

ZONING COMMITTEE STAFF REPORT

FILE NAME: McDonald's

FILE # 18-106-569

APPLICANT: McDonalds USA LLC

HEARING DATE: October 11, 2018

TYPE OF APPLICATION: Conditional Use Permit

LOCATION: 1841 Suburban Ave, between White Bear Avenue and Burns Avenue

PIN & LEGAL DESCRIPTION: 352922330008, REGISTERED LAND SURVEY 276 SUBJ TO RDS & ESMTS; E 150 FT OF TRACT B

PLANNING DISTRICT: 1

PRESENT ZONING: T2

ZONING CODE REFERENCE: §61.202(b); §61.501; §61.502; §61.503(d); §61.601; §63.207(c); §65.513; §65.616; §66.331; §66.341

STAFF REPORT DATE: October 2, 2018

BY: Bill Dermody

DATE RECEIVED: September 20, 2018

60-DAY DEADLINE FOR ACTION: November 19, 2018

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- A. **PURPOSE:** 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).
- B. **PARCEL SIZE:** 1.27 acres
- C. **EXISTING LAND USE:** Fast food restaurant with drive-through
- D. **SURROUNDING LAND USE:** Fast food restaurant with drive-through to the west (T2), vacant land and vacant commercial building to the east (T2), Interstate 94 to the north, and a Ramsey County pond to the south across Suburban Avenue.
- E. **ZONING CODE CITATION:** §61.202(b) authorizes the planning commission to grant variances when related to permits; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings; §61.503(d) requires a new conditional use permit if a building containing a conditional use is torn down and a new building is constructed; §63.207(c) establishes a conditional use permit requirement to exceed the maximum off-street parking provision; §61.601 establishes required findings for variances; §65.513 establishes standards and conditions for drive-throughs; §65.616 establishes standards and conditions for fast food restaurants; §66.331 provides maximum building setbacks in the T2 district; §66.341 requires surface parking to be in the rear or side yard.
- F. **PARKING:** Zoning Code §63.207 requires a minimum of 15 parking spaces for the proposed 6,013 square foot building. The application materials incorrectly present the minimum as 16 spaces, perhaps due to a failure to round down as directed by §63.206. §63.207(c) establishes a maximum of 200% more than the minimum, which calculates to 45 parking spaces for this use.
- G. **HISTORY/DISCUSSION:** The site was rezoned to T2 Traditional Neighborhood from B2 Community Business in 2015 as part of a larger zoning study prompted by the Gold Line BRT Station Area Plans. (A Gold Line BRT station is planned north of I-94, with BRT service potentially commencing in 2024.) The site and neighboring properties along Suburban Avenue were zoned ES Expressway Service in 1975 as part of a citywide rezoning, and were later rezoned to B2. The site received conditional use permit approval in 1975 for a fast food restaurant and administrative site plan approval in 1979 to add the drive-through.
- H. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 1 Council has not provided a written recommendation.
- I. **FINDINGS:**
1. The application contains several requests that would cumulatively accommodate a proposed demolition and reconstruction of an existing McDonalds restaurant at 1841 Suburban Avenue.

The application requests: a conditional use permit for a fast food restaurant with accessory drive-through service, with modification to allow a third service window; a conditional use permit to exceed the maximum number of parking spaces; a variance from the minimum floor area ratio (FAR); a variance from the maximum front yard setback; and a variance to allow surface parking in the front yard. The new building is proposed to be somewhat larger (6,013 square feet compared to existing 4,516 square feet) and located closer to Suburban Avenue.

2. The site is zoned T2 Traditional Neighborhood and is adjacent to other commercial uses zoned T2 along Suburban Avenue, including fast food restaurants with drive-throughs.
3. §63.207(c) states that parking facilities exceeding the minimum parking requirement by more than 200% for this type of use “*shall not be created unless a conditional use permit is approved based on demonstration of need.*” This finding is not met. The proposed building requires a minimum of 15 parking spaces, which calculates to a maximum parking requirement of 45 spaces, compared to a proposed provision of 75 spaces. The application provides data from July 2018 showing that up to 38 parking spaces were used during peak hours. The application goes on to state that up to 30 employees are on-site at peak times, and that 6 to 7 spaces are needed for mobile orders. However, the employees’ parking need is already incorporated into the 38 vehicles observed in July. The parking maximum of 45 spaces would accommodate 38 vehicles, the amount of need that has been demonstrated, plus up to 7 spaces for mobile orders or additional demand.
4. §65.616 establishes the following required conditions for fast food restaurants that apply to this site:
 - (a) *Except in I1-I2 industrial districts, a conditional use permit is required for... any establishment with drive-through service, to ensure compatibility with the particular location.*
This finding is met by the subject application.
 - (c) *Drive-through service shall meet the standards and conditions in section 65.513, drive-through sales and services, primary and accessory.*
This finding is addressed in Finding #5 below.
 - (d) *Points of vehicular ingress and egress shall not be onto a street which is used primarily for access to abutting residential property.*
This finding is met. Ingress and egress are onto Suburban Avenue, which is not primarily used to access abutting residential property.
 - (e) *Points of vehicular ingress and egress shall be located at least 60 feet from the intersection of any two streets and at least 60 feet from any abutting residentially zoned property.*
This finding is met. The driveways are more than 300 feet from the nearest intersection and are 80 feet from the nearest residentially zoned property (to the south).
 - (g) *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.*
This finding can be met, to be verified through site plan review.
 - (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.*
This finding is met. A litter collection plan is provided with the application materials.
 - (i) *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.*

This finding can be met if excessive artificial lighting is avoided, as verified through site plan review. The other items under this finding are met, as exemplified by the existing business.

5. §65.513 establishes standards and conditions for drive-throughs, including five general conditions and two (f and g) that apply only to the T2 district:
- (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 60 feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.*
This finding is met. The drive-through lanes and service windows are located to the side and rear of the building, and are more than 60 feet from residential properties.
 - (b) *Points of vehicular ingress and egress shall be located at least 60 feet from the intersection of two streets and at least 60 feet from abutting residentially zoned property.*
This finding is met. The driveways are more than 300 feet from the nearest intersection and are 80 feet from the nearest residentially zoned property (to the south).
 - (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 finding is met. There is no abutting residential property and freeway noise drowns out any speaker box sounds.
 - (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 finding is met. No property lines adjoin a residence or residentially zoned property.
 - (e) *Stacking spaces shall be provided for each drive-through lane. Banks, credit unions, and fast-food restaurants shall provide a minimum of four (4) stacking spaces per drive-through lane. Stacking spaces for all other uses shall be determined by the zoning administrator.*
This finding is met. According to the application, 14 stacking spaces are provided.
 - (f) *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 finding is partly met. Though the drive-through lane splits to two menu boards, it is generally a single drive-through lane. Three (3) drive-through service windows are proposed, which is the subject of a requested modification addressed below.
 - (g) *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 stations platforms.*
This finding is not met. The site is not in a light rail station area. The proposed two curb cuts are the least number practical given the proposed site design; however, a building located closer to the street and off to one side with drive-through circulation behind the building would allow the site to function with a single curb cut for a two-way driveway.
6. §61.501 lists five standards that all conditional uses must satisfy:
- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This finding is met for the CUP for a fast food restaurant with drive-through, but is not met for the CUP to exceed the maximum parking. The 2030 *Comprehensive Plan* in Figure LU-B designates the site as part of a Mixed Use Corridor

and Neighborhood Center, which allows consideration of the proposed fast food restaurant with drive-through use. The *District 1 Plan* contains several policies relevant to the application, including: Policy LU-3.3 which calls for developing Neighborhood Centers as “compact, mixed-use communities that provide services and employment close to residences and include... vibrant business districts...”; Policy LU-3.4, which calls for “(p)rioritiz(ing) the development of compact commercial areas accessible by pedestrians and transit users over commercial areas more readily accessed by automobile. Discourage new and expanded auto-oriented uses”; Policy LU-5.1 “Uphold design standards as required by City Code”; and Policy LU-5.5, which “(e)ncourage(s) changes to the design of existing auto-oriented commercial buildings and areas with elements of traditional urban form to improve the pedestrian realm.” The *Gold Line Station Area Plans* call for zoning and design standards that support high-intensity transit-oriented development. A fast food restaurant with drive through is the existing use, and replacing it with the same use would be supported by the *District 1 Plan* if its design were made less auto-oriented by reducing the parking, moving the building closer to the street, and incorporating the T2 zoning district design standards. The CUP for exceeding the maximum parking is contrary to the *District 1 Plan*, at least at the amount proposed (75 spaces).

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed ingress and egress are adequate to minimize traffic congestion.
 - (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 fast food restaurant with drive-through and the exceedance of maximum parking are both consistent with the area’s existing character of development.
 - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed conditional uses will not impede surrounding property development and improvement.
 - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is not met. A requested modification and variances are addressed below.
7. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met with regard to the modification requested to §65.513(f) in order to permit three (3) drive-through windows instead of the maximum of two (2). The third drive-through window is a pull-forward window for items that take longer to prepare, which allows efficient use of the restaurant. The third window does not impair the intent of the condition, which is to prevent drive-throughs from becoming overly dominant over the streetscape, because it does not extend the drive-through in this wrap-around-the-building layout.
8. §61.601 establishes required findings for the planning commission to grant variances:
- (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met for the variance for floor area ratio (FAR) under 0.3 (0.108 proposed), but not met for the other variances. The variances to allow a front yard setback greater than 10 feet (54.5' proposed) and parking in the front yard do not implement the policies of

the comprehensive plan, which is a general purpose and intent of the zoning code, as addressed in Finding 8(b) below. The FAR variance is in harmony with the zoning code's general purpose and intent, including implementing the policies of the comprehensive plan, as addressed in Finding 8(b) below.

- (b) *The variance is consistent with the comprehensive plan.*

This finding is met for the variance for floor area ratio (FAR) under 0.3 (0.108 proposed), but not met for the variances to allow a front yard setback greater than 10 feet (54.5' proposed), parking in the front yard, and lack of height (2 stories or impression thereof required). The *2030 Comprehensive Plan* in Figure LU-B designates the site as part of a Mixed Use Corridor and Neighborhood Center. The *District 1 Plan* contains several policies relevant to the application, including: Policy LU-5.1 "Uphold design standards as required by City Code"; and Policy LU-5.5, which "(e)ncourage(s) changes to the design of existing auto-oriented commercial buildings and areas with elements of traditional urban form to improve the pedestrian realm." The *Gold Line Station Area Plans* call for zoning and design standards that support high-intensity transit-oriented development. The front yard setback greater than 10 feet and provision of parking in the front yard are contrary to these cited plan elements. The impact of the FAR variance, however, would be mitigated by making the building appear taller than one story, as is required by the T2 design standards. Also, placing the building closer to the street would mitigate the impact of lesser FAR by preserving more of the site for future development.

- (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 met for the variances to allow less FAR, a front yard setback greater than 10 feet, and parking in the front yard. A multi-story structure is not feasible at this location given the soft market for office uses or apartments here, and a fast food restaurant cannot reasonably function as a 16,637 square foot one-story building. The front yard setback of 54.5 feet allows for a drive lane in front of the building rather than forcing circulating vehicles out onto Suburban Avenue. The front yard parking allows for some pull-ahead parking for drive-through customers.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

This finding is met for the variance to allow less FAR, but not met for the variances for greater front yard setback and parking in the front yard. The area's market conditions and setting preclude second-story offices or apartments. However, there are no circumstances unique to the property that require the greater front yard setback and front yard parking, rather than compliant designs that have been used for fast food restaurants with drive-throughs in St. Paul and elsewhere. For example, three of the five existing fast food restaurants with drive-throughs on Suburban Avenue meet the front yard setback and parking location requirements.

- (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. The variances do not permit any use not allowed in the T2 district.

- (f) *The variance will not alter the essential character of the surrounding area.*

This finding is met. The variances would not alter the area's existing character.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the CUP to exceed the maximum number of parking spaces, and of the variances for front yard setback and front yard parking. Also based on the above findings, 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 the following additional conditions:

1. Zoning Administrator approval of a site plan with a single curb cut on Suburban Avenue rather than the proposed two curb cuts.
2. 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.
3. Excessive lighting shall be avoided.



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

PD=1

Zoning Office Use Only
 File #: 18-106569
 Fee: _____
 Tentative Hearing Date: 10-11-18

#352922330008

APPLICANT

Name Charlie Miller Email charlie.miller@us.mcd.com
 Address 14016 Frontier Lane
 City Burnsville State MN Zip 55337 Daytime Phone 612-963-4125
 Name of Owner (if different) McDonald's USA, LLC
 Contact Person (if different) Kevin Shay, Landform Phone 612-638-0228

PROPERTY LOCATION

Address/Location 1841 Suburban Avenue
 Legal Description See attached plans
 Current Zoning T-2
 (attach additional sheet if necessary)

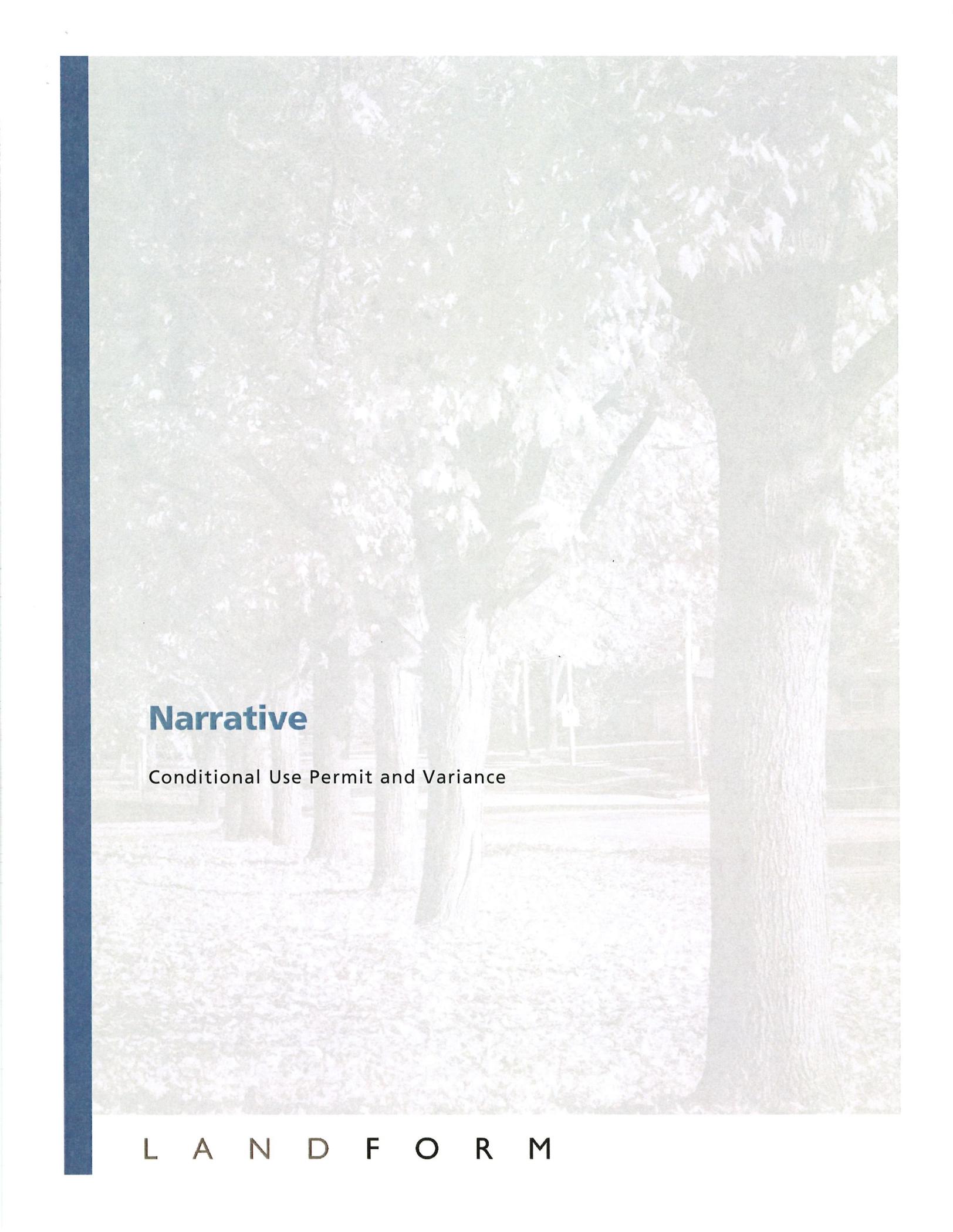
TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter 62, Section 321, Paragraph Table, of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable 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.

See attached narrative for details.

Required Site Plan is attached

Applicant's Signature [Signature] Date 9/20/2018 City Agent [Signature]



Narrative

Conditional Use Permit and Variance

L A N D F O R M

Narrative

McDonalds on Suburban Avenue

Saint Paul, Minnesota

L A N D F O R M

September 20, 2018

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Introduction

On behalf of McDonalds USA, LLC, Landform is pleased to submit applications for Conditional Use Permits (CUP) and Variances to allow demolition and reconstruction of the existing nonconforming McDonalds Restaurant on a 1.27-acre lot located at 1841 Suburban Avenue in Saint Paul. We are excited about improvements for the site, that will include a modern building, improved stormwater management, and improved landscaping.

Site Plan

The existing site is home to an existing McDonalds Restaurant. The site is currently served by two driveways that accommodates the unique circulation of the narrow lot. The lot currently provides a utility access to a sewer that is located within the Interstate 94 right-of-way.

Site Layout

McDonalds is proposing a similar layout to the existing McDonalds restaurant. However, the new plan shifts the building closer to the right-of-way to bring the building closer to being in compliance with the required building setbacks. The existing building is setback approximately 125 feet from the right-of-way. The proposed building setback is 54.5 feet from the right-of-way. Section 66.331 of the zoning ordinance requires that the front yard building setback be between 0 and 10 feet from the property line. We have included a variance request to allow for the increased front yard setback.

Landscaping

The existing landscaping will be removed, and new landscaping is proposed that complies with the required landscaping of the zoning ordinance. We are proposing 15 overstory trees and a four-foot landscaped perimeter around the parking lot. We are providing a total of 6,471 square feet of interior landscape within the parking lot.

Parking

The existing McDonalds Restaurant site provides 73 parking spaces. The proposed development plan provides 75 parking spaces, three of which are handicap accessible spaces. The parking spaces required for the site by Section 63.207 of the zoning ordinance is 16 parking spaces, calculated at a ratio of one space per 400 square feet of gross floor area. The zoning ordinance sets the maximum parking allowed at 200% of the required minimum, which is 48 parking spaces for this development. Food and beverage uses that exceed the maximum shall not be created unless a conditional use permit is approved to exceed the maximum parking allowed.

We are applying for a conditional use permit to allow more than the maximum number of parking spaces to be constructed. We are asking for a conditional use permit allowing for 75 parking spaces to be constructed as part of the rebuild project.

The CUP for parking is further discussed in the next section in regard to the five criteria to be met.

Building Information

McDonalds will be tearing down the existing structure and constructing a brand-new building that is 6,013 square feet. The building exterior will consist of a mix of architectural materials including brick, metal paneling, aluminum paneling, EIFS, and large windows. The walls are broken up by architectural elements including windows, doors, vertical wall elements, canopies and horizontal material changes.

Conditional Use Permit

Fast Food Restaurant and Accessory Drive-Through Conditions

We are requesting a CUP as allowed by Section 66.321 to allow a fast food restaurant in the T-2 traditional neighborhood district.

We are also requesting a CUP as allowed by Section 66.321 to allow an accessory drive-through in the T-2 traditional neighborhood district, with a request for a modification of the CUP to allow for a 3rd service window.

Fast food restaurants and accessory drive-throughs have a specific set of conditions for the use. The specific conditions for fast food restaurants and drive-throughs in the T-2 zoning district are identified below. Our plans meet the standards as follows:

Fast Food Restaurants

Except in I1-I2 industrial districts, a conditional use permit is required for establishments of more than 10,000 square feet in floor area, and for any establishment with drive-through service, to ensure compatibility with the particular location.

We have included an application and request to allow a conditional use for a fast food restaurant with an accessory drive-through.

In the B2 community business district, fast-food restaurants shall be incorporated within a multi-use center and shall not provide drive-through service.

This project is located in the T-2 traditional neighborhood district and not subject to this standard.

Drive through service shall meet the standards and conditions in section 65.513, drive-through sales and services, primary and accessory.

Compliance with the standards and conditions in Section 65.513 for the drive-through is outlined in the next section.

Points of vehicular ingress and egress shall not be onto a street which is used primarily for access to abutting residential property.

Suburban Avenue does not provide access to any residential properties on the block where McDonald's is located.

Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of any two (2) streets and at least sixty (60) feet from any abutting residentially zoned property.

The ingress and egress for the property are located more than 60 feet from the nearest intersection and the property does not have any abutting residential properties.

When the site abuts an alley which also serves residentially zoned land, no access from the site to the alley shall be permitted.

The property does not access or abut an alley.

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 proposed trash enclosure is attached to the principal structure on the north side of the proposed principal structure. The enclosure includes a garage door for entrance and exit and is completely enclosed by materials consistent with the design of the principal structure.

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.

McDonald's and the Owner/Operator of the store work together to develop a site clean-up plan to keep the property clean. This has not been developed at this point, but typically involves a routine walk-through of the site on a daily basis by an employee.

Impact on adjoining property by use of the site may not result in the following:

Loud, boisterous and disturbing noise levels.

The redevelopment of the site includes installing new ordering devices for the drive-through which limit the noise produced. The site will not have noise levels that are boisterous or disturbing.

Hazardous traffic conditions.

The redevelopment of the site will provide safe and easy access for both vehicle and pedestrian traffic through the use of directional traffic arrows, sidewalks and crosswalks.

Offensive, obnoxious and disturbing odors.

The proposed structure is designed to provide an attractive and visually appealing building that does not include any obnoxious or disturbing colors.

Excessive litter.

The McDonald's and the Owner/Operator of the store work together to develop a site clean-up plan to keep the property clean. This has not been developed at this point, but typically involves a routine walk-through of the site on a daily basis by an employee.

Excessive artificial lighting.

The lighting proposed for the site complies with the lighting standards for glare and does not exceed the allowed foot candles outlined in the zoning ordinance

Substantial decrease in adjoining property values.

The redevelopment of the site will increase the value of the property and may also do the same for adjoining property values. It will not decrease the values of adjoining properties.

Drive-through sales and services, primary and accessory

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.

The accessory drive-through service is located to the rear and side of the principal structure. The project is not adjacent to any residential zoned properties and the drive-through is more than 60 feet from any residential property.

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.

The ingress and egress for the property are located more than 60 feet from the nearest intersection and the property does not have any abutting residential properties.

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.

The project is not abutting any residential properties, but new ordering devices will be installed for the drive-through which limit the noise produced.

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.

The project is not adjoining any existing residential property, or any property zoned for residential.

Stacking spaces shall be provided for each drive-through lane. Banks, credit unions, and fast-food restaurants shall provide a minimum of four (4) stacking spaces per drive-through lane. Stacking spaces for all other uses shall be determined by the zoning administrator.

The drive-through lane is designed to provide stacking space for 14 vehicle which exceeds the amount required in the zoning ordinance.

Additional conditions in the T2 traditional neighborhood district:

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.

The proposed drive-through has one drive-through lane that splits into two menu board locations for the food ordering and then reconnects into one lane for the service windows. This meets the intent of the zoning ordinance to have no more than one drive-through lane. We are requesting a modification to the CUP to allow for a 3rd service window for the drive-through.

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.

The project is not located in a light rail station area.

Section 61.502 of the Zoning Ordinances allows modifications to the CUP provided that 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.

The request for a modification to the CUP to allow a 3rd service window is included to allow McDonald's to reasonably use the property. To reasonably use the drive through a 3rd service window is essential for the internal operations of the store and to provide an efficient service to the public. The proposed modification will not impair the intent or purpose of the zoning ordinance and is consistent with the health, morals and general welfare of the surrounding community. The modification will allow for the reasonable use and enjoyment of the adjacent properties that provide similar services.

Conditional Use General Standards

Section 61.500 of the Zoning Ordinance requires approval by the Planning Commission for a Conditional Use Permit. Section 61.501 of the Zoning Ordinance outlines five standards that must be met for approval of a conditional use permit. Our plans meet the standards as follows:

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.

The proposed fast food restaurant and accessory drive-through use is in compliance with the Saint Paul Comprehensive Plan goal 1.45 which states, "Maintain and enhance retail commercial areas throughout the city by promoting standards that make them vital and attractive." The use is also consistent with goal 3.9 which states, "Consider ground and surface water in the preparation of a site for development and in the design and construction of buildings." The small area plan for District 1 identifies the "Need for reinvestment and redevelopment of existing properties," as a goal for the commercial uses in the district.

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

The proposed fast food restaurant and accessory drive-through use will provide one entrance and one exit in appropriate locations to minimize the traffic congestion in the public right-of-way of Suburban Avenue. The entrance and exit locations will have painted traffic arrows and directional signs to assist in safe and efficient traffic flow. An access lane has been provided in the front of the building to prevent cars from using the road as a turnaround lane.

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 fast food restaurant and accessory drive-through use is the same as the existing fast food restaurant use on the site and will not be detrimental to the existing character of the immediate neighborhood, which is similarly comprised of other fast-food restaurants. The proposed project will improve from the existing fast food restaurant and enhance the immediate area. The proposed project will not endanger the public health, safety or general welfare of the community.

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

The proposed fast food restaurant and accessory drive-through use is an improvement to the existing fast food restaurant and the project will not impede the development and improvement of the surrounding properties.

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

The use will conform to all applicable zoning regulations as specified in the site plan section of this narrative, except for the requested variances from the zoning standards pertaining to the front yard building setback and floor area ratio (FAR). The specific conditions for fast food restaurants and drive-throughs in the T-2 zoning district are identified below. Our plans meet the standards as follows:

Exceeding the Maximum Parking

We are requesting a CUP as allowed by Section 63.207(c) to exceed the maximum parking for a food and beverage use in the T-2 traditional neighborhood district. The max allowed for the proposed project is 48 parking spaces. We are requesting a CUP to allow 75 parking spaces.

The reason for the CUP request to increase parking is because 48 parking spaces will not be enough to handle the day to day peak hours for the store. McDonald's will have 30 employees on a max shift who will be parked on site. Adding to that the data from July for the number of people parking on site during peak hours which is 38 at one time. On top of those numbers, McDonald's also needs to provide parking spaces for mobile orders and UberEATS, which use 6 to 7 parking spaces during peak hours.

All of these facets of the McDonald's business need parking to function properly and when you add them all together you get 75 parking spaces. The number we are requesting with this CUP application

Section 61.500 of the Zoning Ordinance requires approval by the Planning Commission for a Conditional Use Permit. Section 61.501 of the Zoning Ordinance outlines five standards that must be met for approval of a conditional use permit, our plans meet the standards as follows:

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.

The proposed use to exceed the maximum allowed parking is consistent with the Saint Paul Comprehensive Plan goals, specifically T2.13b which says, "Utilize TDM plans, parking maximums, shared parking agreements, limited time on-street parking, parking meters, and signage to better assess existing demand and parking supply." We are using data and parking analysis to determine the number of parking spaces necessary to conduct business. The spaces are required to be off-street since there is no on-street parking available to this site.

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

The access for the parking lot will be provide by one entrance and one exit in locations appropriate to minimize the traffic congestion in the public right-of-way of Suburban Avenue. The entrance and exit locations will have painted traffic arrows and directional signs to assist in safe and efficient traffic flow.

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 use to exceed the maximum parking is consistent with the existing parking on site. The use will not be detrimental to the existing character in the immediate neighborhood or endanger the public health, safety and general welfare. The adjacent properties have similar parking lot layouts to the proposed parking lot.

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

The proposed parking spaces will be incorporated into an improved parking design that includes additional landscape from the existing. The development will not impede the development or improvement of the surrounding properties.

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

The proposed parking use meets all other applicable parking regulations in Chapter 63 of the Zoning Ordinance including, setbacks, parking space size, drive aisle width and landscaping.



APPLICATION FOR ZONING VARIANCE

Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101
General DSI Line: 651-266-9008

Zoning office use only

File no. _____

Fee _____

Tentative hearing date: _____

APPLICANT

Name Charlie Miller Company McDonald's
 Address 14016 Frontier Lane
 City Burnsville St. MN Zip 55337 Daytime phone 612-963-4125
 Property interest of applicant (owner, contract purchaser, etc.) Developer/Owner Rep.
 Name of owner (if different) McDonald's USA, LLC

PROPERTY LOCATION

Address 1841 Suburban Avenue
 Legal description: See attached plans

 (attach additional sheet if necessary)
 Lot size 1.27 Acres Present zoning T-2 Present use McDonald's Restaurant
 Proposed Use McDonald's Restaurant

Variance[s] requested:

See attached narrative for requested variances and findings.

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Attach additional sheet as necessary. Clearly state how each of the required six findings are met (list them).

Applicant's signature Date 9/20/2018 City agent _____

Variance

We are requesting a variance from Section 66.331 limiting the floor area ratio (FAR) for a nonresidential use to 0.3 – 2.0. The proposed site will have a FAR of 0.108.

We are also requesting a variance from Section 66.331 stating that the front yard building setback must be between 0 and 10 feet from the property line. The proposed building will have a front yard setback of 54.5 feet.

Section 61.600 of the Zoning Ordinance requires approval by the Planning Commission for a Variance when submitted with a Conditional Use Permit. Section 61.601 of the Zoning Ordinance outlines six standards that must be met for approval of a variance, specifically:

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

The variance to allow for a reduced floor area ratio meets the general purpose and intent of the zoning code for single story structures to convey an impression of greater height in relation to the street.

The variance to allow for an increased front yard setback is in harmony with the purpose and intent of the zoning code to bring buildings closer to the street and be more accessible to pedestrians. The building does not have any parking located between the building and street and contains a sidewalk for pedestrian access. Bringing the building closer to the street would result in the loss of the drive lane in front of the building, which would force customers to use the street in front of the building as circulation through the site.

The variance is consistent with the comprehensive plan.

The variance to allow for a reduced floor area ratio is consistent with the comprehensive plan, specifically goal 1.45 which states, "Maintain and enhance retail commercial areas throughout the city by promoting standards that make them vital and attractive." The proposed structure is attractive and designed to include high-quality materials.

The variance to allow for an increased front yard setback is consistent with the comprehensive plan, specifically goal 3.1 which states, "Continue to utilize and improve the provisions and design standards for the Traditional Neighborhood (TN) districts and the citywide general design standards in Section 63.110 of the Saint Paul Zoning Code to achieve a high quality pedestrian-scaled urban environment; prepare a study of these sections of the Saint Paul Zoning Code and how they have been utilized since their adoption." The proposed structure is closer to the street than the existing structure and includes crosswalks and sidewalks to add a pedestrian scaled environment.

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.

The variance to allow for a reduced floor area ratio is a request that allows for a reasonable size structure for the given lot size. For a single-story structure to meet the floor area ratio requirement would require a 16,637 square foot structure which is not feasible for the proposed use of the site

and is not feasible given the other site improvements required on site, including parking, sidewalks, landscaping and open space.

The variance to allow for an increased front yard setback is needed to provide a drive lane in front of the building which results in a safe traffic flow for the site and access to sides of the building for emergency access vehicles. The proposed structure is setback 54.5 feet which is an improvement from the existing building which is setback approximately 125 feet.

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

The variance to allow for a reduced floor area ratio is due to circumstances unique to the property. The long narrow lot does not allow for a bigger building to be constructed that is in a configuration conducive to the McDonalds internal operations. It is also not feasible to expand the building in width to the need for drive aisles, parking and setbacks on the site.

The variance to allow for an increased front yard setback is unique to the property because of the narrow lot width. The lot width does not allow for a structure with a configuration that allows adequate interior operation to be located within the front yard setback standard.

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

The variance to allow for a reduced floor area ratio will permit a reduced structure for a fast food restaurant that is an allowed conditional use within the T-2 zoning district.

The variance to allow for an increased front yard setback will permit a fast food restaurant use that is an allowed conditional use in the T-2 zoning district.

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

The variance to allow for a reduced floor area ratio will allow for a structure that better connects with the essential character of the surrounding area by matching in scale to the surrounding buildings.

The variance to allow for an increased front yard setback will not alter the essential character of the surrounding area. The variance is an improvement from the existing structure towards complying with the zoning standard. The proposed structure setback will move the building towards the street similar to the adjacent properties.

Summary

We respectfully request approval of the conditional use permits and variances to allow demolition of the existing McDonalds Restaurant and construction of a new McDonalds Restaurant at 1841 Suburban Avenue.

Our understanding is the applications will be heard with a public hearing at the Zoning Committee meeting on October 11th who will make a recommendation for the Planning Commission who takes action at their October 19th meeting.

Contact Information

This document was prepared by:

Kevin Shay
Landform
105 South Fifth Avenue, Suite 513
Minneapolis, MN 55401

Any additional questions regarding this application can be directed to Kevin Shay at kshay@landform.net or 612.638.0228.



MCDONALD'S USA, L.L.C.

Charlie Miller- ACM

charlie.miller@us.mcd.com

September 24th, 2018

TO: City of St Paul, MN

RE: St Paul Suburban – Litter Collection Plan

McDonalds St Paul, MN

Site Address: 1841 Suburban Ave., St Paul, MN 55119

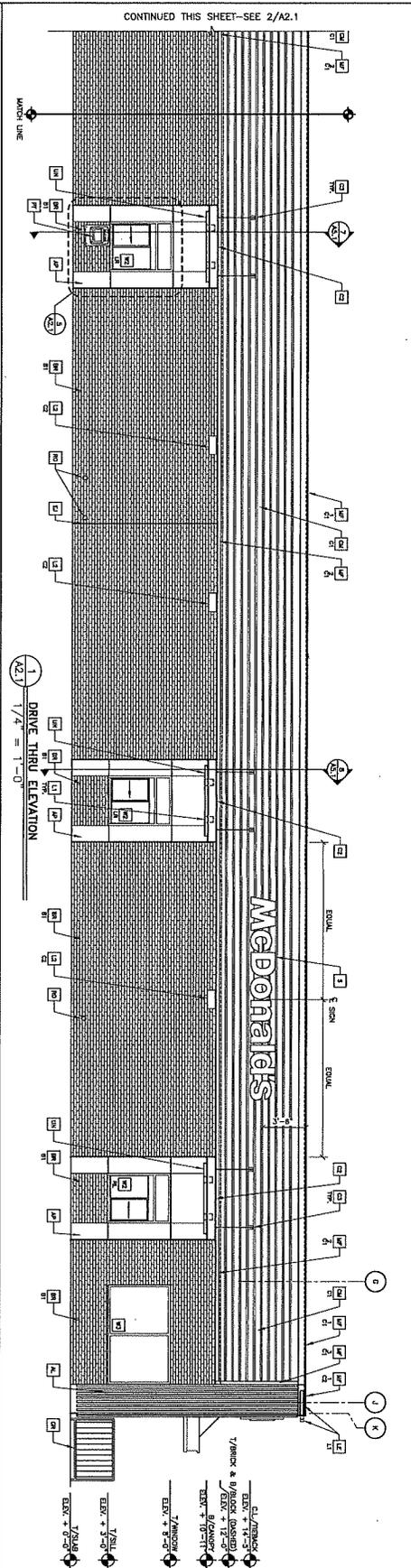
We do a complete site walk through in the morning where all trash and litter is picked up. Then on the managers travel paths which take place every ½ hour to an hour they will walk the site to identify and address any litter on site. We will have trash receptacles on site by each of the vestibules for our customers to use.

If any additional information or clarification is required, please contact me at charlie.miller@us.mcd.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charlie Miller'. The signature is fluid and cursive, with a large initial 'C'.

Charlie Miller
ACM Great Plains



CONTINUED THIS SHEET--SEE 2/A2.1

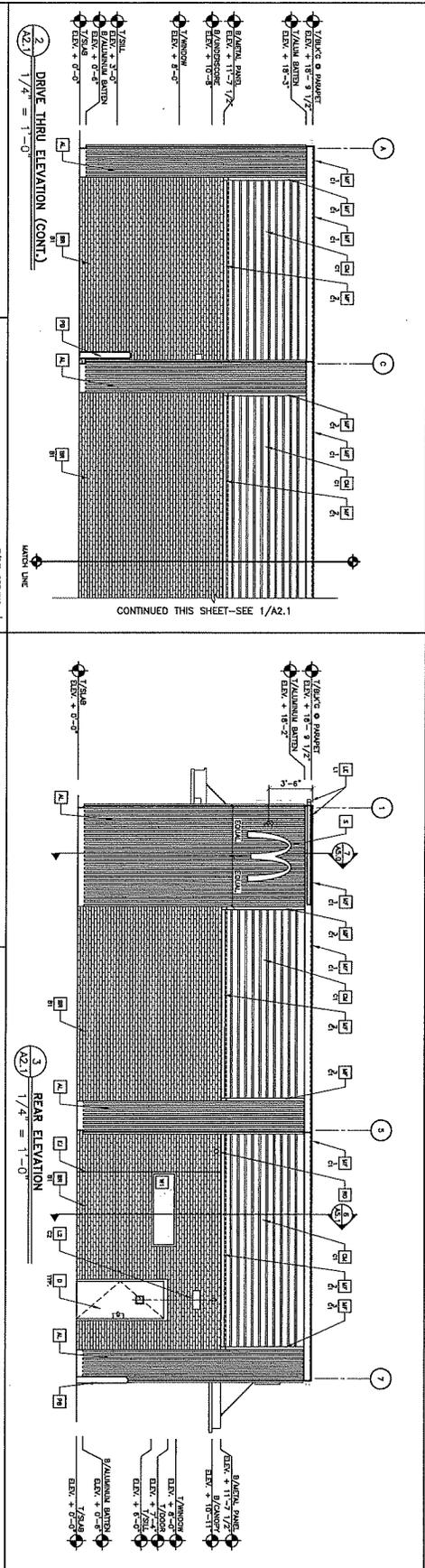
1 DRIVE THRU ELEVATION
1/4" = 1'-0"

2 REAR ELEVATION
1/4" = 1'-0"

3 GUARD RAIL DETAIL
1/2" = 1'-0"

4 (RH)HUB) CON) FRAMED WALL
1/2" = 1'-0"

5 DETAIL NOT USED



CONTINUED THIS SHEET--SEE 1/A2.1

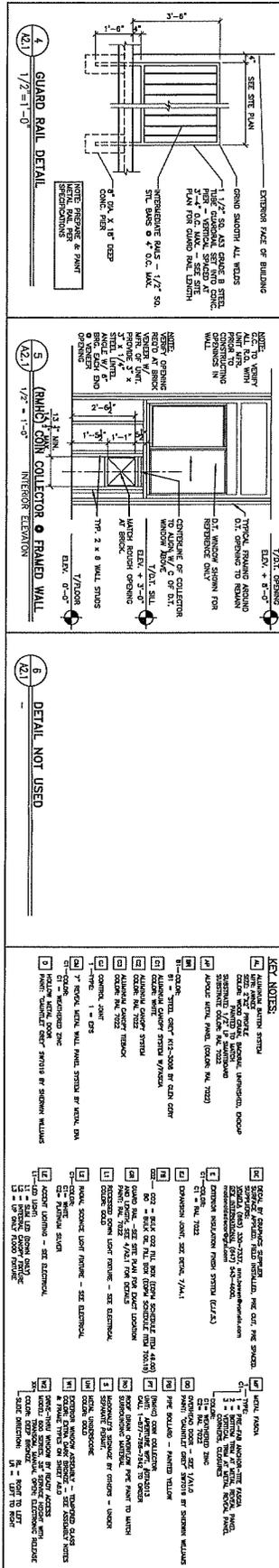
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KEY NOTES:

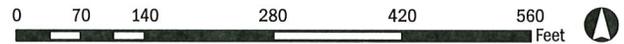
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FILE #18-106569 | LAND USE MAP
Application of McDonald's USA

Application Type: CUP with Modification and Variance
 Application Date: September 20th, 2018
 Planning District: 1

Subject Parcel Outlined in Blue

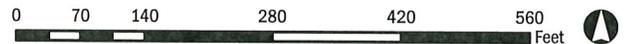


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FILE #18-106569 | LAND USE MAP
Application of McDonald's USA

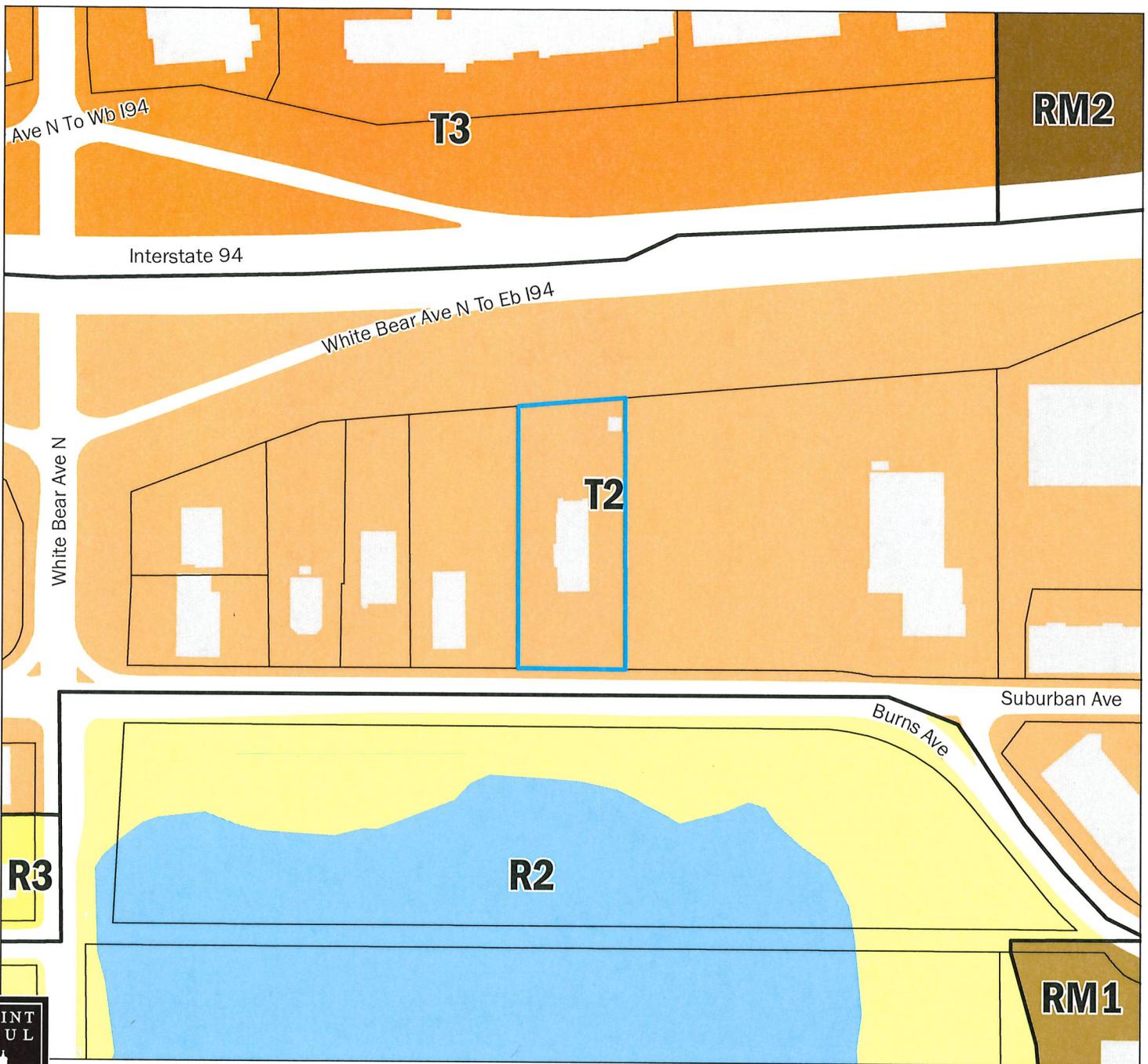
Application Type: CUP with Modification and Variance
 Application Date: September 20th, 2018
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Subject Parcel Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |
| Multifamily | Industrial and Utility | Railway | |



FILE #18-106569 | ZONING MAP
Application of McDonald's USA

Application Type: CUP with Modification and Variance
 Application Date: September 20th, 2018
 Planning District: 1



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Subject Parcel Outlined in Blue

RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	B4 Central Business	F3 Residential Mid
R4 One-Family	T3M T3 with Master Plan	B5 Central Business Service	F4 Residential High
RT1 Two-Family	T4 Traditional Neighborhood	IT Transitional Industrial	F5 Business
RT2 Townhouse	T4M T4 with Master Plan	ITM IT with Master Plan	F6 Gateway
RM1 Multiple-Family	OS Office-Service	I1 Light Industrial	VP Vehicular Parking
RM2 Multiple-Family	B1 Local Business	I2 General Industrial	PD Planned Development
			CA Capitol Area Jurisdiction