

Department of Community Planning and Economic Development – Planning Division
Rezoning, Variance and Site Plan Review
BZZ-4116

Date: August 18, 2008

Applicant: Kevin McGhee with Velmeir Companies

Address of Property: 4419 France Avenue South, 3815 Sunnyside Avenue and 3724 West 45th Street

Project Name: CVS/Pharmacy

Contact Person and Phone: Kevin McGhee with Velmeir Companies, (952) 883-3240

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: July 23, 2008

End of 60-Day Decision Period: September 21, 2008

End of 120-Day Decision Period: A 60-day extension letter was mailed on August 7, 2008, extending the 120-day decision period to November 20, 2008

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: C1, Neighborhood Commercial District and C2, Neighborhood Corridor Commercial District

Proposed Zoning: C2, Neighborhood Corridor Commercial District

Zoning Plate Number: 29

Legal Description (properties to be rezoned): 4419 France Avenue South: THAT PART OF LOTS 6 AND 7, BLK 19, AND OF SELY 3 FT OF VAC SUNNYSIDE AVE AND OF VAC MCLEAN ST ALL IN WAVELAND PARK AND OF LOT 1 BLK 17 WAVELAND DESC AS FOL BEG AT INTERSECTION OF NWLY LINE OF SELY 3 FT OF VAC SUNNY-SIDE AVE WITH E LINE OF FRANCE AVE S TH S ALONG SAID E LINE TO N LINE OF W 45TH ST TH E ALONG SAID N LINE 69 FT MORE OR LESS TO A PT 101.56 FT E AT R/A FROM W LINE OF SEC 8 T 28 R 24 TH N TO A PT ON NWLY LINE OF SELY 3 FT OF VAC SUNNYSIDE AVE 102 FT E AT R/A FROM SAID W LINE OF SEC 8 TH SWLY ALONG SAID NWLY LINE TO BEG, WAVELAND PARK ADDITION, HENNEPIN COUNTY, MINNESOTA.

Proposed Use: Drug store with a drive-through facility

Concurrent Review:

Rezoning: of the site located at 4419 France Avenue South from the C1 zoning district to the C2 zoning district to allow for a use with a drive-through facility

Variance: to allow signage on a non-primary building wall (northeasterly side of building)

Site plan review

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article IX, Variances, specifically Section 525.520(21) “to vary the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs” and Chapter 530, Site Plan Review

Background: Velmeir Companies, who represents CVS/Pharmacy, is proposing to demolish the existing Marathon gas station and the former Sunnyside Market and construct a new CVS Pharmacy with a drive-through facility on the site. The drive-through would be located on the northeasterly side of the building and the surface parking area would be located on the south and southeasterly sides of the building.

The corner of the building would be located at the intersection of France Avenue South and Sunnyside Avenue. The building would be located up to the property line along Sunnyside Avenue but would be setback from France Avenue South. In between the building and France Avenue South the applicant is proposing to construct a patio with landscaping, benches and bicycle racks. There would be two principal entrances leading into the building. One would face the intersection of France Avenue South and Sunnyside Avenue and the other would face the parking area. The parking requirement for the development is 32 parking spaces. The applicant is proposing to have 52 spaces on the site.

Three different parcels of land make up this zoning lot: 4419 France Avenue South, 3815 Sunnyside Avenue and 3724 West 45th Street. The properties located at 3815 Sunnyside Avenue and 3724 West 45th Street are zoned C2 which allows uses with drive-through facilities. The property located at 4419 France Avenue South is zoned C1 and does not allow uses with drive-through facilities. Because of the split zoning the applicant has applied to rezone the property at 4419 France Avenue South to C2. In addition, a sign variance and a site plan review application are required for this development.

Since the project was noticed for the City Planning Commission hearing some minor changes to the site plan are required as a result of the Preliminary Development Review by Public Works. In order to make those changes prior to the staff report needing to be submitted the applicant has agreed to a continuance.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **continue** the rezoning of the site located at 4419 France Avenue South from the C1 zoning district to the C2 zoning district to allow for a use with a drive-through facility to the September 8, 2008, City Planning Commission hearing.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the variance application to allow signage on a non-primary building wall (northeasterly side of building) located at 4419 France Avenue South, 3815 Sunnyside Avenue and 3724 West 45th Street subject to the September 8, 2008, City Planning Commission hearing.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the site plan review for a CVS/Pharmacy with a drive-through facility located at 4419 France Avenue South, 3815 Sunnyside Avenue and 3724 West 45th Street to the September 8, 2008, City Planning Commission hearing.