

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #13-01-_____

A RESOLUTION ADOPTING FINDINGS OF FACT #_____ RELATING TO A REQUEST FOR A CONDITIONAL USE PERMIT TO UTILIZE AND OPERATE ELECTRONIC SPEAKER DEVICES ASSOCIATED WITH A DRIVE-THRU USE TWENTY-FOUR (24) HOURS PER DAY IN THE COR-2b ZONING DISTRICT

WHEREAS, McDonald’s USA LLC, hereinafter referred to as the “Applicant,” has properly applied for a Conditional Use Permit to allow for the use and operation of electronic speaker devices associated with a drive-thru twenty-four (24) hours per day on the property legally described as follows:

Lot 4, Block 1, COR TWO Addition, Anoka County, Minnesota

(“Subject Property”)

NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA that the findings of fact relating to the request are determined to be as follows:

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Ramsey City Code on January 3, 2013, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
2. That the Subject Property is approximately 1.36 acres in size and is located at the southeast corner of Sunwood Drive and Armstrong Blvd.
3. That the Applicant has submitted a site plan to construct an approximately 4,600 square-foot restaurant that includes a drive-thru on the Subject Property.
4. That the submitted site plan indicates the drive-thru will have two ‘ordering’ lanes that merge into a single lane for payment and pick-up of food.
5. That the Applicant has requested use of electronic speaker devices associated with the drive-thru twenty-four (24) hours per day.
6. That the Subject Property is zoned COR-2b and drive-thrus are permitted in conjunction with permitted and conditional uses.
7. That within the COR-2b Subdistrict, there shall be no more than two (2) drive-thru lanes serving a given use.
8. That drive-thrus are not permitted in the front yard or within the front build-to-line, unless otherwise permitted as outlined in Item #17 below..

9. That electronic speaker devices shall not be audible beyond the Subject Property and shall not be operated between the hours of 10:00 p.m. and 7:00 a.m., with provisions as outlined in #15 below.
10. That adequate stacking distance of not less than five (5) vehicles shall be provided.
11. That screening of automobile headlights in the drive-thru lane to windows and doors of adjacent uses shall be provided.
12. That a bypass lane shall be provided for each drive-thru use, allowing cars to leave the drive-thru lane from the stacking area.
13. That based on the submitted plans, it appears that adequate stacking space is provided for the drive-thru.
14. That a bypass lane is provided to allow vehicles to leave the drive-thru lane from the stacking area.
15. That the restriction on the use of electronic speaker devices in City Code may have been unintentional and the City is currently processing an ordinance amendment that would allow for the use of electronic speaker devices outside the times of 7:00 a.m. and 10:00 p.m. via a conditional use permit.
16. That based on the orientation of the drive-thru, headlight glare will be toward Armstrong Boulevard (during ordering) and then toward Lot 3 Block 1 COR TWO, which is currently vacant but does have an approved site plan on file. Due to the private drive for ingress/egress and no green space, screening of headlight glare is not feasible.
17. That the Design Framework allows the use of the Development Plan to determine general building placement and said Development Plan approved a setback scenario instead of a build-to scenario. Furthermore, due to extenuating circumstances such as the approved Development Plan (6.1) (which shows the building footprint in this location), the shift to more auto-oriented uses in the COR-2b Subdistrict, and the realigned Sunwood Drive (which has six (6) vehicle lanes and diminishes the pedestrian 'feel' along this stretch of road), it may be appropriate to defer to the general business zoning districts related to the drive-thru, as permitted by City Code Section 117-118 (f), which districts do not restrict the location of drive-thru and bypass lanes.
18. That the proposed use will/will not adversely impact traffic in the area.
19. That the proposed use will/will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.
20. That the proposed use will/will not substantially adversely impair the use, enjoyment, or market value of any surrounding property.

21. That the proposed use will/will not be hazardous or disturbing to existing or future neighboring uses.
22. That the proposed use will/will not be served adequately by public facilities and services such as highways and streets.
23. That the proposed use will/will not create excessive additional requirements at public cost for public facilities and services, and it will/will not be detrimental to the economic welfare of the community.
24. That the proposed use will/will not involve activities and uses that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 22nd day of January, 2013.

Mayor

ATTEST:

City Clerk