

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** CVS Pharmacy **FILE #** 15-180-427
 2. **APPLICANT:** Velmeir Companies **HEARING DATE:** December 10, 2015
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 30 Fairview Ave S, NE corner at Grand Avenue
 5. **PIN & LEGAL DESCRIPTION:** 042823420027, Elmer & Morrison's RE Lots 11 Thru Lot 16 Block 3
 6. **PLANNING DISTRICT:** 14 **PRESENT ZONING:** T2
 7. **ZONING CODE REFERENCE:** §65.513, §61.501, §61.502
 8. **STAFF REPORT DATE:** 12/3/15 **BY:** Mike Richardson
 9. **DATE RECEIVED:** November 19, 2015 **60-DAY DEADLINE FOR ACTION:** January 18, 2016
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- A. **PURPOSE:** Conditional use permit for drive-through service with modification of special conditions requiring drive-through lanes and service windows to be at least 60 feet from residential property and requiring drive-through lanes not to be between the principal structure and a public street.
- B. **PARCEL SIZE:** ~200' (Fairview) x ~241.2' (Grand) = 48,240 SF
- C. **EXISTING LAND USE:** C-Grocery Store
- D. **SURROUNDING LAND USE:**
 - North: Single Family Detached (R3) across alley
 - East: Multifamily Residential (RM2)
 - South: Retail (T2) and Multifamily Residential (RM2) across Grand Ave.
 - West: Retail (T2) and Single Family Detached (RT1) across Fairview Ave. S
- E. **ZONING CODE CITATION:** §65.513 sets standards and conditions for drive-through sales and services; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** In 1985, a site plan was approved for R.C. Dick's Foods, which included the addition of the compactor, loading dock, and wall at the south end (Grand Ave) of the building. The site plan for Whole Foods was approved in December of 1994. The zoning was B2 at the time of both of these approvals. The West Grand Zoning Study (Ord 13-36) was adopted by City Council in 2013 and resulted in a rezoning of the parcel from B2 to T2.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 14 Council Housing and Land Use committee voted unanimously to recommend denial of the application. At the time of this report, a written statement had not been received.
- H. **FINDINGS:**
 1. Velmeir Companies is proposing to renovate an existing Whole Foods grocery store at 30 Fairview Avenue S for a CVS pharmacy and second retail user. The applicant is proposing to demolish part of the south side of the building facing Grand Avenue to construct a drive-through. The addition of a drive-through to the site requires a conditional use permit. The applicant is requesting modification of the conditions of the CUP to accommodate existing site conditions. The requested modifications relate to the

proximity of drive-through elements to residential property and the location of the drive-through as it relates to the building and the street.

2. §65.513 lists five standards and conditions for all drive-through sales and services and two that are specific to T2 districts:

- (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling. This condition is not met. The proposed drive-through is located between the south side of the building and Grand Avenue. The eastern edge of the drive-through lane is eight (8) feet from the lot line of the multifamily residential property to the east. The applicant has requested a modification of this condition.*
- (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property. This condition is not met. While the westernmost curb cut on the Grand Avenue side is approximately eighty (80) feet from the intersection, the eastern curb cut of the drive-through lane is eight (8) feet from abutting residentially zoned property to the east. The applicant has requested a modification of this condition.*
- (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property. Does not apply. Based on a review of the plans, it appears that there is not a speaker box and drivers will conduct their business directly in front of the service window.*
- (d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property. This condition is met. The site plan shows an eight (8) foot planted buffer adjacent to the residentially zoned property to the east.*
- (e) *Stacking spaces shall be provided for each drive-through lane. Banks, credit unions, and fast-food restaurants shall provide a minimum of four (4) stacking spaces per drive-through lane. Stacking spaces for all other uses shall be determined by the zoning administrator. This condition is met. The zoning administrator's office has reviewed the plan and determined that stacking spaces are sufficient.*

Additional conditions in the T2 traditional neighborhood district:

- (f) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes. This condition is met. The site plan shows one (1) drive-through lane and one (1) service window.*
- (g) *The number of curb cuts shall be minimized. In light rail station areas, there shall generally be no more than one (1) curb cut on a block face per drive-through. Drive-through sales and services are prohibited along the entire length of block faces adjacent to light rail transit station platforms. This condition is met. The entry curb cut serves both the drive-through and the parking lot, and there is a single curb cut for the drive-through exit. The site plan shows that an existing curb cut on Grand Avenue closer to the intersection will be eliminated, resulting in two total curb cuts.*

3. §61.501 lists five standards that all conditional uses must satisfy:

- (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.* Land Use Policy 1.47 calls for streets in compact commercial areas to conform to certain criteria, including increased streetscape amenities. While the site plan shows the addition of elements that would increase streetscape amenities the drive-through has the potential to introduce pedestrian-vehicular conflicts. Land Use Policy 1.45 identifies safety for pedestrians as an important part of vital and attractive commercial areas. In the current Macalester-Groveland Community Plan, Public Utilities Policy #2 is to maintain and enhance public ways to ensure safe and effective public usage. The proposed Macalester-Groveland Community Plan Update encourages reinvestment in rehabilitation of existing buildings (LU3.3). The use can be in substantial compliance with the Comprehensive Plan, subject to site plan approval by the City Traffic Engineer as it relates to traffic and pedestrian safety during the site plan review process, and any conditions added to the site plan approval to ensure this.
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The site plan shows the closure of the curb cut closest to the intersection. The drive-through exit would be one way to the street and would not negatively impact the flow of traffic within the public street.
- (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.* This condition is not met. While the use of the building itself as proposed would be consistent with the character of the immediate neighborhood, the addition of a drive-through would not. Based on a visual survey of Grand Avenue between Snelling to the east and Cleveland to the west, the only drive-through is at the bank at 1827 Grand Avenue. This drive-through is located to the side and rear of the property, is set back approximately 80' from the curb cut, and is not located between the building and the street. Therefore, the proposed drive-through would be unique within the neighboring corridor. While the site plan shows additional landscaping near the drive-through and the removal of a compactor, loading dock, and screen wall, the addition of drive-through circulation could result in increased vehicular-pedestrian conflicts at the south end of the building.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The Land Use Chapter of the Comprehensive Plan identifies the Fairview and Grand intersection as a commercial node at the west end of a Mixed Use Corridor. Considering this designation and the surrounding zoning districts, the addition of a drive-through would not prevent normal and orderly development of the surrounding property.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met. If conditions noted in findings 2(a) and 2(b) are modified, the use will conform to the applicable regulations of the district in which it is located.
4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* Three

modifications are requested: 1) placing the drive-through between the building and Grand Avenue; 2) placing the drive-through lane eight (8) feet from the residentially zoned property to the east; 3) placing vehicle ingress and egress eight (8) feet from the residentially zoned property to the east.

The criteria in §61.502 for modification of these special conditions are not met. The existing building introduces constraints within which the applicant must work. Due to spatial limitations on other sides of the building, the location of the drive-through on the site plan is the only possible location where one could be located. The applicant has demonstrated a good effort to design the landscaping and vehicular ingress and egress to reduce the impact on the adjacent residential property. However, while a drive-through is a common accessory use for the operation of a pharmacy, it can operate without a drive-through. For example, the CVS pharmacy at the corner of Grand Avenue and Oxford Street and the Walgreens at Grand Avenue and Grotto Street do not have drive-through lanes. Therefore, strict application of the special conditions would not unreasonably limit or prevent otherwise lawful use of the property and existing structure, and would not result in exceptional undue hardship to the owner of the property. There is also a potential safety hazard introduced when drive-through circulation is crossed with pedestrian movement on the sidewalk.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the conditional use permit for drive-through service with modification of special conditions requiring drive-through lanes and service windows to be at least 60 feet from residential property and requiring drive-through lanes not to be between the principal structure and a public street.



CONDITIONAL USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

Zoning Office Use Only
 File #: _____
 Fee: _____
 Tentative Hearing Date: 12-10-15

PD-14

042823420027

APPLICANT

Name Velmeir Companies Email kmcghee@velmeir.com
 Address 5757 West Maple Road, Suite 800
 City West Bloomfield State MI Zip 48322 Daytime Phone 612.308.3560
 Name of Owner (if different) Grand & Fairview, LLC, Bob Olson
 Contact Person (if different) Brian Alton Phone 651.290.0301

PROPERTY LOCATION

Address/Location 30 Fairview Ave. S., St. Paul, MN 55105
 Legal Description Lot 11-16, Block 3, Elmer & Morrison's rearrangement of part of Macalester Park
 Current Zoning T2
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
 Chapter 65, Section 66, Paragraph 321, of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

Please see attached.

Required Site Plan is attached

Applicant's Signature Kevin McGhee Date 11-16-15 City Agent pdh 11/16/15

Conditional Use Permit

**Drive through service facility (Sec. 66.321)
&
Modifications of Conditions (Sec. 65.513):
Drive through located between building and street and within required
yard
Drive through window and egress closer than 60 feet to residential**

The existing occupant of the building, Whole Foods, will be moving to a new store at Snelling and Selby. The building will be completely renovated for a CVS pharmacy and another retail user of a small portion. The applicant is requesting a conditional use permit for a drive through so that the property can be renovated for a new pharmacy. The applicant also requests a modification of the conditions for the CUP to accommodate the existing conditions.

Sec. 61.501. - Conditional use permit, general standards

1. *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable sub-area plans which were approved by the city council.*

The continued use of the property for retail use with a new drive through will be in substantial compliance with the Saint Paul Comprehensive Plan. The drive through facility will be located at an area of the building that is now used as a loading dock for semi trucks and a trash compacter. The drive through will be carefully designed, screened, landscaped and separated from Grand Avenue and the adjoining residential property to the East.

The CUP is consistent with certain of the Recommendations of the Macalester Groveland Community Plan (Adopted October 3, 2001). It is also consistent with the 2015 Macalester Groveland Community Plan. (For example: Promote diversity and accessibility of goods and services (EBD2); and Encourage reinvestment in rehabilitation of existing buildings (Lu3.3)).

2. *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

The proposed plan provides adequate ingress and egress to minimize congestion. An existing access close to the intersection will be moved farther away.

The location of the drive through facility and design of the site provides the required stacking space for cars. This will prevent conflicts with ingress and egress in the parking lot.

The new use of the property will generate substantially less traffic than the current grocery store.

3. *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.*

Attachment to Application for Conditional Use Permit

Property address: 30 Fairview Ave. South, St. Paul, MN

November 16, 2015

The proposed new drive through facility will accommodate customers who desire to have the convenience of a drive through for filling prescriptions. The renovation of the building will improve the existing character of the neighborhood and not endanger public health, safety or general welfare. There will be more open space along Grand Avenue that will improve the appearance for the neighboring property. The improved landscaping, and other amenities will improve the appearance of the site.

The upgrades to the property will be done in compliance with standards and other conditions for property located in T2 zoning districts.

The redesigned drive through will improve on the existing situation and lessen the impact on the nearby residential properties.

The amount of impervious surface will be decreased and amount of landscaping will be increased. The number of parking spaces in the parking lot will be decreased.

4. *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The design proposed for the renovation of the building will not impede the normal and orderly development of the surrounding properties.

5. *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

The drive through service facility for the pharmacy will in all other respects conform to the applicable regulations of this district.

Sec. Sec. 65.513. - Drive-through sales and services, primary and accessory

Standards and conditions:

- (a) Drive-through lanes and service windows shall be ... at least sixty (60) feet from the closest point of any residentially zoned property.
- (b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from ... from abutting residentially zoned property.

The applicant wishes to modify the conditions relating to the proximity of the drive through to the neighboring property next door. There is no other location for the drive through on the property. The location of the existing building abutting the apartment building next door requires that the drive through and entrance be within the required 60 feet.

Strict application of the conditions would unreasonably prevent otherwise lawful use of the existing structure and would result in exceptional undue hardship.



GRAND AVE. AND FAIRVIEW AVE., ST. PAUL, MN

November 2015



BEFORE CONDITION CVS PHARMACY



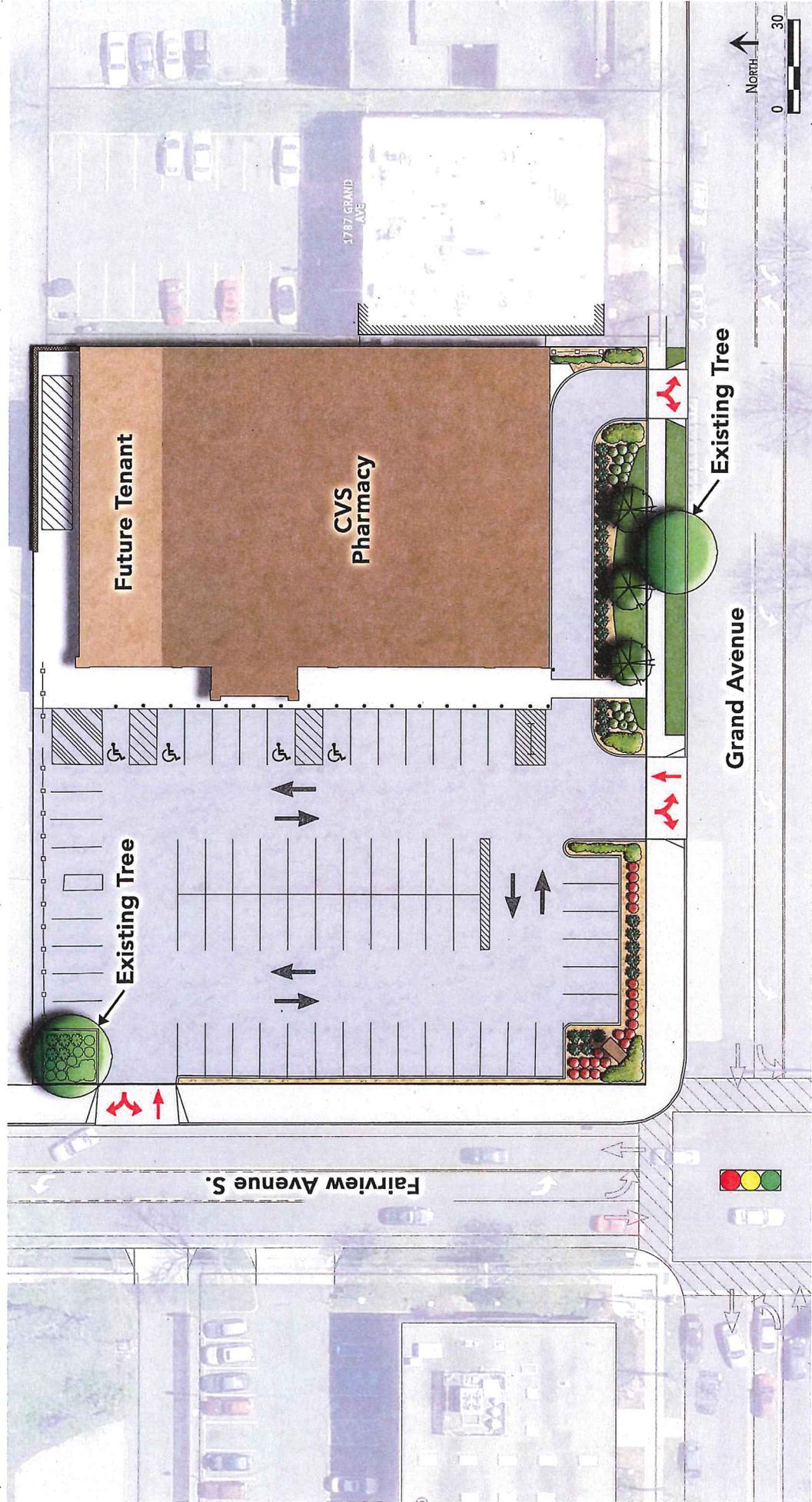
GRAND AVE. AND FAIRVIEW AVE., ST. PAUL, MN

AFTER CONDITION

November 2015



CVS PHARMACY



GRAND AVE. AND FAIRVIEW AVE., ST. PAUL, MN

November 2015

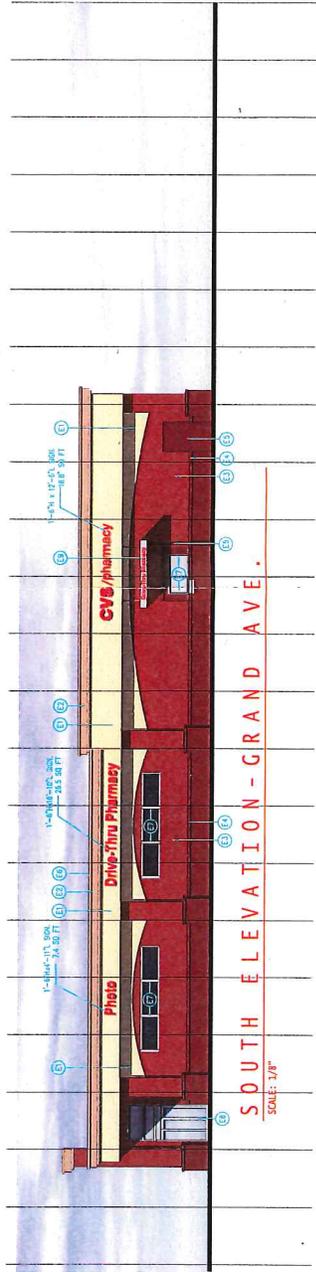


LANDSCAPE RENDERING CVS PHARMACY

| NO. | MATERIAL / DESCRIPTION | MPR | FINISH | SCHEDULE | COLOR | NOTES |
|-----|------------------------|----------------|-----------|-----------|-------------|---|
| (1) | STD STEEL LOTSWAN | 18" x 24" | WASH-ZINC | 18" x 24" | WASH-ZINC | |
| (2) | STD STEEL LOTSWAN | 18" x 24" | WASH-ZINC | 18" x 24" | WASH-ZINC | |
| (3) | STD STEEL LOTSWAN | 18" x 24" | WASH-ZINC | 18" x 24" | WASH-ZINC | |
| (4) | BRICK ANGER | PKG 1/2" BRICK | MODULAR | CVS RED | CVS RED | * 4" BRICK BOND, 1/2" JOINTS * WALL-BOND, 3/8" JOINTS * CONCRETE BLOCK, 1/2" JOINTS * BUILDING SUPPLIES INC. |
| (5) | PAINT | | BELMONT | DOOR | BLACK, 1/4" | PAINT TO MATCH CEILING & OFFICE LIGHTING BREAK AS |
| (6) | PREFINISHED METAL | | SEE SPECS | | | |
| (7) | ALUM. STORM/DRIFT | | EMERALD | | | |
| (8) | ALUM. AUTOMATIC DOOR | | EMERALD | | | |
| (9) | PRE-FABRICATED GARAGE | | EMERALD | | | |



WEST ELEVATION - FAIRVIEW AVE.
SCALE: 1/8"



SOUTH ELEVATION - GRAND AVE.
SCALE: 1/8"

SUPPORT

Richardson, Mike (CI-StPaul)

From: Alan Spaulding <aspaulding@athomeapartments.com>
Sent: Wednesday, December 02, 2015 6:39 PM
To: Richardson, Mike (CI-StPaul)
Cc: 'Mike Cashill'
Subject: Grand Ave CVS

Mr. Richardson,

I am 50% owner of 1787 Grand Ave, the 18 unit apartment building next door to the current Whole Foods. My partner, Mike Cashill, and I support the proposed use of a single story CVS. The pharmacy would be a nice amenity for our residents. The current plan of adding a drive through lane means they will be demolishing the 2 story portion of the building on the south side of the lot, which will improve the view for several of our apartments. We had been concerned the building would be torn down to allow for a multi-story development which would have been very restrictive for our property, as our building is very close to the property boundary with Whole Foods. Thank you for your time, I can be reached at the contact info below should you have any questions.

Best Regards,

Alan Spaulding

At Home Apartments, LLC
616 Lincoln Ave.
St. Paul, MN 55102

www.athomeapartments.com

P: (651) 294-3281
F: (651) 221-0339

* Please note my direct dial number has changed.

_____ Information from ESET NOD32 Antivirus, version of virus signature database 12662 (20151202) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

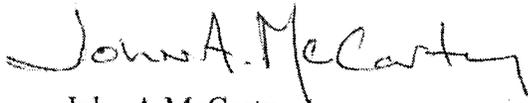
SUPPORT

John A McCarty, President
Grand Ave Restaurants, Inc.
DBA Grandview Grill
1818 Grand Ave.
St. Paul, MN 55105

To whom it may concern,

For twenty-five years my company has been operating the Grandview Grill at the corner of Grand and Fairview.

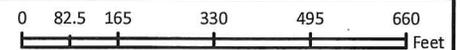
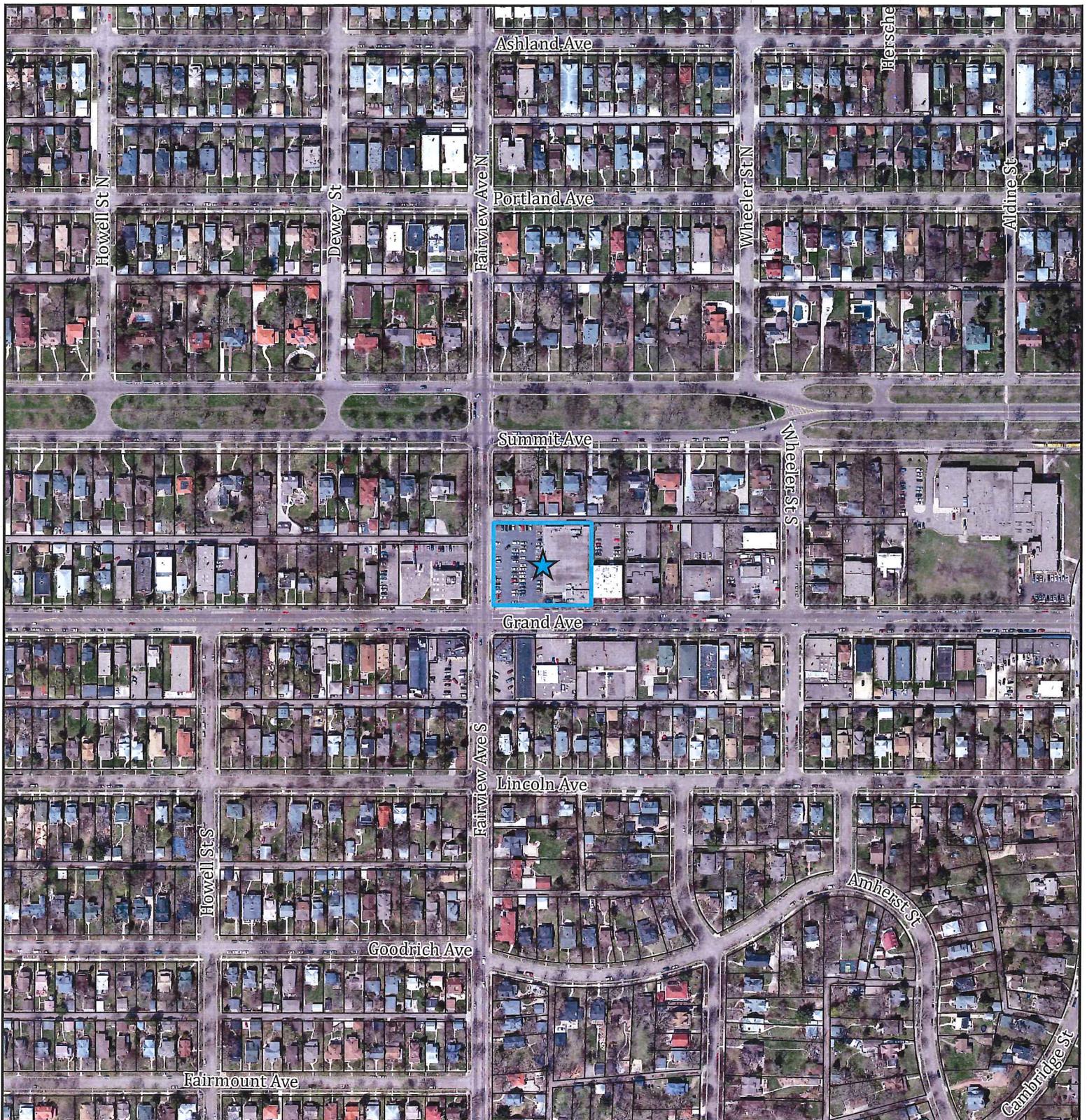
I have studied the plans to convert the Whole foods grocery store located at Grand and Fairview Avenue and the addition of a drive thru window on the south end of the property. I love the idea of CVS coming to the community and feel that the neighborhood will be well served with the drive thru window. I support this project 100 percent.



John A McCarty
612-963-1106



N ↑



FILE NAME: CVS Pharmacy (30 Fairview S.)

Aerial

APPLICATION TYPE: CUP w/modif. and variance

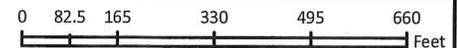
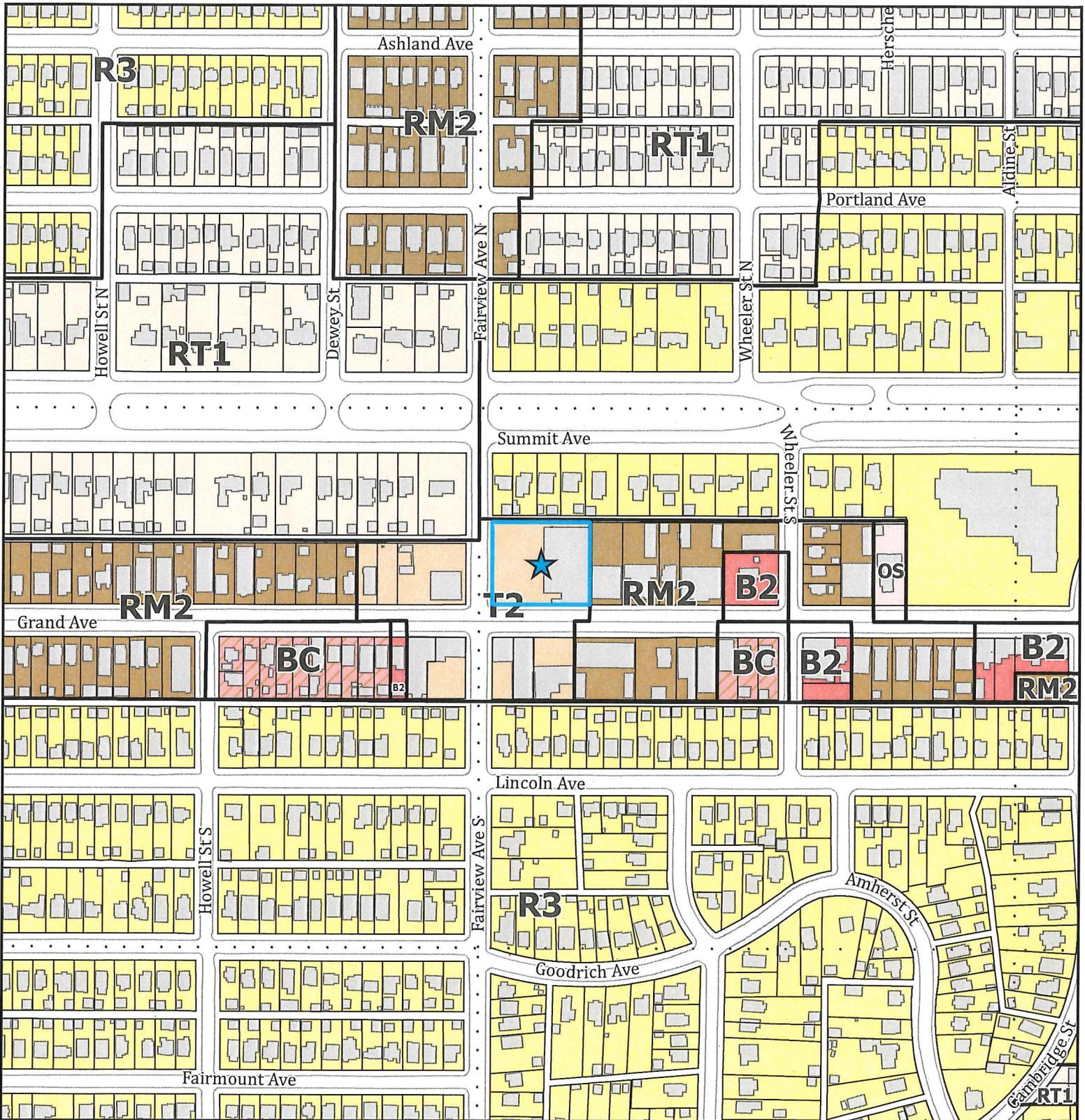
 Subject Parcels

FILE #: 15-180427 DATE: 11/19/2015

PLANNING DISTRICT: 14

ZONING PANEL: 13





FILE NAME: CVS Pharmacy (30 Fairview S.)

APPLICATION TYPE: CUP w/modif. and variance

FILE #: 15-180427 DATE: 11/19/2015

PLANNING DISTRICT: 14

ZONING PANEL: 13

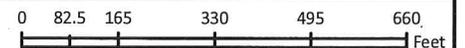
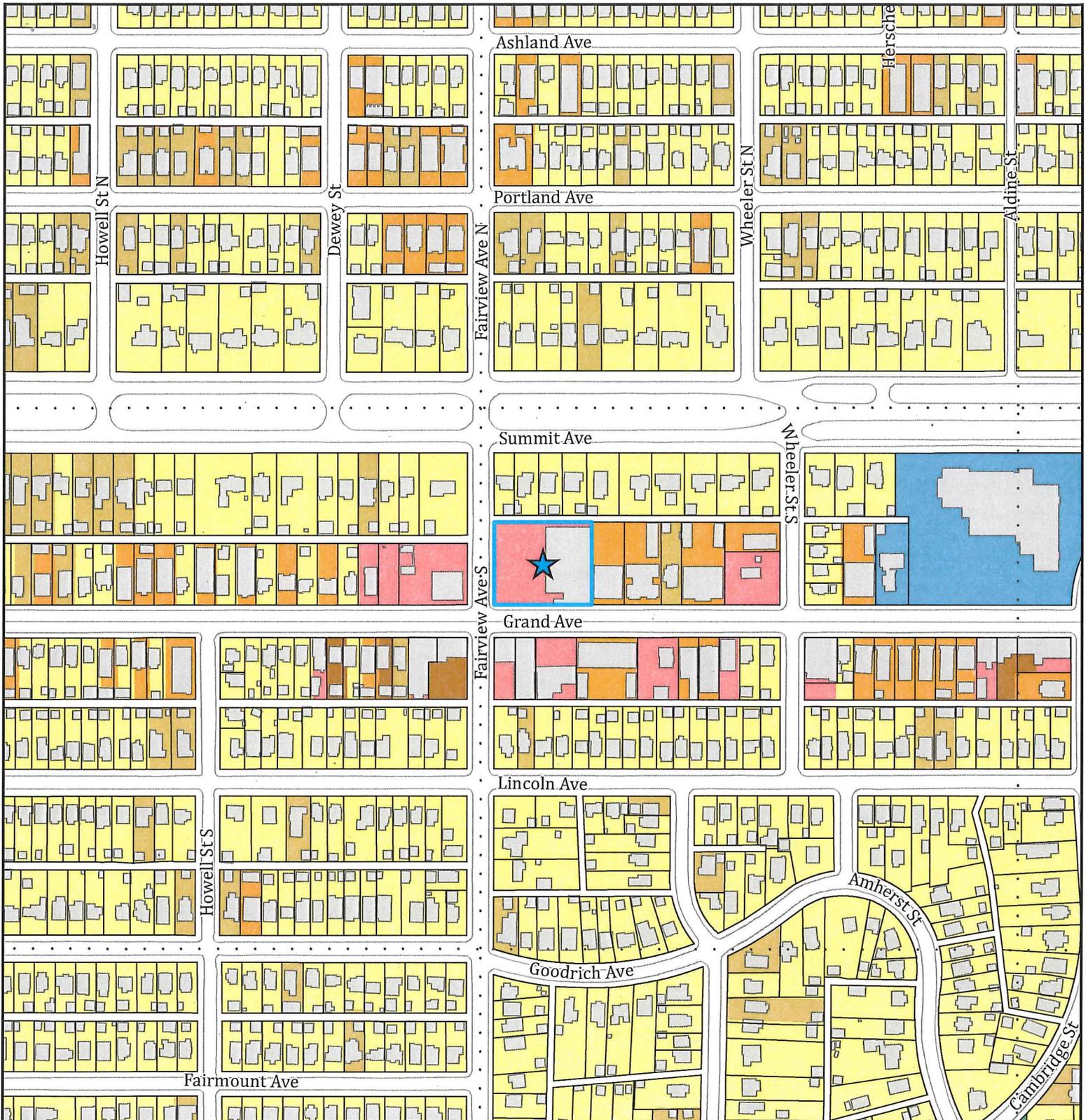
Zoning

- R3 One-Family
- RT1 Two-Family
- RM2 Multiple-Family
- T2 Traditional Neighborhood
- OS Office-Service
- BC Community Business (converted)
- B2 Community Business

Subject Parcels

· · · Section Lines





FILE NAME: CVS Pharmacy (30 Fairview S.)

APPLICATION TYPE: CUP w/modif. and variance

FILE #: 15-180427 DATE: 11/19/2015

PLANNING DISTRICT: 14

ZONING PANEL: 13

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Mixed Use Residential
- Institutional
- Park, Recreational or Preserve

Subject Parcels

Section Lines

