

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VI.D.

From: Cary Teague, Community Development Director

Action

Discussion

Information

Date: October 16, 2012

Subject: PUBLIC HEARING - Ordinance No. 2012-18 Amending Section 850 – Produce Stand in the RMD, Regional Medical District

Action Requested:

Waive second reading and approve the proposed Ordinance Amendment.

Information / Background:

Robb Gruman on behalf of Fairview Southdale Hospital is requesting a Zoning Ordinance Amendment that would allow produce stands in the Regional Medical District, similar to those allowed in the PCD, Planned Commercial District.

As a part of the Do Town initiative, Fairview Hospital would like to have a very small scale farmers' market at the northeast corner of 65th and Drew. The market would consist of no more than five vendors, selling, fruit, vegetables, herbs and fresh cut flowers. The market would only be open one day per week, on Tuesdays from 2:00 – 5:00 pm from June through October.

Planning Commission Recommendation: On September 27, 2012, the Planning Commission unanimously recommended approval of the Ordinance Amendment.

ATTACHMENTS:

- Ordinance 2012-18
- Minutes from the September 27, 2012 Edina Planning Commission meeting
- Planning Commission Memo, September 27, 2012

ORDINANCE NO. 2012-18

AN ORDINANCE AMENDMENT REGARDING PRODUCE STANDS IN THE RMD—REGIONAL MEDICAL DISTRICT

The City Council Of Edina Ordains:

Section 1. Subsection 850.03. Subd. 3. Definitions is hereby amended to add the following definition:

Produce Stand. A temporary seasonal structure or area, at which products such as vegetables, fruit, herbs, cut flowers and plants are sold.

Section 2. Subsection 850.18. Subd. 2. is hereby amended as follows:

850.18 Regional Medical District (RMD)

Subd. 1 Principal Uses.

- A. Hospitals.
- B. Medical and dental offices and clinics.
- C. Laboratories for performing medical or dental research, diagnostic testing, analytical or clinical work, having a direct relationship to the providing of health services, including, but not limited to, medical research, radiology, hematology, serology, immunology, allergy, biochemistry, basal metabolism, microbiology, parasitology, pathology, histology, cytology, toxicology and pharmacology. Laboratories engaged in the production or manufacture of goods or products for commercial sale or distribution shall not be considered laboratories within the meaning and intent of this paragraph.

Subd. 2 Accessory Uses.

- A. Living quarters and recreational and educational facilities for nurses, interns, staff members, hospital employees and volunteers, if the uses are located within or are contiguous to the principal building.
- B. Off-street parking facilities for ambulances, service trucks and automobiles owned by tenants, employees, patients and visitors.
- C. Within principal buildings having a gross floor area of 40,000 square

Existing text – XXXX

Stricken text – ~~XXXX~~

Added text – XXXX

feet or more, ten percent of the floor area may be occupied by retail uses allowed in the PCD-1 and PCD-2 subdistricts, if the primary function of the uses is to serve the needs of occupants of, and visitors to, the principal use.

D. Helistops for use by helicopters involved in emergency rescue operations.

E. Produce stands pursuant to a permit issued by the City Manager. The produce stand(s) may only occur one day per week, and only operate during the months of June through October.

Section 3. This ordinance is effective immediately upon its passage and publication.

First Reading:
Second Reading:
Published:

ATTEST:

Debra A. Mangen, City Clerk James B. Hovland, Mayor

Please publish in the Edina Sun Current on:
Send two affidavits of publication.
Bill to Edina City Clerk

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Ordinance was duly adopted by the Edina City Council at its Regular Meeting of _____, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 2012.

City Clerk

Existing text – XXXX
Stricken text – ~~XXXX~~
Added text – XXXX

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
SEPTEMBER 27, 2012
7:00 P.M.**

I. CALL TO ORDER

Chair Grabiell called the meeting to order at 7:00 PM

II. ROLL CALL

Answering the roll call were Commissioners Scherer, Forrest, Kilberg, Platteter, Cherkassky, Carpenter, Staunton, Fischer Grabiell.

Absent from the roll: Schroeder and Potts

III. APPROVAL OF MEETING AGENDA

The agenda was filed as submitted.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Fischer moved approval of the September 12, 2012, meeting minutes. Commissioner Platteter seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

None

VI. REPORTS

Ordinance Amendment to Allow Produce Stands in RMD Zoning District

Planner Presentation

Planner Aaker informed the Commission that Robb Gruman on behalf of Fairview Southdale Hospital is requesting a Zoning Ordinance Amendment that would allow produce stands in the Regional Medical District, similar to those allowed in the PCD, Planned Commercial District.

As a part of the *Do Town* initiative, Fairview Hospital would like to have a very small scale farmers' market at the northeast corner of 65th and Drew. The market would consist of no more than five vendors, selling, fruit, vegetables, herbs and fresh cut

flowers. The market would only be open one day per week, on Tuesdays from 2:00 – 5:00 pm from June through October.

This type of use is currently allowed as a permitted accessory use in the PCD-1, PCD-2 and PCD-3 zoning districts. It is listed in the Ordinance as: “Produce stands pursuant to a permit issued by the City Manager.” In practice, the City of Edina has had very few requests for this type of use. Occasionally, there has been a produce stand at Southdale.

The Ordinance before the Planning Commission uses this same concept, but has placed additional restrictions to limit the use. The goal of the ordinance is to allow this type of use on a very limited bases so as to protect existing businesses in Edina that sell this same type of product within an existing retail building. Produce stands are not currently defined in the Zoning Ordinance, therefore, a definition is also recommended, and been added to the proposed Ordinance Amendment.

Aaker concluded that staff recommends the Planning Commission recommend approval of the Ordinance, subject to any revisions that you would deem necessary.

Appearing for the Applicant

Robb Gruman, Fairview Southdale Hospital

Discussion

Commissioner Staunton asked Planner Aaker if there is a permitting process in place for “Produce Stands”. Aaker responded in the affirmative. Continuing, Aaker explained that “Produce Stands” are also a permitted use in the Planned Commercial District (PCD) and are subject to specific conditions and pursuant to a permit issued by the City Manager.

Commissioner Fischer commented that he was curious why this issue even needs to be addressed. He pointed out that currently the hospital is permitted accessory uses (gift store, pharmacy, and cafeteria), adding this is accessory too. Planner Aaker agreed, however, Code is firm on controlling the type of merchandise sold and the location of outdoor sales. Aaker explained the City doesn’t want to see anyone selling shrimp out of a truck and similar items throughout the City.

Commissioner Carpenter questioned if the produce stands are required to operate during specific hours. Planner Aaker responded in the affirmative adding the hospital would establish these hours. She reported hours of operation are required to be listed on the application.

Applicant Presentation

Robb Gruman, Fairview Southdale Hospital informed the Commission hospital staff was approached through the *Do Town* initiative and believe that allowing produce stands on

the hospital campus is a good thing. Gruman explained that at this time the Fairview system currently allows produce stands on three of its campuses. Gruman said they found produce stands benefit everyone from hospital residents and their visitors to hospital employees and vendors. Continuing, Gruman said the hospital would limit the hours of operation to four (4), and one day of operation per week. Hours could be from 1-4 PM or 2-6 PM, adding he's not certain of the final times or day of week. Concluding Gruman pointed out there would be no on or off-loading of fresh vegetables, fruits and flowers on the street noting the campus has a staging area to accommodate drop offs and pickups. Gruman reiterated he believes this is a great opportunity and a good thing.

Chair Grabiell asked Mr. Gruman if he believes there could be an issue with people parking their car to gain access to the stand. Gruman responded there is that possibility; however, security is placed at that end of the hospital and the security guards would move traffic along.

Motion

Commissioner Staunton moved to forward this amendment request to the City Council for their action. Commissioner Forrest seconded the motion. All voted aye; motion carried.

VII. CORRESPONDENCE AND PETITIONS

Chair Grabiell acknowledged back of packet materials.

VIII. CHAIR AND COMMISSION COMMENTS

None.

IX. STAFF COMMENTS

No Comments

X. ADJOURNMENT

Commissioner Scherer moved adjournment at 7:35 PM. Commissioner Platteter seconded the motion. All voted aye; motion to adjourn carried.

Jackie Hoogenakker

Respectfully submitted



PLANNING COMMISSION STAFF REPORT

Originator Cary Teague Community Development Director	Meeting Date September 27, 2012	Agenda # VII.A
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INFORMATION/BACKGROUND

Robb Gruman on behalf of Fairview Southdale Hospital is requesting a Zoning Ordinance Amendment that would allow produce stands in the Regional Medical District, similar to those allowed in the PCD, Planned Commercial District. (See location and applican'ts narrative on pages A3–A8.)

As a part of the *Do Town* initiative, Fairview Hospital would like to have a very small scale farmers' market at the northeast corner of 65th and Drew. (See location on pages A5, A6 and A8.) The market would consist of no more than five vendors, selling, fruit, vegetables, herbs and fresh cut flowers. The market would only be open one day per week, on Tuesdays from 2:00 – 5:00 pm from June through October.

This type of use is currently allowed as a permitted accessory use in the PCD-1, PCD-2 and PCD-3 zoning districts. (See existing Ordinance on page A9.) It is listed in the Ordinance as: "Produce stands pursuant to a permit issued by the City Manager." In practice, the City of Edina has had very few requests for this type of use. Occationally, there has been a produce stand at Southdale.

The Ordinance before the Planning Commission uses this same concept, but has placed additional restrictions to limit the use. The goal of the ordinance is to allow this type of use on a very limited bases so as to protect existing businesses in Edina that sell this same type of product within an existing retail building. Produce stands are not currently defined in the Zoning Ordinance, therefore, a definition is also recommended, and been added to the proposed Ordinance Amendment.

Staff Recommendation

Staff recommends the Planning Commission recommend approval of the Ordinance, subject to any revisions that you would deem necessary.

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- A. Living quarters and recreational and educational facilities for nurses, interns, staff members, hospital employees and volunteers, if the uses are located within or are contiguous to the principal building.
- B. Off-street parking facilities for ambulances, service trucks and automobiles owned by tenants, employees, patients and visitors.

- C. Within principal buildings having a gross floor area of 40,000 square feet or more, ten percent of the floor area may be occupied by retail uses allowed in the PCD-1 and PCD-2 subdistricts, if the primary function of the uses is to serve the needs of occupants of, and visitors to, the principal use.
- D. Helistops for use by helicopters involved in emergency rescue operations.
- E. Produce stands pursuant to a permit issued by the City Manager. The produce stand(s) may only occur one day per week, and only operate during the months of June through October.

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Debra A. Mangen, City Clerk

James B. Hovland, Mayor

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Bill to Edina City Clerk

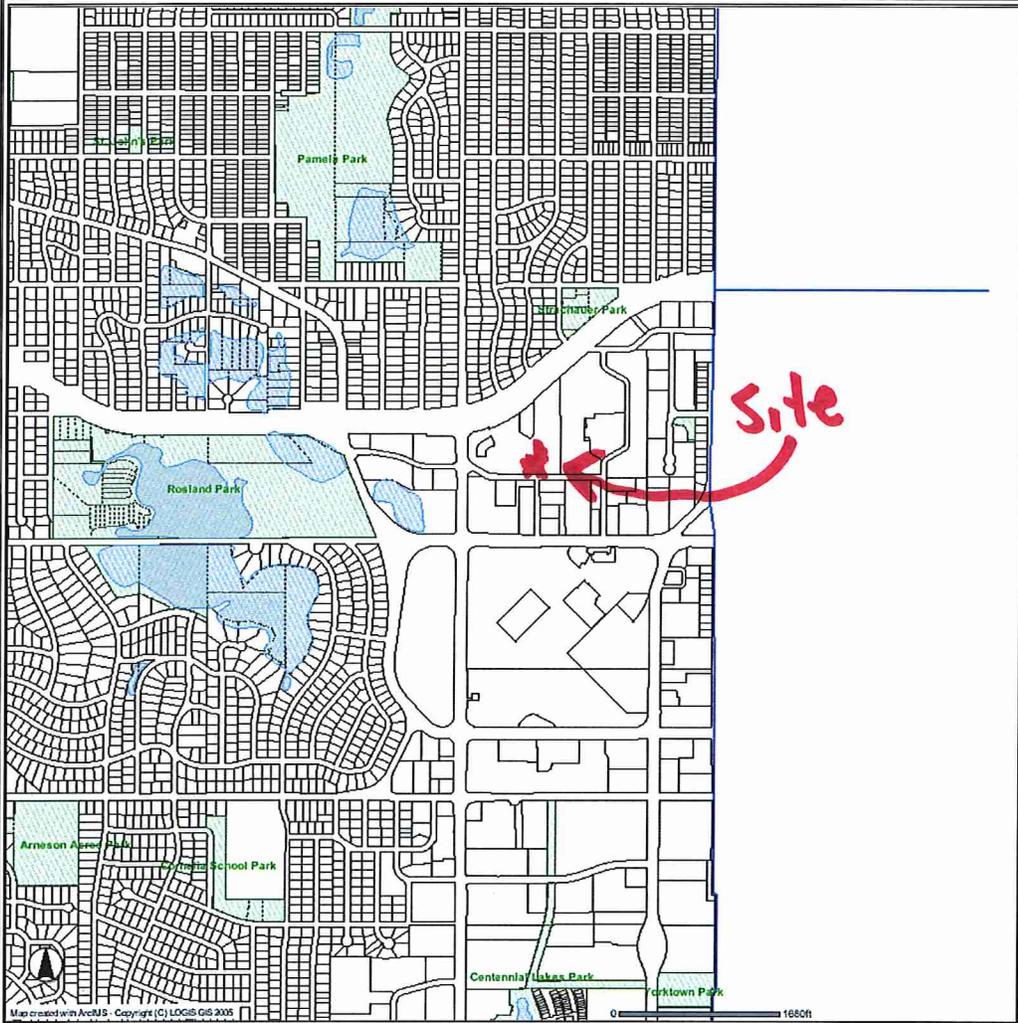
CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Ordinance was duly adopted by the Edina City Council at its Regular Meeting of _____, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 2012.

Existing text – XXXX
Stricken text – ~~XXXX~~
Added text – XXXX

City of Edina

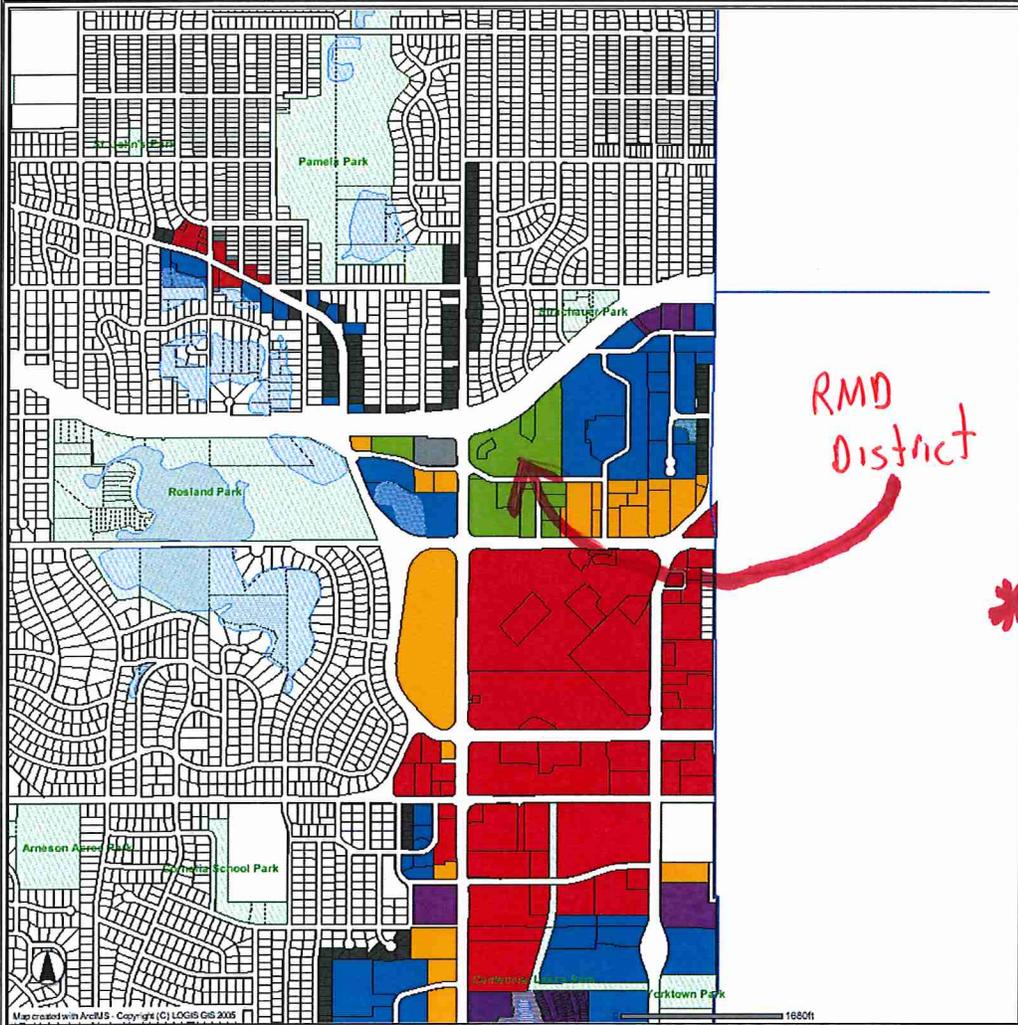


- Legend**
- City Limits
 - Creeks
 - Lakes
 - Parks
 - Parcels

Map created with ArcGIS - Copyright (C) LOGIS GIS 2005



City of Edina



- Legend**
- City Limits
 - Creeks
 - Lakes
 - Parks
 - Zoning**
 - APD (Automobile Parking District)
 - MDD-4 (Mixed Development District)
 - MDD-5 (Mixed Development District)
 - MDD-6 (Mixed Development District)
 - PCD-1 (Planned Commercial District)
 - PCD-2 (Planned Commercial District)
 - PCD-3 (Planned Commercial District)
 - PCD-4 (Planned Commercial District)
 - PID (Planned Industrial District)
 - POD-1 (Planned Office District)
 - POD-2 (Planned Office District)
 - PRD-1 (Planned Residential District)
 - PRD-2 (Planned Residential District)
 - PRD-3 (Planned Residential District)
 - PRD-4 (Planned Residential District)
 - PRD-5 (Planned Residential District)
 - PSR-4 (Planned Senior District)
 - R-1 (Single Dwelling Unit)
 - R-2 (Double Dwelling Unit)
 - RMD (Regional Medical District)
 - Parcels

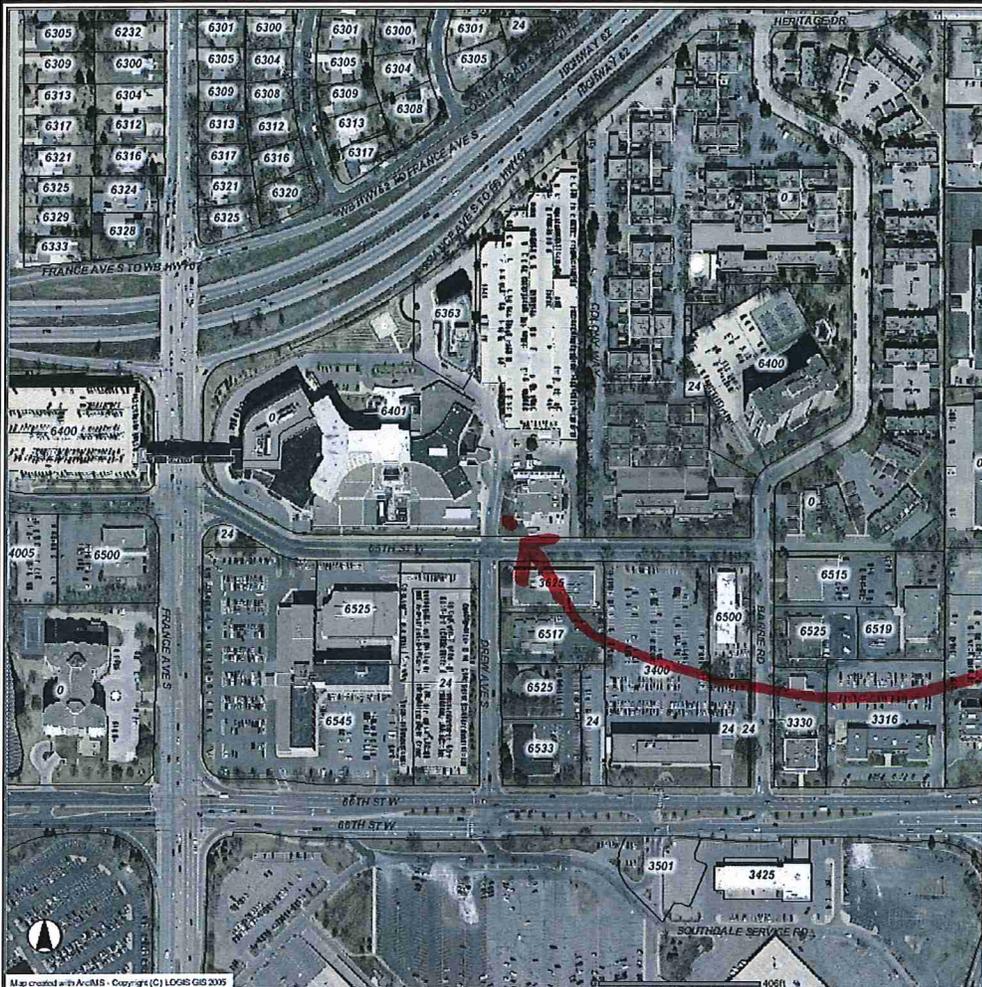
RMD District

Map created with ArcGIS. Copyright (C) LOGIS GIS 2005

16801



City of Edina



- Legend**
- Surrounding House Number Labels
 - House Number Labels
 - Street Name Labels
 - City Limits
 - Creeks
 - Lake Names
 - Lakes
 - Parks
 - Parcels
 - 2009 Aerial Photo

Site Location



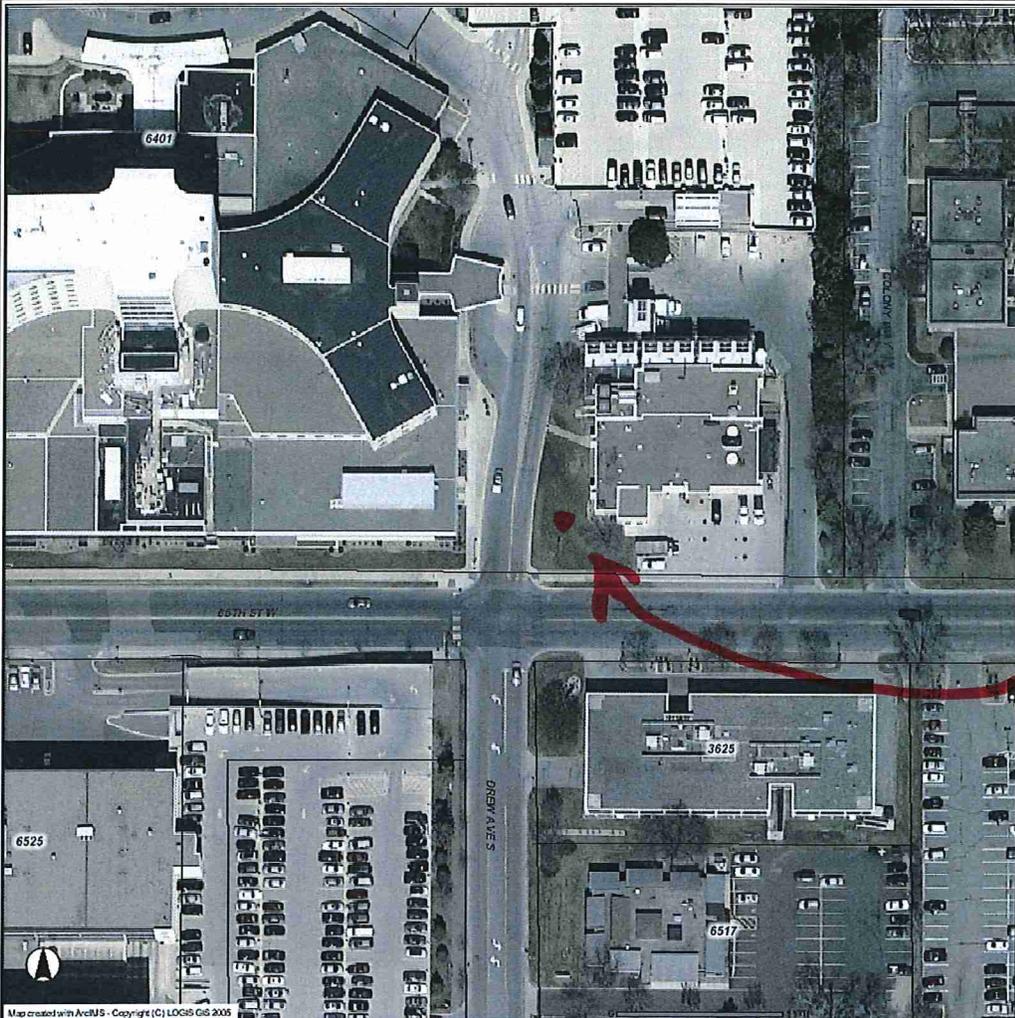
PID: 2902824230169

6401 France Ave S
Edina, MN 55410



A5

City of Edina



- Legend**
- Surrounding House Number Labels
 - House Number Labels
 - Street Name Labels
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 - Lake Names
 - Lakes
 - Parks
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 - 2009 Aerial Photo

Site Location

Map created with ArcGIS - Copyright (C) LOGS GIS 2005





Bradley Beard
Fairview Southdale Hospital
6401 France Avenue South
Edina, MN, 55435

To whom it may concern:

Fairview Southdale Hospital wishes to implement at Farm to Fairview at Southdale Market. It is our understanding that in order to implement this market, an amendment is needed in the city's zoning ordinances.

Fairview is participating in *do.* Town as a member of both the Edina worksite coalition and the Health Care Leadership Council. We feel this project would add value to our wellness program, enhance patient and visitor experience at the hospital, as well as provide a community benefit to the neighborhood adjacent to the hospital. It also brings the City of Edina one step closer to becoming a *do.* Town. Fairview has offered several other farmers' markets, located at our University and Riverside Hospitals and at our Stinson office location. They are a great employee morale booster, offer convenience and affordable produce at the worksite, and help strengthen our community partnerships.

The Farm to Fairview at Southdale Market will be a small-scale farmers' market on the property of Fairview Southdale Hospital off of 65th and Drew Avenue (see enclosed photograph). The market will consist of no more than 5 vendors, selling locally grown fruits, vegetables, herbs and flowers. We anticipate having the market open on Tuesdays from 2:00 pm-5:00 p.m. While we realize it is late in the season, we'd like to open the market for a few weeks through mid-late October. We would anticipate a June-October season starting in 2013. Additionally, since the market will be held on Tuesdays, it will not directly compete with the existing Thursday evening market at Centennial Lakes.

Vendors will have 10X10 space available and will provide their own tents and equipment. Hand washing and restroom facilities will be available at the hospital through the Emergency Room entrance. The market is not in a parking lot; therefore parking spaces are not affected. Parking will be available for vendors in the adjacent power plant parking lot. We do not anticipate this being a destination market; therefore nearby customer, patient, or employee parking will not be affected.

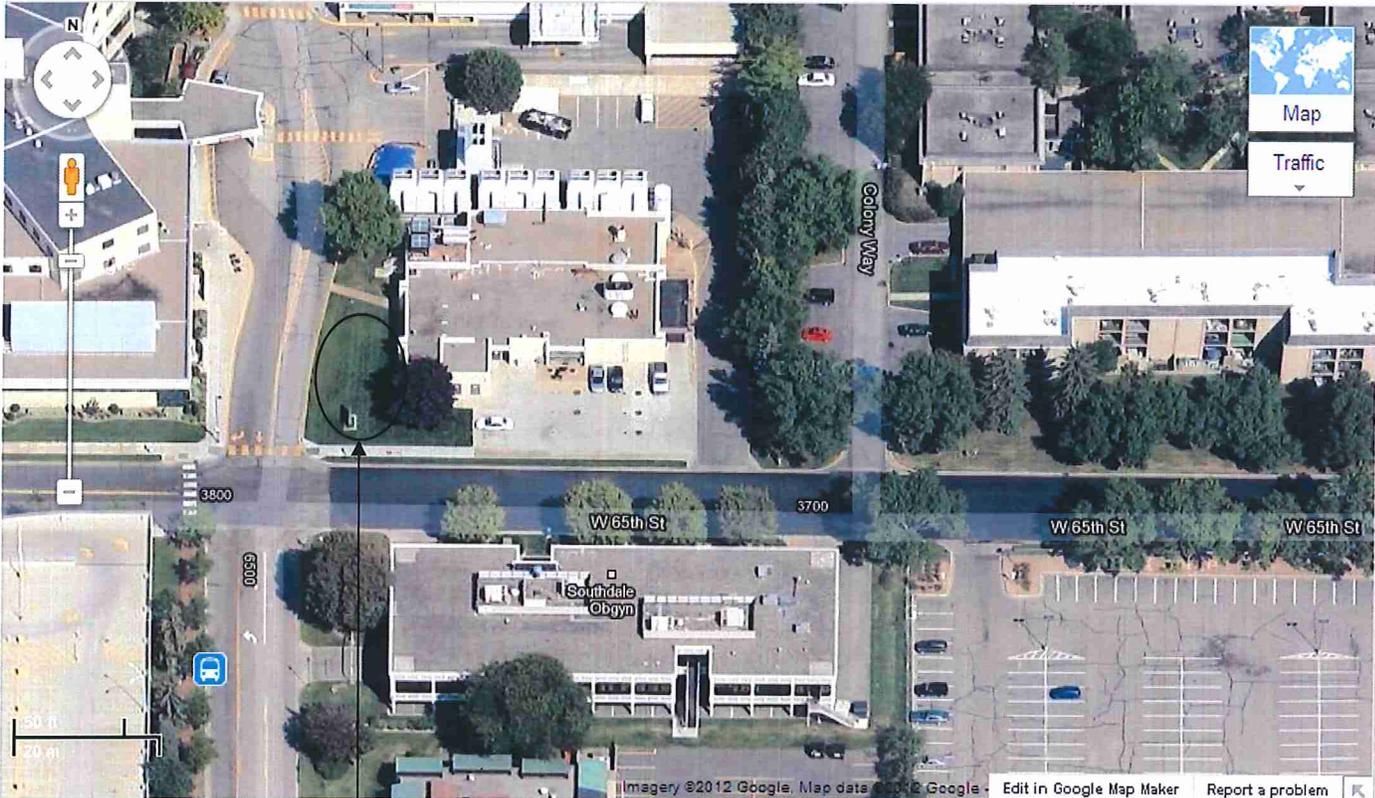
As a proud supporter of *do.* Town, we feel that having a farmers market at our hospital will have a positive impact on our community, our employees, and those who visit or seek services from Fairview Southdale Hospital. Everyone can benefit from having fresh, local produce in a convenient location, encouraging healthy living and fostering a community of shoppers who buy local.

We thank you for considering our request.

Sincerely,

Bradley Beard,
Fairview Southdale Hospital President

Proposed location for Farm to Fairview, Southdale Farmers' Market



We propose to have the vendors set up on the lawn outside our power plant building. Parking for vendors will be available in the power plant parking lot. All vendors will be required to follow health codes and keep food off the ground.

Sexually oriented businesses.

Subd 5. Principal Uses in PCD-4.

Automobile service centers.

Car washes.

Gas stations.

Subd. 6. Conditional Uses.

A. PCD-1 and PCD-2. Multi-residential uses.

B. PCD-3.

Automobile agencies selling new, unused vehicles.

Boat or marine stores or agencies selling or displaying new, unused boats.

Multi-residential uses.

Offices except offices allowed as a permitted accessory use.

All non-residential uses that increase the FAR to more than 0.5.

Subd. 7. Accessory Uses in PCD-1.

Off-street parking facilities.

Buildings for the storage of merchandise to be retailed by the related principal use.

Not more than two amusement devices.

Drive through facilities, except those accessory to financial institutions. A restaurant may have a drive-through facility subject to the requirements in Section 850.07, Subd. 14.F.



Produce stands pursuant to a permit issued by the Manager

Subd. 8. Accessory Uses in PCD-2.



All accessory uses allowed in PCD-1.

Drive-through facilities.

Amusement devices.

Subd. 9. Accessory Uses in PCD-3.



All accessory uses permitted in PCD-1 and PCD-2.

Automobile or boat and marine stores or agencies selling used automobiles or boats, if (i) such a use is accessory to and on the same lot as a related principal use selling new automobiles or boats, and (ii) the total floor area and lot area devoted to the accessory use does not exceed that of the principal use.

Section 2. Subsection 850.16, Subd. 6 of Section 850 of the Edina City Code is amended by adding the following thereto:

“Produce stands pursuant to a permit issued by the Manager”

Permits would be subject to the following conditions:

1. Consent of property owner
2. Adequate parking to support stand and principal use
3. Location of stand will not cause traffic problems on-site or on public right of way
4. Stands shall not be larger than 180 square feet
5. All signage must be affixed to the stand
6. Permits valid from June 1, to October 1, on a given year
7. Permits will be issued only for properties located in the PCD-1, 2 or 3 districts

Section 2. This Ordinance shall be in full force and effect upon passage and publication.

First Reading: February 18, 2003

Second Reading:



CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424-1394

FOR OFFICE USE ONLY

Approved Planning Dept _____

Date _____

Approved City Clerk _____

Date _____

Application For Temporary Retail Sales from
Produce Stands

- Complete this application in ink or use a typewriter. Please refer to City Code 850.16 Subd. 7.

Owner of Property _____ Phone _____

Property Address _____ Fax _____

City _____ State _____ Zip _____

Name of non-profit Organization (if applicable) _____

Describe Products Offered For Sale _____

Dates of Temporary Sale _____ Hours of Operation _____

Size of Signage (Attach Detailed Drawing) _____

Contact Person Phone No. and Fax No. _____

This Contact person will receive all legal notices.. Your entity is responsible to keep this information current.

Minnesota Tax ID Number _____ Federal Tax ID Number _____

If a Minnesota Tax ID is not required please explain _____

*THE MINNESOTA DATA PRACTICES ACT requires that we inform you of your rights about the private data we are requesting on this form. Private data is available to you, but not to the public. We are requesting this data to determine your eligibility for a license from the City of Edina. Providing the data may disclose information that could cause your application to be denied. You are not legally required to provide the data, however, refusing to supply the data may cause your license to not be processed. Under MS 270.72, the City of Edina is required to provide the Minnesota Department of Revenue your MN Tax ID Number or Social Security Number. This information may be used to deny the issuance, renewal or transfer of your license if you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest. The Department of Revenue may supply information to the Internal Revenue Service. In addition, this data can be shared by Edina City Staff, the State of Minnesota Driver License Section, Hennepin County Auditor, Bureau of Criminal Apprehension, Hennepin County Warrant Office, and Ramsey County Warrant Office. Your signature on this application indicates you understand these rights. Your residence address and telephone number will be considered public data unless you request this information to be private and provide an alternative address and telephone number. **Please sign below to indicate that you have read this notice:***

Signature _____

I request that my residence address and telephone number be considered private data. My alternative address and telephone number are as follows:

Address _____ Telephone Number _____

I hereby certify all the information given is complete and accurate.

X _____
Applicant's Signature

X _____
Date

FOR CITY USE ONLY:

Forms required with this application: Workers' Compensation Insurance Proof Form _____

Other _____