

# **Community Planning and Economic Development Planning Division Report**

## **Conditional Use Permit and Site Plan Review**

**BZZ-2242**

**Date:** April 11, 2005

**Date Application Deemed Complete:** March 8, 2005

**End of 60 Day Decision Period:** May 6, 2005

**End of 120-Day Decision Period:** The applicant has extended the time for review to July 31, 2005.

**Applicant:** Peter Roos for Border Foods dba Taco Bell

**Address Of Property:** 425 West Broadway Avenue

**Contact Person And Phone:** Peter Roos, Roos & Associates, 612-269-2204

**Planning Staff And Phone:** Lonnie Nichols, 612-673-5468

**Ward: 5**      **Neighborhood Organization:** Near North

**Existing Zoning:** C-2

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

**Zoning Plate Number:** 8

**Legal Description:** Lot 1 and that part of Lot 2 Block 21 Christmas Lewis Reno & Shermans Addition to North Minneapolis lying East of 5<sup>th</sup> Street North as opened and that part of Lot 1 Block 33.

**Proposed Use:** Restaurant, fast food with drive through and extended hours of operation. The applicant has filed for extended hours of operation to 2:00 a.m. Sunday to Thursday and 3:00 a.m. Friday and Saturday. The existing permitted hours of operation at this establishment are from 6:00 a.m. to 11:00 p.m. Sunday through Thursday and 6:00 a.m. to 12:00 a.m. Friday and Saturday.

**Concurrent Review:** Site Plan Review and Conditional Use Permit for extended hours of operation

**Appropriate Section(s) of the Zoning Code:** Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement-specifically, Article VII, Conditional Use Permits, Chapter 530 Site Plan Review, Chapter 535 Regulations of General Applicability, Chapter 536 Specific Development Standards, Chapter 541-Off Street Parking and Loading, Chapter 543 On-premise Signs, Chapter 548 Commercial Districts.

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**Background:** The applicant has indicated that a restaurant business has existed at 425 West Broadway since 1987, and that Border Foods has owned the property and operated a Taco Bell with drive through service using extended hours of operation to approximately 2:00 am weekdays and 3:00 am weekends without a CUP for the past 7 years. Due to a neighborhood concern with a nearby business, businesses in the area were notified by the City of the hours of operation permitted in their respective zoning districts, and asked to operate in compliance with those hours unless a conditional use permit for extended hours of operation is or had been granted. The Northside Residents Redevelopment Council met with the applicant in March 2005, and voted to deny the conditional use permit for the extension of hours. NRRC staff provided City Planning with a letter in opposition to the proposed extension of hours, and staff has received written statements from three other residential neighbors, including the President of the nearby Park Place town home association in opposition to the extension of hours. The applicant has countered that he was not allowed adequate presentation and discussion time at the neighborhood meeting. The applicant has requested a continuance of the public hearing with the City Planning Commission to April 25, 2005.

**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 **continue** the conditional use permit for extended hours of operation for the Taco Bell restaurant located at 425 West Broadway Avenue in the C2 district to April 25, 2005.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Site Plan Review:**

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the site plan review application for the Taco Bell restaurant located at 425 West Broadway Avenue in the C2 district to April 25, 2005.

**Attachments:**

1. Letter from applicant
2. Zoning map