

**Department of Community Planning and Economic Development – Planning Division**  
**Conditional Use Permit Application**  
**BZZ-2318**

**Date:** May 23, 2005

**Applicant:** JADT Food Group, dba McDonalds 900 West Broadway, Minneapolis

**Address of Property:** 900 West Broadway

**Date Application Deemed Complete:** April 19, 2005

**End of 60 Day Decision Period:** June 18, 2005

**End of 120 Day Decision Period:** Not applicable at this time

**Contact Person and Phone:** Tim Baylor, (763) 592-0911

**Planning Staff and Phone:** Lonnie Nichols (612) 673-5468

**Ward: 3      Neighborhood Organization:** Hawthorne Area Community Council

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

**Proposed Zoning:** No change proposed, not applicable for this application.

**Zoning Plate Number:** 8

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

**Proposed Use:** conditional use permit for 24-hour operation of restaurant, fast food with drive-through

**Concurrent Review:** conditional use permit for 24-hour operation of restaurant, fast food with drive-through

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits; Chapter 548, Commercial Districts.

**Previous Actions:** PR (Plan Review)-364 and BZZ 1276 (CPC minutes attached)

**Background:** The McDonalds at 916 West Broadway is located in the Hawthorn Crossings shopping center, which uses the master address of 900 West Broadway and is located on the north side of the street between Bryant Avenue North and Emerson Avenue North. JADT Food Group, LLC, dba McDonalds, has filed an application for a Conditional Use Permit for extended hours to operate the McDonalds fast food restaurant and drive-through located at 916 West Broadway Avenue North in the C3S (Community Shopping Center) zoning district for 24 hours per day, seven days per week. Regular

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hours of operation allowed under C3S zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday.

McDonalds was granted a CUP by the City Council (BZZ 1276) on appeal in October 2003 for extended hours of operation from 4:00 a.m. to 1:00 a.m., seven days a week, with no speaker boxes to be in use after 12:00 Midnight or prior to 6:00 a.m. McDonalds currently operates the drive-through from Monday through Thursday 6:00 am to 12:00 am, Friday 6:00 am to 1:00 am, Saturday 7:00 am to 1:00 am, and Sunday 7:00 am to 12:00 am.

The property owner of Hawthorn Crossings submitted a statement indicating they were not opposed to 24-hour operations, but expressed security concerns for the parking lot, overnight traffic and night-time loitering. The West Broadway Area Coalition Board of Directors voted to approve the request for 24-hour operation of the drive-through based on the expectation of increased job opportunities and more eyes on the street. At the previous neighborhood meeting, two concerns were raised regarding 24-hour operations; speaker noise and overnight security. The applicant has also indicated to concerns have come up to date, speaker noise and overnight security. The applicant has indicated that McDonalds staff can control the volume of the speaker and an arrangement has been made to use the Cub Foods late night security staff as needed.

**CONDITIONAL USE PERMIT FOR EXTENDED HOURS**

**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 for 24-hour operation:

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

The Hawthorne Crossings shopping center is located on the north side of West Broadway between Bryant Avenue North and Emerson Avenue North. To the north of the shopping center, across 21<sup>st</sup> Avenue North, there is a mixture of single-family and multiple-family dwellings. The McDonalds is adjacent to Spin Cycle (Coin Op) Laundry, and in the same building as the Minneapolis Public Schools North Area Office & Welcome Center. Extending the hours of operation for the McDonalds drive-through will produce more noise and traffic in the area during late night hours. The drive aisle for the McDonalds drive-through is located on the North side of the building, within site and sound of the aforementioned residential district located on the North side of 21<sup>st</sup> Avenue. An all night drive-through may result in increased traffic, speaker box noise (for ordering food), radios/stereos playing, engines idling, and inadvertent headlight glare.

There has been a coordinated effort among neighborhood residents, the Planning Department, the Police Department and the Licensing Department over the past several years to limit the number of uses open past the set operating hours of the zoning code along this portion of West Broadway due to problems.

Planning Staff research conducted in 2005 found that the following businesses were approved to operate the following (extended) hours:

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**Staff Summary of Extended Hours of Operation on West Broadway Avenue 2005:**

- McDonalds – located at 918 West Broadway Avenue in Hawthorne Crossings  
The lobby is open Monday through Friday 6:00 am to 9:00 pm and Saturday-Sunday 7:00 am to 9:00 pm.  
The drive-through is open Monday through Thursday 6:00 am to 12:00 am, Friday 6:00 am to 1:00 am, Saturday 7:00 am to 1:00 am, and Sunday 7:00 am to 12:00 am.
  - Spin Cycle Coin Laundries located at 904-916 West Broadway in Hawthorne Crossings operates 24 hours a day, seven days per week.
  - The Burger King restaurant at 818 West Broadway operates within the permitted hours of the zoning district. In May 2001, the CPC denied a conditional use permit to extend the hours of operation from Sunday through Thursday, 6:00 am to 10:00 pm and Friday and Saturday, 6:00 am to 11:00 pm to Sunday through Thursday, 6:00 am to midnight and Friday and Saturday, 6:00 am to 2:00 am.
  - White Castle – located on the NE corner of Broadway and Aldrich Avenue  
The lobby and drive-through is open 24 hours a day, seven days a week. The extension of hours for this use predates the zoning code restrictions.
  - Taco Bell – located on the SW corner of Broadway and 4<sup>th</sup> Street  
The lobby is open Sunday through Saturday 10 am to 10 pm. The drive-through is open until 11 pm Sunday through Thursday and until 12 midnight on Friday and Saturday.
  - Wendys – located on the SE corner of Broadway and 4<sup>th</sup> Avenue  
The lobby is open seven days a week 10 am to 9 pm. The drive-through is open until 11 pm Sunday through Thursday and until 12 midnight Friday and Saturday.
  - KFC – located on the SW corner of Broadway and Girard Avenue  
The lobby and drive-through is open Monday through Thursday 10:30 am to 10 pm, Friday and Saturday 10:30 am to 11 pm and Sunday 10:30 am to 10 pm.
  - Cub Foods located at 701 West Broadway Avenue operates 24 hours per day, seven days a week.
  - The SuperValu grocery store located at 501 West Broadway in the Broadway Shopping Center was granted 24-hour operation, but has since left the premises voiding the CUP for extended hours.
  - Pair of Dice Pizza at 2715 West Broadway was granted a CUP in January 2002, to extend the hours of operation on Sunday through Thursday from 10 pm until 11 pm and on Friday and Saturday from 11 pm until 12:00 am (midnight) for deliveries only and subject to conformance to noise ordinances.
  - Winner's Gas Station located at 626 West Broadway, CUP approved by CPC in January 2004 for 4:00 a.m. to 1:00 a.m. daily subject to the provision of off duty Police personnel for security.
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.**

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The proposed overnight fast food drive-through window may be injurious to the use and enjoyment of other property in the vicinity and may 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.** The site is zoned C3S - Community Shopping Center. The use is located in the Hawthorne Crossings shopping center. This site is located to the south of 21<sup>st</sup> Avenue North-which is the southern boundary of a residential district, to the west of an existing Burger King restaurant and a Qwest telephone exchange building, to the north of various commercial businesses along West Broadway and to the east of another building that is part of the Hawthorne Crossings shopping center. The design of the drive-through leads vehicles behind the building toward the adjacent residential district to order food from an outdoor speaker box.

**Nature of the business and its impacts of noise, light and traffic.** The applicant is proposing to keep the McDonalds drive-through open 24-hours a day, seven days a week. Given that fast food restaurants with drive-through windows rely heavily on customers arriving and departing quickly in vehicles, staff believes the presence of a 24-hour drive-through window will increase the noise, light, and traffic in the area which could negatively impact the nearby residential uses.

**Conformance of use.** Fast food restaurants are a permitted use in the C3S zoning district. The applicant was previously granted a CUP for extended hours of operation from 4:00 a.m. to 1:00 a.m., seven days a week, with no speaker boxes to be in use after 12:00 Midnight or prior to 6:00 a.m. The applicant is currently operating the business during the hours listed previously in this report. The Hawthorn Crossings shopping center was reviewed and approved by the City Planning Commission for a site and parking plan (PR 364) on June 4, 1997.

**Complaints received.** Staff printed a police incidents report from the City of Minneapolis property information webpage for 900 West Broadway, which includes McDonalds and the rest of the uses in the Hawthorn Crossings shopping center. There have been 40 incidents and 6 reports filed from January 1, 2005, through May 12, 2005, one of which was a false business alarm during extended hours. From January 1, 2004, to December 31, 2004, there were 128 incidents reported and 7 reports filed. Ten (10) of the incidents occurred during extended hours (1 fight, 1 unwanted person, 8 biz audible alarms) with no reports filed. In all of 2003, there were 78 incidents and 11 reports filed. Eight (8) of the incidents occurred during extended hours (1 domestic abuse, 1 suspicious person, 1 fire reported out, 1 check welfare, 1 intoxicated person, 1 theft, 1 medical emergency, 1 false business alarm) with 1 report filed.

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

The existing utilities, access roads, drainage and other facilities are adequate. McDonalds has existing security cameras directed on the menu board and pick-up window. Police department staff has requested additional cameras on the parking lot areas and/or security coverage if 24-hour operation is approved.

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

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Extended hours of operation should not add significantly to the traffic congestion in the public streets during late night hours. The development has provided more than the 6 stacking spaces required by the zoning code for a drive-through pick-up window. McDonalds has existing bicycle parking for customers.

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

This site is located in a Community Shopping Center district, surrounded by commercial and residential districts. This use is also located along a commercial corridor identified as an auto-oriented shopping center district. In the City Form chapter found in *The Minneapolis Plan*, Policy 9.8 states that “Minneapolis will maintain and strengthen the character of the city’s various residential uses.” And Policy 9.15 states that “Minneapolis will protect residential areas from the negative impacts of non-residential uses by providing appropriate transitions.” See narrative in finding #1 of this report, an all night drive-through may result in increased traffic, speaker box noise (for ordering food), radios/stereos playing, engines idling, and inadvertent headlight glare near a residential area.

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

The use is in conformance with the applicable policies of the zoning code for the C3S zoning district.

**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 **deny** the conditional use permit application for 24 hour operation for the McDonalds restaurant located at 916 West Broadway.

**Attachments:**

1. Minutes from 8/04/05 CPC meeting (BZZ 1276)
2. Findings
3. Email from property owner
4. Police Incidents Report
5. Letters to neighborhood organizations and Council Member
6. Correspondence from property owner and neighborhood organization
7. Zoning map
8. Plans
9. Photos