

**Excerpt from the  
CITY PLANNING COMMISSION MINUTES  
Minneapolis Community Planning & Economic Development (CPED)  
Planning Division**

250 South Fourth Street, Room 300  
Minneapolis, MN 55415-1385  
(612) 673-2597 Phone  
(612) 673-2526 Fax  
(612) 673-2157 TDD

---

**MEMORANDUM**

---

DATE: January 5, 2012

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Hilary Dvorak, Interim Planning Manager, Community Planning & Economic Development - Planning Division, Development Services

CC: Jason Wittenberg, Interim Planning Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of December 12, 2011

---

The following actions were taken by the Planning Commission on December 12, 2011. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Motzenbecker, Cohen, Huynh, Kronzer, Luepke-Pier, Mammen, Schiff, Tucker and Wielinski – 9

Not present: Carter

Committee Clerk: Lisa Baldwin (612) 673-3710

---

**11. McDonalds (BZZ-5236, Ward 9), 3110 E Lake St and 2925 31<sup>st</sup> Ave S ([Becca Farrar](#)).**

**A. Rezoning:** Application by Landform, on behalf of McDonalds USA, LLC, for a petition to rezone a portion of the north side of the site from the R4 (Multiple-family) district to the C2 (Neighborhood Corridor Commercial) district for the properties located at 3110 E Lake St and 2925 31<sup>st</sup> Ave S.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the property located at 2925 31st Ave S from the R4 (Multiple-family) district to the C2 (Neighborhood Corridor Commercial) district.

**B. Conditional Use Permit:** Application by Landform, on behalf of McDonalds USA, LLC, for a conditional use permit for a fast food restaurant for the properties located at 3110 E Lake St and 2925 31<sup>st</sup> Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use permit application for a fast food restaurant with a drive-through facility on the properties located at 3110 E Lake St and 2925 31st Ave S subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. Applicant shall work with Planning Staff and Environmental Staff to ensure that the speaker levels are consistent with the standards in the Minneapolis noise control ordinance and that ambient sound adjusters are not used in the drive-up window.
3. All overhead lighting shall be turned off when the business is closed.

**C. Variance:** Application by Landform, on behalf of McDonalds USA, LLC, for a variance to allow more than one freestanding sign on the premises for the properties located at 3110 E Lake St and 2925 31<sup>st</sup> Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the variance application to allow a total of three freestanding signs on the properties located at 3110 E Lake St and 2925 31st Ave S subject to the following condition:

1. Each of the proposed freestanding signs shall be limited to four square feet.

**D. Variance:** Application by Landform, on behalf of McDonalds USA, LLC, for a variance to allow an increase in the allowable square footage for the freestanding signs for the properties located at 3110 E Lake St and 2925 31<sup>st</sup> Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the variance application to allow an increase in the allowable square footage for the freestanding signs on the properties located at 3110 E Lake St and 2925 31st Ave S subject to the following condition:

1. Each of the proposed freestanding signs shall be limited to four square feet.

**E. Variance:** Application by Landform, on behalf of McDonalds USA, LLC, for a variance to allow signage that exceeds the overall maximum sign budget for the properties located at 3110 E Lake St and 2925 31<sup>st</sup> Ave S.

**Action:** The variance application to allow an increase in the overall maximum sign budget on the properties located at 3110 E Lake St and 2925 31st Ave S has been **returned**.

**F. Site Plan Review:** Application by Landform, on behalf of McDonalds USA, LLC, for a site plan review for a new single-story, 4,785 square foot drive-thru fast food restaurant in the C2 district. The existing McDonalds on the premises will be demolished to accommodate the new facility located at 3110 E Lake St and 2925 31<sup>st</sup> Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the site plan review application for a new single-story, 4,842 square foot drive-through fast foot restaurant on the properties located at 3110 E Lake St and 2925 31st Ave S subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by January 13, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The building shall be relocated to comply with the building placement provision outlined in Section 530.110 of the Zoning Code. This requires that the building be located within 8 feet of the property lines along East Lake Street and 31st Avenue South.
4. The west elevation of the building shall include a larger window in the crew room and an evenly sized window in the manager's area
5. Clerestory windows shall be installed on the north elevation of the building.
6. In lieu of the required window areas and lack of even distribution on the south, east and west elevations of the building, a living wall system shall be incorporated on each elevation. The living wall shall cover no less than 20% of the building wall.
7. The principal entrances to the building shall connect to the public sidewalk along East Lake Street and 31st Avenue South via walkways that are not less than 4 feet in width.
8. No rock mulch shall be permitted on the final landscape plan.
9. The landscape plan shall be revised to meet the quantities required by Section 530.160 of the Zoning Code.
10. A landscaped yard and screening equal to 95 percent shall be provided in the landscaped area between the parking area and the north and east sides of the property as required by Section 530.170 of the Zoning Code.
11. The applicant shall add zebra striped crosswalks connecting sidewalks on Lake Street as well as 31<sup>st</sup> Ave S.
12. The screening on the property shall be a minimum planting height of three feet.

Staff Farrar presented the staff report.

**Commissioner Wielinski:** Every McDonalds I've ever been to has those spots where you can wait while they're making your special hamburger, where are those spaces going to be, considering that that curve there with the zebra striping is normally where they would put them and it's already very narrow.

**Staff Farrar.** I would guess that they're going to be required to pull over here. As this is constructed now, there's enough room in this area, its' 20 feet wide, for there to be a bypass lane. If someone is stuck at one of the windows or there's some sort of issue with food, technically there's enough room for a bypass lane. I can have the applicant answer that.

President Motzenbecker opened the public hearing.

**Eric Kellogg (Landform Engineering) [not on sign-in sheet]:** What I'm passing out to you is based on the staff report. We've updated some of our elevations for you to see, the additions of the windows being added to the building façade on the drive-thru side of the building as well as the Clerestory windows on the north elevation. We agree on all the recommendations tonight except for number three, six and seven. This McDonalds has been here for over 20-25 years. The amount of traffic and volume that this McDonalds produces every day is undistinguished compared to the existing restaurants that you've previously seen built to that eight foot setback line. This McDonalds averages about 100 cars per hour during the during the drive-thru and an average about 950 cars a day through its drive-thru which equals about 70% of its volume. As Becca mention, internally we did look at other options to try to get it to this eight foot build to line up along the corner of 31<sup>st</sup> and Lake St. As you can see, the pre-bus shelter, it was an existing two curb cuts there probably five years ago which basically allowed the race car track around the existing McDonalds. A redevelopment of that got rid of that curb cut and brought it down to one. We have an existing curb cut on 31<sup>st</sup> and one on Lake St. Trying to figure out how to handle the volume and traffic without backing up on to Lake St was a main concern of ours as well as the neighbors. The neighbors are another process. We didn't really want to put 950 cars on a neighborhood street. Here's one of the site plans we would've looked at if we would have been proposing to build to the eight foot build to line. The front of the store would have been on East Lake St, other side of the store would have been on 31<sup>st</sup>. The pay window would have been right here and the pick up window would have been right here. Basically, putting your order point about 80 feet back from the building, providing two cars backing up on to Lake St. Obviously we knew we weren't going to propose putting that together and we knew you guys wouldn't support the stacking distance back on to Lake St. The amount of volume this McDonalds entails in order for this to be rebuilt is a 5000 square foot building. As you're seeing here, it's 38 feet long, 121 feet.

**President Motzenbecker:** Can you remind us of the stacking space you are shooting for currently, how many?

**Eric Kellogg:** The stacking space from the pick-up food window back to here still allowing a complete driveway and all the way around the facility, anywhere from 20-25 cars. All the traffic today will be contained on site. If you get back out on to Lake St, you're looking at 25 or more cars or more to get on to Lake Street, before it would back up there. McDonalds is taking all the volume onsite, all the stacking onsite. Option two that we looked at when we were looking at a site plan, we knew we couldn't do this option because of the stacking issue. We looked at an option potentially seeing if we could pull it up to Lake St so get to the one eight foot build to line and put an exit on to 31<sup>st</sup>. Like I mentioned before, 100 cars peak per hour, 950 cars a day. East Lake Street's timing on their stop sign is three minutes, the stoplight on this is 15-25 seconds. You get two cars stacked up on 31<sup>st</sup> in order to take a turn after lunch, 100-200 cars per hour is going to be going back into this residential neighborhood. Obviously, we looked at that and decided it wasn't an option for us in order to put an emphasis on the public streets back here. Our third option was basically leaving it how it was today, having parking on both sides of the building, have the drive-thru circulate through site. That wasn't trying to meet the intent of what you guys are trying to provide for an eight foot build to line so we came up with our current site plan. Looking at the neighbors, stacking and volume of this store, we've taken all the parking away from the neighborhood residents, taking away the shine of the headlights near their houses, as well as putting an eight foot buffer where there currently isn't a buffer along the alley providing stacking all the way around McDonalds, keeping all the traffic out on the public Lake Street and not having any additional traffic on to the residential street. The only residential street traffic that you're going to see would be anyone sitting down in the restaurant if they choose to go out to 31<sup>st</sup> and come up here to the stop light or they could still have time to bypass and come around McDonalds and go back out on to Lake Street. We are asking for your support in letting us provide and redeveloped this existing McDonalds, taking out recommendations three and seven. Number six I'd like to address a little in regards to the green wall requirements. We have provided you with updated renderings, adding some additional windows. As Becca requested in the staff report, an additional to put on the drive-thru side which you can see on your third drawing. Currently there was just the one window here at the crew room. We've proposed that another window on the crew window, as well as another window in the storage area back here, as well as providing the Clerestory windows in the back north elevation. As we looked into the screen walls and green walls and requirements

against the landscaping plan that we've put together. We're looking at these green walls and screen walls being provided as an opportunity for people to climb these and get up on top of McDonalds. Once on top, they would be able to break into the building. From the green walls that I've seen, they are pretty heavy duty steel constructed, allowable to withstand a person climbing them. We're more than open to adding additional landscaping around the perimeter of this building to hide the effects of mischief or screening to go around there.

**President Motzenbecker:** Thank you for bringing the options, that was helping to see. I'm curious if you've researched or know the background of the Uptown Hennepin McDonalds because that has a long stacking space through the parking lot and it empties out on to a very busy street and they've seem to have done it all in one lane. I'm curious of you've looked at that as a precedent and if you know some information about how they're working it. It seems like something that's working for an awful lot of traffic as well out on to a busy street.

**Vicky Stadther [not on sign-in sheet]:** I don't have any specifics on that one. I could maybe get them. I wasn't prepared to bring specifics to that. It is a much bigger lot so they have more room to work with to make the drive-thru further away with the single stacking. The reason they're able to have a single stacking at this time is they don't have the volume of drive-thru, there is a lot of walking traffic in Uptown. This one is more drive-thru, it's about 65-67% drive-thru.

**President Motzenbecker:** But you said you didn't have the information from that McDonalds so you don't know for sure. Just a point to the green wall piece, there are plenty of different types of green wall systems that don't allow people to crawl up on them. There are wire systems that can be done as stand offs on the building that if you climb on them they would break but a vine can grow on them. I don't think that's a strong argument there.

**Commissioner Luepke-Pier:** What are your proposed hours of operation?

**Jeff Smith (2813 Silver Lane, St Anthony) [not on sign-in sheet]:** Our current hours are 5am until midnight seven days a week. We started operating 24 hours a few months ago and we found out from the City that we couldn't so we went back to those hours. We didn't realize we had to have a special use permit to do that so we're back to our normal business hours. I've been there for 22 years and those have been our hours.

**Commissioner Luepke-Pier:** Do you plan on applying to operate for 24 hours?

**Jeff Smith:** Yes, I would go through the process of applying.

**Commissioner Luepke-Pier:** How tall are your exterior walls?

**Eric Kellogg:** About 18 feet.

**Commissioner Luepke-Pier:** I'm not really buying the green wall argument. On one hand, if you're open 24 hours it's going to be hard for someone to break in without you knowing about it. Also, if you did choose a massive green wall system that an elephant could climb up, you could always stop it shorter than the height of the building and it would still accomplish the visual aesthetic value without compromising the security of your building.

**Eric Kellogg:** Back to the green wall comment, the comments in regards to there is opportunities in different types of materials to be used. That was kind of the direction we did use in regards to putting these different windows in, was basically to break up these facades as well to give some natural light into the building. If you have suggestions of areas where you think these green walls

would be, we're open to work with staff to try to figure these out. We believe our landscape plan is above and beyond what code requires along with putting in these windows to break up these facades - we feel that's meeting the spirit and intent of Lake Street.

**Commissioner Luepke-Pier:** I do appreciate the windows but I do think it's a little barren. On some of your renderings, if you lobbed off the first quarter of your building you wouldn't even know it's not a warehouse.

**Eric Kellogg:** On the drive-thru side of the building, you do need the curb adjacent to the building which basically doesn't allow for any opportunity to plant any landscape in a six to eight inch area of concrete adjacent from the back of the curb to the building on the drive-thru side. In the back of the building we've tried to provide an adequate amount of landscaping and adding those windows. On the drive-thru side there really isn't an opportunity to plant something that I can actually see thriving in that area with six to eight inches between a back of a curb and a concrete foundation. On the non-drive-thru elevation, as you see, we have provided a lot of shrubbery underneath the trellis which is basically at about 13 feet high and runs along the perimeter of the non-drive-thru side. We've got a delivery door there with some brick in the corner and then the trash enclosure. With the driveway going up to the trash enclosure and the garage door, it doesn't really give an opportunity in there to plant any material in a sea of asphalt.

**President Motzenbecker:** We'll have you work with staff. I can see a couple places that they could go. We're not going to have this back and forth argument right here. I think that there's plenty that can be done. I agree, you're going above and beyond. I think this is a very nice landscaping plan and I wish more McDonalds would do something like this. I assume you're going to be maintaining it as well because I assume it's going to be irrigated. That's going to be a condition that I place on number six is that we have some drip irrigation, especially for those green walls to make sure they actually live and not just dead on the vine. Any other questions?

**Commissioner Schiff:** Can you clarify your lighting plan? I don't know if this is accurate, but you're showing a new light in the public right of way, in the boulevard facing the street. Is that just a mistake.

**Eric Kellogg:** I believe that's an existing light pole. It's a City light. It's not McDonalds' light.

**Commissioner Schiff:** It's on a metal pole?

**Eric Kellogg:** He probably just put it in the for rendering and I just didn't notice it. It's an existing light.

**Commissioner Schiff:** All the City poles are wood that's why it stood out to me. The neighborhood letter did request that the overhead lights be turned off when the business is closed so I'm going to add that as a condition because the single family homes across the street have mentioned that as a problem. Can you detail or tell me about your speaker system? Neighbors have complained about the volume of the speaker system. Do you use the technology that matches the sound coming from the car stereo in the customer's vehicle so that it adjusts itself automatically so the employee can always be heard no matter how loud the ambient noise is coming from the vehicle?

**Vicky Stadther:** The speaker system itself doesn't automatically adjust. The new systems are much better than the system that's there now. The system that's there now it sounds like it's just

blasting at you and everyone is always yelling. The new systems are much more sound sensitive so you don't have to scream to have your order heard and the people inside don't have to scream to be heard. It's directed directly at the window rather than sound that just goes out everywhere.

**Commissioner Schiff:** Is it a constant volume or does it modulate compared to the ambient noise around?

**Vicky Stadther:** I don't believe it modulates.

**Commissioner Schiff:** I'm just going to add that as a condition because that's one of the biggest problems we have is when somebody pulls up with their car stereo full blast and then the speaker system just adjusts and broadcasts at a louder volume.

**Vicky Stadther:** These don't do that, they're at a constant normal level. They're going to have to turn their stereo down if they want to be heard.

**Commissioner Schiff:** That's exactly what we want them to do. Thank you. I love the zebra striping for pedestrian safety that you've put on your site plan for the crosswalks where pedestrians walk and I think it'd be great to add that as well where the sidewalks connect on 29<sup>th</sup> Ave as well as Lake St because you have pedestrian crossings across those curb cuts as well. I'm going to add a requirement for additional zebra striping to make sure there's pedestrian safety wherever those cars and pedestrians are going to be crossing each other.

**Commissioner Huynh:** I'm looking at option one and where you looked at building placement. Do you have that site plan? Could you route the circulation in a manner similar to what you're proposing now where customers that enter off of Lake St can go north through the parking lot and then circle around back into the building where they're going south to pick up their food and order instead of them going directly to the building where you're going left and then having it stack on to the street? I'm not sure if I'm making myself clear.

**Eric Kellogg:** What you're saying is come in here and order here?

**Commissioner Huynh:** Yes.

**Eric Kellogg:** You'd be reaching across the passenger side to get your food.

**Commissioner Huynh:** Oh, that's right. Thank you.

**Commissioner Wielinski:** Could you tell me where the cars are going to stack for the people that have to wait for their food?

**Eric Kellogg:** In about 99% of the cases, we'd like to see a couple of parking stalls up here in order for people to wait for their food, but we are going to propose to put two signs over here for pull ahead parking and special orders. There is no opportunity in this area to allow the free flow and bypass lane to conveniently work so more than likely these two areas will be signed for pull ahead parking.

**Commissioner Wielinski:** Can we add that as a condition that those places be marked that are not part of the drive aisle for the special order pick up?

**President Motzenbecker:** I'm confused. I've never seen a special order pick-up striped specific spot. Can you just pull around and pull into the two front spots there?

**Vicky Stadther:** What we currently do, we used to have a big number one or a big number two and direct customers to pull in there and they're movable. We can move them if we need to. They just go in the front end of a parking stall where it says space number one and space number two.

**Jeff Anderson:** I have two McDonalds right now that I operate that we actually do pull them around to the other side of the building, it's the only place to park them. It's actually more convenient for us because our kitchen exits right to those side doors.

**President Motzenbecker:** So where would you put them in this instance?

**Jeff Anderson:** Right where she pointed out when she was up there before on the right hand side in the very corner, there'd be two spots with big signs for spot number one and spot number two.

**President Motzenbecker:** That seems like it'd work.

**Commissioner Wielinski:** So can we put it in as a condition that that's where they are? I want to make sure that we're not stacking up cars in the narrow position in the drive aisle which is what happens at most places. They just have you pull forward from the window and then stack up right there.

**Vicky Stadther:** That's no benefit to us because then it's stacking up our drive-thru and not getting people through so we want to pull them away from that area.

**President Motzenbecker:** I don't think it's necessary as a condition. I think that might be pushing it a little bit. The stacking on this is so extensive, you can fit a lot of cars around this thing. I'm open to hearing other commissioner's thoughts. I don't think it's necessary with those signs and everything else.

**Commissioner Wielinski:** Is it something we could put in under site plan review?

**President Motzenbecker:** Why don't we let others weigh in and see what they say?

**Commissioner Kronzer:** This is sort of a national prototype going to a specific site, I'm wondering if in the alternatives you've looked at if you've looked at a building design specifically for this site rather than a standard prototype that you already have designed.

**Eric Kellogg:** We looked at different options and different facilities, but the amount of volume and the amount of space needed in order for this spot to be rebuilt was pushing everything at about a 5000 square foot building. We looked at alternate options and how to try to figure out the circulation and how to get everything to work to maintain 950 cars a day or 100 cars per hour every peak. To make that eight foot build to line and the amount of stacking and the traffic circulation....

**Commissioner Kronzer:** Do you have any of those with you tonight?

**Eric Kellogg:** No I do not.

**Vicky Stadther:** This building also eliminates the ancillary building for the trash. It incorporated it right into the back of the building so it's enclosed so you don't see it.

**Commissioner Luepke-Pier:** I was curious when Commissioner Huynh asked about option one, I was wondering if I could see it again. I'm wondering why you don't loop your thing around like this and have people pick up the food back here and then I think your footage for stacking is about the same as what you have on your proposed except you're moving the curb cut. Why can't you pull round to the bottom of the screen there, then loop up to the back of the building and out. Unlike the option that he showed later, it's not adjacent to the corner, it's pulled back and up to where there's still a lot of room for cars so if they get stopped at a stop sign at the intersection they wouldn't just be blocking the whole street. Because they have them move all the way back, you're not getting a great loss in the amount of cars they can stack this option versus the one they proposed.

**Eric Kellogg:** Inside the building, this is the freezer cooler of the proposed building. This whole back half is the kitchen.

**Commissioner Luepke-Pier:** That maybe gets to Commissioner Kronzer's comment about custom designing a building for this site instead of just a rubber stamp building. You could make your building a little wider too to even accommodate that if you needed because you can get rid of the little parking lane next to the building there that you have shown.

**Vicky Stadther:** We have done different buildings where we've had to in order to accommodate certain elements but the one thing that doesn't change in any of our buildings is the kitchen layout. It's been proven over 55 years of the company and how it lays out to be most efficient and cost effective and everything. I see what you're saying, but that'd be the tough part in here because you want to make sure that everything's in relation. They actually do studies on all that stuff.

**President Motzenbecker:** We're not going to continue to design this at this meeting so I think what we're hearing is there is still some belief in that there could be some options explored. I'm going to uphold staff recommendation on that and we'll see what commissioners say. If other commissioners want to weigh on Commissioner Wielinski's condition to require signage in those two spots, I'm open to that, otherwise I don't think it's necessary.

**Commissioner Mammen:** I'm in support of the signage. McDonalds is McDonalds. They've been at this a long time. I know this parcel has been there over 20 years. The concerns Commissioner Schiff brought up were my biggest concerns, but I would support further work with the staff to make this work for the neighbors.

**Jenny Dungan (2920 32<sup>nd</sup> Ave) [not on sign-in sheet]:** I live directly behind McDonalds next to TCF. I do know that there's a lot of traffic, a lot of walking traffic down the alley to McDonalds. I get a lot of trash on my property. I know there's a stipulation that they would maintain it within 100 feet, which would be very nice if they did. I've had grocery carts put behind the trash area sitting in the alley. I've seen arguments. I've seen people go from McDonalds to their car and fights in the parking lot. It's not real conditional for good residential area. I don't want it open 24/7. As they are looking at redoing this, all the parking would be facing my back yard now instead of across the street in other people's front yards. I will get all the headlights in my back

yard. There's half a fence and then the garbage area that blocks part of it. If they put up just these bushes and some trees, the light will still get in the back yard.

**President Motzenbecker:** The condition is for 95% screening, which is pretty intense.

**Jenny Dungan:** When I just look at this, I don't see that.

**President Motzenbecker:** That doesn't represent what we are asking them to do. What we are asking for is much more substantial than what you see there.

**Jenny Dungan:** I have concerns about the speakers and dual traffic. I know that the Lake Street entrance/exit is always congested.

President Motzenbecker closed the public hearing.

**Commissioner Schiff:** This isn't just a McDonalds that's been on Lake Street for 25 years, this is the oldest McDonalds in the city of Minneapolis. We could move to historically designate it, but I don't think that's in the best interest. I think the improvements that have been suggested are in the best interest of the neighborhood and would be a considerable improvement to this site. I sat down with representatives of McDonalds over two years ago and we went through the same exercise that broke out tonight, scribbling on papers, drawing arrows, considering curb cuts and what we ended up with is what is in front of us tonight and I don't think any more pencil drawing on napkins is going to result in any other traffic flow or any improvement. I think there are some details we can address tonight to continue to improve this site plan, but I do want to move approval of the site plan and move the elimination of conditions three and seven in the staff report (Wielinski seconded).

**President Motzenbecker:** Moved and seconded, further discussion? I am not in agreement to that just because I know that if you push it you can do it. We had the same frustrating experience with Crate & Barrel II in Uptown and didn't get very far with that either. It seems to be it's just the power of the corporate folks can push a little harder, but I'm a firm believer and I've seen examples where it can be possible so I will be voting against this but I understand looking at what we're saying tonight that I agree with Commissioner Schiff that what is presented is the best but I think we can do better but we'll see where it goes.

**Commissioner Schiff:** Just a point of personal order, I hope your comments that the power of corporate folks is not directed towards me and implying that my motion is...

**President Motzenbecker:** Not at all.

**Commissioner Schiff:** I'm highly offended by that suggestion in your speech.

**President Motzenbecker:** Not my point at all. Any other conditions?

**Commissioner Schiff:** I think we should vote on the elimination of three and seven.

**President Motzenbecker:** All those in favor of elimination conditions three and seven from the site plan review?

The motion failed 5-3.

**President Motzenbecker:** I will then start it off by moving the rezoning, R4 to C2 (Tucker seconded). Further discussion? All those in favor? Against?

The motion carried 8-0.

**President Motzenbecker:** I will move the CUP for a fast food restaurant as well as variances C, D and the return of variance E (Tucker seconded).

**Commissioner Schiff:** I believe the requirement on the sound should go under the CUP and that would be that staff work with the applicant and environmental staff to make sure the speaker level is consistent with the standards in the Minneapolis Noise Control ordinance and that ambient sound adjusters are not used in the drive-up window. Condition two, that all overhead lighting is turned off when the business is closed (Tucker seconded).

**President Motzenbecker:** All those in favor? Opposed?

The motion carried 8-0 to add the conditions.

**President Motzenbecker:** All those in favor of the motion? Opposed?

The motion carried 8-0.

**President Motzenbecker:** Now we have site plan review.

**Commissioner Schiff:** I will move approval and add a new condition for zebra striped crosswalks connecting the sidewalks on Lake Street as well as 31<sup>st</sup> Ave S. What is the minimum height required for the installation of the screening of the landscaping facing the residential property to the south? Do we have one in there? If we want them to be effective they should be mature.

**Staff Farrar:** It's similar to other projects we've worked on where you can increase it if you'd like. We do have minimum size requirements for shrubs and trees that are installed. Clearly they aren't going to be up to the three foot level at first but that's what the screening requirement is, three feet.

**Commissioner Schiff:** I would request that they plant three foot tall specimens so we don't wait 20 years for the growth to get the results that we'd like.

**President Motzenbecker:** So we're adding a condition that the screening be started out at three feet tall specimen plants. All those in favor? Opposed?

The motion carried 8-0.

**President Motzenbecker:** All those in favor of the site plan review as moved? Opposed?

The motion carried 5-3.