

MINUTES OF THE ZONING COMMITTEE
Tuesday, December 29, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Makarios, Merrigan, Nelson, Padilla, Wencl, and Wickiser
EXCUSED: Edgerton and Reveal
STAFF: Bill Dermody and Samantha Langer

CVS Pharmacy - 15-180-427 - 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 at 30 Fairview Ave S, NE corner at Grand Avenue

The meeting was chaired by Commissioner Nelson. He noted that this case was tabled at the December 10 Zoning Committee meeting. The Committee requested more information regarding the conditions on the previous conditional use permit for the loading dock area. The applicant was also requested to try and make the site plan more pedestrian friendly.

Bill Dermody stated that there have been changes to the site plan including an improved east/west connection from the northwest corner of the property and a modified planting plan in line of site triangles. There is also a sign near the exit of the drive through that refers to taking care to avoid pedestrians in that area. Mr. Dermody stated that the staff recommendation is for denial of the conditional use permit and modifications. He stated District 14 recommended denial, and there were 5 letters in support, and 7 letters in opposition.

Vicki VanDell, Loucks Associates, 365 E. Kellogg Boulevard, Saint Paul, explained the site modifications they made to the plan. Ms. VanDell reiterated that the trip generations for this site will go down drastically. Currently the grocery store is about 2,000 vehicles per day and CVS would be approximately 1,100 vehicles per day. They checked with Whole Foods transaction history and within a week that number was verified. Ms. VanDell stated that due to concerns about pedestrian access they have provided another pedestrian access along the north side of the site. It is return curb so they are large six inch curbs that come across flat, but they are protected. There will be protected curbs and stripped cross walks getting pedestrians to the front door on the north side in the east/west direction. They also have a pedestrian connection on the south side going to Grand Avenue. They included site triangles where vehicles can look for pedestrians as they are coming up to the intersections. It is 10 feet back and 20 feet in either direction and in the site triangles you'll see in the landscape plan that they kept the landscaping to 18 inches high. It still looks nice, but will not hinder visibility. They also added signage at all of the exits stating to stop for pedestrians in crosswalk. Regarding the landscaping, they increased the height of some of the shrubs and added color to the shrubs in the front to add more interest. They added grasses along Fairview to create some vertical height and separation between the parking lot and sidewalk. They also increased the height of the shrubs adjacent to the drive through. Ms. VanDell also spoke to the delivery schedule of both Whole Foods and CVS. She said CVS has one dry truck delivery per week, and Whole Foods has about 10 delivery trucks per week. She also noted that there are three trash pickups for the grocery use and there will be only one trash pickup for CVS use.

Brian Alton, 951 Grand Avenue, Saint Paul, explained that Wayne Shores, Velmeir Companies, was unable to attend due to poor weather. Mr. Alton compared existing conditions to what they are proposing at the site to show that the redevelopment of the property will not detrimentally alter the character of the neighborhood. He presented a Google Maps picture from September 2015 that shows five cars exiting onto Grand Avenue. They will improve the site by eliminating the busy curb cut. He also showed a photograph displaying the existing conditions in the alley. There are currently two Waste Management containers. The cardboard container is picked up three times per week and delivered back another three times per week. At least six trash trucks are in the alley per week. In addition, there is a trash container along Grand Avenue. As shown in the plans, this will be changed. There is an eight foot masonry wall that will be built along the alley to obscure the loading dock for the semi that delivers to CVS. He also noted the letters of support from multiple neighbors that have been submitted. They do not believe this will be detrimental to the character of the neighborhood. It will be an improvement over the existing conditions. The amount of traffic generated by pharmacy is substantially less than the grocery store. Mr. Alton stated that the strict application of the condition would unreasonably limit the use of the existing structure and result in undue hardship to the applicant. There is no other possible location for the drive through on this property. The building is built right up to the alley in the back and built up nearly to the property line on the east side. They are attempting to adaptively reuse an existing building, and the existing building would need to be torn down to relocate the drive through. There is not adjacent commercial property so they cannot comply with the conditions for setbacks from residential property. The same situation occurs in the three examples he submitted at the previous meeting pertaining to recent cases where conditional use permits with modifications on distance on commercial streets were granted (see attached).

Upon questions from the Commissioners, Mr. Alton stated that the drive through would see six to ten cars per hour at peak times. The drive through is not open 24 hours per day. Mr. Alton stated that the tenant space located next to the proposed CVS is only 2,200 square feet. The retailer would be relatively small, and at this point no retailer has been identified. In regards to the modifications, the undue hardship is the inability to use the property with the drive through unless the conditions are modified. He is not sure if there is a differential in sales between CVS pharmacies with drive throughs or without drive throughs.

Mr. Alton noted the typo in the December 10, Zoning Committee minutes, stating that it should read that 90% of CVS Pharmacies include drive throughs.

Commissioner Nelson said the precedents cited on the handout (see attached) regarding other drive throughs are very different than what is being proposed at this site. He doesn't believe those examples have the drive lanes and stacking lanes between the street and the building with regard to the major intersections. There are streets that those buildings are on with the window facing the street and not the major intersections.

At questions from the Commissioners, Mr. Dermody stated that the requirement for stacking cars in the drive through is four spaces including the window space. This plan meets the requirement.

Mr. Alton added that if this is approved it is also subject to site plan approval. Any issues with landscaping, parking or stacking in the drive through will be addressed through this process.

No one spoke in support or opposition. The public hearing was closed.

Commissioner Paula Merrigan moved denial of the conditional use permit and modifications.
Commissioner Barbara Wencil seconded the motion.

Commissioner Merrigan stated that she appreciates the efforts to make changes in the site plan, but her major concern is the safety of the pedestrians at the site. The only thing that can make it safe is not to have a drive through at this location.

The motion passed by a vote of 5-1-0.

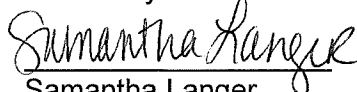
Adopted

Yeas - 5

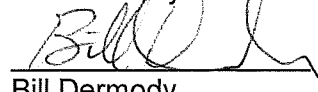
Nays - 1 (Padilla)

Abstained - 0

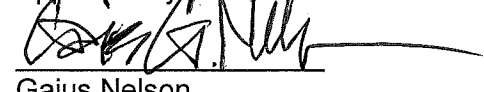
Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Bill Dermody
Zoning Section

Approved by:


Gaius Nelson
Chair

I. CUP. Drive-through for prescription drop-off and pick-up will not alter the character of the neighborhood.

- **Drive-throughs on Grand Avenue exist.** Just because it is uncommon does not mean it will degrade character of the area.
Examples of Grand Avenue drive-throughs within 60 feet of residential
 - 985 Grand BankCherokee
 - 1071 Grand US Bank
 - 1827 Grand Wells Fargo
- There are no places along Grand Avenue where a loading dock, trash compacter and/or dumpsters are located between a building and the street.
- The proposed new drive through facility will accommodate customers who desire to have the convenience of a drive through for filling prescriptions. 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. Neighboring property owners support it.

The redesigned drive through will improve on the existing conditions.

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

- **Pedestrian safety will be improved** by eliminating the busy curb cut closest to the intersection. There is very low traffic associated with the drive-through. Any issues of safety can be addressed as part of site plan review.

II. Modification of Conditions. Strict application of the conditions would prevent the drive-through use.

- **Existing pharmacies without drive-throughs are not comparable.** Walgreens is much smaller (12,000sf) and the existing CVS is part of a much larger mixed use building.
- Recent examples of CUP with modifications of condition on distance on commercial streets.
 - 1585 Randolph (Randolph & Snelling) Walgreens
 - 1180 Arcade (Arcade & Maryland) Walgreens
 - 522 Snelling BMO Harris
- **Pedestrian safety will be improved** by eliminating the busy curb cut closest to the intersection. There is very low traffic associated with the drive-through. Any issues can be addressed as part of site plan review.