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

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: S*trict 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. §61.501lists 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

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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 6/24/15 City Agent _____ 6-25-15
BRIAN D. ALTON, Attorney for Applicant

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Attachment to Application for Conditional Use Permit
Property address: 565 N. Snelling Avenue, St. Paul, MN
June 24, 2015

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.

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

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.*

Attachment to Application for Conditional Use Permit
(Supplement)
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.

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

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

PD =

Zoning office use only

File number: _____

Fee: $ _____

Tentative Hearing Date: 7-16-15

Section(s): _____

_____

City agent _____

#

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.

pd 6-25-15

Attachments as required: _____ Site Plan X Attachments _____ Pro Forma

Applicant's signature _____ Date: 6/24/15

Brian D Alton, Attorney for Applicant

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

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.

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.

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

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

SITE DATA

ZONING:	T2 – TRADITIONAL NEIGHBORHOOD DISTRICT
PROPOSED USE:	RESTAURANT WITH DRIVE-THROUGH
GROSS LOT AREA:	16,597.65 S.F. OR 0.381 AC.
BUILDING FOOTPRINT AREA (GFA):	1,847 S.F.
PERCENT BUILDING COVERAGE:	11.1%
EXISTING IMPERVIOUS AREA (%):	14,255.1 S.F. (85.9%)
PROPOSED IMPERVIOUS AREA (%):	13,321.3 S.F. (80.3%)

SITE PLAN NOTES

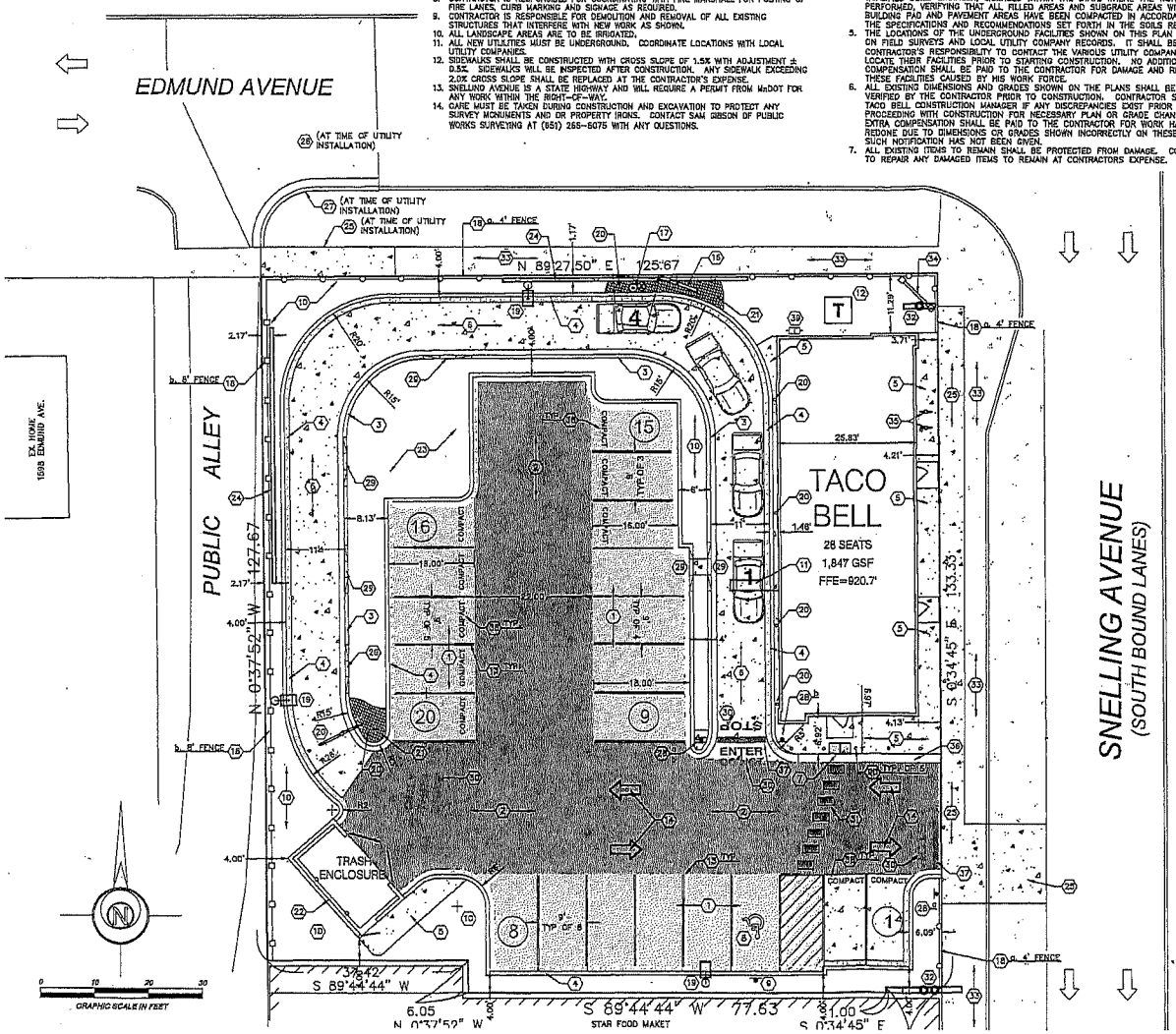
1. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB, EDGE OF SIDEWALK/PAVEMENT OR EXTERIOR OF BUILDING UNLESS OTHERWISE NOTED. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING DIMENSIONS AND SPECIFICATIONS FOR LOCATION OF EXITS, RAMPS, CONCRETE APRONS AND STOOPS.
2. TACK SHALL BE USED ON ALL VERTICAL EDGES PRIOR TO PATCHING. MATCH EXISTING GRADES.
3. ALL CONCRETE SIDEWALKS ADJACENT TO THE BUILDING SHALL BE SEPARATED WITH A 1/2" EXPANSION JOINT.
4. CONTRACTOR SHALL VERIFY ALL CONDUIT REQUIREMENTS FOR MONUMENT SIGN POWER, LIGHTING, IRRIGATION, MENU BOARD, ORDER CONFIRMATION BOARD AND CANOPY WITH THE OWNER PRIOR TO PAVING.
5. CONTRACTOR SHALL VERIFY LOCATION OF THE MENU BOARD, ORDER CONFIRMATION BOARD & CANOPY AND CLEARANCE BAR WITH OWNER PRIOR TO PLACEMENT.
6. ACCESSIBLE ROUTE SHALL BE PROVIDED FROM ACCESSIBLE STALLS TO BUILDING ENTRANCE IN ACCORDANCE WITH ADA REQUIREMENTS. POLE MOUNT APPROVED SIGNS CENTERED ON STALLS. PAINT INTERNATIONAL SYMBOL OF ACCESSIBILITY ON STALL.
7. CONSTRUCT ACCESSIBLE PEDESTRIAN RAMP PER ADA AND MNDOT STANDARDS INCLUDING CONTRASTING DETECTABLE WARNING METAL TRUNCATED DOME PANELS.
8. CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH FIRE MARSHALL FOR POSTING OF FIRE LANES, CURB MARKING AND SIGNAGE AS REQUIRED.
9. CONTRACTOR IS RESPONSIBLE FOR DEMOLITION AND REMOVAL OF ALL EXISTING STRUCTURES THAT INTERFERE WITH NEW WORK AS SHOWN.
10. ALL LANDSCAPE AREAS ARE TO BE IRRIGATED.
11. ALL NEW UTILITIES MUST BE UNDERGROUND. COORDINATE LOCATIONS WITH LOCAL UTILITY COMPANIES.
12. SIDEWALKS SHALL BE CONSTRUCTED WITH CROSS SLOPE OF 1.5% WITH ADJUSTMENT ± 0.5%. SIDEWALKS WILL BE INSPECTED AFTER CONSTRUCTION. ANY SIDEWALK EXCEEDING 2.0% CROSS SLOPE SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
13. SNELLING AVENUE IS A STATE HIGHWAY AND WILL REQUIRE A PERMIT FROM MnDOT FOR ANY WORK WITHIN THE RIGHT-OF-WAY.
14. CARE MUST BE TAKEN DURING CONSTRUCTION AND EXCAVATION TO PROTECT ANY SURVEY MONUMENTS AND OR PROPERTY IRONS. CONTACT SAM GIBSON OF PUBLIC WORKS SURVEYING AT (651) 266-6075 WITH ANY QUESTIONS.

GENERAL NOTES

1. PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY THE PERMITTING AUTHORITIES.
2. WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AND THE REQUIREMENTS AND STANDARDS OF THE LOCAL GOVERNING AUTHORITY. THE SOILS REPORT AND RECOMMENDATION SET FORTH THEREIN ARE A PART OF THE REQUIRED CONSTRUCTION DOCUMENTS AND IN CASE OF CONFLICT SHALL TAKE PRECEDENCE UNLESS SPECIFICALLY NOTED OTHERWISE ON THE PLANS. THE CONTRACTOR SHALL NOTIFY THE TACO BELL CONSTRUCTION MANAGER OF ANY DISCREPANCY BETWEEN SOILS REPORT AND PLANS.
3. SITE CLEARING SHALL INCLUDE THE LOCATION AND REMOVAL OF ALL UNDERGROUND PIPING, VALVING, ETC.
4. SITE GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS SET FORTH IN THE SOILS REPORT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND REPLACING ALL SOFT, YIELDING OR UNSUITABLE MATERIALS AND REPLACING WITH SUITABLE MATERIALS AS SPECIFIED. CONTRACTOR SHALL SUBMIT A COMPACTION REPORT PREPARED BY A QUALIFIED SOILS ENGINEER, LICENSED WITHIN THE STATE WHERE THE WORK IS PERFORMED, VERIFYING THAT ALL FILLED AREAS AND SUBGRADE AREAS WITHIN THE BUILDING PAD AND PAVEMENT AREAS HAVE BEEN COMPACTED IN ACCORDANCE WITH THE SPECIFICATIONS AND RECOMMENDATIONS SET FORTH IN THE SOILS REPORT.
5. THE LOCATIONS OF THE UNDERGROUND FACILITIES SHOWN ON THIS PLAN ARE BASED ON FIELD SURVEYS AND LOCAL UTILITY COMPANY RECORDS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES TO LOCATE THEIR FACILITIES PRIOR TO STARTING CONSTRUCTION. NO ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE AND REPAIR TO THESE FACILITIES CAUSED BY HIS WORK FORCE.
6. ALL EXISTING DIMENSIONS AND GRADES SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY TACO BELL CONSTRUCTION MANAGER IF ANY DISCREPANCIES EXIST PRIOR TO PROCEEDING WITH CONSTRUCTION FOR NECESSARY PLAN OR GRADE CHANGES. NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR WORK HAVING TO BE REDONE DUE TO DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THESE PLANS IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.
7. ALL EXISTING ITEMS TO REMAIN SHALL BE PROTECTED FROM DAMAGE. CONTRACTOR TO REPAIR ANY DAMAGED ITEMS TO REMAIN AT CONTRACTORS EXPENSE.

KEY NOTES

1. LIGHT DUTY BITUMINOUS PAVEMENT
   1.5" BIT. WEAR COURSE MIXTURE SPWEA240B (MnDOT 2360)
   2" BIT. BASE COURSE MIXTURE SPNWB230B (MnDOT 2360)
   8" AGGREGATE BASE CLASS V 100% CRUSHED (MnDOT 3138)
2. HEAVY DUTY BITUMINOUS PAVEMENT
   2" BIT. WEAR COURSE MIXTURE SPWEA240B (MnDOT 2360)
   2" BIT. BASE COURSE MIXTURE SPNWB230B (MnDOT 2360)
   10" AGGREGATE BASE CLASS V 100% CRUSHED (MnDOT 3138)
3. B612 CONCRETE CURB & GUTTER
   MIX 3Y22A FOR MACHINE PLACEMENT (MnDOT 2461)
   MIX 3Y32A FOR MANUAL PLACEMENT (MnDOT 2461)
4. B612 CONCRETE CURB WITH TIP-OUT GUTTER PER MnDOT 2461
   MIX 3Y22A FOR MACHINE PLACEMENT (MnDOT 2461)
   MIX 3Y32A FOR MANUAL PLACEMENT (MnDOT 2461)
5. 4" CONCRETE SIDEWALK
   W6"X6" – #10-10 W.W.M. WITH CONSTRUCTION JOINTS AT 6' O.C.
6. 6" CONCRETE PAVEMENT
   W6"X6" – #10-10 W.W.M. WITH CONSTRUCTION JOINTS AT 6' O.C.
7. PED. RAMP – IN ACCORDANCE WITH AMERICANS WITH DISABILITIES ACT & MnDOT STANDARD PLAN 5-297.250 INCLUDING CONTRASTING DETECTABLE WARNING DEVICES.
8. PAINT INTERNATIONAL SYMBOL OF ACCESSIBILITY WITH WHITE LATEX PAINT.
9. ACCESSIBLE PARKING SIGN (MnDOT NOS. R7-8A & R7-8B). CENTER SIGN ON PARKING STALL. LOCATION PER GENERAL CONTRACTOR. MOUNT ON 6" CONCRETE BOLLARD.
10. GREEN SPACE – SEE LANDSCAPE PLAN
11. SENSOR LOOP – PER ARCHITECTURAL PLANS
12. TRANSFORMER PAD BY GENERAL CONTRACTOR. INSTALL IN ACCORDANCE WITH UTILITY COMPANY SPECIFICATIONS.
13. PAINT 4" SOLID STRIPE – WHITE LATEX PAINT.
14. PAINT TRAFFIC ARROWS – WHITE LATEX PAINT.
15. CLEARANCE BAR INSTALLED BY SIGN COMPANY. FOUNDATION BY GENERAL CONTRACTOR. SEE ARCHITECTURAL PLANS FOR DETAILS.
16. MENU BOARD INSTALLED BY SIGN COMPANY. FOUNDATION BY GENERAL CONTRACTOR. SEE ARCHITECTURAL PLANS FOR DETAILS.
17. ORDER CONFIRMATION BOARD AND CANOPY INSTALLED BY SIGN COMPANY. FOUNDATION BY GENERAL CONTRACTOR. SEE ARCHITECTURAL PLANS FOR DETAILS.
18. FENCE – CONFIRM FENCE MATERIALS WITH OWNER PRIOR TO INSTALLATION
    a.) ORNAMENTAL ALUMINUM 4.0 FOOT HEIGHT, BLACK COLOR, INSTALLED AT 0.5 FEET FROM PROPERTY BOUNDARY
    b.) SOLID OPAQUE VINYL 8.0 FOOT HEIGHT, WHITE COLOR, INSTALLED AT 1.0 FEET FROM PROPERTY BOUNDARY
19. LIGHT POLE. REFER TO LIGHTING AND PHOTOMETRIC PLAN FOR LIGHT LOCATIONS AND SPECIFICATIONS. FOUNDATIONS BY GENERAL CONTRACTOR. VERIFY FOUNDATION SIZE WITH OWNERS ARCHITECT.
20. GUARD POST BOLLARD. CONFIRM LOCATION WITH ARCHITECTURAL PLANS.
21. BRICK PAVERS ON SAND BASE. SEE PROJECT SPECIFICATIONS. CONFIRM PAVER DETAILS WITH ARCHITECT AND/OR OWNER.
22. TRASH ENCLOSURE. SEE ARCHITECTURAL PLANS FOR DETAILS.
23. STORMWATER LANDSCAPE AREA.
24. LANDSCAPE RETAINING WALL. HEIGHT VARIES. SEE ELEVATIONS ON SHEET C3.0. MAKE FIELD ADJUSTMENTS AS NECESSARY. RETAINING WALL INSTALLATION IS TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS AND DETAILS. CONFIRM RETAINING WALL MATERIALS AND COLOR WITH OWNER AND ARCHITECT.
25. REMOVE/REPLACE CONCRETE PAVEMENT IN ACCORDANCE WITH CITY OF ST. PAUL STANDARDS. EXCLUDE WIRE MESH WITHIN RIGHT-TO-WAY.
26. REMOVE/REPLACE BITUMINOUS PAVEMENT IN ACCORDANCE WITH CITY OF ST. PAUL STANDARDS.
27. B618 CONCRETE CURB & GUTTER
    MIX 3Y22A FOR MACHINE PLACEMENT (MnDOT 2461)
    MIX 3Y32A FOR MANUAL PLACEMENT (MnDOT 2461)
28. INSTALL SIGNS MOUNTED ON STEEL CHANNEL POST. SIGNS TO BE PLACED BACK TO BACK WHEN APPROPRIATE. GENERAL CONTRACTOR TO COORDINATE LOCATION.
    a.) "STOP" SIGN
    b.) "DO NOT ENTER" SIGN
29. CURB CUT 3.0 FOOT WIDTH. REMOVE BACK OF CURB FLUSH WITH GUTTER FLOWLINE. TRANSITION BACK OF CURB TAPER MINIMUM 3.0 FEET EACH SIDE.
30. PAINT 24" HIGH LETTERS – WHITE LATEX PAINT
31. PAINT ZEBRA CROSSWALK (3'X1.5' BLOCKS) – WHITE LATEX PAINT
32. EXISTING PYLON SIGN POLE WITH ELEVATED SIGN CABINET TO REMAIN
33. EXISTING SIDEWALK TO REMAIN, MAINTAIN MINIMUM 4.0 FOOT WIDTH AT ALL TIMES
34. COMMUNITY MURAL. SEE ARCHITECTURAL DRAWINGS.
35. BIKE RACK, SEE PROJECT SPECIFICATIONS
36. RIBBON CURB, SEE DETAIL ON SHEET C6.0
37. PAINT 24" WIDE SOLID STRIPE
    WHITE LATEX PAINT
38. PAINT 10" HIGH LETTERS
    WHITE LATEX PAINTS
39. GAS METER



SETBACK: MINIMUM REQUIREMENTS

LOCATION:	BUILDING	PARKING/DRIVE
FRONT	0'	4'
SIDE	0'	4'
REAR	0'	4'

PARKING DATA:

PROVIDED PARKING SPACES:

Provided 9.0 x 18.0(min.)	0 Spaces
Provided 9.0 x 16.0(min.)	10 Spaces
Provided Accessible (ADA)	1 Space
Provided Total :	20 Spaces

REQUIRED PARKING STALLS:
1 space per 400 GFA BUILDING
1,847 GFA BUILDING GFA / 400 = 5 Spaces

DRIVETHRU STACK:
Remodeled Prototype Stacks 4 Vehicles

SITE PLAN LEGEND:

- BITUMINOUS PAVEMENT LIGHT DUTY
- BITUMINOUS PAVEMENT HEAVY DUTY
- CONCRETE PAVEMENT
- B612 CURB AND GUTTER STANDARD
- B612 CURB AND GUTTER TIP-OUT
- EXISTING CURB AND GUTTER
- PARKING COUNT
- TRAFFIC DIRECTION ARROWS

INDEX OF CIVIL SITE DRAWINGS:

C1.0 SITE PLAN
C2.0 EXISTING CONDITIONS & DEMOLITION PLAN
C3.0 GRADING AND DRAINAGE PLAN
C4.0 UTILITIES PLAN
C5.0 EROSION CONTROL PLAN
C6.0 DETAILS

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F: 952-641-8184
www.wcl.cc

Taco Bell

565 SNELLING AVENUE N
ST. PAUL, MN

PRELIMINARY NOT FOR CONSTRUCTION

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

Contact: Barb Schneider
Phone: 763-489-2970

Consultant
SEE CONSTRUCTION PLANS PREPARED BY:
CIVIL ENGINEERING
SITE DESIGN
118 East Broadway St.
Suite 548
Northfield, MN 55057
Phone: 763-27-SITE
www.sitedesi.com

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 GAUGE

Signature:

Date: 08/20/15 License #: 21048

Plan review	Date
CITY SITE REVIEW	08/20/15
SITE PLAN REVIEW	09/20/15

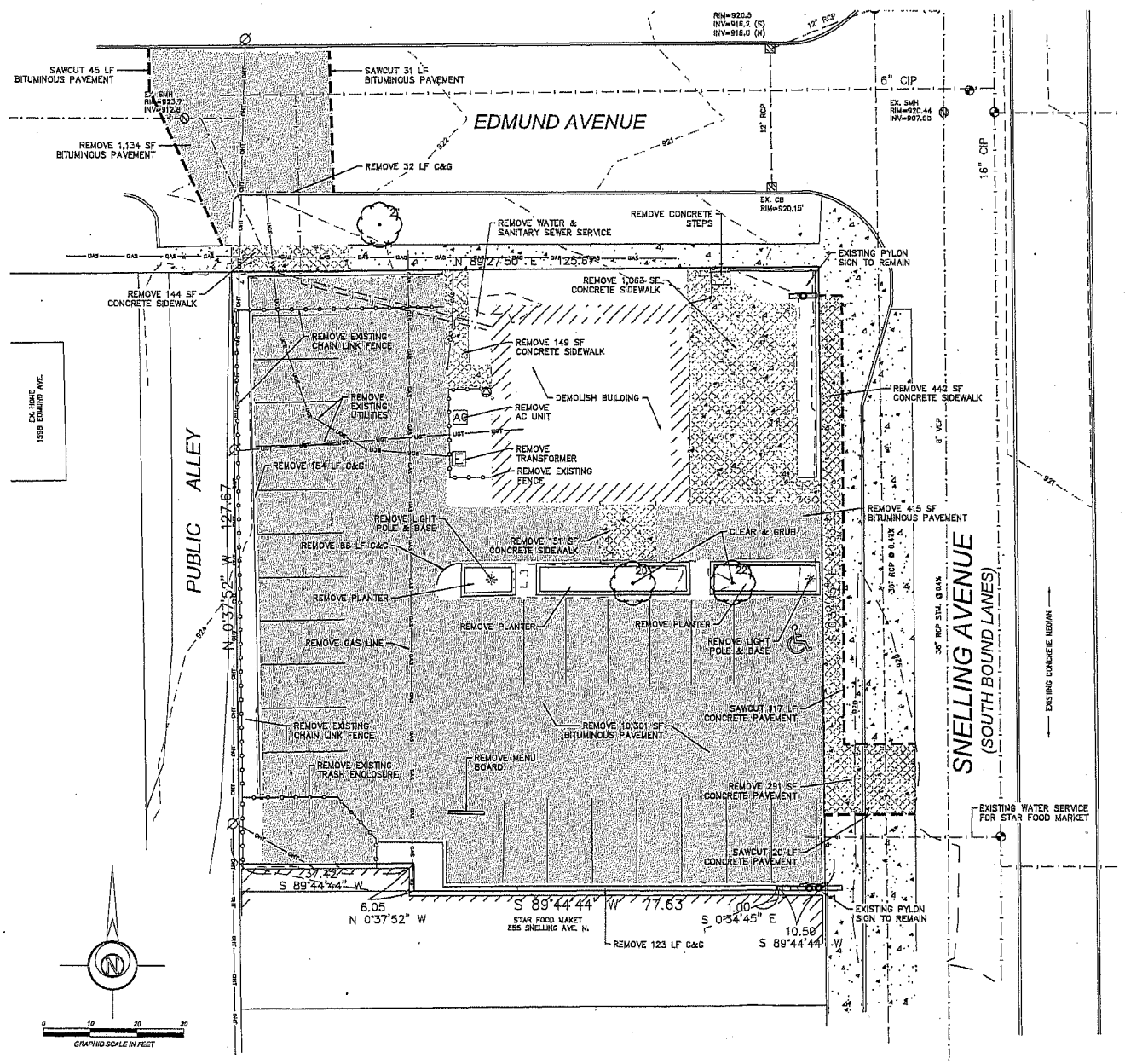
Modified-Small 28-NI
28 Seats: 1,847 SF

SITE PLAN

Project 2014.2628
Drawn SD
Checked SD
CE20 Project # 9020

C1.0

TACO BELL SNELLING AVE
ST. PAUL



DEMOLITION NOTES

1. DO NOT BEGIN DEMOLITION UNTIL PERIMETER EROSION CONTROL BMP'S ARE IN PLACE.*
2. TAKE NECESSARY MEASURES TO KEEP DUST LEVELS AT A MINIMUM DURING CONSTRUCTION. PROVIDE SWEEPING OF ADJACENT STREETS AND PAVEMENT AS NEEDED OR AS REQUIRED BY THE CITY OF BUFFALO.
3. USE APPROVED INLET PROTECTION AT ALL ACTIVE STORM SEWER INLETS.
4. CONTACT BOTH GOPHER STATE ONE CALL AND PRIVATE UTILITY SERVICE FOR UTILITY LOCATES PRIOR TO BEGINNING REMOVALS.
5. LOCATE AND PROTECT ALL UTILITY LINES PRIOR TO AND DURING DEMOLITION. UTILITY LOCATIONS SHOWN ARE BASED ON THE BEST AVAILABLE INFORMATION PROVIDED.
6. REMOVE OR RELOCATE ALL EXISTING OBJECTS THAT INTERFERE WITH THE PROPOSED CONSTRUCTION.
7. PROTECT EXISTING SITE FEATURES THAT ARE TO REMAIN IN PLACE DURING CONSTRUCTION. ANY DAMAGED SITE FEATURES WILL BE REPLACED AT THE EXPENSE OF THE CONTRACTOR.
8. PAVEMENT SHALL BE SAW CUT AT THE LIMITS OF REMOVALS SHOWN. REMOVAL MAY OCCUR AT THE NEAREST CONSTRUCTION JOINT OR CRACK BEYOND THE REMOVAL LIMITS SHOWN AT NO COST TO THE OWNER.
9. DO NOT IMPEDE EXISTING TRAFFIC CIRCULATION TO ADJACENT BUSINESSES OR STREETS.
10. SUFFICIENT TOPSOIL SHALL BE STOCKPILED ON SITE TO ALLOW FOR THE REPLACEMENT OF 6" OF TOPSOIL FOR ALL DISTURBED AREAS TO BE RE-VEGETATED.
11. ALL CONSTRUCTION AND POST-CONSTRUCTION PARKING SHALL BE ON-SITE. AT NO TIME SHALL PARKING, LOADING OR UNLOADING BE ALLOWED ON PUBLIC STREETS.
12. STORAGE OF MATERIALS OR EQUIPMENT SHALL NOT BE ALLOWED WITHIN THE PUBLIC RIGHT-OF-WAY.

INDEX OF CIVIL SITE DRAWINGS:

C1.0	SITE PLAN
C2.0	EXISTING CONDITIONS & DEMOLITION PLAN
C3.0	GRADING AND DRAINAGE PLAN
C4.0	UTILITIES PLAN
C5.0	EROSION CONTROL PLAN
C6.0	DETAILS

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Taco Bell

565 SNELLING AVENUE N
ST. PAUL, MN

PRELIMINARY NOT FOR CONSTRUCTION

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

Contact: Barb Schneider
Phone: 763-469-2970

Consultant
SITE CONSTRUCTION PLANS PROVIDED BY:
CIVIL ENGINEERING SITE DESIGN
119 East Broadway St.
PO Box 384
Monticello, MN 55362
Phone: 763-214-0029
www.civilsd.com

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 DAHLKE
Signature: Scott Dahlke
Date: 08/23/15 License #: 7089

Port Mission	Date
CITY SITE REVIEW	04/09/15
SITE PLAN REVIEW	08/23/15

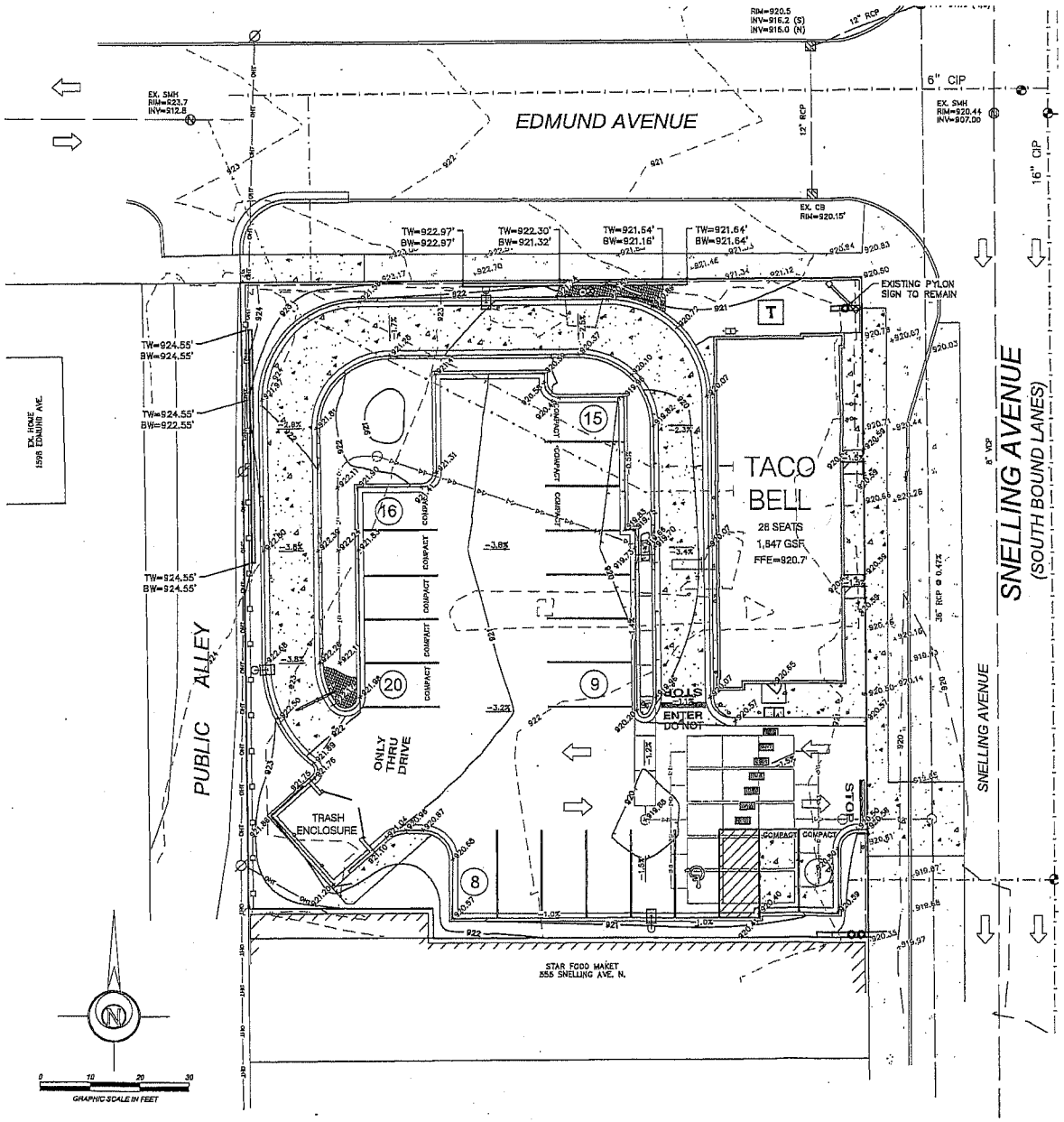
Modified-Small 25-NI
29 Seats: 1,847 SF

EXISTING CONDITIONS & DEMOLITION PLAN

Printed: 2014.08.06
Drawn: SD
Checked: SD
CSDD Project # 00830

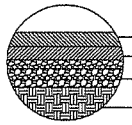
C2.0

TACO BELL SNELLING AVE
ST PAUL

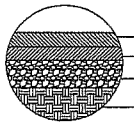


GENERAL GRADING NOTES

1. CITY ST PAUL STANDARDS AND THE LATEST VERSION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAY CONSTRUCTION AND ALL MPCA NPDES REQUIREMENTS EXCEPT WHERE HEREIN MODIFIED BY THESE DOCUMENTS.
2. OSHA REQUIREMENTS SHALL BE FOLLOWED FOR ALL WORK ON THIS PROJECT.
3. THE CONTRACTOR SHALL NOTIFY GOPHER STATE ONE CALL 48 HOURS PRIOR TO ANY EXCAVATION.
4. THE CONTRACTOR SHALL VERIFY ALL LOCATIONS AND ELEVATIONS OF UNDERGROUND UTILITIES WITH UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION AND IMMEDIATELY NOTIFY THE ENGINEER OF ANY CONFLICTS.
5. ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO BEGINNING GRADING OPERATIONS. ANY EROSION CONTROL ITEMS NECESSARY TO PROTECT ADJACENT PROPERTIES SHALL BE CONSTRUCTED BY THE GRADING CONTRACTOR.
6. EROSION CONTROL MAINTENANCE SHALL BE PERFORMED BY THE GRADING CONTRACTOR AND REMOVED AS PER THE CONTRACT DOCUMENTS OR AS DIRECTED BY THE ENGINEER, FOLLOWED BY ALL NECESSARY RESTORATION OF DISTURBED AREAS. THIS WORK SHALL BE INCIDENTAL TO THE GRADING CONTRACT.
7. THE GRADING CONTRACTOR SHALL SCHEDULE THE SOILS ENGINEER TO FACILITATE CERTIFICATION OF ALL CONTROLLED FILLS IN A TIMELY MATTER. DENSITY TESTS SHALL MEET THE FOLLOWING REQUIREMENTS:
   A. WITHIN THE UPPER 3' OF STREETS OR PAVEMENT, THE GRADING CONTRACTOR SHALL UTILIZE APPROVED SOILS THAT ARE WITHIN 1% OF THE OPTIMUM MOISTURE CONTENT AS DEFINED BY ASTM D-698 STANDARD PROCTOR TEST MEETING 100% STANDARD PROCTOR DENSITY AND NOT EXCEEDING THIS COMPACTION BY MORE THAN 1%. BELOW THE UPPER 3', COMPACTION SHALL MEET 95% STANDARD PROCTOR DENSITY AND BE WITHIN 3% OF THE OPTIMUM MOISTURE CONTENT. GRADING TOLERANCES SHALL AVERAGE 0.1', BUT SHALL NOT BE CONSISTENTLY HIGH OR LOW.
   B. GRADING TOLERANCES FOR THE REMAINDER OF THE SITE SHALL BE 0.15'.
8. THE FINAL PLAT SHALL GOVERN FOR EASEMENTS AND LOT DIMENSIONS.
9. ALL AREAS OF UNSUITABLE SOILS FOUND IN THE PAD DESCRIBED ABOVE THAT CANNOT BE CORRECTED SHALL BE DISPOSED OF OFF SITE BY THE CONTRACTOR AT NO COST TO THE OWNER.THE GRADING CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF THESE AREAS AND PROVIDE INFORMATION AS TO THEIR SIZE AND LOCATION.
10. THE GRADING CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE TO THE SITE AT ALL TIMES.
11. THE GRADING CONTRACTOR SHALL KEEP PUBLIC STREETS AND TRAVEL WAYS CLEAR OF SOIL AND DEBRIS. DAILY CLEANING AT THE CONSTRUCTION ENTRANCE SHALL BE PERFORMED.
12. ALL PROPOSED SPOT ELEVATIONS ARE TO FLOW LINE OF THE CURB OR FINISHED BITUMINOUS/CONCRETE UNLESS OTHERWISE NOTED.
13. CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE CITY OF ST. PAUL PUBLIC WORKS TO SCHEDULE AN INSPECTION OF THE REMAINING SIDEWALK AND CURB & GUTTER FOR DEFECTIVE AREAS PRIOR TO INSTALLING NEW SIDEWALK AND CURB.
14. CITY OF ST. PAUL PERMIT REQUIREMENTS:
   ORDERING OBSTRUCTION AND EXCAVATION PERMITS: CONTACT PUBLIC WORKS RIGHT-OF-WAY SERVICE DESK AT (651) 266-6151. IT IS STRONGLY RECOMMENDED THAT CONTRACTORS CALL FOR COST ESTIMATES PRIOR TO BIDDING TO OBTAIN ACCURATE COST ESTIMATES.
   OBSTRUCTION PERMITS: THE CONTRACTOR MUST OBTAIN AN OBSTRUCTION PERMIT IF CONSTRUCTION (INCLUDING SILT FENCES) WILL BLOCK CITY STREETS, SIDEWALKS, OR ALLEYS, OR IF DRIVING OVER CURBS.
   EXCAVATION PERMITS: ALL DIGGING IN THE PUBLIC RIGHT-OF-WAY REQUIRES AN EXCAVATION PERMIT. IF THE PROPOSED BUILDING IS CLOSE TO THE RIGHT-OF-WAY AND EXCAVATION INTO THE RIGHT-OF-WAY IS NEEDED TO FACILITATE BUILDING CONSTRUCTION, CONTACT THE UTILITY INSPECTOR.
   FAILURE TO SECURE PERMITS: FAILURE TO SECURE OBSTRUCTION PERMITS OR EXCAVATION PERMITS WILL RESULT IN A DOUBLE-PERMIT FEE AND OTHER FEES REQUIRED UNDER THE CITY OF ST. PAUL LEGISLATIVE CODES.
   REQUIREMENT TO WORK IN THE PUBLIC RIGHT-OF-WAY: ALL UTILITIES AND CONTRACTORS WORKING IN THE PUBLIC RIGHT-OF-WAY MUST BE REGISTERED, INSURED AND BONDED AS RECOGNIZED BY THE PUBLIC WORKS SERVICE DESK (651-266-6151).



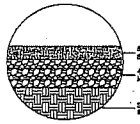
LIGHT-DUTY



HEAVY DUTY

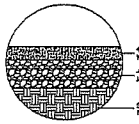
NOTES:
1. CLASS V AGGREGATE BASE TO EXTEND 1.0 FEET BEHIND BACK OF CURB.
2. SOILS SPECIFICATIONS SUPERSEDE ABOVE LISTED SPECIFICATIONS.

BITUMINOUS PAVEMENT



NOTES:
1. CONCRETE MIX SHALL CONFORM TO MNDOT SPEC. 2461
   MIX No. 3U23A FOR SLIPFORM PLACEMENT
   MIX No. 3U33A FOR MANUAL PLACEMENT
2. CONTRACTOR SHALL SPACE THE CONTRACTION JOINTS AT 12'-0" O.C.
3. SOILS SPECIFICATIONS SUPERSEDE ABOVE LISTED SPECIFICATIONS

CONCRETE PAVEMENT



NOTES:
1. CONCRETE MIX SHALL CONFORM TO MNDOT SPEC. 2461
   MIX No. 3U23A FOR SLIPFORM PLACEMENT
   MIX No. 3U33A FOR MANUAL PLACEMENT
2. CONTRACTOR SHALL SPACE THE CONTRACTION JOINTS AT 5'-0" O.C.
3. SOILS SPECIFICATIONS SUPERSEDE ABOVE LISTED SPECIFICATIONS
4. EXCLUDE W.W.M. IN SIDEWALK WITHIN PUBLIC RIGHT-OF-WAY.

CONCRETE SIDEWALK

INDEX OF CIVIL SITE DRAWINGS:

C1.0	SITE PLAN
C2.0	EXISTING CONDITIONS & DEMOLITION PLAN
C3.0	GRADING AND DRAINAGE PLAN
C4.0	UTILITIES PLAN
C5.0	EROSION CONTROL PLAN
C6.0	DETAILS

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Taco Bell

565 SNELLING AVENUE N
ST. PAUL, MN

PRELIMINARY NOT FOR CONSTRUCTION

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

Contact: Barb Schneider
Phone: 763-489-2970

Consultant
SITE CONSTRUCTION PLANS PREPARED BY:
CIVIL ENGINEERING SITE DESIGN
108 East Hennepin St.
PO Box 68
Wayzata, MN 55362
Phone: 763-473-8829
www.cesdmail.com

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 DAHLKE

Signature: [signature]

Date: 08/23/13 License #: 21348

Plan Review	Date
CITY SITE REVIEW	08/23/13
SITE PLAN REVIEW	08/23/13

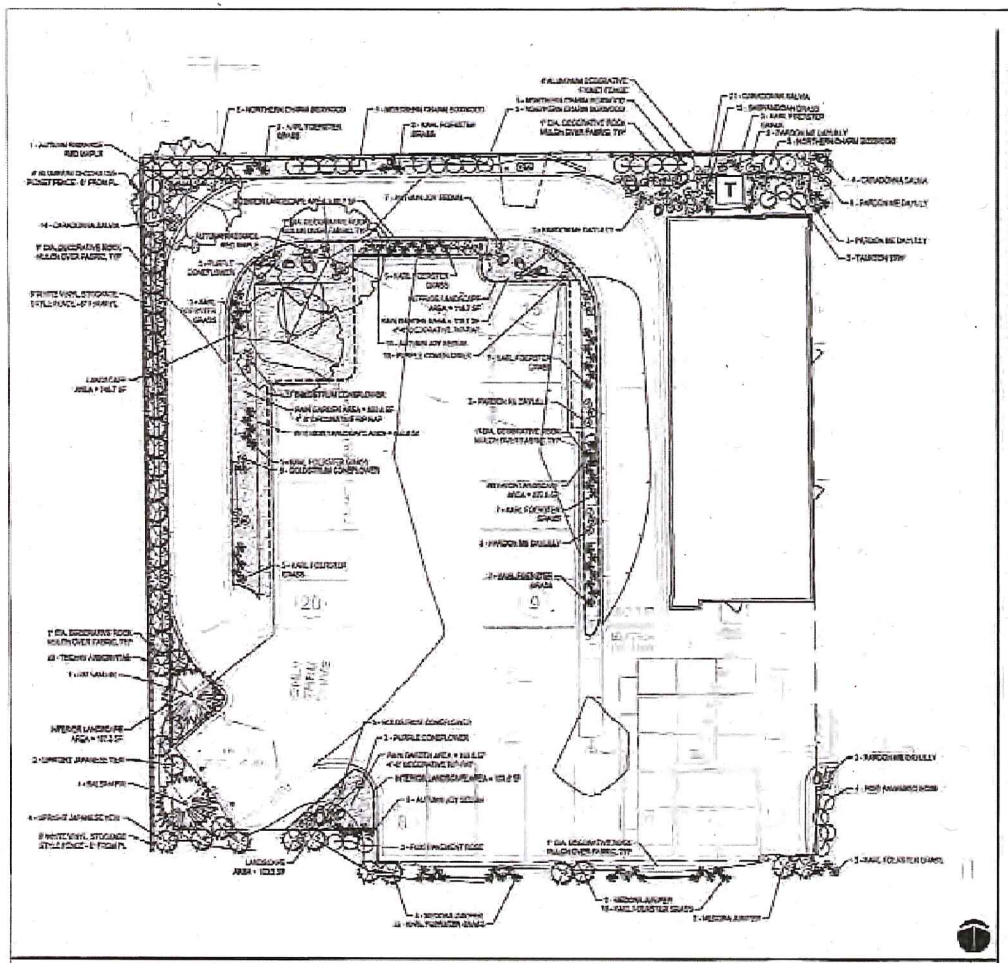
Modified-Small 26-NI
26 Seats: 1,847 SF

GRADING & DRAINAGE PLAN

Project 2014.06.08
Drawn SD
Checked SD
CESD Project # 00351

C3.0

TACO BELL SNELLING AVE
ST PAUL



LANDSCAPE PLAN

PLANT SCHEDULE – ENTIRE SITE

SYM	QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	ROOT	COMMENTS
		DECIDUOUS TREES				
AFR	3	AUTUMN BLAZE® RED MAPLE	Acer rubrum 'Acpaxi Radiance'	2.5"	B&B	STAKED/GUYED/SET FULL FORM
		EVERGREEN TREES				
BH	3	MACHALIAN	Pinus nigra	6' HT.	B&B	STAKED/SET FULL FORM
		SHRUBS - CONTAINER & BARE ROOT				
MJ	6	MEADOW JUNIPER	Juniperus scopulorum 'Hoopsii'	36" HT.	CONT.	
NCB	23	NORTHERN CHARM BOXWOOD	Buxus 'Glaze'	24" HT.	CONT.	
PFR	7	PATRIOT FIR PACKS	Abies 'Patriot Pacmich'	24" HT.	CONT.	
TY	3	TAUNTON YEW	Taxus x media 'Taunton'	5" SPR.	CONT.	
UJY	7	UPRIGHT JAPANESE YEW	Taxus cuspidata 'Capitata'	36" HT.	CONT.	
TCA	23	TECHNY ARBORVITAE	Thuja occidentalis 'Techny'	36" HT.	CONT.	
		PERENNIALS & GRASSES				
AJ	23	ANTHONY JOY SEDUM	Sedum 'Autumn Joy'	#1	CONT.	
CS	34	CRANESBILL SALVIA	Salvia x superba 'Caradonna'	#1	CONT.	
GT	14	GOLDSTURM CONEFLOWER	Rudbeckia fulgida 'Goldsturm'	#1	CONT.	
KFG	73	KARL FOERSTER GRASS	Calamagrostis x acutiflora 'Karl Foerster'	#1	CONT.	
PRO	28	PARDON ME DAYLILY	Hemerocallis 'Pardon Me'	#1	CONT.	
PC	11	PURPLE CONEFLOWER	Echinacea purpurea 'Magnus'	#1	CONT.	
SG	14	SHENANDOAH RED SWITCH GRASS	Panicum virgatum 'Shenandoah'	#1	CONT.	

LANDSCAPE NOTES

1. WHERE SHOWN, SHREDDED BARK SHALL BE MULCHED WITH 4" DEPTH INSTALLATION AND/OR TOPDRESSING OPERATIONS OF 1-1/2" BUFF LIMESTONE ROCK MULCH OVER WEED BARRIER. OWNER TO APPROVE ROCK SAMPLE PRIOR TO INSTALLATION. POLYFELT TO BE VALLEY VIEW BLACK DIAMOND DRAPERY OR EQUAL.
2. MINNESOTA BUFF LIMESTONE BOULDERS COLOR AND SIZE TO COMPLIMENT NEW LANDSCAPING. OWNER TO APPROVE BOULDER SAMPLE PRIOR TO INSTALLATION.
3. PLANT MATERIAL SHALL CONFORM WITH THE MINIMUM SPECIFICATIONS OF NURSERY STOCK STANDARDS AND SHALL BE TRUE TO NATURE IN HABIT, FREE FROM PEST(S), DISEASE AND CONTAMINATION. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PLANT MATERIAL FOR DURATION OF ACCEPTANCE PERIOD.
4. 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.
5. CONDITION OF PLANT MATERIAL SHALL BE MONITORED BY THE LANDSCAPE ARCHITECT DURING THE DURATION OF THE GUARANTEE. LANDSCAPE MATERIAL SHALL BE GUARANTEED FOR TWO (2) FULL GROWING SEASONS FROM DATE OF FINAL COMPLETION DATE.
6. MEDIA DETERMINED BY CONSTRUCTION ACTIVITIES SHALL PROVIDE 4" LAYER (MIN.) AND SODDED UNLESS OTHERWISE NOTED ON THE DRAWINGS.
7. COORDINATE LOCATION OF VEGETATION WITH UNDERGROUND AND OVERHEAD UTILITIES, LIGHTING FIXTURES, SIGNS AND HARDSCAPE. CONTRACTOR SHALL STAKE IN THE FIELD FINAL LOCATION OF TREES AND SHRUBS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
8. ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.
9. [illegible] TO COORDINATE ALL GRADING WORK THAT MAY HINDER LANDSCAPE CONSTRUCTION ACTIVITIES.
10. MOWED AND MAINTAIN ALL TURFED SURFACES FREE OF DEBRIS GENERATED FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
11. REPAIR AT NO COST TO THE OWNER IRRIGATION SYSTEM DAMAGED FROM LANDSCAPE CONSTRUCTION ACTIVITIES.
12. PROVIDE SITE WIDE IRRIGATION SYSTEM (HUNTER INCENTIVE LATENT). SYSTEM SHALL BE A FULLY PROGRAMMABLE SYSTEM CAPABLE OF AUTOMATIC RAIN SENSING THE SYSTEM SHALL PROVIDE HEAD TO HEAD 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 PAVEMENT/BACK OF CURB.
13. CONTRACTOR SHALL OBTAIN APPROVAL OF PROPOSED IRRIGATION SYSTEM INCLUDING PRICING FROM OWNER, PRIOR TO INSTALLATION.

LANDSCAPE REQUIREMENTS

Required landscape area

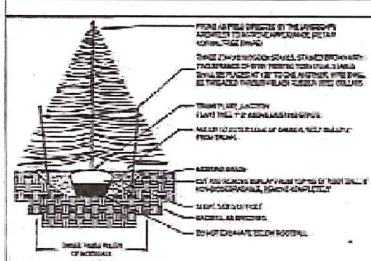
	Formula	Required landscape area (SF)	Provided landscape area (SF)
[illegible]	Area * 15% = 11,741.1 SF * 15%	1,761.2	1,[illegible]

Required trees

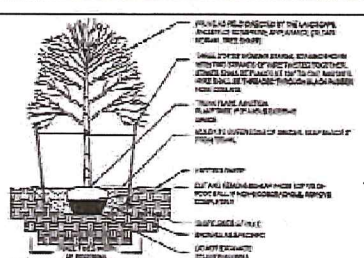
	Formula	Required density or multiplier trees	Provided density or multiplier trees
[illegible]	20 stemes / 5 trees	4	5

Foundation Landscape requirements, trees (multi)

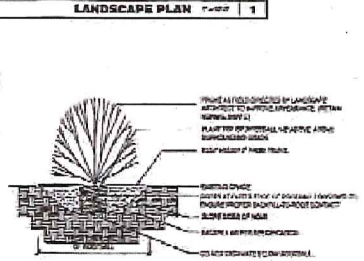
	Formula	Required density or multiplier trees (SF)	Provided trees density or multiplier trees (SF)
[illegible]	20 stemes - 5 stemes (trees) = 15; 15 stemes / 3 = 5	5	5



1 EVERGREEN TREE
NTS



2 DECIDUOUS TREE
NTS



3 SHRUB
NTS

LEGEND

- 1" DIA. DECORATIVE ROCK MULCH OVER FABRIC TYPE. SAMPLES REQUIRED
- 4-6" DIA. DECORATIVE RIVER SAMPLES REQUIRED
- PROPOSED DECIDUOUS AND EVERGREEN SHRUB 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
- DECIDUOUS/EVERGREEN TREE, NEW/EXISTING

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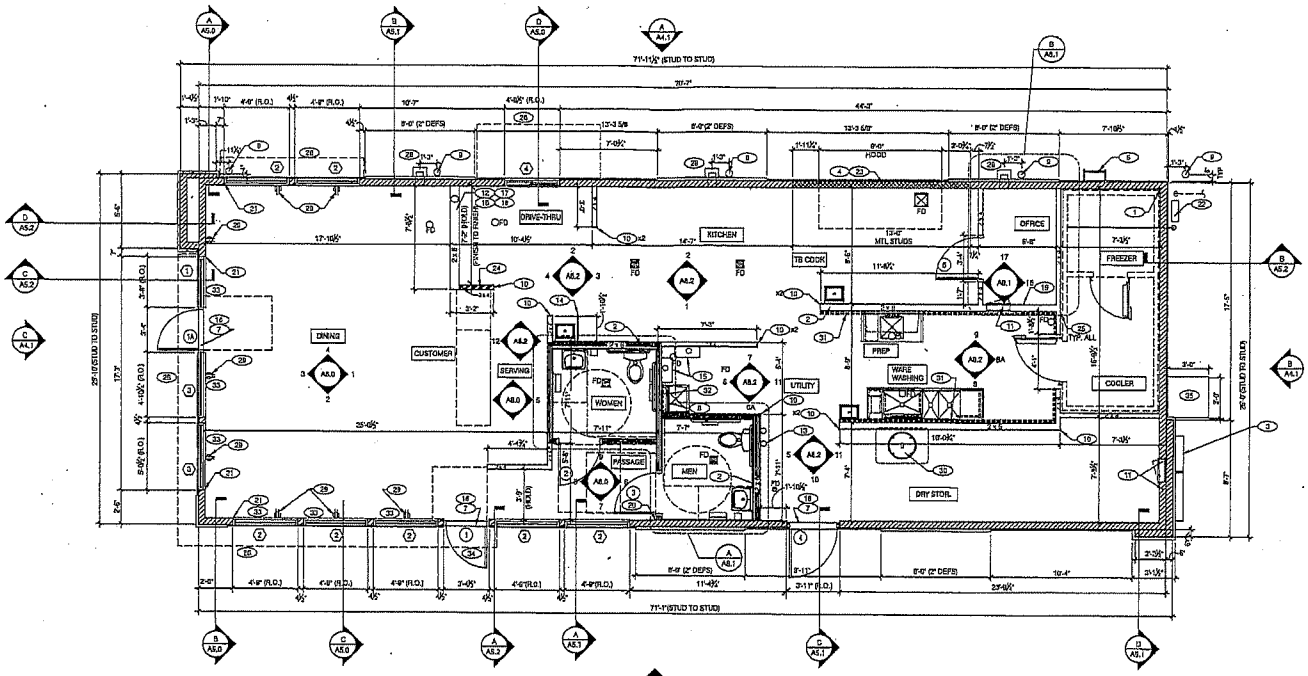
CITY SUBMITTAL	04-08-2011
SITE PLAN REVIEW	05-24-2011

Modified - Sheet 22-N
23 Sales: 1,547 SF

LANDSCAPE PLAN

L-1

TACO BELL SNELLING AVE.
ST. PAUL, MN



NOTE: SEE FULLERTON BUILDING SYSTEMS FOR ADDITIONAL INFORMATION.

NOTE: FOR WINDOW & DOOR ROUGH OPENING SIZES, SEE A1.0 & A1.1

FLOOR PLAN 1/4"=1'-0" A

TYPICAL EXTERIOR WALL: 3x8 WD STUDS AT 16" O.C. W/ SHEATHING AS SCHEDULED (SEE STRUCT. DWGS.) AND R-19 FIBERGLASS BATT INSULATION U.O.N. FULLERTON SHALL PROVIDE 2 LAYERS OF GRADE 'D' 50 lb BUILDING PAPER.

TYPICAL INTERIOR WALL: 2x4 WD STUDS AT 16" O.C. (2x6 OR 2x6 WHERE NOTED.)

TYPICAL INTERIOR LOW WALL: 2x4 WD STUDS AT 16" O.C.

INTERIOR SOUND-RATED WALL: TYPICAL INTERIOR WALL W/ 3-1/2" UNFACED FIBERGLASS BATT INSULATION.

HOOD WALL: TYPICAL EXTERIOR WALL WITH ½" CEMENT WALL BOARD AND 26 GA. S.S. PANEL BEHIND HOOD.

HOOD WALL: TYPICAL INTERIOR WALL WITH ½" CEMENT WALL BOARD AND 26 GA. S.S. PANEL BEHIND HOOD.

DASHED LINE INDICATES INTERIOR SUBSTRATE LOCATION.

WALL SUBSTRATES: SEE FULLERTON BUILDING SYSTEMS FOR ADDITIONAL INFORMATION.
- DINING ROOM:
1/2" GYPSUM WALL BOARD FROM T.O. SLAB TO 6" ABOVE CEILING HEIGHT U.O.N. SEE 8 & 18 / A6.3. (NOTE: ½" CEMENT BOARD IS TO BE SUBSTITUTED FOR GYPSUM BOARD FOR THE FIRST 12" A.F.F. AT ALL MARMOLEUM WC-1 & WC-2 FINISH LOCATIONS ONLY, SEE ELEVATION DRAWING SHEET A6.0 FOR LOCATIONS.)
- KITCHEN WALLS:
1/2" CEMENT WALLBOARD FROM T.O. SLAB TO 12" A.F.F., 1/2" CDX PLYWOOD W/FRP SURFACE FINISH FROM 12" A.F.F.TO 6" ABOVE CEILING HEIGHT U.O.N. IF DOUBLE SIDED SHEAR WALL PLYWD IS SPECIFIED THE PLYWOOD SHALL SHALL BE CONTINUOUS FROM SILL PLATE TO TOP PLATE.
1/2" CEMENT WALLBOARD ON METAL STUD WALLS AT HOOD WITH STAINLESS STEEL WALL PANEL LOCATIONS. SEE HOODWALL LEGEND ABOVE.
- RESTROOM WALLS:
5/8" CEMENT WALLBOARD FROM T.O. SLAB TO TOP OF CERAMIC WALL TILE FINISH, WITH 5/8" HI-IMPACT BRAND XP WALLBOARD, TYPE X CORE FROM T.O. CEMENT BOARD TO 6" ABOVE CEILING HEIGHT U.O.N. SEE RESTROOM ELEVATIONS FOR HEIGHTS AND LOCATIONS) NO SUBSTITUTIONS ALLOWED. FINISH AS SCHEDULED.
- ALL OTHER FRAME WALL CONDITIONS:
1/2" CEMENT WALLBOARD FROM T.O. SLAB TO HEIGHT OF CERAMIC TILE FINISH, WITH 1/2" GYPSUM WALLBOARD FROM T.O. CEMENT BOARD TO 6" ABOVE CEILING HEIGHT U.O.N. FINISH AS SCHEDULED.

WALL LEGEND E

DIMENSIONS:
A. ALL DIMENSIONS ARE TO FACE OF STUD U.O.N. REFER TO FOUNDATION PLAN FOR FACE OF CONC. DIMENSIONS.
B. DIMENSIONS NOTED AS "CLEAR" OR "HOLD" ARE MIN. REQ'D. NET CLEARANCE FROM FACE OF WALL / VARNISHED FINISH. VERIFY FINAL EQUIPMENT SIZES W/ VENDOR PRIOR TO INT. WALL FRAMING.

WINDOWS / DOORS:
A. SEE SHT. A11 FOR WINDOW TYPES AND DOOR SCHEDULE.
B. ALL DOOR AND WINDOW OPENING DIMENSIONS ARE TO ROUGH OPENING.

FINISH SUBSTRATES:
A. PROVIDE 1/2" THICK CEMENT WALL BOARD, FROM FLOOR SLAB TO 12" A.F.F. MIN. IN LIEU OF GYP. BD. AT ALL WALLS EXCEPT SHEARWALL SURFACES, U.O.N.
B. PROVIDE FRP/CDX ON 12" HIGH CEMENT WALL BOARD AT ALL MARMOLEUM WC-1 & WC-2 WALL FINISHES ONLY. SEE INTERIOR ELEVATION DRAWING A6.0 FOR FINISH LOCATIONS.
C. ALL JOINTS, GAPS OR SPACES LEADING TO ALL HOLLOW OR INACCESSIBLE SPACES SHALL BE SEALED WITH "NSF INTERNATIONAL" APPROVED SEALANTS.
D. ALL BACK OF HOUSE AND OFFICE WALLS SHALL HAVE 1/2" CDX PLYWOOD SUBSTRATE, U.O.N.

DOORS:
A. SEE A2.0 FOR SEATING PLAN AND DETAILS.
B. SEE A2.0 FOR FLOOR FINISHES.
C. SEE A6.0 - A6.1 FOR WALL FINISHES.
D. SEE A1.1 FOR CEILING FINISHES.

GENERAL:
A. PROVIDE THREE FIRE EXTINGUISHERS - (2) 10 lb. BC and (1) 10 lb. ABC - TO COMPLY WITH UBC, FIRE CODE. LOCATE PER DIRECTION OF FIRE MARSHALL OR LOCAL AUTHORIZING AGENT.
B. DRAWINGS ARE BASED UPON WOOD FRAMING. UTILIZATION OF METAL STUDS ON NONBEARING INTERIOR PARTITIONS, BULKHEADS AND SOFFITS IS ACCEPTABLE.
C. ALL ATTACHMENTS MADE THROUGH D.E.F.S. SHALL BE SLEEVED OR GROMMET SET IN SEALANT TO PREVENT DAMAGE TO THE FINISH.
D. ALL PENETRATIONS THROUGH D.E.F.S. SHALL BE SEALED USING MFRS. APPROVED METHOD.

FLOOR PLAN NOTES C

1. STARTING POINT. ALL SUB-TRADES SHALL USE THIS POINT AS A BEGINNING LAY-OUT (INSIDE FACE OF EXTERIOR WALL STUDS).
2. 6" STUD INTERIOR WALL, FINISHED PER WALL LEGEND C / TH S SHEET.
3. ELECTRICAL MAIN SWITCH BOARD. REFER TO ELECT. DWGS.
4. HOOD WALL, SEE WALL LEGEND.
5. ROOF LADDER AND SECURITY GATE. SEE DETAILS 10, 13 & 14 A8.2.
6. NOT USED. ~~INSTALL OWNER SUPPLIED SSB FILL SINK SEE ENT. ELEV. WA1.3 & DETAIL 5/A6.2.~~
7. METAL THRESHOLD, SEE DETAIL 10 & 12/A8.1.
8. MOP SINK. REFER TO SHEET A2.0 & A2.1.
9. PROVIDE STEEL PIPE BOLLARD & INSTALL OWNER SUPPLIED YELLOW PROTECTIVE COVER. SEE CIVIL DRAWINGS. SEE DETAIL 0/D11.0.
10. INSTALL OWNER SUPPLIED S.S. CORNER GUARD / WALL CAP, TYP. ALL CORNERS IN BACK-OF-HOUSE FROM REAR WALL TO THE KITCHEN SIDE OF THE SERVICE COUNTER. SEE DETAILS 11&19 / A6.3.
11. ELECT. PANELS RECESSED IN 2x6 WALL.
12. PROVIDE WALL OPENING FOR 5" PVC TUBE SYRUP LINE CHASE. COORDINATE LOCATIONS WITH OWNER. SEAL AROUND TUBE TO WALL.
13. PROVIDE 6" DIA. PVC CHASE THRU CEILING FOR SYRUP LINES. SEE DETAIL 18/A8.4
14. SPLASH GUARD. SEE DETAIL 8/A6.3. INSTALLATION SHALL BE COORDINATED WITH HAND SINK INSTALLATION. PROVIDE BLOCKING @ WALLS.
15. INSTALL OWNER SUPPLIED WALL MOUNTED WATER HEATER. CONTRACTOR TO PROVIDE REQUIRED FLUE VENTING.
16. PROVIDE DOOR SWEEPS AT ALL EXTERIOR DOORS. SEE SHEET A1.1
17. KEEP CLEAR FOR UTILITIES & SYRUP LINES. SEE DETAIL 14/A8.4
18. PROVIDE 6" DIA PVC STUB THROUGH WALL WITH REMOVABLE CAP. SEE DETAIL 14, 18 & 20/A8.4. COORDINATE LOCATION WITH OWNER.
19. LIGHTING CONTROL PANEL. SURFACE MOUNTED. REFER TO ELECT. DWGS.
20. START OF CHAIR RAIL.
21. CONTINUE CHAIR RAIL AROUND CORNER TO WINDOW JAMB.
22. GAS METER.
23. METAL STUDS AT WIDTH OF KITCHEN HOOD.
24. 42" HIGH WALL
25. PROVIDE 1/2" GYP. BD. ON WALL PRIOR TO COOLER INSTALLATION
26. VALANCE OR CANOPY ABOVE. SEE EXTERIOR ELEVATIONS.
27. NOT USED.
28. THRU WALL SCUPPER AND DOWNSPOUT.
29. DUPLEX OUTLET, WALL MOUNTED AT + 12" A/F, VERIFY WITH OWNER.
30. PROVIDE GREASE INTERCEPTOR, COVER PLATE TO BE FLUSH WITH TILE FLOOR. SEE EQUIPMENT/SEATING PLAN AND PLUMBING DRAWINGS.
31. S.S. WALL PANELS, FROM TOP OF COVE BASE TO UNDERSIDE OF CEILING GRID. SEE INTERIOR ELEVATIONS, SHEET A6.2.
32. S.S. WALL PANELS 24" WIDE BY 36" HIGH EACH SIDE OF MOP SINK. SEE INTERIOR ELEVATIONS, SHEET A6.2.
33. PROVIDE WINDOW SHADES AT LOCATIONS AND QUANTITIES VERIFIED THROUGH OWNER. WINDOW SHADES TO BE:
MANUFACTURER: ROLL-A-SHADE, PHONE: 1-(888)-245-5277
MODEL: LEGACY SYSTEMS, MANUAL OPERATION
MATERIAL: MERMET KOOL BLACK, 5" OPENESS
COLOR: T.B.D. (BY OWNER)
BRACKETS AND BOTTOM RAIL TO BE POWDERED COATED BLACK
CLUTCHES TO BE BLACK WITH STAINLESS STEEL CHAIN AND BLACK CHILD SAFETY TENSION DEVICE. VERIFY WINDOW DIMENSIONS.
34. INSTALL "NO SMOKING" SIGNS AT PUBLIC ENTRANCES. SIGNS ARE SUPPLIED THRU CITY OF EDINA HEALTH DIVISION.
35. PROVIDE 4" THICK CONCRETE SLAB WITH 6x6" W.W.M. OVER 4" CLASS 5 AGGREGATE BASE. SLAB TO DRAIN AWAY FROM BUILDING.

KEY NOTES B

WCL Associates, Inc.
Architecture Interiors
4301 West 38th Street
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55416
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F.952.941.5454
www.wcl.com

Taco Bell

565 SNELLING AVE. N.
SAINT PAUL, MN.

PRELIMINARY NOT FOR CONSTRUCTION

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

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

Signature: [signature]
Name: Dave Clark
Registration: 14,683
Project Contact: Dean Meirson
Phone Number: 952.941.0999

Print History	Date
CITY SITE REVIEW	04-08-2015
SITE PLAN REVIEW	05-22-2015

MODIFIED-SMALL 28-NI
28 Seats: 1,847 G.S.F.

FLOOR PLAN

Project: 2014.06.06
Drawn: JCG
Checked: DRM

A1.0

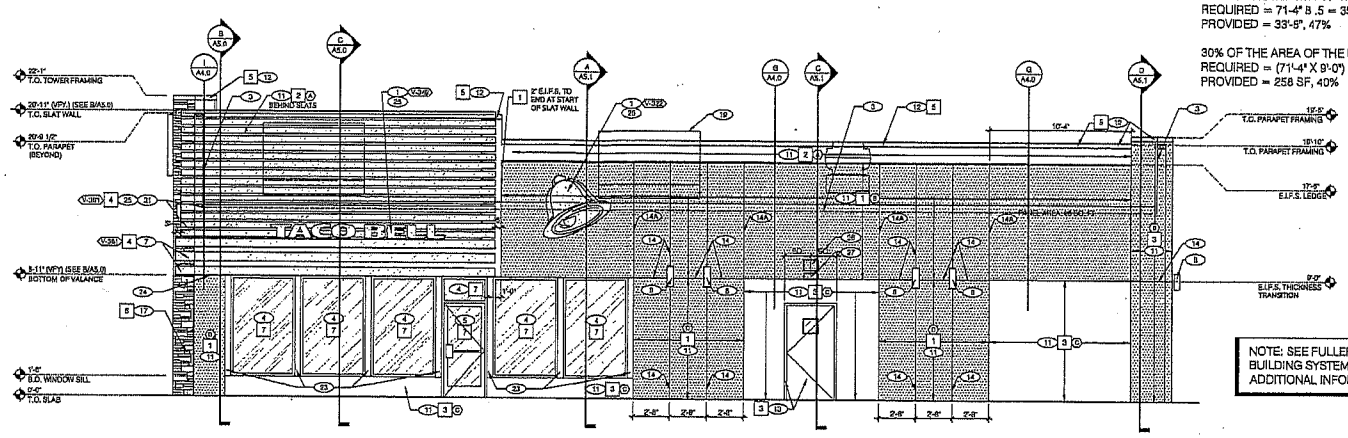
TACO BELL SNELLING AVE
ST. PAUL

Plotted: 12/4/2014 11:52:49 AM Dwg File: G:\2014\06_Border Foods\06_Taco Bell\Snelling\A1.0_CONTRACT DOCS\A1.0_FloorPlan_2014-06-06.dwg

DOOR AND WINDOW CALCULATIONS

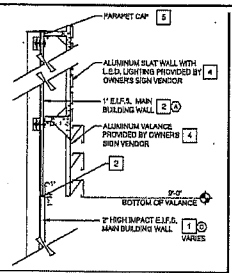
50% OF THE LENGTH OF THE ELEVATION
REQUIRED = 71-4" X .5 = 35'-8"
PROVIDED = 33'-5", 47%

30% OF THE AREA OF THE ELEVATION
REQUIRED = (71'-4" X 9'-0") X .3 = 193 SF
PROVIDED = 258 SF, 40%

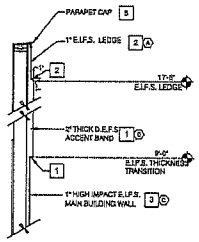


NOTE: SEE FULLERTON BUILDING SYSTEMS FOR ADDITIONAL INFORMATION.

EAST ELEVATION (MAIN ENTRY) 1/4"=1'-0" | A



SLAT WALL COLOR TRANSITION N.T.S. | I



E.I.F.S. THICKNESS COLOR TRANSITION N.T.S. | G

SYMBOL	AREA	MANUFACTURER	COLOR
1	MAIN BUILDING COLOR	SHERWIN WILLIAMS	SW 6122 "CAMEL BACK"
2	WALL COLOR BEHIND SCREEN WALL	SHERWIN WILLIAMS	SW 6231 "CLEMATIS"
3	ACCENT COLOR	SHERWIN WILLIAMS	SW 2822 "ROOKWOOD CLAY"
4	SLAT WALL / VALANCE AND CANOPY COLOR	SHERWIN WILLIAMS	SW 7034 "STATUS BRONZE"
5	PARAPET CAP COLOR	-	PREFINISHED DARK BRONZE
6	SIMULATED MASONRY STONE VENEER	BORAL STONE PRODUCTS	PROSTONE LEDGESTONE "VINTAGE WINE" PRO-192384
7	ALUMINUM STOREFRONT WINDOWS	TBD	"DARK BRONZE"
8	PIPE BOLLARDS	STREET SMART	YELLOW - 1/4" THICK PLASTIC COVER (SUPPLIED BY OWNER, INSTALLED BY CONTRACTOR)

EXTERIOR FINISH SCHEDULE | H

MISCELLANEOUS:
A. SEE SHT. A5.1 "WINDOW TYPES" FOR WINDOW ELEVATIONS.
B. THE PAINT COLORS SHOWN ARE COLOR REFERENCES FOR THE E.I.F.S. SUPPLIER
C. E.I.F.S. TEXTURE SHALL BE FINE.

SEALERS (REFER TO SPECS):
A. SEALANT AT ALL WALL AND ROOF PENETRATIONS.
B. SEALANT AT ALL WINDOW AND DOOR FRAMES AT HEAD AND JAMB. DO NOT SEAL SILL @ WINDOWS.
C. APPLY NEOPRENE GASKET (CONT.) BETWEEN BUILDING & CANOPY/TRELLIS.

LEGEND:
A. VENDOR SCOPE INCLUDES SUPPLY AND INSTALLATION OF AWNINGS, CANOPIES, AND SIGNAGE.
B. DENOTES 2" THICK E.I.F.S.

CRITICAL DIMENSIONS:
A. REQUIRED CLEAR OPENING WIDTH TO ENSURE COORDINATION WITH STANDARD SIGNAGE/ BUILDING ELEMENTS DIMENSIONS.

GENERAL NOTES | F

V-XXX	QTY	ITEM DESCRIPTION	ELEC
V-320	1	TACO BELL DRIVE THRU CANOPY	X
V-345	1	TACO BELL "BUILDING ACCENT"	X
V-361	2	ALUMINUM SLAT WALL WITH L.E.D. LIGHTING WITHIN	X
V-362	3	ALUMINUM VALANCE	
		* REQUIRES ELECTRICAL CONNECTION. SEE ELECTRICAL PLANS.	

CANOPY AND BLDG. ACCENT SCHED. N.T.S. | E

(A) BASE THICKNESS - 1" THICK E.I.F.S.
(B) BASE THICKNESS - 2" THICK E.I.F.S.
(C) BASE THICKNESS -1" THICK E.I.F.S. WITH HIGH IMPACT MESH (ONLY WHERE NOTED) SEE DETAIL 2/A6.2
(D) BASE THICKNESS -2" THICK E.I.F.S. WITH HIGH IMPACT MESH (ONLY WHERE NOTED) SEE DETAIL 2/A6.2

D.E.F.S. THICKNESS N.T.S. | B

V-XXX	QTY	ITEM DESCRIPTION	ELEC
V-349	3	TACO BELL LETTERS 12" HIGH, WHITE, FLAT FACED	X
V-322	3	TACO BELL 'BELL' SIGN 4'-10 1/2"W x 4'-6 1/4"H	X

SIGN SCHEDULE N.T.S. | C

1. BUILDING SIGN PROVIDED BY OWNER'S SIGN VENDOR. UNDER SEPARATE PERMIT. CONTRACTOR TO PROVIDE POWER.
2. OWNER SUPPLIED CONTRACTOR INSTALLED DRIVE THRU WINDOW. CONTRACTOR TO PROVIDE WINDOW LITE ABOVE. SEE SHEET A1.0 AND A3.1.
3. DASHED LINED DENOTES ROOFING AND PARAPET BEYOND.
4. ALUMINUM STOREFRONT WINDOW SYSTEM. TYPICAL.
5. ALUMINUM STOREFRONT DOOR.
6. ELECTRICAL SWITCH GEAR TO BE PAINTED TO MATCH BUILDING.
7. ARCHITECTURAL ALUMINUM VALANCE PROVIDED BY OWNER'S SIGN VENDOR.
8. OWNER SUPPLIED, CONTRACTOR INSTALLED LIGHT SCONCE. CENTERLINE OF LIGHT SCONCE TO BE AT 8'-0" AFF. CONTRACTOR TO PROVIDE POWER.
9. CANOPY WITH TURNBUCKLES & DOWN LIGHTS PROVIDED BY OWNER'S SIGN VENDOR. CONTRACTOR TO PROVIDE POWER.
10. PRE-FINISHED SCUPPER, COLLECTOR, AND OPEN FACE DRAINSPOUT. INTERIOR COLOR WHITE, EXTERIOR COLOR DARK BRONZE.
11. E.I.F.S. (EXTERIOR INSULATED FINISH SYSTEM) (TYP).
12. PARAPET COPING. IF DURO-LAST EDGE TRIM IS USED, USE THE DURO-LAST PRE-FINISHED EDGE TRIM. COLOR DARK BRONZE.
13. DOOR AND FRAME. PAINT.
14. E.I.F.S. 3/4" REVEAL JOINT.
14A. SEALANT JOINT, SEE FULLERTON PLANS.
15. GAS METER SERVICE.
16. WALL SHALL BE FINISHED PRIOR TO INSTALLATION OF SWITCHGEAR.
17. SIMULATED MASONRY STONE VENEER.
18. ALUMINUM ROOF ACCESS LADDER AND DOOR. (DO NOT PAINT)
19. HVAC RTU BEYOND. PAINT TO MATCH BUILDING WALL.
20. NOT USED.
21. ARCHITECTURAL ALUMINUM SLAT WALL WITH L.E.D. LIGHTING WITHIN PROVIDED BY OWNER'S SIGN VENDOR. CONTRACTOR TO PROVIDE POWER.
22. STEEL TUBE PROTECTIVE BOLLARD, SEE DETAIL 6/DT1.0.
23. PRE-FINISHED BREAK METAL COVER, COLOR DARK BRONZE OVER WOOD STUDS TO MATCH STOREFRONT. SEE 3,4 & 7/A6.1
24. 2" E.I.F.S. TO MATCH TOP OF WINDOW HEIGHT. PROVIDE 1" E.I.F.S. ABOVE THAT POINT.
25. PROVIDE 6"/8" DIA. PARGE WALL BUSTER PLASTIC CONDUIT STUBS INCLUDING NIPPLES THROUGH EXTERIOR WALL. INSTALL CONDUIT AT SLIGHT ANGLE DOWNWARDS TOWARD GRADE FOR EXTERIOR ILLUMINATED SIGNAGE AND SLAT WALL L.E.D. LIGHTING ONLY. COORDINATE LOCATIONS AND QUANTITIES OF CONDUIT WITH OWNERS SIGN VENDOR / INSTALLER. SEAL ALL PENETRATIONS WEATHER TIGHT.
26. OWNER SUPPLIED, CONTRACTOR INSTALLED WALL PACK LIGHT FIXTURE, DARK BRONZE COLOR.
27. OWNER SUPPLIED, CONTRACTOR INSTALLED EMERGENCY LIGHT FIXTURE WITH BATTERY BACK-UP, DARK BRONZE COLOR.
28. CO2 TANK PROVIDED BY OWNER.

KEY NOTES | D

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Taco Bell
565 SNELLING AVE. N.
SAINT PAUL, MN.

PRELIMINARY NOT FOR CONSTRUCTION

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

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed architect under the laws of the State of Minnesota

Signature:
Name: Dave Clark
Registration: 14,885
Project Contact: Drew Madsen
Phone Number: 952.541.9083

Print Name	Date
CITY SITE REVIEW	04-08-2015
SITE PLAN REVIEW	03-23-2016

MODIFIED-SMALL 28-NI
28 Seats: 1,647 G.S.F.

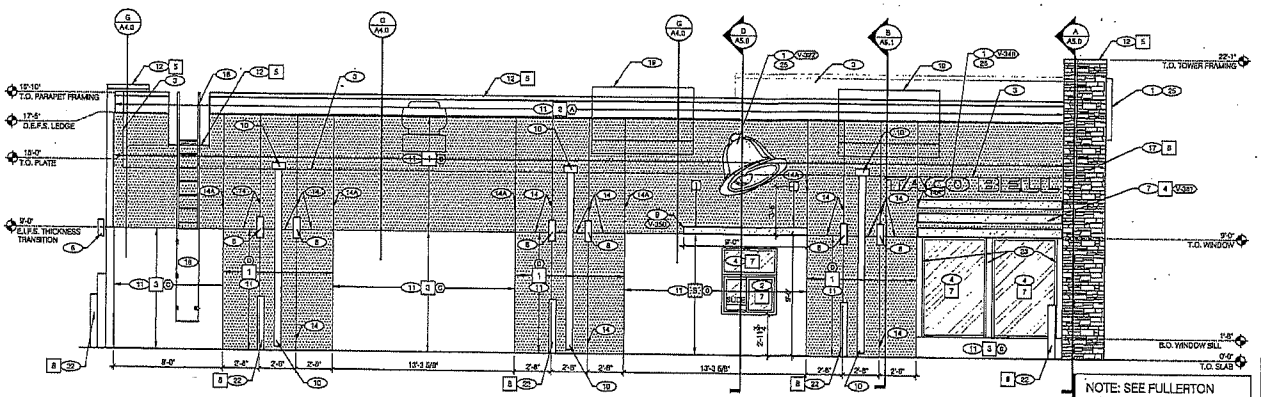
EXTERIOR ELEVATIONS

Project 2014.06.06
Drawn JDS
Checked DSM

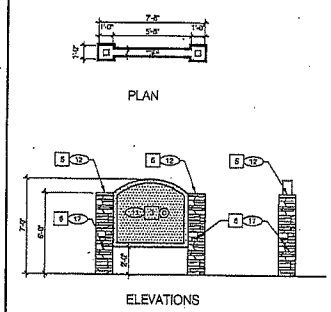
A4.0

TACO BELL SNELLING AVE
ST. PAUL

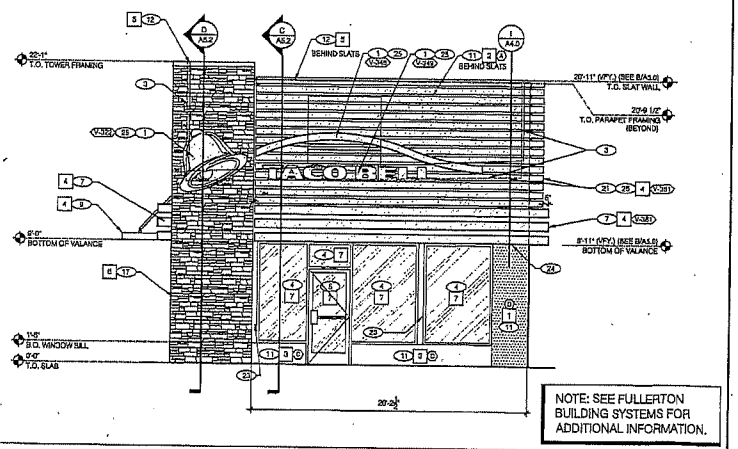
Plotted: 12/10/2014 11:52:10 AM Dwg File: C:\2014\406_Border Foods\06_Taco Bell\Snelling\R15\D_CONTR DOCS\R15_A1_0-A4-1_Exterior Elevations_2014\06\06.dwg



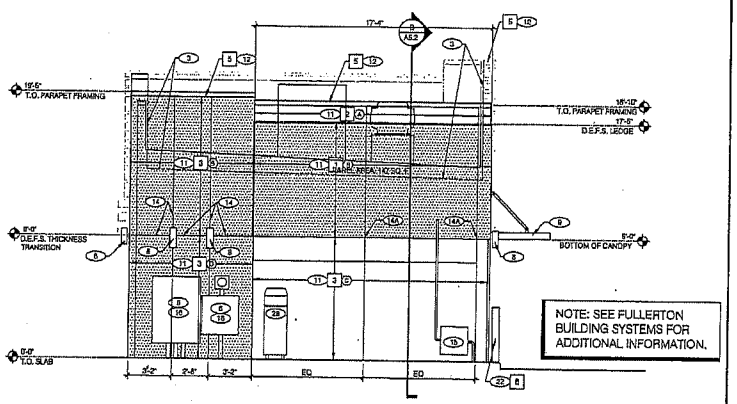
WEST ELEVATION (DRIVE THRU) 1/4"=1'-0" | A



MURAL 1/4"=1'-0" | A1



SOUTH ELEVATION (FRONT) 1/4"=1'-0" | C



NORTH ELEVATION (REAR) 1/4"=1'-0" | B

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55416

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Taco Bell

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SAINT PAUL, MN.

PRELIMINARY NOT FOR CONSTRUCTION

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

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 architect under the laws of the State of Minnesota

Signature: [illegible]
Name: Dave Clark
Registration: 14,883
Project Contact: Dave Nielsen
Phone Number: 952.541.0368

Print History	Date
CITY SITE REVIEW	04-08-2015
SITE PLAN REVIEW	06-23-2015

MODIFIED-SMALL 28-NI
28 Seats: 1,847 G.S.F.

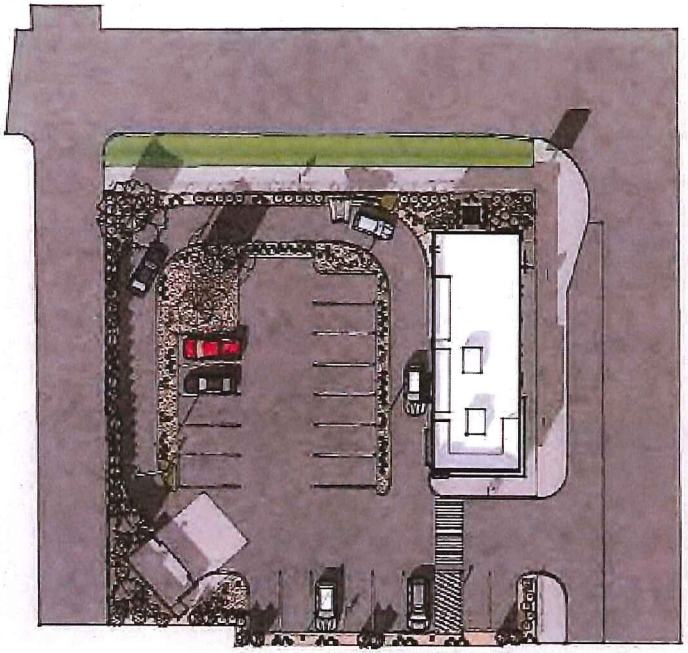
EXTERIOR ELEVATIONS

Project 2014.0616
Drawn JDS
Checked DSM

A4.1

TACO BELL SNELLING AVE
ST. PAUL

Plotted: 12/4/2014 11:23:40 AM Dwg File: G:\2014\616_Border Foods\MN_Twin Ville\Dwg\MAIN_CONTEXT DOCS\2015_A1_A-A4.1_ExteriorElevations_2014-0606.dwg



1 SITE PLAN

3 PROJECT VIEW
NO SCALE

4 PROJECT VIEW
NO SCALE

PROJECT VIEW

PROJECT VIEW

WCL
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Architecture
Interiors

TACO
BELL

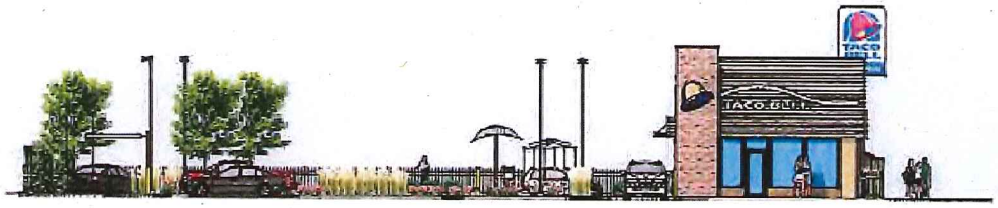
555 SNELLING AVE. NO.
ST. PAUL, MN

PRELIMINARY
NOT FOR
CONSTRUCTION

PROJECT VIEWS

4

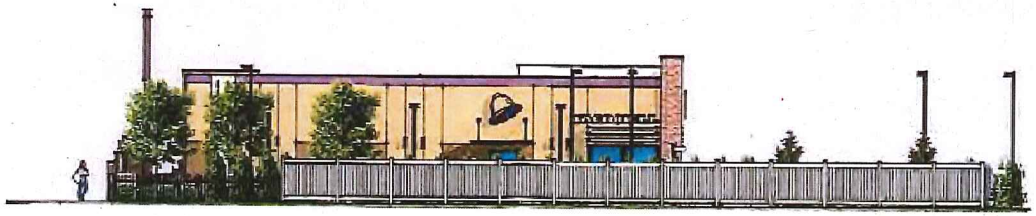
TACO BELL



1 SOUTH SITE ELEVATION

2 EAST SITE ELEVATION

3 NORTH SITE ELEVATION



4 WEST SITE ELEVATION

WCL Associates, Inc.

Architecture Interiors

TACO BELL

565 SNELLING AVE. NO.
ST. PAUL, MN

PRELIMINARY NOT FOR CONSTRUCTION

REGISTRATION

PROJ HISTORY DATE

SITE ELEVATIONS

PROJECT
DRAWN
REVIEWED

5

TACO BELL
SNELLING AVE. NO.

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.

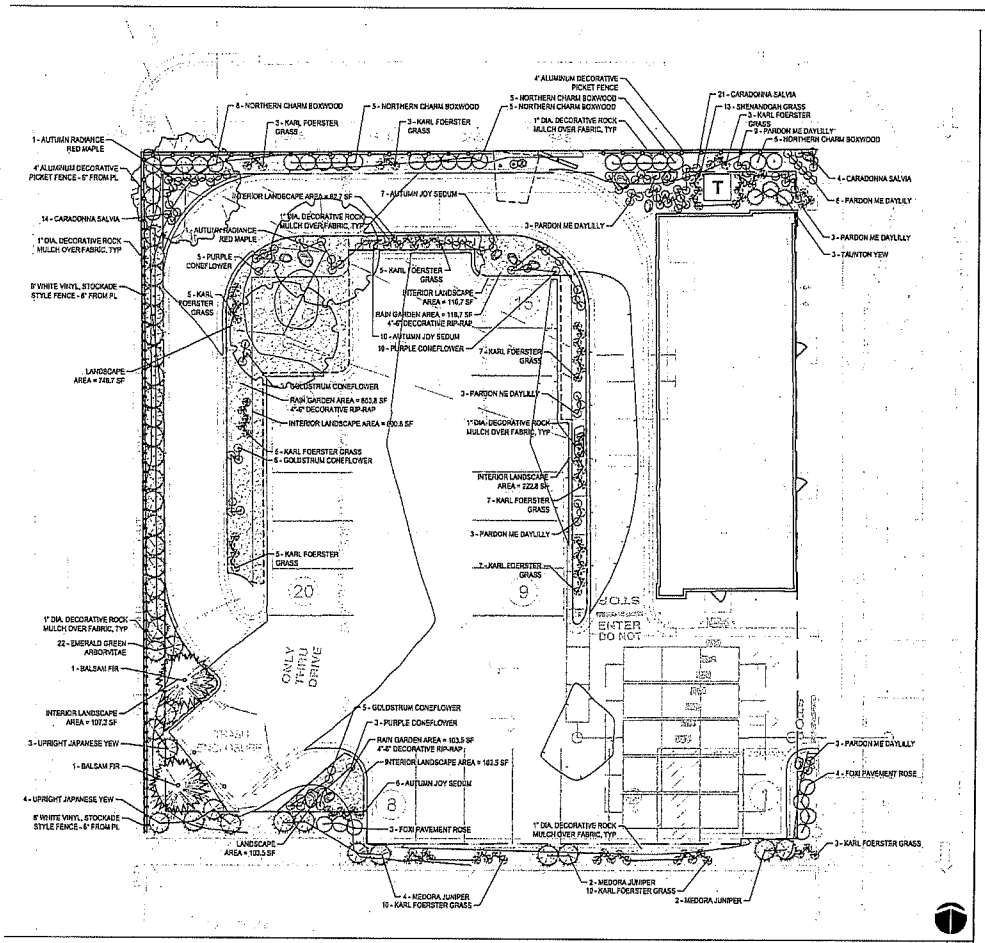
The intent of the conditions is to buffer residences from drive-through uses and in this case buffering is achieved by a fence and landscaping. There is no alley access.

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



LANDSCAPE PLAN 1"=10'-0" 1

PLANT SCHEDULE - ENTIRE SITE

SYM	QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	ROOT	COMMENTS
		DECIDUOUS TREES				
ARM	2	AUTUMN RADIANCE RED MAPLE	Acer rubrum 'Autumn Radiance'	2.5"	B&B	STRAIGHT LEADER, FULL FORM
		EVERGREEN TREES				
BF	3	BALSAM FIR	Pinus strobus	8'HI.	B&B	STRAIGHT LEADER, FULL FORM
		SHRUBS - CONIFEROUS & EVERGREEN				
MJ	6	MEDORA JUNIPER	Juniperus scopulorum 'Medora'	36" HT.	CONT.	
NCB	25	NORTHERN CHARM BOXWOOD	Buxus 'Wilson'	24" HT.	CONT.	
FPR	7	PAVEMENT FOXI ROSE	Rosa 'Foxi Pavement'	24" HT.	CONT.	
TY	3	TAUNTON'S YEW	Taxus x media 'Taunton'	2" SPD.	CONT.	
UJY	7	UPRIGHT JAPANESE YEW	Taxus cuspidata 'Capitata'	36" HT.	CONT.	
TCA	22	EMERALD GREEN ARBORVITAE	Thuja occidentalis 'Smaragd'	36" HT.	CONT.	SINGLE LEADER REQUIRED
		PERENNIALS & GRASSES				
AJS	23	AUTUMN JOY SEDUM	Sedum 'Autumn Joy'	#1	CONT.	
CS	34	CARADONNA SALVIA	Salvia x sylvestris 'Caradonna'	#1	CONT.	
GC	14	GOLDSTURM CONEFLOWER	Rudbeckia fulgida 'Goldsturm'	#1	CONT.	
KFG	73	KARL FOERSTER GRASS	Calamagrostis x acutiflora 'Karl Foerster'	#1	CONT.	
PMD	30	PARDON ME DAYLILY	Hemerocallis 'Pardon Me'	#1	CONT.	
PC	18	FOXIE MEADOWBRITE CONEFLOWER	Echinacea 'Pale Meadowbrite'	#1	CONT.	
SG	13	SHENANDOAH REED SWITCH GRASS	Panicum virgatum 'Shenandoah'	#1	CONT.	

LANDSCAPE NOTES

1. 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.
2. RANDOM SIZED LIMESTONE BOULDERS COLOR AND SIZE TO COMPLIMENT HERY LANDSCAPING. OWNER TO APPROVE BOULDER SAMPLE PRIOR TO INSTALLATION.
3. 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 PLIABNESS OF PLANT MATERIAL FOR DURING OF ACCEPTANCE PERIOD.
4. 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.
5. 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.
6. AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE 4" LAYER LOAM AND SOD AS SPECIFIED UNLESS OTHERWISE NOTED ON THE DRAWINGS.
7. 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.
8. ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.
9. REPAIR AT NO COST TO OWNER ALL DAMAGE RESULTING FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
10. SWEEP AND MAINTAIN ALL PAVED SURFACES FREE OF DEBRIS GENERATED FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
11. REPAIR AT NO COST TO THE OWNER IRRIGATION SYSTEM DAMAGED FROM LANDSCAPE CONSTRUCTION ACTIVITIES.
12. 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.
13. CONTRACTOR SHALL SECURE APPROVAL OF PROPOSED IRRIGATION SYSTEM INCLUDING PRICING FROM OWNER, PRIOR TO INSTALLATION.

LANDSCAPE REQUIREMENTS

Required landscape area

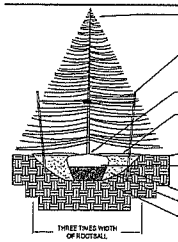
	Formula	Required landscape area (SF)	Provided landscape area (SF)
Parking facilities with more than twenty (20) parking spaces or six thousand (6,000) square feet of paving whichever is less, shall provide fifteen (15) square feet of interior landscaped area for every one hundred (100) square feet of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

Required trees

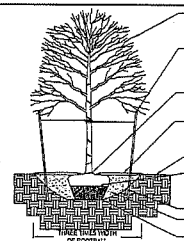
	Formula	Required canopy of evergreen trees	Provided canopy of evergreen trees
A minimum of at least one (1) shade tree shall be planted for every five (5) parking spaces in a surface parking lot	20 spaces / 5 trees	4	5

Stormwater Landscape requirements (rain garden)

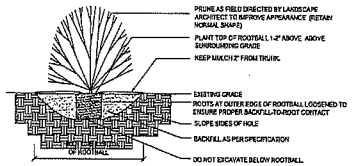
	Formula	Required rain garden area (SF)	Provided rain garden area (SF)
Thirty (30) square feet of stormwater landscaping shall be provided per parking space over the minimum required parking	20 spaces - 5 spaces (req.) = 15 15 spaces X 30 sf	450	1,021.0



1 EVERGREEN TREE
NTS



2 DECIDUOUS TREE
NTS



3 SHRUB
NTS

GOPHER STATE ONE CALL
WWW.GOPHERSTATEONECALL.ORG
(800) 252-1166 TOLL FREE
(651) 454-0002 LOCAL

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.

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Suite 200
St. Louis Park, Minnesota 55416
T. 952.541.9999
F. 952.541.9934
www.wcla.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 : Dave Madsen
Phone Number : 952.541.9901
Print History Date
SITE PLAN REVIEW 04-06-15

Modified - Small 25-N
28 Seats: 1,847 SF

LANDSCAPE PLAN

Project 2013.06.22
Drawn JCD
Checked DSM

L-1

TACO BELL SNELLING AVE.
ST. PAUL, MN

ZF # 15-134-559
Taco Bell

Response of Border Foods to Staff Report.
The Staff Report findings generally show that the CUP and variances are supported. There are a few findings that staff use to support a recommendation for denial. Border Foods response is:

H.2.(c). Speaker box sounds. The drive-through speaker box will be further away from residential property. It will be buffered by landscaping and a fence. Volume will be monitored.

A study done by DSI staff showed that the sound of the existing drive through is in compliance with City code. The report states that: The sound levels when the voices of Taco Bell customers and/or Taco Bell employees could be heard talking...are well below the 60db level for conversational speech. At no time did the sound levels from the drive-thru speakers exceed a conversational speech level.

H.3.(h) Litter Collection. Currently, the parking lot and alley are cleaned every morning. Whenever any litter is noticed, it is picked up. Periodically during each day, a manager walks around the area to monitor the condition and pick up any litter.

H.5. Need to increase maximum parking. Customers and employees who arrive by car need a place to park. On street parking on Snelling is limited. Neighbors do not want the side streets to be taken up by business uses. Parking is being reduced by 1/3rd. There is enough, but not too much parking. The amount of parking proposed is not based on a rigid formula, but on what experience in operating the restaurant has shown is needed to accommodate customers and employees.

H.6.(a) Comprehensive Plan. The staff report states that the proposal is generally in compliance with the Comprehensive Plan. But, then recommends denial on the basis that the proposal is not consistent with the Snelling Station Area Plan.
That is not a valid basis to deny the application. The Snelling Station Area Plan explicitly states (in a section titled "Using this Station Area Plan") that the development concepts in this Plan are **not intended to be prescriptive** for evaluating future development proposals. Their purpose is to illustrate how the principles and objectives for new development could be realized over time. The Comprehensive Plan is not a valid basis to deny a conditional use application.

The staff report also incorrectly states the proposal is not in compliance with the Hamline-Midway Community Plan because the proposal does meet the overall intent of T2 zoning. But a fast food restaurant with a drive through is a permitted use in a T2 zoning district. The Board of Zoning Appeals has confirmed that.

H.7.a) FAR variance. The variance for the floor area ratio is in keeping with the **spirit and intent of the code**. The variances will promote the health, safety, economic viability and general welfare of the community. The variances will lessen congestion in the public streets and will promote a compatible mix of land uses.

H.7.b) Variances in compliance with Comprehensive Plan. See above. The aspirational statements in the Snelling Station Area Plan are not a sufficient basis to deny the variances.

H.7.c)i. FAR practical difficulties. The building is an appropriate size for the business and the existing lot. If the floor area of the building was increased there would be less space available for required landscaping and needed parking. Border Foods seeks to replace an existing restaurant with a building with the same use. There is no need or use for a lager building.

H.7.c)ii. Landscaping practical difficulties. 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

H.7.d) Unique circumstances. The size of the lot and the use of the property is a circumstance not created by the landowner.

Compliance with TN Standards. The proposal complies with T2 Standards.
It is a walk up restaurant built out to the corner, with bicycle racks and indoor seating, adjacent to a BRT stop and within a quarter mile of a transit stop, which also provides parking for customers who drive. It is pedestrian friendly and oriented, while accommodating customers who may also arrive by car.

15-134-559
Taco Bell
oppose

From: Michael Jon Olson <michaeljon@hamlinemidway.org>
Sent: Monday, July 13, 2015 3:36 PM
To: Reilly, Jake (CI-StPaul); Williams, Josh (CI-StPaul)
Cc: 'Roisen, Nathan'; 'Kyle Mianulli'; amadogv@yahoo.com; James Lucken Hills; Megan Conley; Michael Reynolds; michaeljon@hamlinemidway.org; Renee Spillum; Steve Samuelson; Thomas Saylor; Tom Goldstein
Subject: Border Foods/Taco Bell Zoning File # 15-134-559

To the Zoning Committee of the Saint Paul Planning Commission:

Regarding the application of Border Foods, Inc. for a conditional use permit and variances related to the proposed site plan for a new Taco Bell store at 565 North Snelling Avenue, Hamline Midway Coalition/District Council 11 (HMC) offers the following comments:

1. HMC is OPPOSED to granting a conditional use permit for a parking lot with 20 spaces. As noted in the staff report, "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." The staff report also notes that there is "an effective minimum of zero (0)" required parking spaces on this site for this use. Given the proximity of this site to the LRT Green Line and the forthcoming Snelling BRT A Line, a parking lot with 20 spaces is not warranted.

2. If the applicant were to reduce the amount of parking on this site, the applicant would have no trouble meeting the landscaping requirement in Section 63.314, therefore HMC is also OPPOSED to the granting of the variance request for required landscaping. It is also worth noting that a smaller parking lot would allow the applicant to build a larger building, and thus get closer to meeting the FAR requirement in Section 66.331.

3. If a conditional use permit is to be granted, HMC requests that the following conditions be added to the CUP: 1) That the restaurant be required to close at 12:00midnight on weeknights (Sunday – Thursday), and 1:00am on weekends (Friday & Saturday); 2) That the drive-thru can only be open when the restaurant building is also open for counter service. HMC believes that these two conditions would ameliorate many of the nuisance conditions created by the restaurant.

Thank you for your consideration.

Sincerely,

Michael Jon Olson
Executive Director
Hamline Midway Coalition/District Council 11
michaeljon@hamlinemidway.org
www.hamlinemidway.org
651-494-7682

Sunday, July 12, 2015

To the Members of the St. Paul Zoning Committee:

We live across the alley from Taco Bell at 565 N. Snelling Avenue. Our address is 1598 Edmund Avenue, St. Paul, Minnesota, 55104. The main two-part response to File No. 15-134559 that we hope to convey and support before and at the Thursday Zoning Committee hearing is:

1) No way (because it's July in Minnesota and we barely got a week's notice before the hearing), and
2) They've got to be kidding.

The application to rebuild the Taco Bell at 565 N. Snelling is seriously flawed and disingenuous. It is less an application for a fast-food restaurant with a drive-through lane than for a primary drive-through lane with a little afterthought of a fast-food restaurant attached. The new lane would be closer to our property across the alley than the current lane, which already is too close per City code. It will be approximately 23 feet from our property, whereas the current one is approximately 30 feet away. Yet the applicant claims this arrangement will somehow be an improvement for us and that an improvement over a non-code-compliant, grandfathered-in arrangement is the best we can expect for a newly built facility with a newly granted conditional use permit.

Apparently, the person who drafted the application "forgot" about ordinance 65.513(a) when claiming that the new site plan would meet all the standards in 65.513. Did Brian Alton, formerly of the Board of Zoning Appeals for the city, really make such an omission accidentally? Or did he and his client, Border Foods, hope that no one would notice this important detail — much more than a "t" not crossed — and that his friends in City Hall would let it slide by? These are terrible thoughts to think, but we are thinking them.

Likewise, the drawings showing a 4-car stacking lane are laughably inaccurate. Someone needs to sketch in around 8 more cars to show how the lane will look circa 3:00am most nights and some lunch hours. Where do you suppose vehicles 5 to 12 (and sometimes more) will appear on the renderings? Why, they'll be lined up just across from our property, mere feet from our living room and dining room windows downstairs, and the view from our bedroom windows upstairs will be the tops of all those autos. Yes, this new design cleverly moves waiting cars off of southbound Snelling Avenue, where currently they line up and create a road hazard to enter the lane, neatly onto the parking lot. This new design merely trades floor area and a few parking spots it doesn't even need for more drive-through lane in order to more efficiently process more orders for more idling, engine-revving, boom-stereo-playing, horn-honking, pollution-emitting vehicles!

We have endured increasing noise and other forms of nuisance from Taco Bell for the past decade or so, and it has cost us sleep and sanity and money (see **Appendix A** for a rough chronology of "moments" in our history with Taco Bell). This Taco Bell enjoys a great location on a state highway going through our capital city with some 45,000 cars traveling past on a daily

basis. It also has the distinct advantage over competitors of a uniquely unregulated location. Because it has a special use permit from 1973 (the precursor to the conditional use permit) with no conditions on it for some odd reason, it has been able to do pretty much as it wants, especially in terms of hours. (The hearing minutes for this Taco Bell's permit included the restaurant's proposed hours of operation, but those never got transferred to the CUP. No one in 1973 probably imagined that any drive-through in the city near residences would try to remain open, and very busy, all night long and at 7:00am.) Unlike a nonconforming use, which has strict limitations imposed on it, this conforming use gets to flaut code in perpetuity, indefinitely — no amortization of use, no expiration date.

So, this Taco Bell came to realize that this is the perfect location to gradually, through hours creep, become the only all-night fast-food restaurant with a very busy drive-through on this part of Snelling in St. Paul, because any new such use would have to submit to public input and city scrutiny and most likely have to close at what most people would term "a decent hour." It is only closed for three hours a day during the week and two hours a day on weekends, hours during which noisy maintenance and deliveries often take place.

This site, we believe, was never intended to have a high-intensity drive-through as a primary use. It is not a community bank with a teller window open until just 5:00pm and serving perhaps a mere 3 cars per hour. But now that the use is established, is the city obligated to allow it to continue even with a new CUP in the same fashion on a site that is really too small for it and too close to residential property on three sides? (In addition to us there are apartments to the south at Kimball Court and John Snell Apartments on 550 N. Snelling to the east, as well as 1597 Charles behind us to Taco Bell's southwest.)

We think that the answer is no for a variety of reasons. With all the changes to it and to the zoning code, it is past time for a fresh look at what the business does and who it is (in addition to how well it fits in with updated density and other planning goals). What kind of environment has the business created? How responsive has the business been to neighborhood concerns? Yes, the current use was established in 1973, but most of the houses surrounding it were built and their use established some 60 years earlier, some even in the late 1800s. These deserve at least as much consideration.

Since around 2007, we who are closest to it have actively sought and tried remedies for the noise produced by Taco Bell and its customers. Taco Bell has made token efforts to improve only when under pressure, but those efforts have been short-lived. We run out of fingers when counting the number of times the supposedly "broken" speakerbox has been "fixed" only to "break" (and be loud) again the next week, for instance. The most effective remedy is going to be reduced hours of operation, and that is the main condition we ask the Zoning Committee to support. It would give us a bloc of peace that would make normal impacts during normal business hours easier to handle.

For years, frustrated city officials as well as a couple of complacent ones have told us "nothing can be done until Taco Bell remodels or rebuilds." We hope they were not just saying that to placate us, while secretly knowing that just because something could be done when Taco Bell rebuilds, in all likelihood nothing would be. We hope that now, something will "be done."

Our plight is certainly not all the City's fault, but the City has made some mistakes, or at least has let us down in four distinct ways that have added up — first, in ever allowing a CUP with no conditions (and then not being able to keep track of it, as shown in a couple of communications that constitute **Appendix B** just to illustrate the shaky existential foundation of this Taco Bell); second, in not just re-zoning in 1975, 2004, and 2011 (or any time) such that certain uses would become nonconforming and therefore subject to some oversight instead of left as permitted but nonstandard uses and offering no available recourse for those affected by intensification/expansion, such as Nuisance Exceptions in City code. In this case, we have been paradoxically worse off for the way Snelling was re-zoned, which was intended to improve the neighborhood, not better off.

The third mistake we think the City has made is its treatment of drive-throughs as a use, but we realize that's been problematic for municipalities nationwide. This was the basis for our hearing before the Board of Zoning Appeals in June of 2014, but the argument was a stretch made in desperation: that because drive-throughs now require CUPs, the Taco Bell drive-through should not be able to offer a whole new breakfast menu with 3 whole new hours of operation without seeking such a CUP or being subject to a status change to nonconforming. What is true is that this drive-through lane, for this restaurant, was a later addition that the City just gave a free pass. Fine, that makes sense — as an accessory use. But once the drive-through lane started to be a primary use for many hours of the day? That, we can't help believing, should and could have been stopped or curtailed somehow.

Regardless, now this Taco Bell has a very sweet deal, and it has clung to it, waiting to bring this location up to modern Yum! brand identity requirements just about as long as possible to avoid this very CUP process, we believe. We are very aware that if this new CUP is denied or imposes what Taco Bell considers onerous conditions, this Taco Bell will probably continue to operate in its present form with Yum! blessings until the building just crumbles and the last dollar has been squeezed from it like hot sauce from a little white packet.

We have not even touched on the crime that happens at and near Taco Bell that we feel its business model attracts or its record of police calls to its address. Just last month we personally witnessed a man getting kicked in the head in the parking lot late at night and called in that incident ourselves in case Taco Bell employees did not see it. The police call record for the past three years is attached as **Appendix C**, but it is not our main issue, because we believe changes to hours and perhaps restrictions to on-street parking could reduce police calls as a side benefit.

We also will not have time to create an appendix to illustrate the fourth and final way we feel the City has let us down, and we appreciate this chance to share it briefly here in hopes of instigating some cultural change. It is relevant to the application in being another reason that enforcement in the case of this Taco Bell's noise and other nuisance effects cannot be the answer to all of the problems all day and night; reduced hours is the best answer to many of them. There seems to be a mindset in the City that all "complaints" (which could be reframed as assertions of rights) must come from groups of people rather than individuals in order to have merit. Countless times in our quest to get some enforcement of noise ordinances (and the City seemed to have a hard time even deciding whether it was general noise or zoning-related noise law that needed enforcing,

which would determine both whether the standard was to be "not audible beyond 50 feet" or not above a certain decibel limit and whether the enforcer should be police or DSI), we were told that we should start a petition and get neighbor signatures, etc. That is balderdash and simply a dereliction of public service! We feel that DSI and beat officers fail the citizens of St. Paul if they insist incorrectly that nuisances are only valid if they involve "the power of numbers," a phrase we have heard repeatedly.

Now, if you will, please take a look at **Appendix D**, a hard copy of an email message (to be forwarded to you all by Senior City Planner Jacob Reilly) that will contain live links to videos that supplement and clarify our testimony. We know that your time is limited, but we hope that you can all view at least some of these videos to get a sense of the types and volume of noise that this Taco Bell and its customers have produced — and that they should not be allowed to continue producing after midnight during the week and 1:00am on weekends (if not earlier) in any new configuration. This hard copy should also contain a couple of photos of our property for reference.

We don't hate Taco Bell. In fact, we are partial to the current Taco Bell building with the Spanish roof and will miss it when it's gone. It's now considered retro. But we do hate an almost 24/7 Taco Bell. We hate what it does to our quality of life and to our property values. The property next to us, 1600 Edmund, was formerly an owner-occupied house. It is now a rental property. The property across the street from us, 1595 Edmund Avenue, was formerly an owner-occupied house, but its run on the real estate market didn't end well. It too is now a rental property. Will ours be next? Will a domino effect take hold of our block, our whole street west of Snelling? A mix is fine, but anchoring homeowners are critical.

Our neighborhood's evolution has kept us here as its very particular character has also somehow deepened. There's a lot to love — for us and for the next owners of our property. We cannot be accused of NIMBY-ism. We have in our extended back yard the old brick multi-story Hamline Hotel now used for low-income housing, and we get along just fine with the residents of it, appreciating them and hoping to contribute to their sense of stability here. In any case, there's just no compelling need for a 22/7 Taco Bell to be in anyone's back yard. A respectful 17/6 one could be welcome, though.

Thank you for your attention.

Sincerely,

Kristine Vesley Mark Vesley

Kristine Vesley Mark Vesley

APPENDIX A:
Brief Chronology of Our History with Taco Bell

1989: We moved here in 1989, and to the best of our recollection,Taco Bell was open until midnight during the week and 1:00am on the weekend.

1992: There was a gap in the fence behind Taco Bell along the alley through which customers and others on foot could pass, and we observed that this became a site for drug deals and drug use with easy access and/or escape to and from a fairly hidden spot behind the opaque wall. In addition, the fence ended several yards short of Edmund Avenue so that cars could enter and exit the parking lot via the alley, which was not supposed to happen. Our City Council Respresentive at the time, Paula Maccabee, worked with zoning staff and traffic engineers with the result that Taco Bell was required to replace the old gapped and too-short fence with a new, continuous fence of the proper length. The improvement was dramatic, though at a later time the decorative and screening green vinyl inserts in the chain link fence proved problematic in providing privacy and cover for illicit activity in the alley and were removed.

Circa 2005 -- Taco Bell's hours expanded around this time, to the best of our recollection and records, to closing at 2:00am during the week and 3:00am on weekends.

2006 -- The drive-through ordering kiosk speakerbox seemed to get louder, especially in the late-night hours.

2007-2008 -- We started contacting City Council Representive Russ Stark and city officials when Taco Bell's hours expanded again, to 3:00am during the week and 4:00am on weekends and the noise became almost unbearable from numerous sources. At this point Taco Bell was serving a growing post-bar-closing crowd. We had a frustrating meeting with Russ Stark, his aide Samantha Henningson, DSI staff person Jeff Hawkins, and city attorney Rachel Tierney, who all told us that Taco Bell was zoned business and we were zoned residential and there was no buffer or mixed-use area. We were just unlucky. Jeff Hawkins opened the meeting by declaring that he "would be sad if Taco Bell went away" because he used to work for Public Works and enjoyed stopping at Taco Bell around 2:00 am. We were told by Rachel Tierney, when we asked what our rights were vis a vis Taco Bell: "You have a right to exist." She then said she could relate because she had neighbors who liked to have bonfires, which could become loud at times. We were told that our best option was to call the police for noise ordinance enforcement. We asked if they meant that we should do this every day, as the noise was a regular and predictable occurrence, and we were told yes.

Appendix A
(2 of 5)

2008-2009 -- We did as DSI told us to do and called police often with noise complaints, usually agreeing to speak in person with officers after they looked into the complaints. We won't go into the details of those encounters here except to note that only one officer was brave enough to tell Taco Bell that its speakerbox was too loud and therefore it would have to close down for the remainder of the evening.

In early 2009, we were contacted by Sgt. Pat Kane about the high number of calls from us. We explained to him what we were told by DSI, and he suggested we meet to discuss the problem of noise and possible solutions. In February of 2009, we met at our house during his shift. He took an interest in the situation and decided to reach out to other departments, including DSI. He went to visit DSI staff in person and later told us he was disappointed that the staff characterized us as chronic complainers. He said he recognized that we were complaining only because so far, nothing had been done. He said DSI staff made reference to our old complaint about the old fence, and he recognized that this had nothing to do with our noise complaint, which deserved separate consideration. He asked DSI to allow him to borrow a decibel monitor and said DSI would not allow him to do this, even though at that time DSI refused to monitor at night when most of our calls occurred.

Sgt. Kane then suggested we try to find a "middle person" and referred us to the Dispute Resolution Center. We contacted the DRC and followed protocol, which was for DRC, not us, to contact the other party, in this case Border Foods. Unfortunately, Border Foods (represented by then District Manager Steve McBride) refused to join us in dispute resolution regarding noise at Taco Bell, saying that our concerns "did not rise to the level of mediation." Sgt. Kane had to take a leave of absence, so we lost some momentum. Sgt. Kane had said that even if he were on his leave, he would attend any DRC meetings with us if it would help.

(We do not have time to go through all our records before the hearing, but at some point after this, DSI did agree to do decibel measurements from our driveway and concluded that Taco Bell's noise was within the acceptable limits, which we and others found very strange given the naked-ear experience of it. Mark Kaisersatt of DSI insisted that "we're good.")

2010 -- Taco Bell's hours expanded to 4:00am on weekdays and 5:00am on weekends.

2012 -- Still amazed that this nuisance was permitted to exist and frustrated on a number of fronts after more talks with licensing and other officials, we considered moving and thought of a clever solution to the problem of trying to sell a house next to a loud, late-night Taco Bell: We offered to sell our house to Border Foods in a letter and were surprised to get a call from Vice President

Appendix A
(3 of 5)

Barb Schneider the next week expressing interest. We entered negotiations that went on for the entire summer. Border was coincidentally considering a larger campus that would include our property and an alley "vacation" for more land and better traffic flow. Mark and I agreed that preventing speeding in the alley in this way, and diverting through-traffic (use of the alley as a frontage road) could be a boon to the neighborhood. We got as far as the drafting of a purchase agreement by Border Foods that was supposed to be "redlined" over a late-August weekend by our lawyer and our realtor, but the following Monday, Ms. Schneider called to say that site plans had been preliminarily examined by city staff and rejected and therefore Border foods no longer had interest in purchasing our property but that "we might see each other in a couple of years" when Taco Bell went back to the drawing board with a new site plan.

2013: We were busy and did not seek relief from or remedy for noise from Taco Bell aside from the occasional call to police, knowing that in most instances, nothing would be done about speaker system noise and most customers producing noise would be gone by the time officers arrived.

2014: In late February, we read in *The Pioneer Press* that Taco Bell/Yum! Brands intended to launch a new breakfast menu in the spring with extended hours at most locations. We decided we had to check in with our contacts in the city to see if this expansion, too, would be permitted without any public input. We were told that it would be. Feeling that this was "the last straw," we decided to hire an attorney to investigate our options. He researched changes in zoning code and determined that this Taco Bell's drive-through, as of 2011, had been nonconforming in not having obtained a conditional use permit. The Zoning Administrator did not agree with his reasoning, and he appealed her decision to the Board of Zoning Appeals in June. The vote was 5-4 in favor of the status quo of Taco Bell being allowed to operate and expand its hours at will.

Although we lost that appeal, we did take advice we got to start documenting nuisance activity at Taco Bell. A city attorney who had been present at the BZA hearing also contacted our attorney and said he thought we had some valid points and that he would look into a possible public nuisance charge against Taco Bell. We met with him in August and agreed to the plan he proposed. He said he thought it would take a few months to prepare and present it and that if we were unhappy with the results of this work, we could still appeal our BZA decision to the City Council and that meanwhile it would be considered "stayed." We heard from him sporadically in the fall, and then once in December, telling us he was going to meet with the Zoning Administrator about delivering the charge to the Planning Commission, which was her adminstrative duty per City code. We never heard from him again and in the spring of 2015 informed him through our lawyer that we were terminating the case and dropping the stayed appeal and would like our appeal filing fee returned.

Appendix A
(4 of 5)

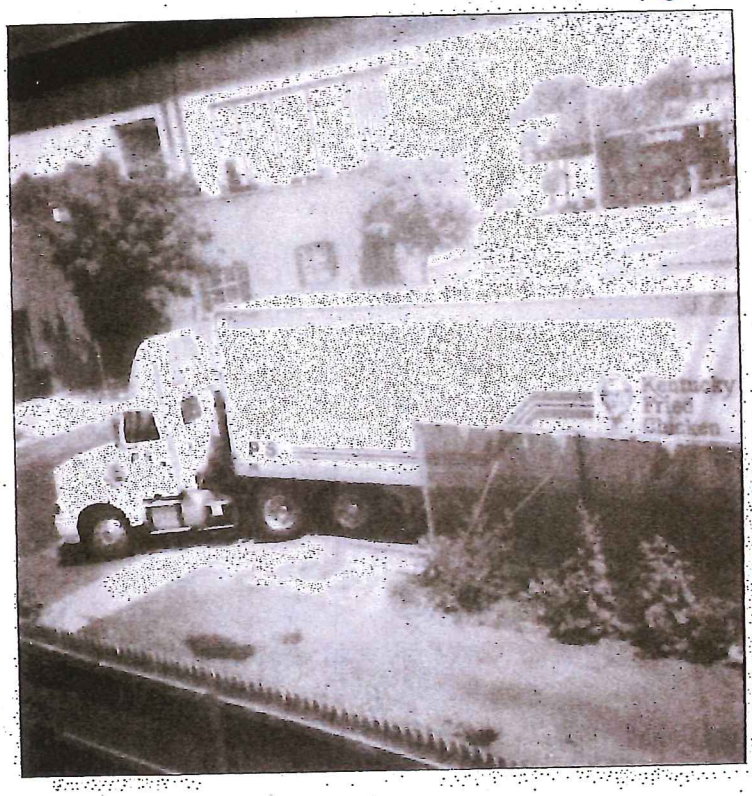
Meanwhile, Officer Charles Graupman from the Police Department sent Taco Bell a first notice for excessive consumption and negotiated some helpful changes with Taco Bell such as moving deliveries from the parking lot to the street, which greatly reduced the banging and clanging we heard inside our house during deliveries. The illegally early garbage pickups were also changed to a later time, which also helped by increasing the small window of non-noisy time in the Taco Bell parking lot.

2015: In July we got a notice regarding the upcoming hearing before the Zoning Committee of the Planning Commission and obtained Taco Bell's application packet and guidelines for submitting testimony, which we are doing now. We noticed a discrepancy in the application.

Photo taken in 1992, not long after we moved in, showing a giant semi delivery truck trying to cram itself into the Taco Bell parking lot backwards via Edmund Avenue, running over the curb illegally.

This reminds us that even then, Taco Bell's use of the site was fairly intense and that Taco Bell always really required more space.

Holiday



alley

Our fence

6/29/92 Snelling + Edmund

APPENDIX B:
The Elusive Original CUP for 565 N. Snelling's Current Use

It turns out that the original Conditional Use Permit, or Special Use Permit, for the Taco Bell at 565 N. Snelling is somewhat similar to what are called "virtual particles" in physics. It seems this magical permit both *existed* and *did not exist* at the same time! But, like most of physical reality, the gross manifestation of Taco Bell seems solid and immutable and permanent. It is approaching actual permanence as a structure and an idea, having resisted entropy and escaped Planning Commission approval for more than 40 years now.

This SUP, typewritten in 1973, is the ticket to Taco Bell's "right" to maximal use of its property, neighbors be damned. As such, it is gold to Border Foods. On the other hand, since it has absolutely no conditions on it, it is as worthless as a used burrito wrapper to neighbors and community members who would like the opportunity to know about and respond to plans by Taco Bell to make changes in its operations. No conditions, which are parameters defining the nature and extent of the permitted use? Then no hearings or public input.

Considering how important to Taco Bell's recognition by the City of St. Paul this permit was and remains, it is amazing to the layperson that for many years, no one knew for sure if it was needed or whether or not it existed. Zoning officials seemed to agree that if it did not exist, it was not needed, but that if it was needed, it did exist.

An illuminating email message from Patricia Smith in the zoning department in 2008 said that "at some point the zoning administrator decided that some of these restaurants (Clark's Submarine, Burger Chef, Wendy's, Arby's, McDonald's, and Zantigo *{note: precursor to Taco Bell)* were not fast food restaurants, and therefore they only needed a site plan review (not a special use permit)." She said she tried to find out when the drive-through service was added, but "wasn't able to find a record of that in our old history cards."

As of April 18, 2014, current Zoning Administrator Wendy Lane corroborated Patricia Smith's 2008 statement, writing the following to our attorney:

"*The Taco Bell fast food restaurant is a use permitted in a T2 district although a conditional use permit was never obtained because one was not required at the time the use was established.* It is not a nonconforming use and therefore, it is not subject to Sec. 62.106." {our italics}

But this weird virtual particle of a permit suddenly appeared upon "further research" by zoning department staff within the next couple of weeks in the spring of 2014! (Basement archive? Dusty old metal file cabinet? Where on earth could it have been all those years, and did Taco Bell even have a copy?)

Appendix B
(2 of 7)

In the staff report for the Board of Zoning Appeals for our June 2014 appeal of a decision regarding Taco Bell's possibly nonconforming status following a 2011 change making drive-through lanes a conditional use (file no. 14-289691), item 6 states, "It must be noted that at the time the letter from the Zoning Administrator was written, the conditional use permit for the subject property had not been found. *Upon further research, the 1973 conditional use permit was located* and has been provided to the appellants." {our italics}

WE GET THE IDEA THAT WHETHER OR NOT THE CUP EXISTED, THE DRIVE-THROUGH WAS A PERMITTED USE PIGGYBACKED ONTO THE PERMITTED FAST-FOOD USE, NOT A NONCONFORMING USE. THAT WAS IMPORTANT TO THE VERY SPECIFIC BZA CASE FOCUSED ON THE EXPANSION OF USE.

STILL, THIS MISSING AND SUDDENLY APPEARING SUP/CUP IS NOW THE BASIS FOR MOST REGULATIONS OR LACK OF REGULATIONS APPLYING TO THIS TACO BELL. THIS MISSING AND SUDDENLY APPEARING SUP/CUP HAS BEEN THE BASIS FOR TACO BELL'S FREE PASS ON RELEVANT CITY CODE. THIS MAKES THE CITY LOOK REALLY DISORGANIZED. THIS MAKES GRANDFATHERING-IN WITH NO TIME LIMIT LOOK LIKE A VERY BAD IDEA.

HALLELUJAH FOR THE CHANCE TO REVISIT THIS TACO BELL AS IT SUBMITS A NEW SITE PLAN FOR APPROVAL WITH VARIANCES AND A NEW CUP FOR ITS DRIVE-THROUGH LANE.

Copies of the emails from Patricia Smith and Wendy Lane and p. 5 of the staff report follow, along with copies of copies of the elusive 1973 SUP and the hearing minutes that preceded it from the BZA hearing packet.