

**Department of Community Planning and Economic Development—Planning Division**  
**Conditional Use Permit for Extended Hours**  
**BZZ-2258**

**Hearing Date:** 4/25/05

**Applicant:** Barb Schneider, Border Foods, 965 Decatur Ave. N., Golden Valley, MN 55427, 763-489-2970

**Address of Property:** 1540 Stinson Blvd. NE, Minneapolis, MN

**Project Name:** Extended hours application (24-hour operation) for an existing Taco Bell/Pizza Hut restaurant

**Contact Person and Phone:** Same as applicant

**Staff Contact Person and Phone:** J. Michael Orange, Principal Planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: [michael.orange@ci.minneapolis.mn.us](mailto:michael.orange@ci.minneapolis.mn.us)

**Date Application Deemed Complete:** 3/21/05

**End of 60-Day Decision Period:** 5/20/05

**End of 120-Day Decision Period:** N/A

**Ward:** 1      **Neighborhood Organization:** Northeast Park Neighborhood Assoc.

**Existing Zoning:** C3S, Community Shopping Center District

**Zoning Plate Number:** 10

**Proposed Use:** Application by Border Foods for a conditional use permit to extend the allowable hours of operation for the restaurant and drive through service to 24-hour service, seven days a week at the existing Taco Bell / Pizza Hut located at 1540 Stinson Blvd. NE.

**Prior approvals:** Application by Border Foods for a conditional use permit to allow a Taco Bell/Pizza Hut fast food restaurant with extended hours, 10 a.m. to 1 a.m. Sunday through Thursday, and 10 a.m. to 2 a.m. Friday through Saturday. Approved by the Planning Commission on 1/31/00.

**Concurrent Review:** Conditional use permit for extension of hours open to the public (24-hour service) for both the restaurant and the drive-through service.

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits

**If you need more information or have special needs, please call the  
Minneapolis Planning Department at 612-673-2597.**

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**Background:** This is an existing restaurant located within the shopping center area surrounding the Quarry Shopping Center. Fast food restaurants are conditional uses in the commercial districts. Hours businesses can be open to the public in the C3S District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday, and 6:00 a.m. to 11:00 p.m. Saturday through Sunday. As stated above, the Planning Commission approved extended hours to Border Foods in 2000 (10 a.m. to 1 a.m. Sunday through Thursday, and 10 a.m. to 2 a.m. Friday through Saturday). The Commission recently approved a conditional use permit to extend the allowable hours of operation for the adjacent McDonald's restaurant and drive through service to 24-hour service, seven days a week.

Attachment 7 includes the action from the neighborhood group, which was to approve the application provided the applicant add bike storage on site.

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

The 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.**

Refer to the response to findings for a conditional use permit for extension of hours open to the public in the next section and in the information from the applicant (Attachment 5).

**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.**

Refer to the response to findings for a conditional use permit for extension of hours open to the public in the next section.

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

The 24-hour extension of hours will have no impact on access, parking, or drainage. There is sufficient parking on site for the use and to accommodate customers during the proposed 24/7 period. There are three curb cuts on the site on Stinson Blvd., one two-way and two right-in/right-out drives (due to the median on Stinson).

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

The 24-hour extension of hours will have no impact on traffic congestion. Stinson is classified as an "A" Arterial and designed to handle heavy traffic loads. During the period of extended hours, traffic is substantially lower than during peak periods.

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

Applicable policies of the *Minneapolis Plan*:

**4.1 Minneapolis will 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.**

**Implementation Steps (selected):**

- Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

**4.2 Minneapolis will 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.**

**Implementation Steps (selected):**

- Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

**4.3 Minneapolis will support a limited number of Auto-Oriented Shopping Centers, while promoting their compatibility with the surrounding area and their accessibility to bus, bicycle and foot traffic.**

**Implementation Steps (selected):**

- Minimize traffic and visual impacts on nearby uses through careful planning and design.
- Encourage the development of mixed residential, office, institutional and, where appropriate, small-scale retail sales and services to serve as transitions between large-scale auto-oriented commercial centers and neighboring residential areas.
- Encourage high quality design that includes ample public green or open space.
- Require adequate buffers between auto-oriented districts and other uses which would otherwise be negatively impacted.

**Consistency of the project with the Minneapolis Plan:**

The site is located in the vicinity of the Auto-Oriented Shopping Center designated in the *Minneapolis Plan*. The restaurant, with its auto orientation and drive-through service, is consistent with this policy (Policy 4.3). The rail road right-of-way on the west and Stinson

Blvd. converge to form the east, west, and north sides of the site. The McDonalds restaurant forms the southern border. There are other commercial uses to the east that are separated by the very wide right-of-way (nearly 400 ft.) of Stinson Blvd. and a frontage road. As such, the potential off-site impacts of the proposed extended hours will have no substantial effect on surrounding uses thereby being consistent with Policies 4.1, 4.2, and 4.3. The area has other businesses with 24-hour work shifts and workers who patronize the restaurant after the business hours allowed in the District.

**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.**

Refer to the response to findings for a conditional use permit for extension of hours open to the public in the next section.

**In addition, the following findings must be addressed if applying for a conditional use permit for extension of hours open to the public:**

**1. Proximity to permitted or conditional residential uses.**

There are no residential uses in the immediate area.

**2. Nature of the business and its impacts of noise, light and traffic.**

The primary off-site impacts of the restaurant include headlight glare and noise from vehicular movements and especially loud vehicle radios when vehicles access the parking lot and particularly when they use the drive-through facility. The 24-hour operation extends these impacts after normal business hours. However, since the site is surrounded by the noise generated by the major roadways, other commercial uses, and the railroad, off-site impacts are minimal by contrast. The existing site includes an extensive amount of landscaping including all available portions of the site but it does not include all of the screening required by the current Zoning Code. The addition of screening as proposed by staff will help minimize the potential adverse impacts from vehicle headlights and the unsightliness of parking lots and drive-through facilities, and mitigate the project's impacts. Vehicles access the site via Stinson Blvd. so traffic should not be a significant concern.

**3. Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.<sup>1</sup>**

The Zoning Code at 530.150 (b) requires a 5-ft. landscaped yard with screening between parking areas and the adjacent streets to screen headlights and unsightly parking and drive-through operations. All areas of the site not used for buildings or parking are landscaped, however, the site lacks the required 3-ft. screening of the parking lots on Stinson Blvd.

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<sup>1</sup> Chapter 531.110 requires all nonconforming uses maintain compliance with all general performance standards and with all landscaping and screening requirements in the district.

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**4. History of complaints related to the use.**

According to Police Dept. incident reports, the property had no record of incidents.

**RECOMMENDATIONS**

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:**

The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for 1540 Stinson Blvd. with the following condition: The applicant shall screen the parking lot on the Stinson Blvd. side of the site with a 3-ft.-high screen consistent with 530.150 (b) of the Zoning Code. The site improvements shall be completed by April 31, 2006 or the application may be revoked for noncompliance, unless extended by the Zoning Administrator or the City Council

**ATTACHMENTS**

- 1) Site and zoning map
- 2) Uses in the area
- 3) Aerial photo
- 4) Site plan and landscape plan
- 5) Information from the applicant
- 6) Photos of the site and surrounding area.
- 7) Neighborhood action