ZONING COMMITTEE STAFF REPORT

1. FILE NAME: McDonald's Corporation

FILE # 19-080-600

2. APPLICANT: McDonald's Corporation

HEARING DATE: September 26, 2019

3. TYPE OF APPLICATION: NUP - Expansion/Relocation

4. LOCATION: 471 Marion St, SW corner at University Avenue

5. PIN & LEGAL DESCRIPTION: 36.29.23.41,0001; Florence Addition Lots 3 -11, Block 2

6. PLANNING DISTRICT: 8

7. **ZONING CODE REFERENCE:** Sec. 62.109(d)

PRESENT ZONING: T3

8. **STAFF REPORT DATE:** September 19, 2019

BY: Tony Johnson

9. **DATE RECEIVED:** September 4, 2019

60-DAY DEADLINE FOR ACTION: November 3, 2019

- A. **PURPOSE:** Relocation of a nonconforming drive-through service window and addition of a second pickup window.
- B. **PARCEL SIZE:** 343 ft of frontage on University Ave W x 96.98 (frontage on Marion and Galtier Street) = 33,248 sq. ft.
- C. EXISTING LAND USE: Fast food restaurant with accessory drive through service and sales
- D. SURROUNDING LAND USE:

North: Commercial (T2 and T3)

East: Commercial (CAAPB)

South: One- family residential, Two- Family residential, accessory parking (T3 and RT2)

West: Commercial (T2)

- E. **ZONING CODE CITATION:** Sec. 62.109(d) lists the conditions under which the Planning Commission may grant a permit to expand or relocate a legal nonconforming use.
- F. **PARKING:** There are no minimum parking requirements at this location per section 63.207 (b) minimum off-street parking requirements shall be reduced 100 % for traditional neighborhood zoned parcels within a quarter mile of University Avenue.
- G. **HISTORY/DISCUSSION:** The subject structure and drive though were originally constructed in 1973 as a Home Federal Savings and Loan Association branch bank. A conditional use permit was granted at that time for the parking lot and drive through with no conditions attached to the approval. In 1985, the McDonalds corporation was granted a conditional use permit to convert the bank into a fast food restaurant, with three conditions attached to that approval. Since that time the zoning code section pertaining to fast food restaurants was amended and one of the conditions that was added was that fast food restaurants must submit a litter collection plan. In 2005 a site plan was approved to add an additional lane to the drive-through. At that time the site was zoned B3 and drive throughs were considered an accessory use that was permitted by right in the district. In 2010 the zoning code was amended to make drive-throughs a sperate use category. In 2011 the subject parcel was rezoned to T3, traditional neighborhood, as part of the central corridor zoning study. Drive-throughs are not a permitted use in the T3 zoning district, making the existing drive through legally non conforming. The applicant now wishes to relocate an existing drive through window and add another pick up window to the drive-through, which necessitates this application for a relocation and expansion of a non conforming use.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council has not made a recommendation at the time of this staff report.
- I. FINDINGS:

Section 62.109(d) Expansion or relocation of nonconforming use states that the planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings:

Zoning Committee Staff Report, Zoning File #19-080-600 September 19, 2019 Page 2 of 3

- 1. In residential districts, the expansion or relocation will not result in an increase in the number of dwelling units. This finding is met. The subject parcel is zoned T3 traditional neighborhood.
- 2. For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district. This finding is met. The expansion of the drive-through meets yard and height requirements, and brings the structure in greater conformity with the minimum 0.5 floor area ratio in the T3 traditional neighborhood zoning district.
- 3. The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood. This finding is met provided a littler collection plan is submitted and approved to help mitigate the impact on nearby residential properties. The additional pick up window is intended to improve vehicular flow through the site, reducing potential back-ups onto Galtier Street and resulting impacts on the neighborhood.
- 4. Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses. <u>This finding is met.</u> No additional parking is required because of the addition and relocation of the drive through windows.
- 5. Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use. This finding is met. The parcel was rezoned as part of the central corridor zoning study to help foster transit oriented development along the corridor over time. Rezoning to allow more service windows would constitute spot zoning.
- 6. After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare. This finding is met. The additional window will help improve vehicular ingress and egress from the site, thereby lessoning impacts on adjacent properties from cars idling in the drive through or in Galtier street waiting to get into the drive-through lane.
- 7. The use is consistent with the comprehensive plan. This finding is met. The subject parcel is located in a mixed-use corridor, neighborhood center, and is within the Rice Street station area. While the comprehensive plan generally discourages auto oriented uses in mixed use corridors, the proposed addition of a drive through window will not significantly increase the capacity of this drive through. The additional window is intended to help improve vehicular flow through the site and alleviate current traffic safety issues caused by the current layout. According to the applicant, traffic in the drive through at peak times can spill out onto Galtier street, creating potential vehicular and pedestrian conflicts. Policy 30 of the Summit University Neighborhood Plan calls for creating an environment in which traveling from one place to another is safe and convenient for all modes of travel, including walking and biking. Improved vehicular flow through the site and reducing potential vehicular and pedestrian conflicts is consistent with this policy.
 - McDonald's has new menu items that take longer to cook. The absence of an additional drive-through window means that employees need to run food out to customers that takes longer to cook. This contributes to delays for vehicles in the drive through. Policy LU 1.50 calls for facilitating the redevelopment of commercial areas where existing buildings are no longer considered functional to accommodate viable retail and businesses. The additional pick up window will increase the viability of the business, consistent with this policy.
- 8. A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation. This finding is met. The petition was found sufficient on September 4, 2019: 11 parcels eligible; 8 parcels required; 8 parcels signed.

Zoning Committee Staff Report, Zoning File #19-080-600 September 19, 2019 Page 3 of 3

- J. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the relocation of a nonconforming drive-through service window and addition of a second pickup window subject to the following condition:
 - 1. Prior to the approval of a site plan and building permit, a litter collection plan shall be developed and submitted and approved by the zoning administrator, which obligates the restaurant operator to keep the area surrounding said restaurant free of restaurant litter for a reasonable specified distance.

SAINT PAUL

Attachments as required ☒ Site Plan

Applicant's Signature

NONCONFORMING 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 File #: 19-

Zoning Office Use Only
File #: 19-080 600

Fee:

Tentative Hearing Date:

08/21/19

Date

Narrative Expansion of Non-Conforming Use Permit R M

Narrative

McDonalds at 471 Marion St Saint Paul, MN

LANDFORM

August 20, 2019

Table of Contents

Introduction	2
Expansion of Non-Conforming Use	2
Summary	3
Contact Information	4

Introduction

On behalf of McDonalds USA, LLC, Landform is pleased to submit this application for expansion of a legal, non-conforming use for the renovation of the existing McDonald's restaurant located at 471 Marion Street in Saint Paul. The site is zoned T3 – Traditional Neighborhood. Drive-through sales and services are a prohibited use in the T3 district, and the expansion of a non-conforming use permit are needed to add an additional "pull-forward" window and relocate the existing eastern-most service window. The interior of the existing McDonald's restaurant will be updated with new furnishings and a new layout to improve staff efficiency and the customer experience. We are excited about the improvements proposed for this site.

Expansion of Non-Conforming Use

We are requesting City approval for an expansion of non-conforming use permit to install a "pull forward" window to serve drive-through customers. The pull-forward window is an improvement being added to remodeled and newly built McDonalds restaurants across the country. The "pull forward window" is a second pick up window, allowing customers with longer order wait times to pull forward while other customers continue to be serviced from the usual pick-up window. The addition of the "pull forward" window not only increases the efficiency of the restaurant but provides benefits for the surrounding area as well. The "pull forward" window allows for more efficient traffic flow on the site, and may reduce vehicle queueing and lessen vehicle idling time for customers waiting for their order, which in turn may reduce noise pollution and exhaust emitted from vehicles, an environmental benefit for surrounding uses. The pull forward window also increases safety on the site by reducing the interaction between pedestrians and vehicles; McDonalds workers will no longer need to exit the restaurant and cross drive aisles to walk orders out to parked cars. There is also the added benefit to workers of allowing workers to stay indoors during inclement or winter weather conditions, or late at night. The drive-through window will not present any negative impacts on the surrounding properties.

Drive-through sales and services are a prohibited use in the T3 district according to Section 66.321 of the Zoning Ordinance and require the expansion of non-conforming use permit to install the pull-forward window. The request complies with all requirements listed in Section 62.109 (D) of the Zoning Ordinance. Specifically:

- 1. In residential districts, the expansion, or relocation will not result in an increase in the number of dwelling units;
 - Not applicable to this application
- 2. For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district;
 - The expansion will meet yard, height and percentage of lot coverage requirements for the T3 District.

3. The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood;

The appearance of the exterior will not be substantially altered from the existing appearance.

4. Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.

The existing off-street parking exceeds the maximum parking allowed in light-rail areas but is an existing non-conformity that will not be altered or expanded.

5. Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use:

The expansion of Non-Conforming Use Permit would not result in any inappropriate zoning changes.

6. After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare;

The expansion is not a substantial change to the exterior of the building and will not result in any negative effects on the surrounding area or endanger the public health, safety, or general welfare.

7. The use is consistent with the comprehensive plan

The proposed expansion of the drive-through facility does not substantially alter the exterior of the building which currently provides a unique architectural character to the retail streetscape. This is consistent with Comprehensive Plan Policy 1.45: "Maintain and enhance retail commercial areas throughout the city by promoting standards that make them vital and attractive".

8. A notarized petition of at least two-thirds of the owners of the described parcels of real estate within 100 feet of the subject property has been submitted stating their support for the expansion or relocation.

The petition is included with submitted materials.

Summary

We respectfully request approval of the expansion of non-conforming use permit and variance to allow the proposed renovation work for the McDonald's at 471 Marion Street.

3. The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood;

The appearance of the exterior will not be substantially altered from the existing appearance.

4. Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.

The existing off-street parking exceeds the maximum parking allowed in light-rail areas but is an existing non-conformity that will not be altered or expanded.

5. Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use:

The expansion of Non-Conforming Use Permit would not result in any inappropriate zoning changes.

6. After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare;

The expansion is not a substantial change to the exterior of the building and will not result in any negative effects on the surrounding area or endanger the public health, safety, or general welfare.

7. The use is consistent with the comprehensive plan

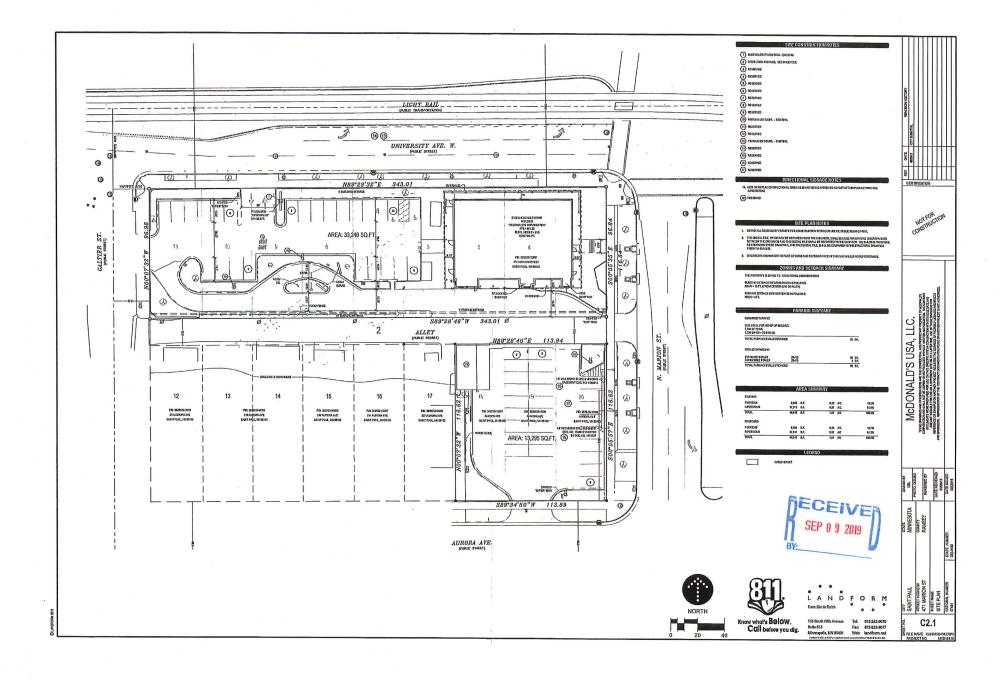
The proposed expansion of the drive-through facility does not substantially alter the exterior of the building which currently provides a unique architectural character to the retail streetscape. This is consistent with Comprehensive Plan Policy 1.45: "Maintain and enhance retail commercial areas throughout the city by promoting standards that make them vital and attractive".

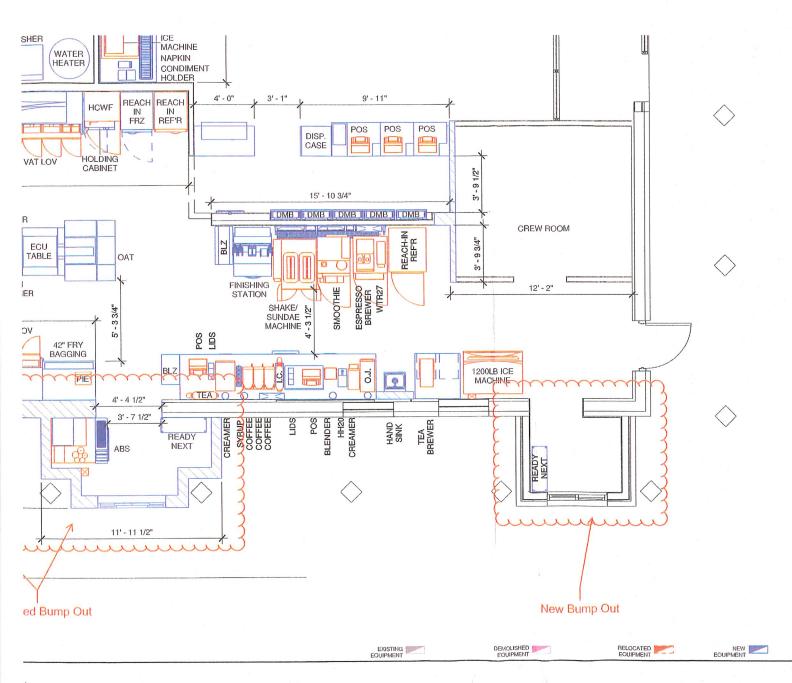
8. A notarized petition of at least two-thirds of the owners of the described parcels of real estate within 100 feet of the subject property has been submitted stating their support for the expansion or relocation.

The petition is included with submitted materials.

Summary

We respectfully request approval of the expansion of non-conforming use permit and variance to allow the proposed renovation work for the McDonald's at 471 Marion Street.





Franke Foodservice Supply, Inc.

800 Aviation Parkway Smyrna, TN 37167

Tel. +800 472-2954 fs_customerservice.us@franke.com www.frankesupply.com

© 2018 Franke Foodservice Systems, Inc. These drawings and specifications are the property of Franke Technology and Trademant, lut. and shall not be reproduced, copied or transferred to any filind party without the prior witten permission of Franke Technology and Trademark Ltd., Hergisvill, Switzefand

Exclusion of Uability, FFANICE takes no responsibility for the accuracy of the floor plans and constructions of awaings. All dimensions and contentions appearing the pFRANICE must be checked by the United Planice of the protein constraints and consections are fainted to enurprent supplied by FRANICE, all the prays accessed survent is willing the responsibility of the Count, FRANICE in servers the night to change equipment without text.

Account: McDONALDS

National Store #: 7494

Title: KES PROPOSED PLAN

Operator: Owner

Site Address 471 MARION ST.

city: SAINT PAUL

State: Zip Code: MN 55103-2332

Region: America

Building Type: SPECIAL

Electrical Service: 208V-230V/60HZ

Gas Service: UNSPECIFIED

Market Manager: JOSHUA ANDRU

Franke Project Number: 1398071

Site ID: 022-0180

Created By: FD991 Date Issued:

11/27/18 Modified By: AA935

Drawing Scale: As Noted

Units: Inch

Drawing Number: FCI_McD_7494 Revision: В

Country:

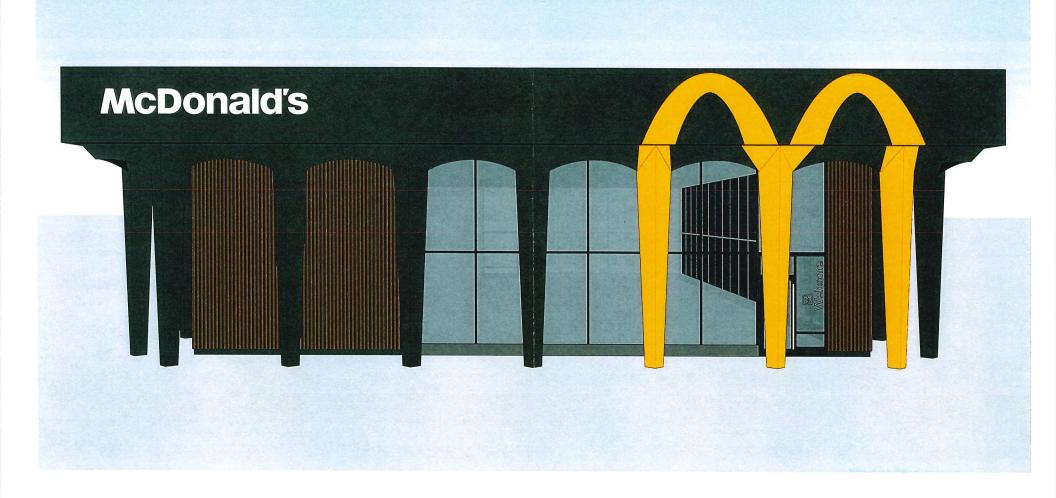
Sheet Name

FUTURE EQUIPMENT

K_{1.0}









CITY OF ST. PAUL, MINNESOTA

SPECIAL CONDITION USE PERMIT

REVISEDℱ

APPLICANT: MC DONALD'S CORPORATION

Zoning File #9686.

PURPOSE: Fast Food Restaurant

LOCATION: 471 Marion (southwest corner Marion and University)

LEGAL DESCRIPTION: Lots 3 - 11 and 20, Block 2, Florence Addition

ZONING COMMITTEE ACTION: Approved December 20, 1984 (4-0)

PLANNING COMMISSION ACTION: Approved December 21, 1984 (Unanimous Voice Vote)

CONDITIONS OF THIS PERMIT: Conditions specified in Section 60.543(4) with the following modifications: 1) Permit access to the site from Galtier that is 47' from the intersection and 46' from abutting residential property; and 2) Permit access to the alley from the drive-through, subject to the following additional conditions:

- The curb and visual screen along the alley be carried past the order board or the order board be moved so that it is within the curbed area.
- The Galtier driveway be widened to 26 feet.
- A site plan showing these changes and meeting all other City standards including access from University Avenue be submitted and approved, and the site plan be brought back to the Zoning Committee for approval.

APPROVED BY: David Lanegran/CLMCG, Planning Commission, Chairman

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for the City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the Saint Paul Planning Commission meeting held on December 21, 1984, and on record in the Saint Paul Planning Division Office, 25 W. Fourth Street, Saint Paul, Minnesota.

> Patricia M. Kelley Secretary to the Saint Paul

Zoning Committee

THIS PERMIT WILL EXPIRE ONE YEAR FROM THE DATE OF APPROVAL IF THE USE HEREIN PERMITTED IS NOT ESTABLISHED.

VIOLATION OF THE CONDITIONS MAY RESULT IN REVOCATION OF SPECIAL CONDITION USE PERMIT.

Copies to: Applicant

City Planning Division Zoning Administrator License Inspector District Council

Mailed: January 10, 1985

CITY OF ST. PAUL, MINNESOTA

SPECIAL CONDITION USE PERMIT

APPLICANT: MC DONALD'S CORPORATION

Zoning File #9686

PURPOSE: Fast Food Restaurant

LOCATION: 471 Marion (southwest corner Marion and University)

LEGAL DESCRIPTION: Lots 3 - 11 and 20, Block 2, Florence Addition

ZONING COMMITTEE ACTION: Approve (4-0)

PLANNING COMMISSION ACTION: Approve (Unanimous Voice Vote)

CONDITIONS OF THIS PERMIT: Conditions specified in Section 60.543 Paragraph 4 and the following additional conditions:

- The curb and visual screen along the alley be carried past the order board or the order board be moved so that it is within the curbed area.
- The Galtier driveway be widened to 26 feet. 2.
- 3. A site plan showing these changes and meeting all other City standards including access from University Avenue be submitted and approved, and the site plan bebrought back to the Zoning Committee for approval.

APPROVED BY: David Lanegran/CLMCG, Planning Commission, Chairman

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for the City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the Saint Paul Planning Commission meeting held on December 21, 1984, and on record in the Saint Paul Planning Division Office, 25 W. Fourth Street, Saint Paul, Minnesota.

> Patricia M. Kellev Secretary to the Saint Paul

Zoning Committee

THIS PERMIT WILL EXPIRE ONE YEAR FROM THE DATE OF APPROVAL IF THE USE HEREIN PERMITTED IS NOT ESTABLISHED.

VIOLATION OF THE CONDITIONS MAY RESULT IN REVOCATION OF SPECIAL CONDITION USE PERMIT.

Copies to: Applicant

City Planning Division Zoning Administrator License Inspector District Council

Mailed: December 28, 1984



University bet. Marion & Galtier

171 Marion St.

ST, PAUL ZONING BOARD

'CO: Department of Community Sarvices

Division of Housing and Building Enforcement

A special use permit has been approved for the facility as indicated below, Two extra copies of the final plan are attached for your records.

Date

December 4, 1973

Zoning File number:

7517

Applicant's name :

Home Federal Savings and Loan Association

address:

730 Marquette Avenue

Attn: Robert J. Christianson

Purpose

Só-car parking lot and drive-in

Location

South side of University between Marion and Galtier Street

Legal description :

Lots 3-11, Block 2, Florence Addition

Plans approved :

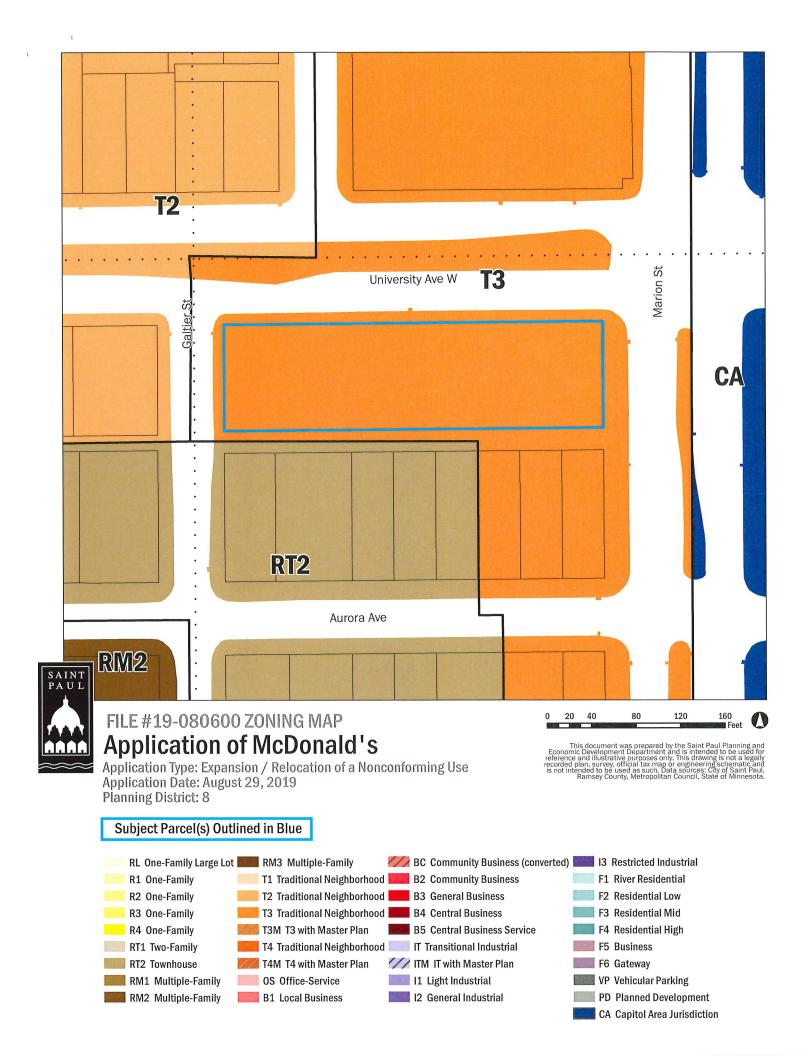
November 9, 1973

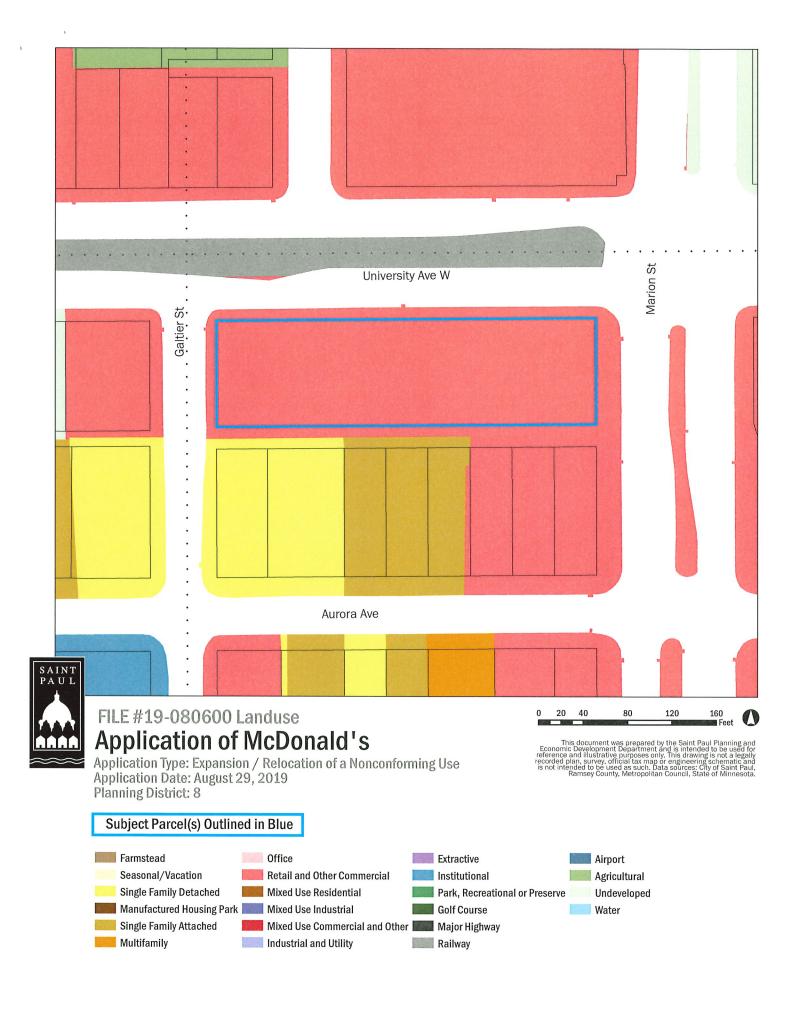
Final plans deced ceceived c

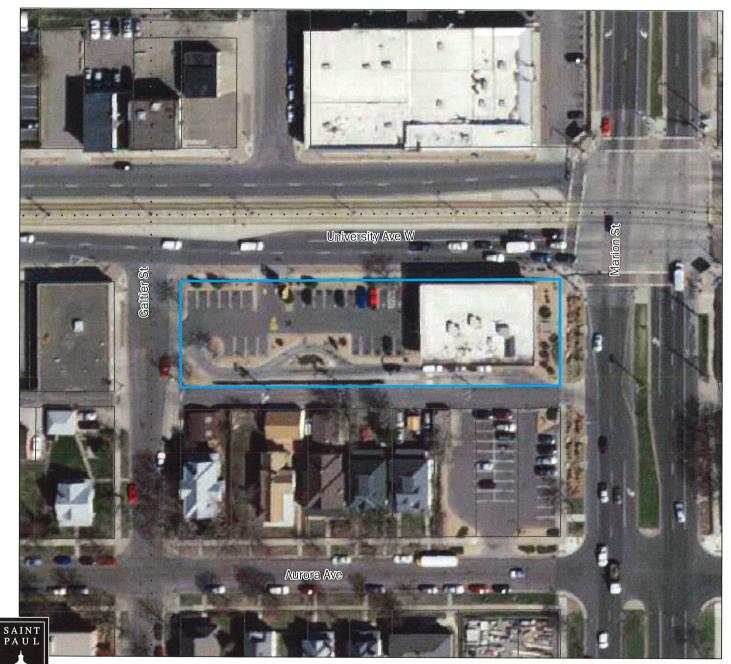
August 2, 1973

Comments

74







FILE #19-080600 Aerial Application of McDonald's

Application Type: Expansion / Relocation of a Nonconforming Use Application Date: August 29, 2019 Planning District: 8

Subject Parcel(s) Outlined in Blue

20 80 120 160

This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.

Johnson, Tony (CI-StPaul)

From:

Amy Anderson <asanders@usfamily.net>

Sent:

Tuesday, September 17, 2019 1:41 PM

To:

Joetta Handrich Schlabach; Johnson, Tony (CI-StPaul)

Subject:

Re: File# 19-080-600

Think Before You Click: This email originated outside our organization.

Dear Joetta and Planning Commission,

Thank you, Joetta, for writing about this. As a 20-year resident, I agree with your description of the situation 100%, and am writing to add my comment that I experience this accumulation of trash another block further away from McDonalds than Joetta.

I would also like to add that there should be a better effort by McDonalds to get drivers to turn off their stereos while waiting to order and pick up their food. The driveway runs directly behind a whole block of residences. I can hear the cars playing loud music from inside my house more than a block away. I can't imagine what it must be like for people whose bedrooms are immediately next to the driveway.

Sincerely,

Amy Anderson 302 Aurora Ave St Paul, MN 55103

asanders@usfamily.net 651-225-0931 (before 8.30 pm)

From: Joetta Handrich Schlabach <joetta.handrich@gmail.com>

Date: Tuesday, 17. September 2019 at 12:05

To: "tony.johnson@ca.stpaul.mn.us" <tony.johnson@ca.stpaul.mn.us>

Subject: File# 19-080-600

Members of the St Paul Planning Commission Zoning Committee:

I am writing with regard to File #19-080-600, Relocation of a nonconforming drive-through service window and addition of a second pickup window.

I have lived on Aurora Avenue, just down and across the street from the McDonald's parking lot for the past 19 years. On various occasions I have asked the management and staff to take responsibility for the discarded papers and plastic from their take-out items that end up on our street, in the boulevards, and in the storm drains at Marion and Aurora. I have taken it upon myself a number of times to clean debris from the storm drains and to pick up litter, not just on my property, but also along the boulevard between my house and Marion Street. While not all of the litter comes from McDonalds, their products constitute a regular proportion of the litter.

I would ask that any new permits provided to the McDonald's Corporation come with an enforceable stipulation that they guarantee the DAILY cleanup of the public areas (streets, boulevards, and storm drains) in the entire block surrounding their establishment (Marion/University/Aurora/Gaultier). I calculate that this would amount to no more than one hour of labor each day.

I am glad to have thriving businesses in our neighborhood, but when business and residential areas share a common street, I believe the businesses, especially those with a take-out window, should do their share in maintaining the cleanliness of our neighborhood, not just their immediate property.

Thank you for your consideration,

Joetta Schlabach 248 Aurora Avenue St Paul, MN 55103 651-290-2185

Johnson, Tony (CI-StPaul)

From: perdu002 University of Minnesota <perdu002@umn.edu>

Sent: Thursday, September 19, 2019 12:58 PM

To:Johnson, Tony (CI-StPaul)Subject:McDonald's drive though

Think Before You Click: This email originated outside our organization.

I guess if McDonald's needs a new service window, it must mean there is a demand based on more business? That would be a good thing for customers and for the franchise. I don't know that it is a good thing for the neighborhood, however. The entire block - University, Marion, Aurora, Galtier has McDonald's wrappers, bags, cups, napkins strewn around at all times. Some neighbors patrol the street and pick it up, some have cleaned the storm water drains. Which is right and good. It occurs to me that perhaps the McDonald's staff itself could join us in trying to keep our little Rondo block neater. I also think a sign reminding the drive through people that the area is residential and those who live here sure would appreciate them not throwing their garbage in our yards, streets and driveways. Maybe even a notice about what a fine for littering would cost. Geez, I know the city is short on police, but think of the cash that could be brought in if there were officers to cite the thoughtless ones that defile the area. Just sayin'!

Laura Perdue 261 Aurora Avenue