

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permit, Site Plan Review
BZZ-2034

Date: November 8, 2004

Applicant: Ms. Barb Schneider, Border Foods Inc., 965 Decatur Avenue North, Golden Valley, MN 55427 (763)489-2970

Address of Property: 1931 Minnehaha Avenue

Project Name: Taco Bell

Contact Person and Phone: Mr. Peter Roos, Roos and Associates, 3513 Rainbow Drive, Minnetonka, MN (612) 269-2204

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: September 30, 2004

End of 60-Day Decision Period: November 28, 2004

End of 120-Day Decision Period: January 27, 2004

Ward: 2 Neighborhood Organization: Seward Neighborhood Group

Existing Zoning: C2 (Neighborhood Corridor Commercial) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 21

Lot area: 11,896 square feet or .27 acres

Legal Description: Not applicable for this application

Proposed Use: Continue existing use as a fast food restaurant (Taco Bell) and extend the permitted operational hours.

Concurrent Review:

- Conditional Use Permit to extend the permitted operational hours of the fast food restaurant in the C2 zone district.
- Major Site Plan review for a 2,184 square foot fast food restaurant (Taco Bell).

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits and Chapter 530 Site Plan Review.

Background: The applicant, Border Foods, Inc., proposes to extend the operational hours for the existing Taco Bell restaurant from the permitted hours under the C2 district. Under the C2 district requirements, the business is allowed to operate Sunday through Thursday from 6:00 am to 10:00 pm and Friday and Saturday from 6:00 am to 11:00 pm. The applicant is proposing to extend the operational hours Sunday through Thursday from 10:00 am to 3:00 am and Friday and Saturday from 10:00 am to 4:00 am.

Taco Bell has been operating out of the building on the property since 1987. From 1972 to 1987 Zantigo occupied the site. The applicant claims that the restaurant has operated with store hours that are identical to those that are now being formally applied for without neighborhood complaint or concern. After a review by the City, the applicant became aware that the restaurant hours were not in compliance with the zoning code.

The applications are being continued until the Planning Commission's meeting of November 22, 2004 so that the applicant is able to attend the City's Preliminary Plan Review meeting.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission continue the conditional use permit application for property located at 1931 Minnehaha Avenue to the meeting of November 22, 2004.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the site plan review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission continue the site plan review application for property located at 1931 Minnehaha Avenue to the meeting of November 22, 2004.