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## MEMORANDUM

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TO: Mayor & City Council  
FROM: Mary Lou DeWitt, Comm. Dev. Zoning Specialist  
SUBJECT: CUP at Taco John's located at 105 9<sup>th</sup> Circle South  
(new site)  
DATE: April 28<sup>th</sup>, 2022

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**Background:** Eric McBroom, applicant has applied for a Conditional Use Permit to allow the drive-thru hours of operation for a restaurant and eating establishment to be 6 AM to Midnight at his new site located at 105 9<sup>th</sup> Circle South.

The Planning Commission held a public hearing on March 21<sup>st</sup>, 2022. There were no issues from the neighboring sites for this Conditional Use Permit for extended hours for drive-thru service.

**Analysis:** The property site is located in the B-3, General Commercial District. The Zoning Ordinance states the following:

**\* Restaurants and eating establishments, including drive thru service provided that:**

- a. Residential properties shall be screened from vehicle lights in the stacking area. **The site is in the B-3 District, no residential nearby.**
- b. Adequate stacking is provided at the menu board and pick up window. **The Planning Commission had completed a Site Plan Review on December 20, 2020 and the stacking for vehicles between the menu board and pick up window met the review standards.**
- c. The drive-thru hours of operation are limited to 7:00 AM to 10:00 PM, unless extended by the City Council as part of the conditional use permit. **The applicant would like the drive-thru hours to be 6 AM to 12 AM (Midnight).**

*The two neighboring businesses hours are:*

Marathon Convenience Store

Monday - 4:30 AM – 11 PM  
Tuesday - 4:30 AM – 11 PM  
Wednesday – 4:30 AM – 11 PM  
Thursday – 4:30 AM – 11 PM  
Friday – 4:30 AM – 11 PM  
Saturday – 6 AM - 11 PM  
Sunday – 6 AM - 11 PM

Burger King Drive-thru Hours

Monday thru Sunday - 6 AM – 9 PM

The proposed Taco John's drive-thru hours to 6 AM to 12 AM will be beneficial for the manufacturing employees and highway traffic.

### CONDITIONAL USE PERMIT STANDARDS

The issuance of a Conditional Use Permit finds the proposed location complies with the follow-

ing standards:

1. The proposed use does not violate the health, safety or general welfare of Princeton residents. **The proposed use will not violate the health, safety or general welfare of the Princeton residents.**
2. The proposed use has been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation. **The proposed use of having extended drive-thru hours will not cause an increase of erosion, runoff, water pollution, or sedimentation.**
3. Adequate parking and loading is provided in compliance with the Ordinance. **The Planning Commission held a Site Plan Review on December 20, 2020 and found the parking and loading were in compliance.**
4. Possible traffic generation and access problems have been addressed. **The traffic and access were reviewed for the Site Plan Review and it meets the Engineer requirements.**
5. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity. **This Conditional Use Permit request will not cause an issue with the City's service capacity.**
6. The proposed use conforms to the City's Comprehensive Plan and is compatible with present and future land uses of the area. **This site conforms to the City's Comprehensive Plan and is compatible with the future land uses of the area.**

**CONDITIONS:** In approving any Conditional Use Permit, conditions can be applied to protect the best interests of the surroundings area or the City as a whole. Failure by the applicant or property owner to comply with the conditions of approval shall result in the revocation proceedings according to subsection E.

The conditions may include, but are not limited to, the following:

1. Ingress and egress to property and proposed structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe;
2. Off-street parking and loading areas where required, with particular attention to the items in Subd. 1 and the economic, noise, glare, or odor effects of the conditional use on nearby property.
3. Refuse and service areas, with particular reference to the items in Subd. 1 and Subd. 2 above.
4. Utilities, with reference to location, availability, and compatibility.
5. Diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
7. Required yards and other open space;
8. General compatibility with present and future land uses of the area; and
9. Hours of operation.

**Conclusion / Recommendation:** Normally, the Planning Commission’s decision will serve as the final ruling and the decision will be reported to the City Council for information only. In this case, the B-3 Zoning Ordinance states the City Council will approve the Conditional Use Permit for the extended hours (Do not apply days of the week with hours, keep the motion simple where drive-thru hours of operation are 6 AM to 12 AM).

The Planning Commission supports the Conditional Use Permit application and recommended approval to the City Council for Resolution #22-19 at the property site located at 105 9<sup>th</sup> Circle South (PID #90-402-0114) for drive-thru hours of operation for a restaurant and eating establishment to be 6 AM to 12 AM.

