

city of saint paul
planning commission resolution
file number
date

WHEREAS, Border Foods Inc., File # 20-047-173, has applied for a conditional use permit for restaurant drive-thru reconstruction with building replacement under the provisions of § 61.503, § 65.513, and § 61.501 of the Saint Paul Legislative Code, on property located at 565 Snelling Avenue N, Parcel Identification Number (PIN) 33.29.23.14.0031, legally described as Lots 1, 2, and 3, Block 2, R.B. Thompson Addition, Ramsey County, Minnesota AND Lots 1 and 2, Block 1, Stierle, McConville and Seeger's Midway Addition, according to the recorded plat thereof, Ramsey County, Minnesota, EXCEPT the South 6.05 feet of the West 37.42 feet of said Lot 2, Block 1, and EXCEPT the South 1.00 feet of the East 10.50 feet of Lot 2, Block 1, Stierle, McConville and Seeger's Midway Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 16, 2020, held a public hearing on said application pursuant to the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant proposes to tear down the existing building on the site and to construct a new building, including drive-through sales, with a different parking lot and drive-through lane configuration. The proposed new building and lot configuration will be nonconforming as to Floor Area Ratio (FAR) and maximum off-street parking in a surface lot. These nonconformities area allowed to remain if reconstruction occurs within one year of demolition, provided that they are not increased. The current building is 1,834 gross square feet, and the proposed building is 1,847 gross square feet. The required minimum FAR is 0.5, and both current and proposed FAR are 0.11. The current off-street parking is 28 spaces, and the proposed site plan has 17 spaces, both legally nonconforming with regard to the current 15-space surface lot maximum.
2. § 65.513 lists the following standards and conditions for drive-through sales and services:
 - (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This standard is met. The proposed drive-through service lane and windows are located to the rear of the proposed building. The drive-through service lane as proposed is approximately 61 feet away from the closest point of residentially zoned property, and the drive-through service window is farther from residential property.

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- (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.* This standard is met. The single ingress/egress point is at least 60 feet from the intersection of two streets and from abutting residentially zoned property.
- (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.* This standard can be met. According to the applicant, speaker box sounds will not be audible from the closest residential property, 100 feet to the west. Speaker box volume can be turned down as necessary. A fence and landscaping can be installed along the west side of the property to further minimize noise impacts from the speaker box. Conformance with this condition can be a specific condition of approval.
- (d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This standard does not apply. There is no adjoining existing residence or residentially zoned property. There is an alley between this property and the existing residence to the west.
- (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 standard is met. The proposed drive-through lane has 7 stacking spaces, and there is room for stacking 3 additional vehicles in parking area maneuvering lanes. This is more stacking space than the current site configuration, which provides stacking for only 2 vehicles in the drive-through lane, and has room for 5-6 additional vehicles in parking area maneuvering lanes.

Additional conditions in the T2 traditional neighborhood district:

- (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 condition is met. There is only one drive-through lane and only one drive-through service window.
 - (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 station platforms.* This condition is met. This is in the Snelling Avenue Station area, but not adjacent to the station platform. There is only one curb cut on one block face, the Snelling Avenue block face.
3. §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 condition is not met.

The 2030 Saint Paul Comprehensive Plan identifies the subject property as part of both a "Mixed-Use Corridor" and a "Neighborhood Center". The following policies in the plan address the proposed use of the property for drive-through sales:

- LU (Land Use) 1.52 "Prioritize 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."

- LU 1.53 “Encourage changes to the design of existing auto-oriented buildings and areas with elements of traditional urban form to minimize impacts on the pedestrian realm.”
- LU 1.21 “Balance the following objectives for Mixed-Use Corridors through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types use, and providing housing at densities that support transit.”
- LU 1.12 “Balance the following objectives for Neighborhood Centers through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types use, providing housing at densities that support transit, and providing open space and recreational opportunities.”

The proposed drive-through reconstruction is not consistent with Policy LU 1.52, which prioritizes development accessible by pedestrians and transit users over auto-oriented uses. Drive-through uses, particularly where drive-through sales occur when the restaurant is closed for dine-in or take-out for pedestrians, cyclists, and transit-users, emphasize auto use over access by other modes.

The subject property is located within the Green Line LRT Snelling Station Area. The City adopted Station Area Plans for all stations along the Green Line outside of Downtown to “provide a more detailed framework for integrating decisions about future land use and development; the public realm; and the movement of LRT, buses, cars, pedestrians, and bicycles at each station area” (Snelling Station Area Plan, page 3). The plan calls for new development in the area of the subject property to be “predominately low to mid-rise in scale” (pg. 31) and in regard to movement states that “improving movement in the Snelling Station Area will require the collaboration of many partners in... improving both Snelling and University as more balanced, multi-modal corridors, and realizing frequent and safe options for pedestrian routes and crossings in consideration of a documented high volume of vehicles.

The proposed drive-through reconstruction does not expand this existing auto-oriented use. The proposed new building and site layout reduces the amount of Snelling Avenue lot frontage occupied by parking. The number of curb cuts would also be reduced from two to one, which will help to reduce pedestrian-vehicle conflict opportunities. While the proposed reconstruction doesn’t add density in support of transit, it does not increase the existing nonconformity with regard to minimum FAR.

Policy LU 5 of the Hamline Midway Community Pan (HMCP) is to “encourage appropriate transitions between disparate land uses.” The proposed drive-through reconstruction is allowed as a conditional use in the T2 zoning district, and the proposed site configuration complies with zoning code requirements regarding location of the drive-through lane, menu/speaker board, and service window. Subject to limitations on late-night hours of operation, it could be consistent with HMCP Policy LU 5.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition appears to be met. The proposed plan provides a single right-in/right-out access from Snelling Avenue, removing one egress point relative to the current configuration, leaving only the combined ingress/egress furthest from the intersection of Edmund and Snelling. Consolidation of curb cuts as far away from intersections as possible generally improves function and safety.

- (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 not met. The proposed new building and site plan replace an outdated and obsolete building and inefficient site. The reconfigured drive-through will improve upon the existing situation and will provide better stacking of vehicles than in the existing condition. The new building, landscaping, and customer amenities like bicycle racks, may improve the existing character of the neighborhood, and more stacking spaces in the drive-through lane may improve public safety. However, the drive-through is detrimental to the pedestrian-friendly character of the area because it enhances an auto-oriented use while not providing for pedestrian-oriented services.
- (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 not met. The proposed use is not consistent with the guidance provided by the City in regard normal, orderly development in a Green Line station area or under T2 zoning.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, based on findings 3(a), 3(c), and 3(d) above, that the application of Border Foods Inc. for a conditional use permit for restaurant drive-through reconstruction with building replacement at 565 Snelling Avenue North is hereby denied.