

**Department of Community Planning and Economic Development – Planning Division**  
Two Conditional Use Permits and Site Plan Review  
BZZ-2192

**Date:** March 7, 2005

**Applicant:** Rick Janssen with Wendy's International

**Address of Property:** 325 and 329 East Franklin Avenue and 2015 Clinton Avenue

**Project Name:** Wendy's

**Contact Person and Phone:** Rick Janssen., (612) 619-1968

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Date Application Deemed Complete:** February 10, 2005

**End of 60-Day Decision Period:** April 11, 2005

**End of 120-Day Decision Period:** Not applicable

**Ward:** 6      **Neighborhood Organization:** Whittier Alliance

**Existing Zoning:** C4 and R4

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 20

**Legal Description:** Not applicable for this application

**Proposed Use:** Fast food restaurant

**Concurrent Review:**

**Conditional use permit:** for a fast food restaurant.

**Conditional use permit:** to allow the fast food restaurant to stay open until 2 am, seven days a week.

**Site plan review.**

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

**Background:** The applicant owns the properties located at 325 and 329 East Franklin Avenue and 2015 Clinton Avenue. The two properties located on East Franklin Avenue are zoned C4 and the property located on Clinton Avenue is zoned R4. Given that a fast food restaurant is not a permitted use in the R4 zoning district, the applicant has decided to not utilize the property located on Clinton Avenue and

instead landscape this property to create a buffer between the fast food restaurant and the adjacent community center to the south. The applicant is proposing to demolish the existing one-story building located at 325 East Franklin Avenue and construct a new one-story building. The proposed building would be located on the corner of East Franklin Avenue and Clinton Avenue. There would be one curb cut leading into and out of the site located on East Franklin Avenue.

The site is located in the Washburn-Fair Oaks Historic District. The applicant appeared before the Minneapolis Heritage Preservation Commission (HPC) on December 14, 2004. The HPC approved the Certificate of Appropriateness to allow for the construction of a Wendy's fast food restaurant. The applicant still needs to apply for a demolition permit to remove the existing building. Please note that as part of the application for the Certificate of Appropriateness, the HPC found that the existing building is not a contributing building in the historic district.

The permitted hours of operation in the C4 zoning district are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm. The applicant is seeking a conditional use permit to stay open from 10 am to 2 am, seven days a week. The applicant has indicated that the dining area will be open from 10 am until 10 pm and that only the drive-through would be open until 2 am.

This site is located in the Whittier neighborhood. As part of the application process, the applicant went to both the Whittier Alliance and the Stevens Square Community Organization's neighborhood meetings. The Stevens Square neighborhood is located just north of the site across East Franklin Avenue. Neither of the neighborhood organizations voted to support the required land use applications.

**CONDITIONAL USE PERMIT** – for a fast food restaurant

**Findings as Required by the Minneapolis Zoning Code:**

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that a fast food restaurant, with a drive-through facility, will be detrimental to or endanger the public health, safety, comfort or general welfare. The site has been vacant since 2003. Prior to 2003, the site was used as a bakery and prior to that a deli.

- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The Planning Division does not believe that a fast food restaurant will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The placement and orientation of the building should reduce the impact of the drive-through facility on

the residential uses located across both East Franklin Avenue and Clinton Avenue from the site. In addition, there is only one curb cut leading to and from the site which is located on East Franklin Avenue. By having only one curb cut leading to and from the site, most of the traffic associated with the use should be kept off of Clinton Avenue.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The parking requirement for a fast food restaurant is 30 percent of the capacity of the seating area within the building. In this case there is approximately 362 square feet of seating area available to the public. Based on this number the zoning code requires there to be 7 parking spaces. The site has been designed to accommodate up to 17 vehicles. Two of the parking spaces are located towards the end of the stacking lane for the drive-through facility. Given their location, those who park in these two spaces may have a difficult time leaving if the drive-through line were to be long. Staff is recommending that these two parking spaces be removed and that the area be utilized as additional green space.

**5. Is consistent with the applicable policies of the comprehensive plan.**

The site is designated as both light industrial and undeveloped, unused land in the comprehensive plan. The site is located on East Franklin Avenue. East Franklin Avenue is a designated Community Corridor between Clinton Avenue and Hennepin Avenue South and a designated Commercial Corridor between the Mississippi River and I-35W. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions (Policy 9.15).
  - Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.
  - Promote quality design and building orientation of commercial and industrial development that is appropriate with the surrounding neighborhoods.
- Continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 9.23).
- Support continued growth in designated commercial areas, while allowing for market conditions to significantly influence the viability of a commercial presence in undesignated areas of the city (Policy 9.24).

- Coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 9.27).
  - Support the continued presence of small-scale retail sales and commercial services along Community Corridors.
  - Ensure that commercial uses do not negatively impact nearby residential areas.
- Support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services (Policy 9.28).

This site is located at the point along East Franklin Avenue where the street transitions from a Community Corridor to a Commercial Corridor. Constructing a fast food restaurant on the site is somewhat similar in nature to what has historically been on the property as the site had previously been home to a bakery and previous to that a deli. However, the Planning Division is somewhat concerned about locating a fast food restaurant on this site given the intensity of the use and the amount of automobile traffic that is typically associated with a fast food restaurant with a drive through facility. The placement and orientation of the building should reduce the impact of the drive-through facility on the residential uses located across both East Franklin Avenue and Clinton Avenue from the site.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

With the approval of the conditional use permits and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

**CONDITIONAL USE PERMIT** – to allow the fast food restaurant to stay open until 2 am, seven days a week

**Findings as Required by the Minneapolis Zoning Code:**

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division believes that extending the hours of operation for Wendy’s would be detrimental to or endanger the public health, safety, comfort or general welfare. The site is located on the southwest corner of the intersection of East Franklin Avenue and Clinton Avenue. Surrounding uses include a laundromat, general retail stores, a community center and its accessory parking lot and a mixture of residential buildings. The applicant is seeking a conditional use permit to stay open from 10 am to 2 am, seven days a week. The applicant has indicated that the dining area will be open from 10 am until 10 pm and that only the drive-through would be open until 2 am. Although only the drive-through would be open later than the hours of the C4 zoning district allow, the noise, glare and amount of vehicles coming to and from the site would be detrimental to the adjacent residential uses.

**2. Will be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

**Proximity to permitted or conditional residential uses.** There are residential developments located across both East Franklin Avenue and Clinton Avenue from the site. The drive-through facility is located on the east side of the building. The building would act somewhat as a buffer between the activities of the drive-through and the residential building to the east. The residential building to the north is setback approximately 200 feet from East Franklin Avenue. Within the 200-foot setback there is a parking lot. This parking lot also acts somewhat as a buffer between the activities of the drive-through and the residential building to the north.

**Nature of the business and its impacts of noise, light and traffic.** The menu board and speaker for the drive-through facility are located within sight of the residential property to the east. The speaker would also produce noise that could be heard by those living in the residential property to the east. In addition, headlights from those vehicles waiting in the drive-through stacking lane would be visible from both the residential development located across East Franklin Avenue and Clinton Avenue from the site.

As for traffic, all activity occurring on the site after 10 pm would be by those going through the drive-through as the dining room would be closed.

**Conformance of use.** A fast food restaurant is a conditional use in the C4 zoning district.

**Complaints received.** The building has been vacant since 2003. Between February of 1999 and May of 2004, 29 911-calls were made in reference to this site. Many of the calls were to report damage that was done to the property. Given the fast food use has not yet been established, there has not been an opportunity to establish a history of complaints related to operation of this particular facility.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Extending the hours of operation for this use will have no impact on utilities, access roads or drainage.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The parking requirement for a fast food restaurant is 30 percent of the capacity of the seating area within the building. In this case there is approximately 362 square feet of seating area available to the public. Based on this number the zoning code requires there to be 7 parking spaces. The site has been designed to accommodate up to 17 vehicles.

**5. Is consistent with the applicable policies of the comprehensive plan.**

The site is designated as both light industrial and undeveloped, unused land in the comprehensive plan. The site is located on East Franklin Avenue. East Franklin Avenue is a designated Community Corridor between Clinton Avenue and Hennepin Avenue South and a designated Commercial Corridor between the Mississippi River and I-35W. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions (Policy 9.15).
  - Mitigate, through screening and buffering, limiting the size and scale of a building, and a business' hours of operation, the effects of commercial properties on residential properties.

Extending the hours of operation for Wendy's would negatively impact the surrounding residential developments as there would be extended hours of noise generated from the site, extended hours of light radiating from the store and the light fixtures in the parking lot and traffic coming and going from the site.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

With the approval of the conditional use permits and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

**SITE PLAN REVIEW** - for a fast food restaurant

**Findings as Required by the Minneapolis Zoning Code:**

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND FACADE**

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street.**

- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
- **Residential uses shall be subject to section 530.110 (b) (1).**
- **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- This development reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building is located within 8 feet of the property lines along both East Franklin Avenue and Clinton Avenue, there is an entrance facing both streets that can be accessed by employees and customers and there are windows on both street sides of the building and the side of the building facing the parking lot where people can see in and out.
- The exterior materials of the building include brick, rock-face concrete block and copper awnings that will be located over the windows. In addition, the building has been designed with a flat roof.
- Located on the south side of the building is a permanent ladder leading to the roof. For security purposes, staff is recommending that there be no ladder attached to the building that provides access to the roof.
- The percentage of windows required on both street sides of the building and the side of the building facing the parking lot is 30 percent. According to the submitted drawings there is approximately 18 percent windows located on the Clinton Avenue side of the building, approximately 50 percent windows located on the East Franklin Avenue side of the building and approximately 12 percent windows on the side of the building facing the parking lot.
- One observation made pertaining to the windows is that none of the windows are the same width. The Planning Division is recommending that the applicant work with staff to design a more uniform window pattern.
- The Planning Division is also recommending that additional windows be added to the east and west sides of the building. After looking at the floor plans it appears that additional windows could be added on the south side of the entrance on the east side of the building and on the entire wall between the front of the building and the north pick-up window on the west side of the building. If these additional windows are added to the building the Planning Division has estimated that there would be approximately 23 percent windows located on the Clinton Avenue side of the building and approximately 26 percent windows on the side of the building facing the parking lot.

### **ACCESS AND CIRCULATION**

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- Both of the building entrances are connected to the public sidewalk via a walkway. There is also a walkway that connects the building entrance to the parking lot.
- The Public Works Department has reviewed and approved the vehicular access and circulation plan for the development.
- The applicant is proposing to have a bike rack located in front of the building along East Franklin Avenue. The Planning Division is recommending that the area designated for the bike rack be located adjacent to the walkway leading to the building entrance so those utilizing the bike rack do not walk through the landscaped area to get to the building.
- The applicant has indicated that snow will be kept on the site.

### **LANDSCAPING AND SCREENING**

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
  - A decorative fence.
  - A masonry wall.
  - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.

- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- According to the submitted plans approximately 47 percent of the site not occupied by the building will be landscaped. The landscaping requirement for this development is 5 trees and 23 shrubs. According to the plant schedule there will be a total of 7 trees and 148 shrubs. The applicant is also proposing to install 19 perennials.
- The plant material located on the east side of the site between the building and the trash enclosure is proposed to be Blue Chip Juniper. This particular shrub does not grow more than 10 inches. The Planning Division is recommending that a different shrub be planted in this location to better screen the menu board and speaker from the residential development located to the east.
- There is an existing six-foot high chain link fence located along the south and east property lines that the applicant is proposing to keep on the site after construction is complete. The fence located on the south side of the property is in need of some repair. The Planning Division is recommending that the chain link fence be removed and replaced with a decorative metal fence that matches the fence located on the property to the south.

**ADDITIONAL STANDARDS**

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**

- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The lighting plan showing footcandles that was submitted as part of the application meets the standards of the Minneapolis Zoning Code.
- This development should not block views of important elements within the city.
- This development should not cast substantial shadows on surrounding properties.
- This development should not contribute to groundlevel winds.
- The site is located in the Washburn-Fair Oaks Historic District. The applicant appeared before the Minneapolis Heritage Preservation Commission (HPC) on December 14, 2004. The HPC approved the Certificate of Appropriateness to allow for the construction of a Wendy's fast food restaurant. The applicant still needs to apply for a demolition permit to remove the existing building. Please note that as part of the application for the Certificate of Appropriateness, the HPC found that the existing building is not a contributing building in the historic district.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

**ZONING CODE**

See conditional use permit finding number six above.

**THE MINNEAPOLIS PLAN**

The site is designated as both light industrial and undeveloped, unused land in the comprehensive plan. The site is located on East Franklin Avenue. East Franklin Avenue is a designated Community Corridor between Clinton Avenue and Hennepin Avenue South and a designated Commercial Corridor between the Mississippi River and I-35W. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
  - Orient new buildings to the street to foster safe and successful commercial nodes and corridors.
  - Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience.
- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 9.12).
  - Require the landscaping or parking lots.
  - Locate parking lots behind buildings or in the interior of the block to reduce the visual impact of the automobile in mixed-use areas.

The building that the applicant is proposing to construct reinforces the street edge, is made of materials that are compatible with the surrounding area and has windows that allow views in and out. The parking lot on the site is located towards the interior of the site and is screened from the adjacent properties with landscaping. In addition, the site has been designed so all automobile traffic enters and exits the site from East Franklin Avenue.

### **Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

There are no small area plans adopted by the city for this particular location.

#### **ALTERNATIVE COMPLIANCE**

The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

#### **COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE**

- The Planning Division is recommending that the City Planning Commission grant alternative compliance to not have a full thirty percent windows on the east and west sides of the building if the additional windows that are discussed in this report are added to the building.

#### **RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow for a fast food restaurant located at 325 and 329 East Franklin Avenue and 2015 Clinton Avenue subject to the following conditions:

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1. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any letter found thereon as required by section 536.20 of the zoning code.
2. The two parking spaces located towards the end of the stacking lane for the drive-through facility shall be removed and the area shall be utilized as additional green space.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the conditional use permit to allow the fast food restaurant to stay open until 2 am, seven days a week located at 325 and 329 East Franklin Avenue and 2015 Clinton Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review application for a fast food restaurant located at 325 and 329 East Franklin Avenue and 2015 Clinton Avenue subject to the following conditions:

1. There shall be no ladder attached to the building that provides access to the roof.
2. The applicant shall work with staff to design a more uniform window pattern.
3. Additional windows shall be added to the east and west sides of the building. Specifically, windows shall be added on the south side of the entrance on the east side of the building and on the entire wall between the front of the building and the north pick-up window on the west side of the building. When built, there should be approximately 23 percent windows located on the Clinton Avenue side of the building and approximately 26 percent windows on the side of the building facing the parking lot.
4. The bike rack shall be located adjacent to the walkway leading to the building entrance on East Franklin Avenue so those utilizing the bike rack do not walk through the landscaped area to get to the building.
5. A different shrub species shall be planted on the east side of the site between the building and the trash enclosure to better screen the menu board and speaker from the residential development located to the east.
6. The chain link fence located along the south property line shall be removed and replaced with a decorative metal fence that matches the fence located on the property to the south.

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7. The trash enclosure shall be constructed out of brick that matches the building.
8. Approval of the final site, landscaping, fence, trash enclosure and elevation plans by the Community Planning and Economic Development Department – Planning Division.
9. All site improvements shall be completed by March 7, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Attachments:**

1. Statement of proposed use
2. Conditional use permit findings
3. Police Incidents from Property Info (CNAP)
4. Heritage Preservation Commission staff report and final action letter
5. November 29, 2004, letter to Council Member Zimmerman
6. November 19, 2004, letter to the Whittier Alliance
7. Correspondence from the Stevens Square Community Organization and the Whittier Alliance
8. Correspondence from adjacent property owners
9. Zoning Map
10. Aerial view of the site.
11. Site plan, floor plans and elevations
12. Sign information
13. Photographs of the site and surrounding area