015

**CONDITIONAL USE PERMIT TO INCREASE THE SURFACE PARKING MAXIMUM**

*As part of the renovation, Border Foods is requesting an increase of the surface parking maximum. Border Foods will reduce the number of parking spaces on the site by about one-third (from 29 to 20).*

- ☐ Average daily counts to demonstrate parking demand, times and amount of peak demand, and the proportion of users who are employees, visitors, residents, clients, contractors, vendors, interpreters, etc. at those times.

*REPLY: According to the Snelling Avenue Multi-Modal Transportation Plan, MNDOT, June 29, 2012, Figure 6, the average Annual Daily Traffic Volume on this segment of Snelling Avenue is 31,500 vehicles. (Traffic counts for the site itself are not available).*

*Snelling Avenue is a very busy street accommodating neighborhood residents, commuters, shoppers and customers. This shows the high demand for parking.*

- ☐ On-street parking availability and constraints along the street frontage of the property and within 300 feet of the property at times of peak parking demand, including what happens during snow emergencies.

*REPLY: On-street parking is extremely limited along Snelling Avenue. The A Line BRT and the regular bus service add constraints to on-street parking. Surface parking on site should be maximized in order to not burden the parking on the residential side streets, which should be available to residences.*

*During snow emergencies, on-street parking will be further restricted creating greater demand for the parking spaces onsite.*

- ☐ Access to the site by sidewalk, bicycle facilities, transit service, and other modes of transportation used by employees and visitors to the site. (Staff may provide a map.)

*REPLY: There are multiple ways to get to the restaurant at 565 N. Snelling. The site is accessible by sidewalk, bicycle facilities, transit service, and other modes of transportation. The Charles Avenue Bikeway is nearby. Pedestrians and cyclists will be accommodated on the site. Safe and adequate parking will enhance the access for all.*

- ☐ Existing incentives for promoting alternatives to driving.

*REPLY: The site is welcoming for pedestrians and cyclists. It will be more so after the restaurant is improved.*

- ☐ Feasibility of alternatives to reduce the need for additional surface parking such as

- ☐ Structured and underground parking
- ☐ Shared parking arrangements
- ☐ Distribution or subsidy of transit passes
- ☐ Provision of bike racks
- ☐ Flexible scheduling and carpooling efforts
- ☐ Stacked parking possibilities

Attachment to Application for Conditional Use Permit  
(Supplement)

Property address: 565 N. Snelling Avenue, St. Paul, MN  
June 24, 2015

*REPLY: The site is too small for most of these alternatives. Bike racks will be provided.*

- ☐ Opportunities for sharing the additional parking on the site with other users.

*REPLY: The site is too small for sharing of parking.*

- ☐ Need and location for on-site storage of snow and business/applicant-owned vehicles.

*REPLY: It is possible that that parking spaces will be needed for storage of snow and use by employees. There needs to be additional space for snow storage in order to make sure that the drive through lanes are cleared.*

- ☐ Other circumstances that contribute to the need for the additional surface parking.

*REPLY: Border Foods wants to be sure to have sufficient parking for its customers and employees in order to not stress the limited on street parking. It is a busy restaurant with a high number of customers arriving by automobile. The standards of the franchise for number of parking spaces requires no less than 20. With the new parking area, the number of spaces is reduced by nearly one-third.*

- ☐ Conformance with the five standards that all conditional uses must satisfy:

1. *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable sub-area plans which were approved by the city council.*

*REPLY: The continued use of the property as a restaurant with a drive through will be in substantial compliance with the Saint Paul Comprehensive Plan and is consistent with the redevelopment goals for the Central Corridor. The drive through facility will be located at the back of the building, fully screened and separated from Snelling Avenue, the alley and adjacent residential property.*

2. *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

*REPLY: The proposed plan provides adequate ingress and egress to minimize congestion. A right in, right out access on Snelling is used. There is no access from Edmund. There will be no alley access to the property. There is a single curb cut on Snelling Avenue.*

*The location of the drive through facility and design of the site provides stacking space for 4 cars. This will prevent conflicts with ingress and egress in the parking lot. The drive lane will prevent any potential conflict with adjacent residential properties.*

*There is enough parking to accommodate the needs of the restaurant, but not too much parking. The existing site has 29 spaces. The new facility reduces the amount of parking spaces to 20. There is a demonstrated need for more than maximum allowable parking. The parking provided needs to be sufficient so as to not impinge on the scarce on-street parking on the neighborhood streets. Improvements to Snelling Avenue, including the A Line BRT, will reduce available on street parking.*

3. *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

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Property address: 565 N. Snelling Avenue, St. Paul, MN

June 24, 2015

*REPLY:* The proposed new building replaces an outdated and obsolete building. The size of the new building is similar to the existing building and is appropriate for the type of business. The new building will improve the existing character of the neighborhood and not endanger public health, safety or general welfare. The new building, improved landscaping, bicycle racks and other amenities will improve the appearance of the site. The improvements will encourage pedestrian and bicycle use and enhance the LRT and BRT.

The upgrades to the property will be done in compliance with design standards, dimensional standards, off-street parking and other conditions for property located in T2 zoning districts.

The redesigned drive through will improve on the existing situation and lessen the impact on the nearby residential properties. It will provide an orderly flow, sufficient stacking space and exit.

4. *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

*REPLY:* The building and site design proposed for the rebuilding of the restaurant will not impede the normal and orderly development of the surrounding properties.

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

*REPLY:* The drive through service facility for the restaurant and parking in excess of the maximum will in all other respects conform to the applicable regulations of this district.

Attachment to Application for Conditional Use Permit  
**(Supplement 2)**

Property address: 565 N. Snelling Avenue, St. Paul, MN  
July 8, 2015

**SECTION 61.502 MODIFICATION OF CONDITION**

*Based on a determination by staff that the drive through lane as shown on the site is less than 60 feet from residentially zoned property as required by Section 65.513, Border Foods is requesting a modification of the condition under Section 61.502.*

There is no way to design the drive through lane so that it is more than 60 feet from residential property. The lot is only 125 feet deep. The drive through has been designed so that the order station and pick up window are as far away from the residential property as possible. The required stacking spaces (as well as the order station and pick up window) are greater than 60 feet from residential property.

The site plan shows an area for cars to access the drive through that is separated from the parking area for safety and efficiency. The design maximizes the area available for interior landscaping.

Strict application of the condition for 60 foot separation would require a difficult and dangerous turning radius and potential for conflict with pedestrian traffic. Zoning allows for a drive through service use at this site.

The intent of the conditions is to buffer residences from drive-through uses and in this case buffering is achieved by a fence and landscaping. There is no alley access.

**LANDSCAPE PLAN**

*In response to PED staff suggestion, a revised landscape plan shows that the arborvitae that is to be planted along the alley has been replaced by Emerald Green Arborvitae (Thuja occidentalis 'Smaragd'), instead of Techny Arborvitae.*

*Revised plan attached.*

McCLAY • ALTON, P.L.L.P.  
951 Grand Avenue  
St. Paul, MN 55105  
651-290-0301



## APPLICATION FOR ZONING VARIANCE

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

### Zoning office use only

File number: \_\_\_\_\_

Fee: \$ \_\_\_\_\_

Tentative Hearing Date: 7-16-15

Section(s): \_\_\_\_\_

City agent \_\_\_\_\_

PD =

#

### APPLICANT

Name \_\_\_\_\_ Company BORDER FOODS, INC.  
Address c/o Brian D. Alton, McClay-Alton, PLLP, 951 Grand Avenue  
City St. Paul State MN Zip 55105 Daytime Phone 651-290-0301  
Property interest of applicant (owner, contract purchaser, etc) owner  
Name of owner (if different) \_\_\_\_\_

### PROPERTY

Address/Location 565 N. Snelling Avenue, St. Paul, MN 55104  
Legal Description Ex S 6.05 Ft Of W 37.42 Ft & Ex S 1 Ft Of E 10.5 Ft Lot 2 & All Of Lot 1 In  
Stirerle Mc Conville & Seegers Midway Add & In Sd R B Thompsons Add Lots 1 Thru Lot 3  
(attach additional sheet if necessary)  
Lot size \_\_\_\_\_ Present zoning T2 Present Use Restaurant  
Proposed Use Restaurant

### Variance[s] requested:

Section 63.314 15% required landscaping in parking area, 12% provided  
Section 66.331 .5 minimum FAR in Station Area, .11 provided  
Section 66.343(b)(13)a. 50% of length required door and window openings, 47% provided

**Supporting Information:** Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

See attachments.

Attachments as required: \_\_\_\_\_ Site Plan X Attachments \_\_\_\_\_ Pro Forma

add 6-25-15

Applicant's signature

Brian D. Alton, Attorney for Applicant

Date: 6/24/15



## **Variance Request**

### **Landscaping in parking facility (Sec. 63.314)**

### **Floor area ratio (Sec. 66.331)**

### **Door and window openings (Sec. 66.343(b)(13))**

1. *The variance is in harmony with the general purposes and intent of the zoning code.*

The variance is consistent with the general purposes and intent of the zoning code as described in Section 60.103. The variances will promote the health, safety, economic viability and general welfare of the community. The variances will lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles. The variances will promote a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods. If the variances are granted, the project will be in full compliance with the zoning code.

2. *The variance is consistent with the comprehensive plan.*

The variance is consistent with the following comprehensive plan citations:

- 1.24 Support a mix of uses on Mixed-Use Corridors
- 1.45 Maintain and enhance retail commercial areas throughout the city by promoting standards that make them vital and attractive.
- 1.50 Facilitate the redevelopment of commercial areas where existing buildings are no longer considered functional to accommodate viable retail and businesses

The site plan and building design will improve the pedestrian experience on Snelling Avenue. by providing landscaped areas, public art, improved building façade, with an entry oriented to the sidewalk on Snelling Avenue.

3. *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. (Economic considerations alone do not constitute practical difficulties.*

FAR. Practical difficulties in regard to FAR relate to the size of building appropriate for the type of restaurant in comparison to the size of the lot. If the floor area of the building was increased there would be less space available for landscaping and parking.

LANDSCAPING. It is impractical or unreasonable to provide 15% landscaping. The landscape plan shows that the landscaping has been maximized and that there is plenty of landscaping. If the perimeter landscaping is included in the calculation, 15% is exceeded. All of the parking spaces that are provided are needed. There are no other areas where landscaping can be added.

Attachment to Application for Zoning Variance  
Property address: 565 N. Snelling Avenue, St. Paul, MN  
June 24, 2015

DOOR AND WINDOW OPENINGS. There are practical difficulties in complying with the requirement for windows and doors comprising 50% of the length of the building. The small variance requested is reasonable. The location of things in the interior of the building (like equipment, rest rooms, the kitchen, etc.) prevent the possibility of adding windows into private areas. Windows are maximized in the public areas of the restaurant.

The proposed building, with parking and a drive through is a reasonable use of the property. The building and the landscaping, screen the parking from the alley and street and provide a much improved streetscape.

4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The size of the lot and the use of the property is a circumstance not created by the landowner.

5. *The variance will not permit any use that is not allowed in the zoning district where the effective land is located.*

The variance will not permit any use that is not allowed in the zoning district where the effective land is located.

6. *The variance will not alter the essential character of the surrounding area.*

The variances are in keeping with the commercial nature of the area and will not alter its essential character. The investment in the property will facilitate more redevelopment of the surrounding commercial areas.

### **PROJECT DESCRIPTION**

Border Foods, Inc. proposes to rebuild the existing Taco Bell restaurant located at 565 N. Snelling Avenue. The new building will replace one that was built over 40 years ago.

Border Foods intends to improve the property, to reconfigure the parking lot, reduce the number of parking spaces, add landscaping, move the drive-through ordering area further from the adjacent residences, and build an improved restaurant.

- The building designed by WCL Associates, Inc. is located at the southwest corner of Snelling Avenue and Edmund Avenue. It is toward the northern edge of the Snelling light rail station area.
- Parking is minimized with only 20 parking spaces provided on site. This is a reduction of the existing parking, but will be sufficient to meet the needs of the restaurant and not have customers using scarce on-street parking in the neighborhood.
- The parking, drive through and restaurant are screened from the neighboring residential properties with a fence, new trees and other significant perimeter and interior landscaping.
- The interior landscaping will also include the use of rain gardens.
- The drive through order window has been moved. It will be over 90 feet from the residential property. It is presently approximately 68 feet from the residential property.
- Public art is incorporated into the plan. The building and site plan will enhance the Midway Murals project. At the northeast corner of the property, a mural board will allow the Midway Murals artists to design a mural to complement the larger mural on the building next door. The landscaping on the south border of the property will be designed to enhance the mural on the building next door.

The history of the property shows that it has been classified as a fast food restaurant for over 40 years. It was previously zoned B3 and in 2011 it was re-zoned to T2. The restaurant (a fast food restaurant with drive-through service) is a permitted use in a T2 zoning district.

The City has enacted design standards, dimensional standards, off-street parking and other conditions for property located in T2 zoning districts. The upgrades to the property at 565 Snelling Avenue will be done in compliance with most all of these. There are circumstances regarding the property which make full and complete compliance with some of these standards and conditions impractical or unreasonable. Border Foods is applying for a conditional use permit and variances as needed.

The new building will comply with the following sections of the code:

65.513	Drive through standards and conditions
65.616	Fast food standards and conditions
63.210	Bicycle parking
63.213	Accessible parking
63.311	Wheel stops
63.312	Set back
63.313	Visual screening
63.315	Maintenance
63.316	Paving
66.331	TN District Dimensional Standards
66.343	TN Design Standards



Architecture  
Interiors

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


**Taco  
Bell**

PRELIMINARY  
NOT FOR  
CONSTRUCTION

**Border Foods**  
5425 Boone Ave N.  
New Hope, MN 55428


Contact: Barb Schneider  
Phone: 763-489-2970



**Consultant**  
SITE CONSTRUCTION MANAGEMENT  
**CIVIL ENGINEERING**  
**SITE DESIGN**

118 East Broadway St.  
PO Box 388  
Monticello, Mo 65302  
Phone: 703-214-0020

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly licensed Engineer under the laws of the State of Minnesota.

Printed Name: SCOTT DALLKE  
Signature: 

Card: 06/22/15 License #: 21340

[illegible][illegible]

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Modified-Small 28-NI  
28 Seats: 1,847 SF

## EXISTING CONDITIONS & DEMOLITION PLAN

2014.09.06

C2.0

**TACO BELL SNELLING AVE  
ST PAUL**

DEMOLITION NOTES

- [illegible]

## **INDEX OF CIVIL SITE DRAWINGS:**

- |      |                                       |
|------|---------------------------------------|
| 31.0 | SITE PLAN                             |
| 32.0 | EXISTING CONDITIONS & DEMOLITION PLAN |
| 33.0 | GRADING AND DRAINAGE PLAN             |
| 34.0 | UTILITIES PLAN                        |
| 35.0 | EROSION CONTROL PLAN                  |
| 36.0 | DETAILS                               |













WCL  
Associates, Inc.

Architectural  
Division

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Taco  
Bell

555 Snelling Ave. N.  
Saint Paul, MN.

PRELIMINARY  
NOT FOR  
CONSTRUCTION

Border Foods  
5425 Route 1  
New Hope, MN 55428

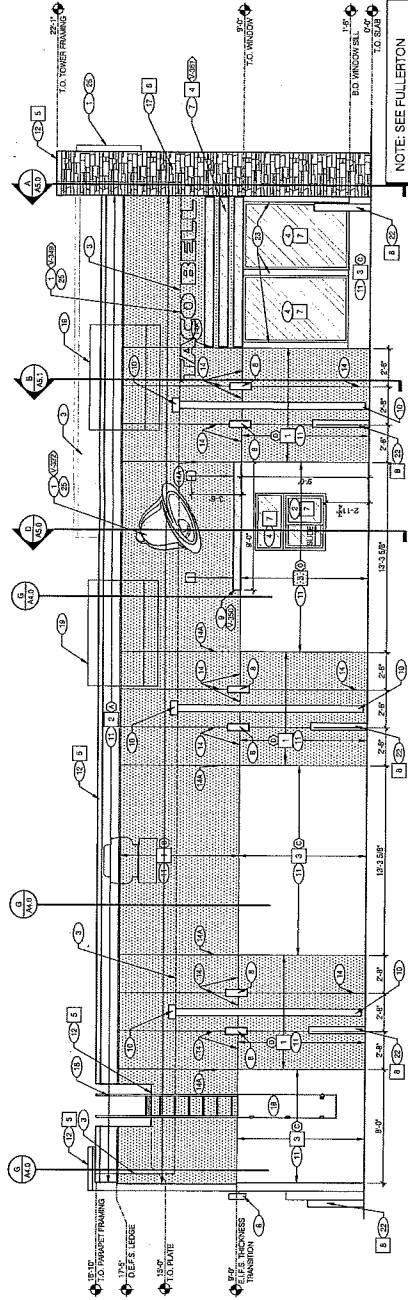
1. This drawing is the property of WCL Associates, Inc. and is not to be reproduced or used in any way without the written consent of WCL Associates, Inc.

Drawn by: J. Smith  
Checked by: J. Smith  
Project Number: 2010-0001  
Project Name: 5425 ROUTE 1  
SITE PLAN REVIEW  
DATE: 08-22-2010

MODIFIED: 08/24/10  
28 Sheets: 1 of 28  
EXTERIOR ELEVATIONS

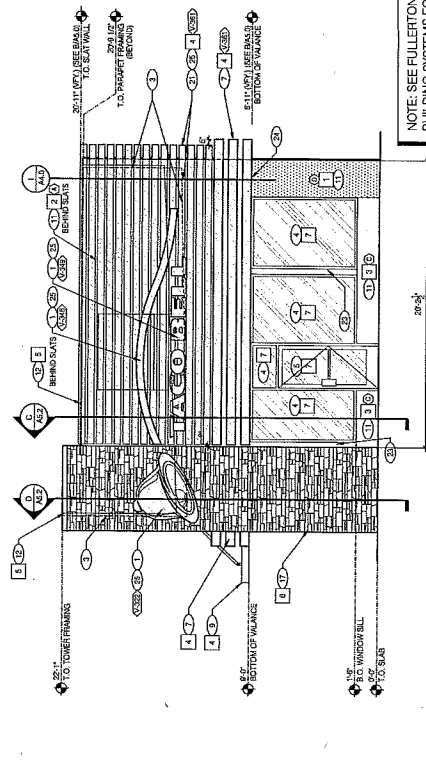
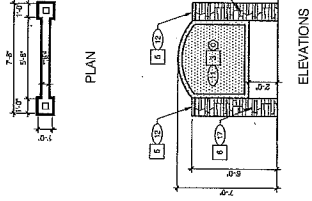
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555 SNELLING AVE  
ST. PAUL

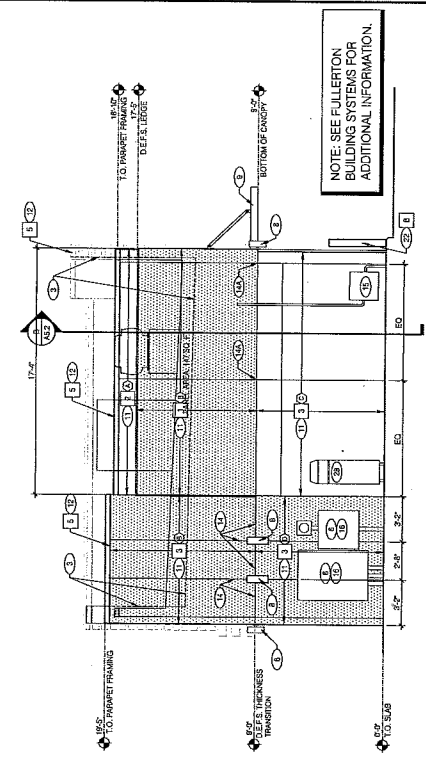


WEST ELEVATION (DRIVE THRU) 1/8" = 1'-0"

MURAL 1/8" = 1'-0"



SOUTH ELEVATION (FRONT) 1/8" = 1'-0"



NORTH ELEVATION (REAR) 1/8" = 1'-0"



**3** **PROJECT VIEW**  
NO SCALE



**4 PROJECT VIEW**  
NID SCALE

 PROJECT VIEW

1 SITE PLAN  
1/16" = 1'-0"



PROJECT VIEW

[illegible]

PROJECT: 2014 SLUR  
DRAWN: DW  
CHECKED: BC

**4**

**TACO BELL**  
SMELLING AVE. MO.

555 SNELLING AVE. NO.  
ST. PAUL, MN

PRELIMINARY  
NOT FOR  
CONSTRUCTION



# TACO BELL

555 SNELLING AVE. NO.  
ST. PAUL, MN

PRELIMINARY  
NO FOR  
CONSTRUCTION



1 SOUTH SITE ELEVATION  
1/8" = 1'-0"



2 EAST SITE ELEVATION  
1/8" = 1'-0"



3 NORTH SITE ELEVATION  
1/8" = 1'-0"



4 WEST SITE ELEVATION  
1/8" = 1'-0"

Notes: 1. This is a preliminary drawing and is not to be used for construction. 2. All dimensions are in feet and inches. 3. All elevations are shown from the north side of the building. 4. All elevations are shown from the south side of the building. 5. All elevations are shown from the east side of the building. 6. All elevations are shown from the west side of the building.

REVISION	DATE	BY	CHKD
1	10/10/2018	WCL	WCL
2	10/10/2018	WCL	WCL
3	10/10/2018	WCL	WCL
4	10/10/2018	WCL	WCL
5	10/10/2018	WCL	WCL
6	10/10/2018	WCL	WCL
7	10/10/2018	WCL	WCL
8	10/10/2018	WCL	WCL
9	10/10/2018	WCL	WCL
10	10/10/2018	WCL	WCL

## SITE ELEVATIONS

### **SECTION 61.502 MODIFICATION OF CONDITION**

*Based on a determination by staff that the drive through lane as shown on the site is less than 60 feet from residentially zoned property as required by Section 65.513, Border Foods is requesting a modification of the condition under Section 61.502.*

There is no way to design the drive through lane so that it is more than 60 feet from residential property. The lot is only 125 feet deep. The drive through has been designed so that the order station and pick up window are as far away from the residential property as possible. The required stacking spaces (as well as the order station and pick up window) are greater than 60 feet from residential property.

The site plan shows an area for cars to access the drive through that is separated from the parking area for safety and efficiency. The design maximizes the area available for interior landscaping.

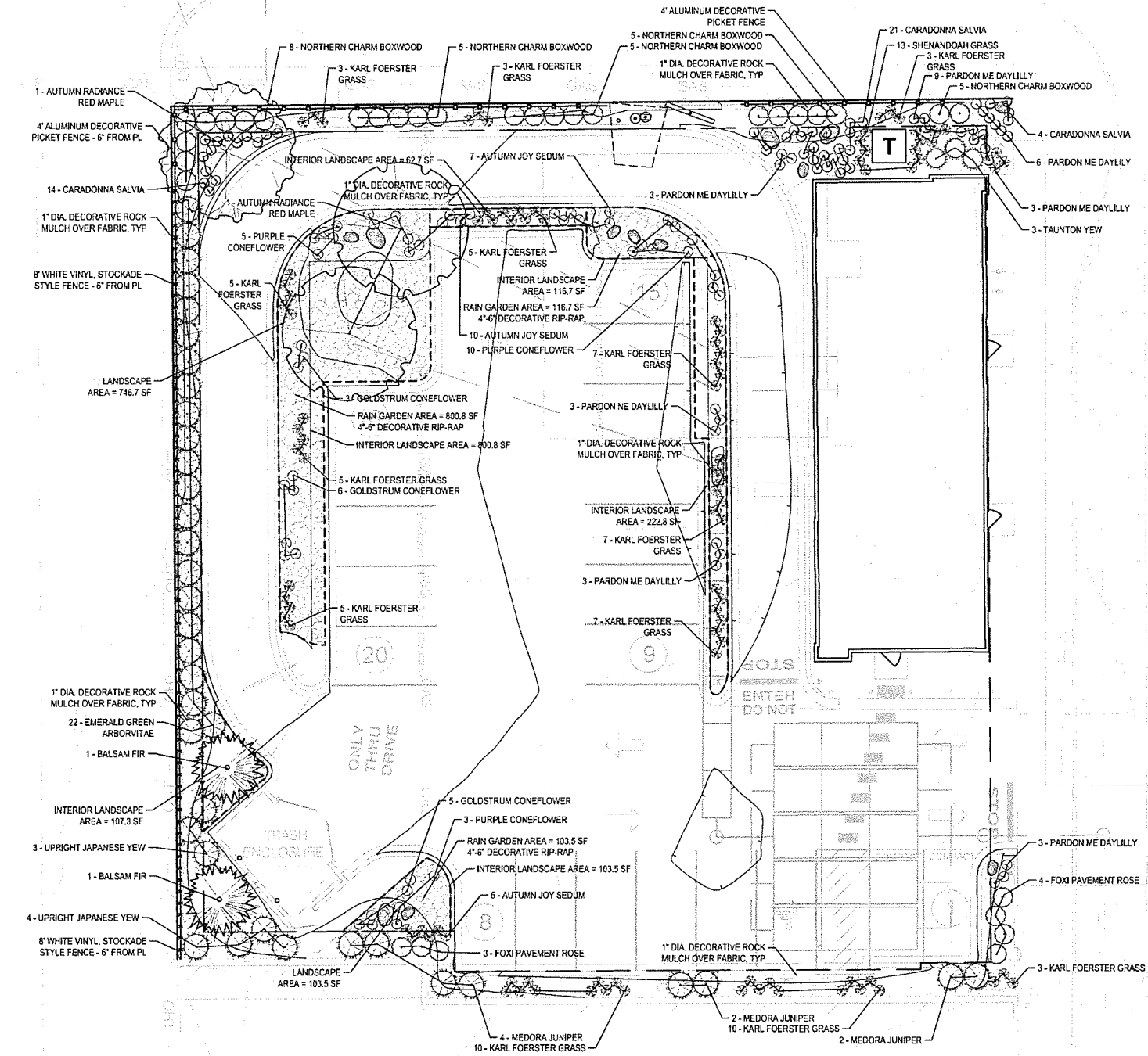
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The intent of the conditions is to buffer residences from drive-through uses and in this case buffering is achieved by a fence and landscaping. There is no alley access.

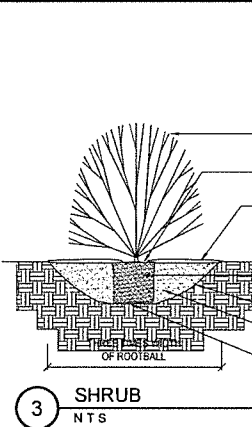
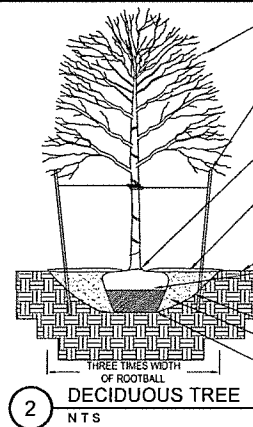
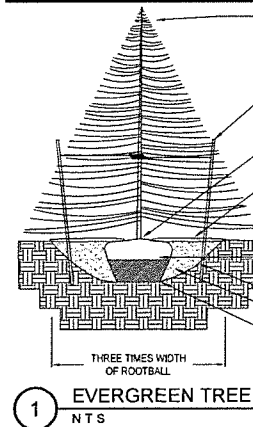
### **LANDSCAPE PLAN**

*In response to PED staff suggestion, a revised landscape plan shows that the arborvitae that is to be planted along the alley has been replaced by Emerald Green Arborvitae (Thuja occidentalis 'Smaragd'), instead of Techny Arborvitae.*

*Revised plan attached.*



LANDSCAPE PLAN 1"=10'-0" 1



LEGEND

- 1" DIA. DECORATIVE ROCK MULCH OVER FILTER FABRIC. SAMPLES REQUIRED
- 4"-6" DIA. DECORATIVE RIP-RAP. SAMPLES REQUIRED
- PROPOSED CANOPY & EVERGREEN TREE SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- PROPOSED DECIDUOUS AND EVERGREEN SHRUB SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- PROPOSED PERENNIAL PLANT SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- DECORATIVE BOULDERS, 18"-30" DIA.

PLANT SCHEDULE - ENTIRE SITE

SYM	QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	ROOT	COMMENTS
DECIDUOUS TREES						
ARM	2	AUTUMN RADIANCE RED MAPLE	<i>Acer rubrum 'Autumn Radiance'</i>	2.5"	6&B	STRAIGHT LEADER, FULL FORM
EVERGREEN TREES						
BF	3	BALSAM FIR	<i>Pinus strobus</i>	6" HL	6&B	STRAIGHT LEADER, FULL FORM
SHRUBS - CONIFEROUS & EVERGREEN						
MJ	9	MEDORA JUNIPER	<i>Juniperus scopulorum 'Medora'</i>	36" HT.	CONT.	
NCB	25	NORTHERN CHARM BOXWOOD	<i>Buxus 'Wilson'</i>	24" HT.	CONT.	
FPR	7	PAVEMENT FOXI ROSE	<i>Rosa 'Foxi Pavement'</i>	24" HT.	CONT.	
TY	3	TAUNTON'S YEW	<i>Taxus x media 'Tauntoni'</i>	3" SPD.	CONT.	
UYJ	7	UPRIGHT JAPANESE YEW	<i>Taxus cuspidata 'Capitata'</i>	36" HT.	CONT.	
TCA	22	EMERALD GREEN ARBORVITAE	<i>Thuja occidentalis 'Smaragd'</i>	36" HT.	CONT.	SINGLE LEADER REQUIRED
PERENNIALS & GRASSES						
AJS	23	AUTUMN JOY SEDUM	<i>Sedum 'Autumn Joy'</i>	#1	CONT.	
CS	34	CARADONNA SALVIA	<i>Salvia x sylvestris 'Caradonna'</i>	#1	CONT.	
GC	14	GOLDSTRUM CONEFLOWER	<i>Rudbeckia fulgida 'Goldsturm'</i>	#1	CONT.	
KFG	73	KARL FOERSTER GRASS	<i>Calamagrostis x acutiflora 'Karl Foerster'</i>	#1	CONT.	
PMD	30	PARDON ME DAYLILY	<i>Heemerocallis 'Pardon Me'</i>	#1	CONT.	
PC	18	PIXIE MEADOWBRITE CONEFLOWER	<i>Echinacea 'Pixie Meadowbrite'</i>	#1	CONT.	
SG	13	SHENANDOAH REED SWITCH GRASS	<i>Panicum virgatum 'Shenandoah'</i>	#1	CONT.	

LANDSCAPE NOTES

- WHERE SHOWN, SHRUB BEDS SHALL BE MULCHED WITH 4" DEPTH (MIN. AFTER INSTALLATION AND/OR TOPDRESSING OPERATIONS) OF 1-1/2" BUFF LIMESTONE ROCK MULCH OVER WEED BARRIER. OWNER TO APPROVE ROCK SAMPLE PRIOR TO INSTALLATION. POLY-EDGER TO BE VALLEY VIEW BLACK DIAMOND OR APPROVED EQUAL.
- RANDOM SIZED LIMESTONE BOULDERS COLOR AND SIZE TO COMPLIMENT NEW LANDSCAPING. OWNER TO APPROVE BOULDER SAMPLE PRIOR TO INSTALLATION.
- PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM DISEASE, DAMAGE AND DISFIGURATION. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PLUMBNESS OF PLANT MATERIAL FOR DURING OF ACCEPTANCE PERIOD.
- UPON DISCOVERY OF A DISCREPANCY BETWEEN THE QUANTITY OF PLANTS SHOWN ON THE SCHEDULE AND THE QUANTITY SHOWN ON THE PLAN, THE PLAN SHALL GOVERN.
- CONDITION OF VEGETATION SHALL BE MONITORED BY THE LANDSCAPE ARCHITECT THROUGHOUT THE DURATION OF THE CONTRACT. LANDSCAPE MATERIALS PART OF THE CONTRACT SHALL BE WARRANTED FOR TWO (2) FULL GROWING SEASONS FROM SUBSTANTIAL COMPLETION DATE.
- AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE 4" LAYER LOAM AND SOD AS SPECIFIED UNLESS OTHERWISE NOTED ON THE DRAWINGS.
- COORDINATE LOCATION OF VEGETATION WITH UNDERGROUND AND OVERHEAD UTILITIES, LIGHTING FIXTURES, DOORS AND WINDOWS. CONTRACTOR SHALL STAKE IN THE FIELD FINAL LOCATION OF TREES AND SHRUBS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.
- REPAIR AT NO COST TO OWNER ALL DAMAGE RESULTING FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
- SWEEP AND MAINTAIN ALL PAVED SURFACES FREE OF DEBRIS GENERATED FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
- REPAIR AT NO COST TO THE OWNER IRRIGATION SYSTEM DAMAGED FROM LANDSCAPE CONSTRUCTION ACTIVITIES.
- PROVIDE SITE WIDE IRRIGATION SYSTEM DESIGN AND INSTALLATION. SYSTEM SHALL BE A FULLY PROGRAMMABLE SYSTEM CAPABLE OF ALTERNATE DATE WATERING. THE SYSTEM SHALL PROVIDE HEAD TO HEAD OR DRIP COVERAGE AND BE CAPABLE OF DELIVERING ONE INCH OF PRECIPITATION PER WEEK. SYSTEM SHALL EXTEND INTO THE PUBLIC RIGHT-OF-WAY TO THE EDGE OF PATHWAY/BACK OF CURB.
- CONTRACTOR SHALL SECURE APPROVAL OF PROPOSED IRRIGATION SYSTEM INCLUDING PRICING FROM OWNER, PRIOR TO INSTALLATION.

LANDSCAPE REQUIREMENTS

Required landscape area	Formula	Required landscape area (SF)	Provided landscape area (SF)
Parking facilities with more than twenty (20) parking spaces or six thousand (6,000) square feet of paving, whichever is less, shall provide fifteen (15) square feet of interior landscaped area for every one hundred (100) square feet of paving	Area * 15% 11,741.1 SF * 15%	1,761.2	1,413.8

Required trees	Formula	Required canopy or evergreen trees	Provided canopy or evergreen trees
A minimum of at least one (1) shade tree shall be planted for every five (5) parking spaces in a surface parking lot	20 spaces / 5 trees	4	5

Stormwater Landscape requirements (rain garden)	Formula	Required rain garden area (SF)	Provided rain garden area (SF)
Thirty (30) square feet of stormwater landscaping shall be provided per parking space over the minimum required parking	20 spaces * 5 spaces (req.) = 15 15 spaces * 30 sf	450	1,021.0

**WCL**  
Associates, Inc.

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55416

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www.wclinc.com



**Taco Bell**  
565 SNELLING AVENUE N  
ST PAUL, MN

**Border Foods**  
5425 Boone Ave N.  
New Hope, MN 55428

Contact: Barb Schneider  
Phone: 763-489-2970

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Registration: \_\_\_\_\_  
Project Contact: Dean Madison  
Phone Number: 952.541.9968

Print History	Date
SITE PLAN REVIEW	04-06-15

Modified - Small 28-Ni  
28 Seats: 1,847 SF

LANDSCAPE PLAN

Project: 2013.06.22  
Drawn: JDS  
Checked: DSM

**L-1**

TACO BELL SNELLING AVE.  
ST. PAUL, MN



## Reilly, Jake (CI-StPaul)

---

**From:** Gregs PC Repair <gregs\_pc\_repair@yahoo.com>  
**Sent:** Sunday, July 12, 2015 10:06 PM  
**To:** Reilly, Jake (CI-StPaul); #CI-StPaul\_Ward4  
**Subject:** Taco Bell 565 Snelling Ave hearing on July 16

Hi Jake,

I am writing to you about the Taco Bell 565 Snelling Ave hearing on July 16.

Current problems:

Traffic on Snelling, Edmund, Fry and alley behind their store. Taco Bell customers can't make a left on Snelling Ave, No u-turn at Charles Ave to go north bound on Snelling Ave, so causes increase traffic on the alley behind Taco Bell and Snelling Ave businesses to get to Thomas Ave to go North Snelling. Their customers do use Charles & Fry Aves to get to Thomas Ave as well.

Parking: Many Taco Bell customers use Edmund Ave to park their vehicles instead of the parking lot. Vehicles are at times parked more than a 1/2 block away. Semi truck parking is another issue. Taco Bell parking lot is terrible to get in and out and does not accommodate big truck parking.

Hours: With Taco Bell operation hours being 700am to 400am, the neighborhood gets a lot of traffic and noise, especially between the hours from 1100pm to 400am. Wendy's at [1780 University Ave W](#), closes NO later than 100am, Arby's at [1810 University Ave W](#), closes at 1200m and these restaurants are also located near residential properties.

Litter: with Taco Bell customers using Edmund Ave as their parking lot, we get a lot of trash left behind.

Security Problems: Taco Bell frequently has a lot of people hanging around the outside of the building between 400pm to 1100pm. This causes a lot of noise and problems for people driving and walking by. There has been suspicion of drug dealing, gambling and other similar activities going on.

In my opinion Taco Bell should NOT be allowed to build a new building on this property at 565 N Snelling Ave for many reasons noted above.. They should look for a new location on University Ave, where Taco Bell can be open 24 hrs and not be near any residential properties.

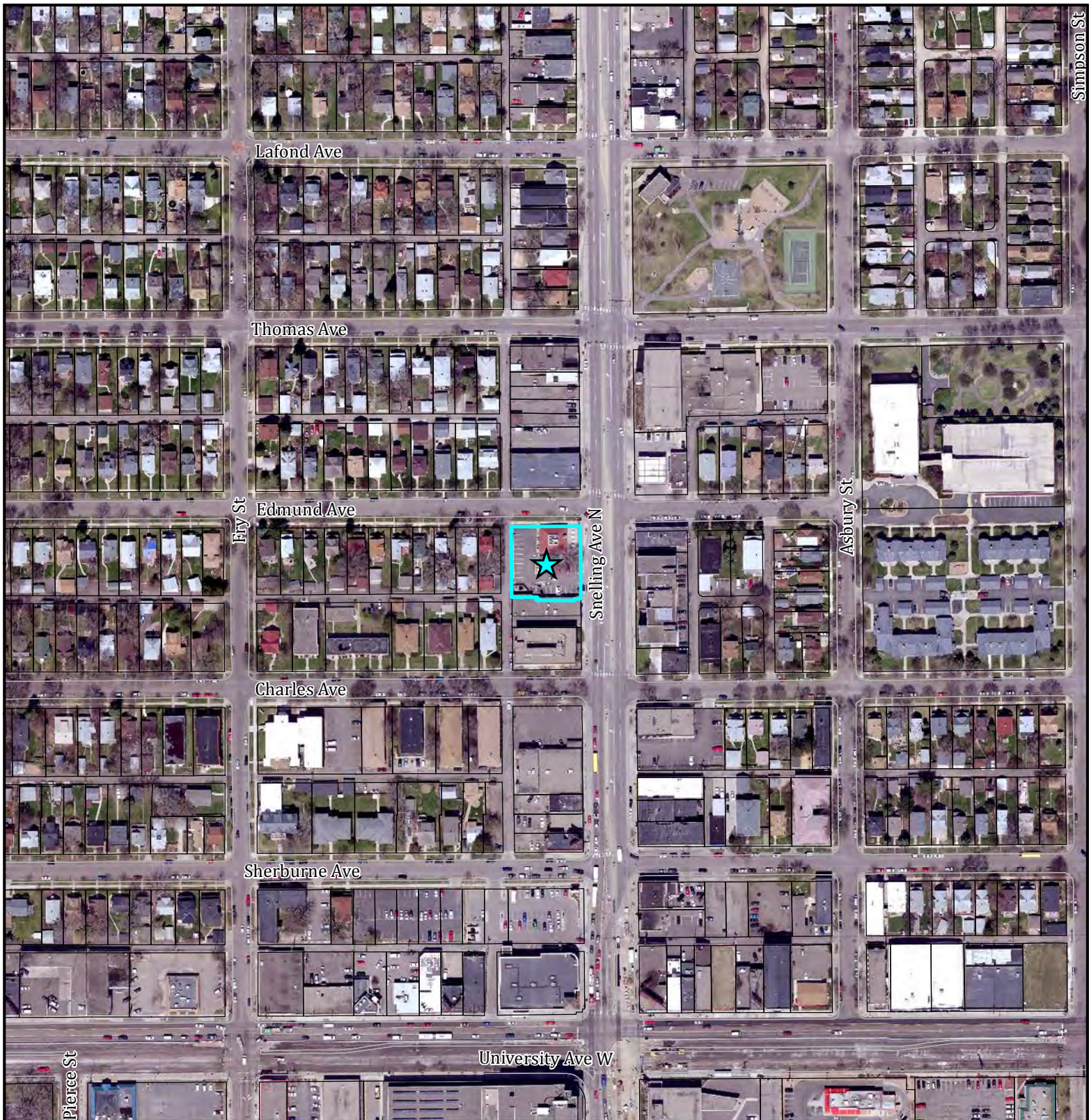
Sincerely,  
Greg Anderson  
1614 Edmund Ave.

**Greg's PC Repair & Premium Inks**  
**Affordable Rates, NO Diagnostic Fee**  
**Phone: 651-967-1181**  
**ESS Data Recovery Partner,**  
**F-Secure Certified Silver Partner,**

*Please consider the environment before printing this email.*







FILE NAME: Taco Bell

**Aerial**

APPLICATION TYPE: CUP w/variances

Subject Parcels

FILE #: 15-134559 DATE: 6/29/2015

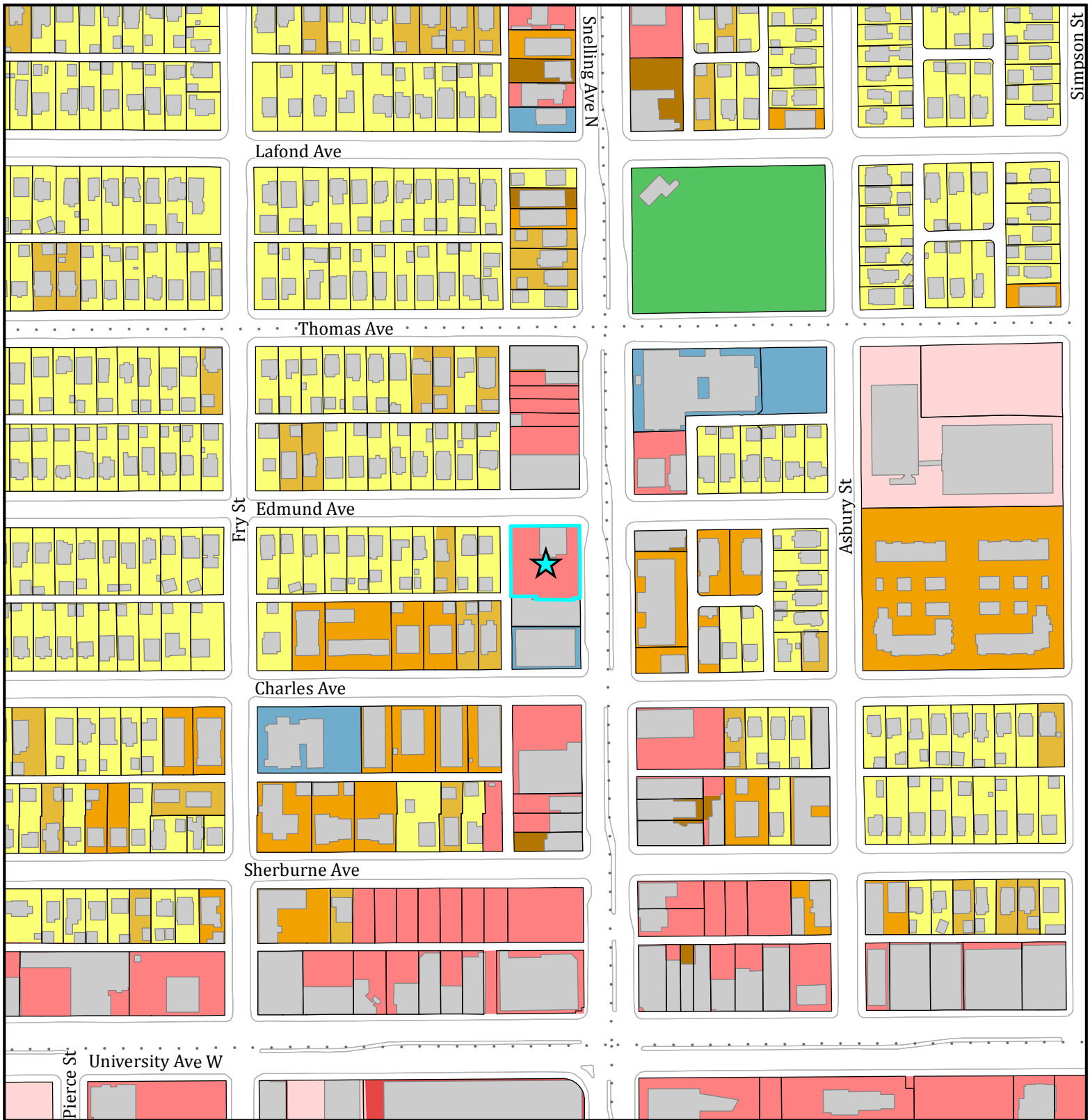
PLANNING DISTRICT: 11

ZONING PANEL: 8

0 82.5 165 330 495 660 Feet







FILE NAME: Taco Bell

APPLICATION TYPE: CUP w/variances

FILE #: 15-134559 DATE: 6/29/2015

PLANNING DISTRICT: 11

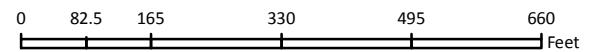
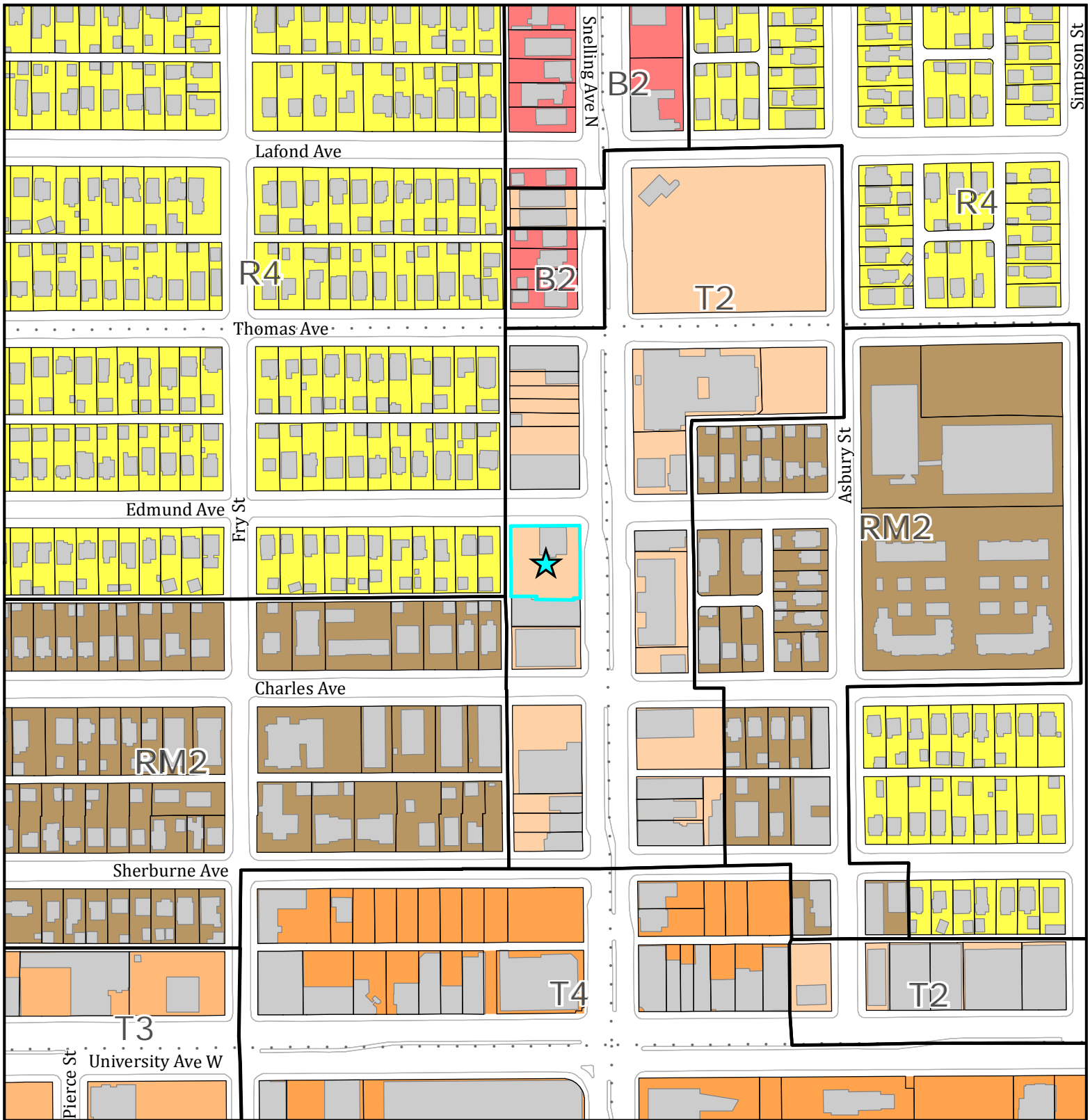
ZONING PANEL: 8

#### Land Use

- |                             |                                |
|-----------------------------|--------------------------------|
| Single Family Detached      | Mixed Use Commercial and Other |
| Single Family Attached      | Institutional                  |
| Multifamily                 | Park, Recreation or Preserve   |
| Office                      | Subject Parcels                |
| Retail and Other Commercial | Section Lines                  |
| Mixed Use Residential       |                                |

0 82.5 165 330 495 660 Feet





FILE NAME: Taco Bell

APPLICATION TYPE: CUP w/variances

FILE #: 15-134559 DATE: 6/29/2015

PLANNING DISTRICT: 11

ZONING PANEL: 8

### Zoning

- R4 One-Family
- RM2 Multiple-Family
- T2 Traditional Neighborhood
- T3 Traditional Neighborhood
- T4 Traditional Neighborhood
- B2 Community Business
- Subject Parcels
- Section Lines

