

MINUTES OF THE ZONING COMMITTEE
Thursday, October 25, 2018 - 3:30 p.m.
Room 40, Lower Level
City Hall and Court House
15 West Kellogg Boulevard

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

The meeting was chaired by Commissioner Edgerton.

TK Dynamic Home LLC - 18-109-691 - Rezone from B1 local business to T1 traditional neighborhood, 1350 Payne Ave, NE corner at Clear Avenue

Bill Dermody presented the staff report with a recommendation of approval for the rezoning. He stated District 5 made no recommendation, and there were no letters in support or opposition.

At questions from the Commissioners, Mr. Dermody stated that staff recommended rezoning to T1 traditional neighborhood rather than a residential district to provide future flexibility.

The applicant, Kieu Do, was present and represented by an interpreter, Thanh Tran, who stated she had nothing to add to the staff report.

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

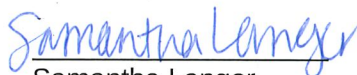
Chair Edgerton stated that Mr. Dermody explained to the applicant, via the interpreter, that the application was recommended for approval to the Planning Commission.

Commissioner Anne DeJoy moved approval of the rezoning. Commissioner Kris Fredson seconded the motion.

The motion passed by a vote of 4-0-0.

Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Bill Dermody
City Planner

Approved by:



Dan Edgerton
Chair

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The meeting was chaired by Commissioner Edgerton. Commissioner Edgerton stated that after the public hearing on October 11, 2018, the applicant submitted a revised site plan (dated 10/17/18) for consideration. Mr. Dermody has provided an updated staff report.

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, 63 proposed). Variances for floor area ratio (FAR) (0.3 - 2.0 permitted, 0.108 proposed), and front yard setback (10' max. allowed, 30.5' proposed), at 1841 Suburban Ave, between White Bear Avenue and Burns Avenue

Bill Dermody presented the revised staff report with a recommendation of denial for the CUP to exceed the maximum number of parking spaces, and of the variance for front yard setback. Staff recommends approval of the CUP for a fast food restaurant with accessory drive-through service, with modification to allow a 3rd service window, and of the variance for FAR subject to conditions. He also explained the additional handouts provided to the Committee members including; alternative findings and conditions for the Zoning Committee to consider, more information on stormwater management, and a memo from Landform explaining the changes and additional parking information.

Commissioner Edgerton asked for a motion to open the public hearing to receive an update from the District Council. Commissioner Fredson moved to reopen the public hearing. Commissioner DeJoy seconded. The motion passed 4-0. Mr. Dermody stated that District 1 recommends approval of the revised site plan (dated 10/17/18).

At request of the Commissioners, Kevin Shay, Landform, 105 South 5th Avenue, Minneapolis, MN, provided more detail on the parking counts submitted in their October 22, 2018, memo. He explained how they arrived at the new request of 63 parking spaces. The parking counts shown did not include employee parking. They would have an additional 30 employees during the largest shift. Also, McDonald's expects a 10% increase of customers after redevelopment. They did not count individual employee cars while compiling the estimated parking needs. They assumed that if there were 24 employees there would be 24 parking stalls being used. They would like to provide a potential parking space to each employee.

In response to Commissioner Rangel-Morales, Mr. Shay stated that parking in the front is preferred because it is closest to the doorways and customers will not need to walk as far across the parking lot. However, they did move the store farther forward and they would rather not have to apply for the variance for front yard parking. They do like to meet code requirements when they can so they provided the parking at the rear of the building.

The public hearing was closed.

Commissioner Edgerton reviewed the issues of the revised application. The applicant requires a CUP for 63 parking stalls (previously requesting 75) and 45 parking stalls is the maximum allowed. The applicant requires a variance for front yard setback because the building is 30.8 feet away from the front property line and the maximum setback is 10 feet. The front yard parking has been addressed

and they no longer require a variance. The applicant is also requesting two curb cuts and only one curb cut is recommended by staff.

At questions from Commissioner Fredson regarding curb cuts and layout, Mr. Dermody explained that to go from two curb cuts to one would require redesigning the building completely. It is not a matter of this building layout being moved somewhere on the site, but rather they would have to have a new internal layout so that it would function moved off to one side, presumably the east side.

At questions from Commissioner Rangel-Morales, Mr. Dermody explained that the 31 parking spaces mentioned in Finding 4 is taken from the memo submitted by Landform. It is the highest number of parking spaces listed in the parking count column. Mr. Dermody said that the parking they are requesting is not a demonstrated need. It is not a requirement to have one parking space for every employee at all times.

Commissioner Rangel-Morales stated that he doesn't know what the additional land could be used for other than parking, if they were only allowed to have 45 parking spaces. It is not a buildable plot of land.

Commissioner Kris Fredson moved approval of the CUP for a fast food restaurant with accessory drive-through service, with modification to allow a 3rd service window, of the CUP to exceed the maximum number of parking spaces, and of the variances for front yard setback and for FAR, subject to conditions: trash receptacles shall be housed in a three-sided masonry enclosure, six feet high, or equal in height to the dumpster, whichever is greater and have an entrance gate constructed of a durable, opaque material; excessive lighting shall be avoided; substantial compliance with site plan dated 10/17/18; and the maximum number of parking spaces shall be 63. Commissioner Anne DeJoy seconded the motion.

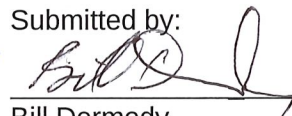
Commissioner Fredson stated that he is in favor of the revised plan because it is an increase in jobs, the applicant was willing to address the concerns of the District Council and they now recommend approval, and if they don't move forward with the alternative motion they would essentially just be trimming back parking on land that is not buildable. Commissioner DeJoy stated she is in agreement with Commissioner Fredson, and stated that stormwater management will be discussed at Site Plan Review.

The motion passed by a vote of 4-0-0.

Adopted Yeas - 4 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Bill Dermody
City Planner

Approved by:

Dan Edgerton
Chair