

RE: File # 20-047-173

Re: Appeal Border Foods Conditional Use Permit Application
Submitted by Hamline Midway Coalition, District Council 11

August 17, 2020

St. Paul City Council members,

Hamline Midway Coalition is appealing the approval of the application for a Conditional Use Permit submitted by Border Foods, Inc. for the proposed site plan for a new Taco Bell store at 565 North Snelling Avenue, St. Paul, MN 55104.

The Zoning Committee made a recommendation to deny the Conditional Use Permit and the Planning Commission approved the CUP. There is clearly a difference of opinion as to whether the application meets the following thresholds of the CUP. We ask that you reconsider the findings of the Zoning Committee summarized here and deny the Conditional Use Permit application.

§61.501 lists five standards that all conditional uses must satisfy. The applicant failed to meet **three** of these standards according to the Zoning Committee:

*(a) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. Per the Zoning Committee, “**This condition is not met.** The proposed drive-through reconstruction is not consistent with Policy LU 1.52, which prioritizes development accessible by pedestrians and transit users over auto-oriented uses.”*

HMC comments: Border Foods has deliberately chosen an auto-centric, non-conforming building plan. The applicant is also proposing 18 off-street parking spaces, more than **200% over** the maximum allowed for restaurants within an LRT station area. Although this is a reduction from the existing 1973 site plan we expect the city to evaluate development based on the standards in the 2040 St. Paul Comprehensive Plan.

The proposed building maintains the existing usable floor space, which is almost 5 times smaller than the minimum FAR of 0.5 (current and proposed FAR are 0.11). Border Foods has the opportunity to build a larger building to serve more pedestrian and transit customers and have chosen to prioritize customers using cars.

*(c) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. Per the Zoning Committee, “**This condition is not met...**the drive-through is detrimental to the*

pedestrian-friendly character of the area because it enhances an auto-oriented use while not providing for pedestrian-oriented services.”

HMC comments: The drive-through is not open to cyclists and when the lobby is closed (after 10 pm), both pedestrians and cyclists are not allowed to order at the drive-through.

(d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* Per the Zoning Committee: **“This condition is not met.** The proposed use is not consistent with the guidance provided in the City in regard to normal, orderly development in a Green Line station area or under T2 zoning.”

HMC Comments: Saint Paul and the State of Minnesota have invested roughly \$1B in the Green Line and A Line BRT to promote transit use and encourage pedestrian access. There is never an easy time to embark upon the significant land use pattern change proposed in both the 2040 Comprehensive Plan adopted in 2019 and [Snelling Station Area Plan](#) adopted in 2008. Note in the Snelling Station Area Plan (figure 1.8) specifically that *“drive through facilities such as those found at the McDonald’s and the American Bank **do not enhance the pedestrian nature of the Station Area.**”*The 2040 Comp Plan is an opportunity to change development priorities to create a 21st-century urban neighborhood which HMC seeks for residents and visitors who come to the Midway to live, work and shop.

We believe the Zoning Committee was **correct** in denying the Conditional Use Permit. There was **little to no discussion** from the Planning Commission as to why they overturned the Zoning Committee’s recommendation to deny the CUP. [All public comment](#) submitted by local residents and the district council was in **opposition** to the Conditional Use Permit. At the least, we feel there should have been more conversation by the Planning Commission to discuss the Zoning Committee’s findings and note the public comment being **100% opposed** to the CUP application.

We ask that you support Hamline Midway Coalition as we work to implement the bold vision of a sustainable urban business node that prioritizes transit use and pedestrian access in the Hamline Midway neighborhood. The Conditional Use Permit application gives us the ability to demand a higher standard of development. Therefore, we implore you to deny the Conditional Use Permit per the Zoning Committee recommendation.

Respectfully,

Hamline Midway Coalition Development Committee + Board of Directors