

Date: September 16, 2020.
Applicant: Border Foods

RE: APC 20-6 / File #20-066-196
Address: 565 N. Snelling
City Council Statement of Brian D. Alton, Attorney for Border Foods.

Council President Brendmoen and Members of the City Council:
My name is Brian Alton. My address is 951 Grand Avenue, Saint Paul. I represent Border Foods.

We request that you deny the appeal. The Planning Commission did not make any error in its findings. There is no basis for granting the appeal. The Planning Commission resolution correctly finds that 11 different findings of fact, standards, and conditions are met by the application.

The appeal filed by the Hamline-Midway Coalition fails to state any valid reason to reverse the decision of the Planning Commission. There is no rational basis for a denial of the conditional use permit. There are no factual or legal reasons to find an error was made.

Currently there is an existing valid conditional use permit for the existing drive through at this location which remains in effect. As shown by the application Border Foods is not asking for any modifications, waivers or variances. The use is not expanded or changed.

Border Foods intends to continue its business and wants to rebuild a new restaurant and make it better. This is a good time to do that and Border Foods is ready to go ahead.

The new building and site plan will be a major improvement over the existing conditions. The new plan:

- reduces parking,
- increases the pervious surface area,
- increases landscaping,
- includes rain gardens, and
- will improve traffic flow.

In the midst of this pandemic, a new building will improve the ability of Taco Bell to provide a moderately priced food option for its many hundreds of customers, delivered in a safe and secure way. Snelling Avenue is a busy state highway, but still most of Taco Bell's customers are local people who enjoy the food and appreciate the convenience.

There are a few letters that have been submitted in support of the appeal. These letters are all "anti" drive-through restaurant. None of them provide reasons to grant the appeal. Information that is not relevant to whether the Planning Commission made an error should not be considered. One letter, from a Planning Commission member, is particularly inappropriate and should not be considered by the Council. A personal dislike of drive-through and fast food restaurants, should not influence an important legal decision.

Please deny the appeal and approve this new application as recommended by the Planning Commission so that Border Foods can rebuild and improve. Thank you for your consideration.