

Narrative

McDonalds USA LLC Site Improvements

LANDFORM

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McDonalds USA, LLC

Medina, MN

LANDFORM

July 7, 2017

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Introduction

On behalf of McDonalds USA, LLC, Landform is pleased to submit this variance application to relocate the existing trash enclosure at McDonalds Restaurant located at 822 Hwy 55, Medina, MN. McDonalds is pleased to accommodate the County's road improvements and will provide high quality improvements on the site.

Variance

Hennepin County is proposing to construct new right-of-way on the northern boundary of the property that wraps around to the northwest corner. The proposed road improvements will eliminate the entrance of the property on the eastern boundary of the site and re-locate the entrance on the new road to the north. A portion of the property on the northwest side of the site will also be taken by the County for the road improvements. The County will be completing the road and access improvements for the site.

The existing trash enclosure is currently located on the northwest corner of the property however, the new configuration of the road and associated site entrance will require the enclosure to be moved slightly to the west. The new location will result in the trash enclosure being placed in the right-of-way setback.

Section 838.1.05, Subd. 5 (CH Lot Standards) requires a 25-foot setback for all structures in the front yard. The proposed location of the new trash enclosure will be 1.34 feet from the right-of-way. Therefore, we are requesting City approval for a variance for a 1.34-foot setback where 25 feet is required.

We have reviewed the request in accordance with Minnesota State Law and City ordinance standards in Section 824.45, Subd. 2, which provides standards for variances. Our application meets these standards as follows:

- a) *A variance shall only be granted when it is in harmony with the general purposes and intent of the ordinance.*

The proposed variance is in harmony with the general purpose and intent of the ordinance. The relocation of the trash enclosure is in response to the new access road constructed by the County. The intent of the Ordinance is to provide uniformity. The new street provides access to the rear yard of McDonalds and adjacent properties, which have similar needs for the rear-yards of the businesses. The location of the trash enclosure in the setback is consistent with the intent to provide a consistent street frontage.

- b) *A variance shall only be granted when it is consistent with the Comprehensive Plan.*

The proposed variance is consistent with the Comprehensive Plan. The accessory trash enclosure is essential to the operation of the McDonalds and cannot be placed in another

location on site. The trash enclosure's location is only changing only slightly from the existing location.

- c) *A variance may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute a practical difficulty. For a practical difficult to be established, all the following criteria shall be met:*

1. *The property owner proposes to use the property in a reasonable manner. In determining if the property owner proposes to use the property in a reasonable manner, the board shall consider, among other factors, whether the variance requested is the minimum variance which would alleviate the practical difficulty and whether the variance confers upon the applicant any special privileges that are denied to the owners of other lands, structures, or buildings in the same district;*

McDonalds is proposing to use the property in a reasonable factor and is requesting the minimum variance which would alleviate the practical difficulty. The County is taking land to construct a new road where the old trash enclosure was located and an alternative location is not practical for the operations of the restaurant.

2. *The plight of the landowner is due to circumstances unique to the property not created by the landowner; and*

The circumstances of the variance are unique to the property and not created by the landowner. The County is constructing a new access road north of the site. If the County were not constructing this road and taking land, the trash enclosure would not need to be moved.

3. *The variance, if granted, will not alter the essential character of the locality.*

The variance will not alter the essential character of the locality. The trash enclosure is already located on the northern edge of the property and will only be moved to accommodate the location of the new road.

Summary

We respectfully request approval of the variance to allow a 1.34-foot setback where 25 feet is required.

Contact Information

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