

MINUTES OF THE ZONING COMMITTEE
Thursday, October 11, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, DeJoy, Fredson, Lindeke, Ochs, Rangel-Morales, and Reveal
EXCUSED: Edgerton
STAFF: Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Baker. Commissioner Edgerton had to leave early.

McDonald's - 18-106-569 - Conditional use permit (CUP) for a fast food restaurant with accessory drive-thru service, with modification to allow a 3rd service window (2 permitted). CUP to exceed the maximum allowed parking spaces (45 max. allowed, 75 proposed). Variances for floor area ratio (FAR) (0.3 - 2.0 permitted, 0.108 proposed), front yard setback variance (10' max. allowed, 54.5' proposed), and front yard parking (not permitted) at 1841 Suburban Ave, between White Bear Avenue and Burns Avenue

Bill Dermody presented the staff report with a recommendation of denial of the CUP to exceed the maximum number of parking spaces, and the variances for front yard setback and front yard parking, and approval of the CUP for fast food restaurant with drive-thru service, with modification to allow 3rd service window and of the variance for FAR subject to conditions. He explained that District 1 recommended approval of the CUP for an accessory drive-thru service, with modification to allow 3rd service window and the variance for FAR. They do not support the CUP to exceed the maximum allowed parking or the variances for front yard setback or front yard parking. There were no letters in support or opposition.

Upon inquiry from Commissioner Lindeke, Mr. Dermody confirmed that a 10 foot setback would be possible at this site. Two other fast food restaurants on the same street have a 10 foot setback.

Commissioner Ochs stated he is in favor of having the building move forward to make it more accessible to a pedestrian environment. However, there isn't a whole lot of a pedestrian environment. The housing to the west and east is a fairly significant distance away. It seems this is an area that is uniquely auto centric being between two off ramps / on ramps to I-94 and no allowable development to the south. He would like to eliminate a lot of the asphalt area for parking and perhaps create more storm water opportunities.

Upon questions from Commissioner Baker, Mr. Dermody explained what a potential site plan would look like taking into consideration the staff recommendation. It would include a building that was closer to the street and off to one side to allow all of the drive through circulation to occur on one side of the building rather than around it.

Commissioner Ochs added that he thinks the building should separate the lanes of traffic to provide a safer environment for pedestrians.

Kevin Shay, Landform Professional Services, 105 South Fifth Avenue, Minneapolis, MN, representative of McDonald's USA, addressed the denial of the CUP for exceeding maximum parking and the variances for front yard setback and parking in the front yard. He stated they

provided a memo explaining the components of the McDonald's business that need onsite parking to allow proper function. It provides a detailed explanation of the parking needs for the employees, the dine-in parking, and the mobile order pick-ups. The store size is increasing by approximately 1,500 square feet. The increase in parking spaces from what exists on site today goes from 73 to 75 spaces. It is a very minimal increase compared to the store's increase in size. He believes that the request for 75 parking spaces is reasonable and has a demonstrated need. In regards to the front yard setback variance, he believes that they are meeting the findings by reducing the existing nonconformity from a 125 foot setback to 54.5 foot setback. The proposed setback will allow for a drive aisle to be placed in front of the building that will be crucial to improve site circulation and reduce the amount of traffic accessing Suburban Avenue. The variance for parking in the front yard also reduces the nonconformity of the existing condition of this site. It no longer contains parking within the front face of the building between the two east and west walls. It now only contains the parking outside on the east and west edges of the site. The biggest concern is the condition limiting the site to a single curb cut on Suburban Avenue rather than the proposed two curb cuts. McDonald's internal store operations and drive through service requires the store to be centered on the lot with access around the building. Requiring a single curb cut is not compatible with the layout and it will become an adverse development for McDonald's if required. They will likely find other ways to redevelop the site if that is brought forward. The proposed development meets McDonald's business goals for a redeveloped site. If the Committee is not amenable to the development request as proposed they would request a recommendation with conditions of approval or tabling with direction on the suggested revisions so that they may come back with a modified plan. There are areas where adjustments can be made to meet the intent of the code and McDonald's business goals for a redeveloped site. Mr. Shay also stated that a proposed layout by staff with the building to the west side of the site would require drive through customers to pay through the passenger side.

At inquiry from Commissioner Baker, Mr. Shay provided more information on the data provided in the memo demonstrating the need for parking. The data is from the owner of the store. It was provided in time increments. The 11 a.m. to 4 p.m. time period had the highest number of cars parked during a time period. There were 163 cars and given a five-hour period and if you take an average of that you would have 32 cars parked per hour on site. Based on the Urban Land Institutes Shared Parking Manual the peak parking hours is statistically shown to be 1.25 times higher than the average which would be 40 cars. This number is not including employee parking that would be about 30 employees on a max shift at this size of store. This demonstrates the need for the 75 parking spaces requested.

Upon questions from Commissioner DeJoy, Mr. Shay stated that there are currently 73 parking spaces on site. He doesn't specifically know how many additional seats will be provided at the store.

At questions from the Commissioners, Mr. Shay stated that this is what McDonald's would like for a site layout, but they don't want to be too rigid. They would like to get a recommendation of approval with conditions or tabled so that they can make revisions rather than a recommendation of denial without any background given on how the Committee feels. Mr. Shay said that having the building on the left side of the property would not be possible for a drive through. He said that putting the building on the right side or left side of the site would most

likely kill the project. The biggest condition they had an issue with in the staff report was the single curb versus multiple. Mr. Shay explained that if the building was moved up closer it would essentially eliminate the request for a variance for front yard parking. He explained that currently there is a drive aisle that occupies 24 feet in front of the building that allows one-way traffic. It's feasible to eliminate it, but it would get rid of internal circulation for the site and force traffic onto Suburban Avenue. Mr. Shay stated that there will be an increase in jobs, but he doesn't know the specific numbers.

Charlie Miller, McDonald's, 14016 Frontier Lane, Burnsville, MN, stated that they do an analysis on each store to see if expansion is needed. Right now they are remodeling 14,000 stores. Some of the older buildings have plumbing issues, storm water issues or other problems. When they looked at the scope of work needed to get this store modernized it is easier to demo and start over.

No one spoke in support or opposition. The public hearing was closed.

Commissioner Elizabeth Reveal moved to lay over the conditional use permit and variances to October 25, 2018, to allow staff and the applicant to discuss different options on the site plan and come to a revised proposal. Commissioner Kris Fredson seconded the motion.

Commissioner Morales stated that the applicant requested feedback on what the Committee was looking for in a proposal. He stated that it seems like the lot is large enough to be able to reconfigure the site to get closer to a plan that addresses concerns staff had stated in the staff report. Perhaps the applicant could come up with different proposals for examples of what they could do at the site.

Commissioner DeJoy stated that the fact that this building is expanding indicates growth and more jobs. This is a very busy McDonald's location. If they bring the building closer to the street, as they are proposing, and add additional parking in the back, it's not going to have an impact. It is the same footprint property wise. She stated that we would hope that all of these businesses become more transit oriented, but that is not the proposal right now. The Gold Line will not be on Suburban Avenue. There isn't a lot of pedestrian traffic in the area right now with the closest housing being on the next block.

Commissioner Lindeke would like more information on the parking analysis for the property.

Commissioner Reveal stated they want to encourage expanded businesses in this area. It sounds like the District 1 Council is willing to entertain something between the Zoning Code's maximum of 45 parking spaces and McDonald's proposed 75. Additional evidence about how many cars are parking at any one point in time might suggest whether the 73 that they have now are totally utilized or not. It seems like there is enough room at the site that between staff, the applicant, and the District Council they should be able to get somewhere in between. She wants to see a site and land use model that supports the business operations of the enterprise and she doesn't want to make decisions that would have unintended consequences for the business operations.

Commissioner Baker stated he is in agreement with Commissioner Reveal and he is glad to see that McDonald's has agreed to discussing possible revisions. He has concerns with Finding 8(b) and staff stating that this finding is not met. The Gold Line Station Area Plan calls for zoning and design standards that support high-density transit-oriented development. If we support applications that don't support the Comprehensive Plan can we expect to have this type of development?

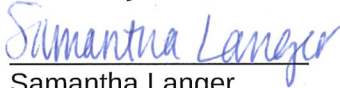
Commissioner Reveal stated that she would much rather see a viable enterprise, particularly when it is bigger and with more jobs, than not have any development at all. This may not make a mega step toward the development she would like to see, but the job expansion and business expansion is a sufficient interim until we can see development conditions that attract the full plan.

In reply to Commissioner Ochs, Mr. Dermody stated he believes a site this size would trigger a storm water management plan, but he would want to verify. He will confirm at the next meeting if this item is laid over.

The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0


Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Bill Dermody
City Planner

Approved by:


Dan Edgerton
Chair