

city of saint paul
planning commission resolution

file number 16-02

date January 8, 2016

WHEREAS, Velmeir Companies, File # 15-180-427, has applied for a 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, under the provisions of §65.513, §61.501, and §61.502 of the Saint Paul Legislative Code, on property located at 30 Fairview Ave S, Parcel Identification Number (PIN) 042823420027, legally described as Elmer & Morrison's RE Lots 11 Thru Lot 16 Block 3; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 10, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

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.

moved by Nelson

seconded by _____

in favor Unanimous

against _____

- (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.* This condition is met. While there will be a microphone and speaker system, customers would conduct their business directly in front of the service window. The volume of the speaker would be minimal, as medically sensitive information could be shared during the transaction.
- (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 in the proposed location 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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Velmeir Companies for a conditional use permit for drive through service with modification of special conditions at 30 Fairview Ave S is hereby denied.