

**APPLICATION FOR APPEAL**

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:

To Be Schedule

APPELLANT

Name Velmer Companies
Address 5757 West Maple Road, Suite 800
City West Bloomfield St. MI Zip 48322 Daytime Phone 612-308-3560

**PROPERTY
LOCATION**

Zoning File Name CVS Pharmacy
Address / Location 30 S. Fairview

TYPE OF APPEAL: Application is hereby made for an appeal to the:

☐ **Planning Commission**, under provision of Chapter 61, Section 701, Paragraph c of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator

OR

☒ **City Council**, under provision of Chapter 61, Section 702, Paragraph a of the Zoning Code, of a decision made by the Planning Commission

Date of decision: January 8, 20 16 File Number: 15-180-427

GROUND FOR APPEAL: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission.

See attached

Attach additional sheets if necessary.

Appellant's Signature

Brian AltonDate 1/19/16 City Agentadd
1-19-16Blair D. A. to
Attorney for Appellant

The applicant appeals the decision of the Planning Commission to deny a Conditional Use Permit for a Drive through service facility with Modifications of Conditions: Drive through closer than 60 feet to residential and located between building and street.

The Planning Commission made an error in fact, procedure or finding.

The applicant proposes to adaptively reuse an existing grocery store and convert it to a CVS pharmacy. As part of the rehabilitation of the building, a prescription pick up window will be integrated into the building.

The area where the drive through will be located 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.

Due to the constraints of the existing building, there is no other place within the site for the location of the drive through window.

The drive through window will not cause pedestrian safety issues. A redesign of the parking area will improve upon pedestrian safety on the property. The prescription pick up window is a convenience to customers, and will have very low traffic volumes. The drug store will have far less traffic volume than the existing grocery store. An existing access close to the intersection will be moved farther away.

The character of the area will be improved by eliminating the loading dock immediately adjacent to the street, and moving the drive through substantially farther from Grand Avenue.

The owner of the adjacent residential property and businesses directly across the street all support the proposal. 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.

Due to the location of the building on the property, strict application of the conditions would prevent the lawful re-use of the existing structure with the drive through. Zoning allows for a drive through service use at this location. The intent of the conditions is to buffer residences and near-by property from the drive through uses. In this case the buffering is achieved by the design of the site plan. The drive through is simply a drop off and pick up window for prescriptions, without a pneumatic tube and remote speaker box.

Marked crosswalks and signage will guide pedestrians and control traffic. 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.

There will be more open space along Grand Avenue that will improve the appearance for the neighboring property. 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.