



**To:** MAYOR AND COUNCIL

**Agenda Item #:** VI.A

**From:** Cary Teague, Community Development Director

**Action**   
**Discussion**   
**Information**

**Date:** March 19, 2013

**Subject:** PUBLIC HEARING – Preliminary Rezoning from PCD-3 to PUD, Planned Unit Development, Preliminary Development Plan and Preliminary Plat, Lund Food Holdings, 7171 France Avenue, Resolution No. 2013-31

**Action Requested:**  
Adopt the attached resolution.

### **Information / Background:**

Lund Food Holdings is proposing to tear down the existing 59,000 Byerly's grocery store, located at 7171 France Avenue and build the following:

#### **Phase 1**

- A new 47,000 square foot Byerly's store.
- A six/seven-story 109-unit apartment building with two levels of underground parking.
- A six/seven-story, 77-unit apartment building with a first floor 10,450 square foot retail area and two levels of underground parking.

#### **Phase 2**

- A six-story, 60-unit apartment building with 10,500 square feet of retail space on the first level and two levels of underground parking.

In building the first phase, the new Byerly's store would be constructed in the parking lot of the existing store at the northwest corner of the site. The existing store would remain open. When the new store is finished the existing store would be removed, and then the two apartment buildings would be constructed.

To accommodate this proposed redevelopment, the following is requested:

- Preliminary Rezoning from PCD-3, Planned Commercial District to PUD, Planned Unit Development;
- Preliminary Development Plan; and
- Preliminary Plat

This "preliminary" review is the first step of a two-step process of City review. Should these "preliminary" requests be approved by the City Council; the second step would be Final Development Plan, Final Rezoning and Final Plat review which would again require review by both the Planning Commission and City Council.

The applicant has gone through the Sketch Plan process before the Planning Commission and City Council. The applicant has developed the proposed plans by attempting to address the issues raised by the Planning Commission and City Council. Some of the most significant changes include:

- Bringing the Byerly's store up to France Avenue.
- Relocation the loading dock away from the Promenade.
- Project embracing the Promenade.
- Better pedestrian connections.
- Providing sustainable concepts.

Planning Commission Recommendation: On March 13, 2013, a Planning Commission motion to approve the requests failed on a vote of 4-4. (See attached minutes.)

**ATTACHMENTS:**

- Resolution No. 2013-31
- Draft minutes from the February 27, 2013, March 13, 2013 Edina Planning Commission meeting
- Planning Commission Staff Report, February 27, 2013
- Revised Plans and Narrative Submitted to the Planning Commission March 13, 2013.



**RESOLUTION NO. 2013-31**  
**APPROVING PRELIMINARY REZONING FROM PCD-3, PLANNED COMMERCIAL DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT, PRELIMINARY DEVELOPMENT PLAN & PRELIMINARY PLAT AT 7171 FRANCE FOR LUND FOOD HOLDINGS MOUNT PROPERTIES**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

**Section 1. BACKGROUND.**

- 1.01 Lund Food Holdings is requesting a rezoning from PCD-3 to PUD, Planned Unit Development, a Preliminary Development Plan and a Preliminary Plat, to build a new 47,000 square foot Byerly's store; a six/seven-story 109-unit apartment building with two levels of underground parking; a six/seven-story, 77-unit apartment building with a first floor 10,450 square foot retail area and two levels of underground parking; and a six-story, 60-unit apartment building with 10,500 square feet of retail space on the first level and two levels of underground parking.
- 1.02 The property is legally described as follows:
- See attached Legal Descriptions
- 1.03 On February 27, 2013, the Planning Commission tabled the request suggesting the applicant consider changes to the proposed plans.
- 1.04 On March 13, 2013, a Planning Commission motion to approve the requests failed on a vote of 4-4.

**Section 2. FINDINGS**

- 2.01 Approval is based on the following findings:
1. The proposed land uses are consistent with the Comprehensive Plan.
  2. The proposal would meet the purpose and intent of the PUD, as most of the above criteria would be met. The site is guided in the Comprehensive Plan as "Mixed Use Center - MXC," which encourages a mixing of uses, including retail and multifamily residential. The proposed uses are therefore consistent with the Comprehensive Plan.
  4. The proposal would create a more efficient and creative use of the property. The Byerly's store would be pulled up close to the street, with sidewalks in front, and separated from the street by green space to promote a more walkable environment.

5. Pedestrian connections would be made from France Avenue to the Promenade from the north and south sides of the site, as well as through the middle.
6. The applicant is also proposing some sustainability principles within their project narrative.
7. The proposed buildings would be a high quality brick, stone, precast concrete, metal and glass building.
8. The site circulation would be improved with a right-in and right-out added along France Avenue.
9. The proposed project would meet the following goals and policies of the Comprehensive Plan:
  - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of liner buildings close to the street to encourage pedestrian movement.
    - Locate prominent buildings to visually define corners and screen parking lots.
    - Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.
  - b. Movement Patterns.
    - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
    - A Pedestrian-Friendly Environment. Improving the auto-oriented design pattern discussed above under "Issues" will call for guidelines that change the relationship between parking, pedestrian movement and building placement.
  - c. Appropriate Parking Standards. Mixed use developments often produce an internal capture rate. This refers to residents and workers who obtain goods and services from within the development without making additional vehicle trips.\*Parking ratios for mixed use development should reflect the internal capture rate and the shared parking opportunities this type of development offers.
  - d. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.

### Section 3. APPROVAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Preliminary Rezoning to PUD, Planned Unit Development, Preliminary Development Plan, and Preliminary Plat subject to the following conditions:

1. The Final Development Plans must be generally consistent with the Preliminary Development Plans dated January 28, 2012, the revisions submitted to the Planning

Commission March 13, 2013. Final Development plans should include specific locations of trash enclosure areas, number of bike parking spaces provided, and where loading/ deliveries are made to the retail space and apartments.

2. The Final Landscape Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
3. The Final Lighting Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
4. Submittal of a complete sign plan for the site as part of the Final Development Plan application. Signage should include monument sign locations and size, way finding signage, and wall signage.
5. Architectural features or articulation must be added to the north elevation of the new Byerly's building.
6. Compliance with all of the conditions outlined in the city engineer's memo dated February 22, 2013.
7. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development for this site.
8. The Final Plat must be considered within one-year after approval of the Preliminary Plat, or the Preliminary Plat shall be deemed null and void.
9. A shared parking and access agreement must be established across the Plat.
- 10.. The Park Dedication fee of \$1,230,00 shall be paid prior to release of the mylars approving the Final Plat.

Adopted by the city council of the City of Edina, Minnesota, on March 19, 2013.

ATTEST: \_\_\_\_\_  
Debra A. Mangan, City Clerk

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James B. Hovland, Mayor

STATE OF MINNESOTA            )  
COUNTY OF HENNEPIN        )SS  
CITY OF EDINA                    )

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 Resolution was duly adopted by the Edina City Council at its Regular Meeting of March 19, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2013.

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City Clerk

# Exhibit A

**EXISTING LEGAL DESCRIPTION**  
(As per Schedule 'A' from Commitment to Title from First American Title Title Insurance Company, File No. NCS-495475-MPLS, dated June 29, 2011.)

The land referred to in this Commitment is situated in the City of Edina, County of Hennepin, State of Minnesota, and is described as follows:

Parcel 1:  
Lot 2, Block 7, Yorktown, Hennepin County Minnesota.

Parcel 2: (Proposed)  
Non-exclusive Cross Parking and Driveway Easement Agreement over a portion of Lot 3, Block 7, Yorktown, Hennepin County, Minnesota recorded as Document No. \_\_\_\_\_ in the office of the Registrar of Titles, Hennepin County, Minnesota.

**PROPOSED LEGAL DESCRIPTION**

Lot 1, Block 1, Byerly's Edina, Hennepin County, Minnesota.

Lot 2, Block 1, Byerly's Edina, Hennepin County, Minnesota.

Lot 3, Block 1, Byerly's Edina, Hennepin County, Minnesota.

Lot 4, Block 1, Byerly's Edina, Hennepin County, Minnesota.

**Planning Commission March 13, 2013**

**A. Preliminary Rezoning to PUD, Preliminary Development Plan, and Preliminary Plat. Anderson-KM Builders, 7171 France Avenue South, Edina, MN**

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**Planner Presentation**

Planner Teague reminded the Commission they continued this item at their last meeting. Teague reported that he and Chair Staunton met to clarify for the applicant the major concerns expressed by the Commission at that meeting. Those concerns were shared with both the applicant and Commissioners via e-mail. Suggestions from the Commission were to widen and expand the connections to the promenade, enhance the pedestrian crossings within the site, add windows to west and north elevation, address better screening for the loading dock and work on enhancing the water feature. Sustainability was also an issue with the Commission expressing that they were looking for ways to ensure that sustainable standards implemented are measurable.

**Appearing for the Applicant:**

Jim Vos, Cresa, Greg Anderson, Anderson Builders, Maureen Michaliski, Schaefer Richardson

**Applicant Presentations**

Mr. Vos addressed the Commission and reported that sustainable standards would be measurable. Vos said Lund Holdings is committed to construct buildings that use materials that reduce energy consumption. These include low flow toilets, lighting, mechanicals, motion sensors and other measures. Vos said their goal is to achieve a measurable standard 5% better than the existing energy codes.

With graphics Vos pointed out the changes to the pedestrian flow to and from the promenade and internally (covered walkways, heated sidewalks). Vos noted the connection to the promenade has been widened and ties in directly to the Byerly's store. The internal crossings are stamped concrete clearly defining the crossings. Vos further added the water feature has been enhanced and it includes an area for seating. Continuing, Vos said they also envision creating a "meeting area" with an art element. This area would be used by the apartment residents, Byerly's patrons and those walking along the promenade.

**Discussion**

Commissioner Grabiell noted the mention of LEED standards in the buildings; and questioned who actually signs off on this. Grabiell says he understands their intent to follow LEED standards; however, someone must review their measures and sign off on them. Vos responded that there is a judiciary body that reviews the standards.

Commissioner Potts acknowledged sustainability can be challenging to address. He said he wants to how much “better the buildings will be” than just meeting the standard building code. Potts noted the applicant indicated their goal is to be 5 percent better than state code; adding that’s a start, but more could be accomplished. Continuing, Potts asked if both the retail and housing is working with EDA. Vos responded in the affirmative. With regard to storm water Potts questioned if the applicant heard anything from the Watershed District. Vos responded they are working with the District; however, the details haven’t been hammered out. Vos said there is the assumption that water runoff would be handled through underground storage, adding water quality should rise.

A discussion ensued on parking acknowledging some Commissioners felt that parking could be reduced allowing for more green space. Mr. Vos said it was very important that the store provides adequate parking. Vos said measures could be implemented internally such as adding more cashiers, carry-outs that would move patrons through the store more efficiently. This would also free up parking at a faster rate of turnover. Vos concluded that it has been difficult addressing sustainability without formal criteria from the City.

Chair Staunton acknowledged the lack of City standards on sustainability and pointed out one of the obstacles the City faces is the building code. All building code standards must be met. Staunton said the Commission felt that adopting the PUD ordinance would be a way for the City to negotiate above those standards.

Commissioner Grabiell stated one issue of concern raised at the last meeting was the driveway encroachments between the Byerly’s site and the Wolfson site to the east at 3655 Hazelton Road. Grabiell asked if that issue was resolved. Vos responded in the affirmative. The Byerly’s driveway no longer encroaches. Chair Grabiell commented that at the last meeting the applicant indicated the difficulty in redeveloping the site while the present store was open. Grabiell asked if that’s still the case. Vos responded in the affirmative. He stated that was mandated from the start.

Commissioner Forrest said in reviewing the site plan that she believes bike racks should be located closer to the patio area. Vos agreed adding that can be reviewed. Forrest also encouraged more landscaping especially along the east, adding that wall still appears a bit tall and blank.

Chair Staunton said he was curious if the applicant views the PUD process as a benefit to them. Vos responded that the PUD process is a benefit and provides the development team with the chance to do something different from what could be done through straight rezoning. Mr. Vos said the added density and setback variances allow this area to be created as part of the community at large. It can address the promenade and invite “people in” and become a destination.

Commissioner Schroeder said he appreciates the sustainability goal of 5% above code; however, he believes that doesn’t go very far. Continuing, Schroeder said he also appreciates the statement that water would be handled through underground storage systems; however, storing the water that way probably is the result of the site itself. Concluding, Schroeder said he doesn’t see any extra effort made to go above and beyond what would normally be done.

Commissioner Carr stated that overall she believes the project was very well done, adding she has a few questions. One is the seating capacity of the patio areas. Mr. Vos responded that the at grade patio would seat between 20 & 30 visitors and the mezzanine level roughly 15. Carr asked if trees are proposed for the parking lot, adding she thinks that's a nice touch. Vos responded that can be looked at that again, however, if we add trees islands need to be added and islands can create difficulty with maintenance (plowing, etc.). Carr also asked Vos to explain the building materials and their compatibility (Byerly's and residential component). Voss indicated the materials that would be used concluding their intent was to coordinate the finishes and color type, adding the Byerly's and the residential component won't match, however would be completely compatible. Commissioner Carr concluded that she does have a concern with the north elevation of the building, adding she would like to see windows placed along that building wall.

Chair Staunton opened the public hearing.

The following gave their testimony:

Robert Rofidal, 7125 Briston Boulevard, Edina, MN

R. Wolfson, 3655 Hazelton Road, Edina, MN

Chair Staunton asked if anyone else would like to speak to the issue; being none; Commissioner Carpenter moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; public hearing closed.

### **Discussion**

Chair Staunton asked Mr. Houle to speak to traffic.

Mr. Houle gave a brief report on the traffic analysis.

Chair Staunton noted that the traffic measures referred to; signalization or roundabout, and asked Mr. Houle his preference. Houle responded because of the disruption to the site and streets it takes to add a traffic signal that he believes a roundabout is the way to go. Houle reported that they have a roundabout design that can accommodate semi delivery trucks. Houle also noted that signalization at this point doesn't meet the State and County requirements, adding it is possible those requirements will be met sometime in the future, but now the State and County won't sign off on a signalization at this location. Houle pointed out this situation isn't too much different from the Westin and Target issue; adding a roundabout was placed in that area over signalization.

Commissioner Carpenter said he continues to have problems with this project and would vote against it, adding in his opinion it's an uninspired development and the lack of pedestrian integration between the promenade, residential element of the site the retail component is troubling. With regard to parking Carpenter said he would rather see more parking than less, adding he doesn't want to see cars waiting for parking spaces concluding he would rather error on the side of sufficient parking.

Commissioner Forrest stressed that at final she would like to see the materials board, adding she wants assurance that the materials used are compatible.

Commissioner Grabiell commented that he believes the City over parks, adding this is just his opinion. Grabiell said what he is having difficulty with this evening is "negotiating" with the applicant over specific issues. Grabiell said he doesn't feel the City has a good enough tool to negotiate during the PUD process. He pointed out according to State Statute the City needs to act on a submittal within a specific timeframe, reiterating in his opinion it's difficult to negotiate at a public forum. He pointed out the last time the Commission met specific items were listed; the applicant came back with some of those issues addressed; and if the Commission continues to have further issues this could go on and on. Grabiell acknowledged the mention of forming a subcommittee that would negotiate with the developer during the PUD process, which could work; however, again the City has time limit.

Commissioner Scherer states she is likely to vote in favor of this project. She said she continues to have issues; especially the long north facing brick wall, adding to her it looks like a prison with two guard towers at the end. She said she was also concerned with the height of the retaining wall for the community element, adding she would like it softened because she doesn't want the appearance of a tunnel from the promenade. Scherer stated she understands this is a balancing act, adding she will be very interesting in viewing the covered walkway because to her it could look cheesy. Concluding, Scherer said this has been a strange process and she appreciates everyone's input.

Commissioner Potts stated that this request is asking for a significant increase in density, adding he was expecting more coming out of the gates. Concluding, Potts said he doesn't see a community benefit to grant the PUD.

Commissioner Forrest stated she agrees with Commissioner Scherer's and Carr's comments on the north building wall. With regard to the PUD process Forrest acknowledged it's a balancing act that may need to be revisited further down the line.

Further discussion continued on the PUD process itself and the project's pluses and minuses. Chair Staunton asked for a motion.

### **Motion**

**Commissioner Grabiell moved to recommend preliminary rezone to PUD and preliminary development plan based on staff findings found on pages 14 & 15 of the staff report and subject to staff conditions found on pages 15 & 16 of the staff report. Preliminary plat approval is also recommended based on staff conditions on page 16 of the staff report; noting the payment of a Parkland Dedication fee of \$1,230,000 to be paid prior to release of the final plat. Commissioner Forrest seconded the motion.**

**Commissioner Carr asked to amend the motion to include the addition of architectural features along the north building wall. Commissioners Grabiell and Forrest accepted that amendment. Ayes; Scherer, Carr, Forrest, Grabiell. Nays; Schroeder, Potts, Carpenter and Staunton. Motion failed.**

Feb. 27, 2015  
Planning Commission  
Minutes

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**E. Preliminary Rezoning to PUD, Preliminary Redevelopment Plan, and Preliminary Plat.  
Anderson-KM Builders. 7171 France Avenue, Edina, MN**

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**Planner Presentation**

Planner Teague informed the Commission Lund Food Holdings is proposing to tear down the existing 59,000 Byerly's grocery store, located at 7171 France Avenue and build a two phase project. Phase 1 would include a new 47,000 square foot Byerly's store, a six/seven story 109-unit apartment building with two levels of underground parking and a six/seven story, 77-unit apartment building with a first floor 10,450 square foot retail area and two levels of underground parking. Phase 2 would consist of a six-story 60-unit apartment building with 10,500 square feet of retail space on the first level and two levels of underground parking.

Teague reported In building the first phase, the new Byerly's store would be constructed in the parking lot of the existing store at the northwest corner of the site. The existing store would remain open. When the new store is finished the existing store would be removed, and then the two apartment buildings would be constructed. Concluding, Teague explained to accommodate the proposed redevelopment the following is requested; Preliminary Rezoning from PCD-3, Planned Commercial District to PUD, Planned Unit Development; Preliminary Development Plan; and Preliminary Plat.

Teague noted if "preliminary" requests are approved by the City Council; the second step would be Final Development Plan, Final Rezoning and Final Plat review which would again require review by both the Planning Commission and City Council.

Continuing with his presentation Teague reminded the Commission that the applicant has gone through the Sketch Plan process before the Planning Commission and City Council and from those meetings developed the proposed plans by attempting to address the issues raised by the Planning Commission and City Council. Those revisions include bringing the Byerly's store up to France Avenue, relocated the loading dock away from the Promenade, have the project embrace the Promenade, better pedestrian connections and providing some sustainable concepts.

Planner Teague concluded that staff recommends that the City Council approve the Preliminary Rezoning from PCD-3, Planned Commercial District to PUD, Planned Unit Development District and Preliminary Development Plan to build a new 47,000 square foot Byerly's store; a six-story 106-unit apartment building with two levels of underground parking; a six-story, 77-unit apartment building with first floor 10,450 square foot retail area and two levels of underground parking; and a six-story, 60-unit apartment building with 10,500 square feet of retail space on

the first level and two levels of underground parking. Approval is based on the following findings:

1. The proposed land uses are consistent with the Comprehensive Plan.
2. The proposal would meet the purpose and intent of the PUD, as most of the above criteria would be met. The site is guided in the Comprehensive Plan as "Mixed Use Center – MXC," which encourages a mixing of uses, including retail and multifamily residential. The proposed uses are therefore consistent with the Comprehensive Plan.
4. The proposal would create a more efficient and creative use of the property. The Byerly's store would be pulled up close to the street, with sidewalks in front, and separated from the street by green space to promote a more walkable environment.
5. Pedestrian connections would be made from France Avenue to the Promenade from the north and south sides of the site, as well as through the middle.
6. The applicant is also proposing some sustainability principles within their project narrative.
7. The proposed buildings would be a high quality brick, stone, precast concrete, metal and glass building.
8. The site circulation would be improved with a right-in and right-out added along France Avenue.
9. The proposed project would meet the following goals and policies of the Comprehensive Plan:
  - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of liner buildings close to the street to encourage pedestrian movement.
    - Locate prominent buildings to visually define corners and screen parking lots.
    - Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.
  - b. Movement Patterns.
    - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
    - A Pedestrian-Friendly Environment. Improving the auto-oriented design pattern discussed above under "Issues" will call for guidelines that change the relationship between parking, pedestrian movement and building placement.
  - c. Appropriate Parking Standards. Mixed use developments often produce an internal capture rate. This refers to residents and workers who obtain goods and services from within the development without making additional vehicle trips.\*Parking ratios

for mixed use development should reflect the internal capture rate and the shared parking opportunities this type of development offers.

- d. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.

Approval is also subject to the following Conditions:

1. The Final Development Plans must be generally consistent with the Preliminary Development Plans dated January 28, 2012, and the materials board as presented to the Planning Commission. Final Development plans should include specific locations of trash enclosure areas, number of bike parking spaces provided, and where loading/deliveries are made to the retail space and apartments.
2. The Final Landscape Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
3. The Final Lighting Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
4. Submittal of a complete sign plan for the site as part of the Final Development Plan application. Signage should include monument sign locations and size, way finding signage, and wall signage.
5. Compliance with all of the conditions outlined in the city engineer's memo dated February 22, 2013.
6. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development for this site.

Planner Teague further recommended that the City Council approve the Preliminary Plat to create a new four lot subdivision at 7171 France for the proposed project based on the following findings:

1. The proposed plat meets all Zoning and Subdivision Ordinance requirements.

Approval is also subject to the following conditions:

1. Approval of the Final Rezoning of the subject property to Planned Unit Development, PUD.
2. The Final Plat must be considered within one-year after approval of the Preliminary Plat, or the Preliminary Plat shall be deemed null and void.
3. A shared parking and access agreement must be established across the Plat.
4. The Park Dedication fee of \$1,230,00 shall be paid prior to release of the mylars approving the Final Plat.

**Appearing for the Applicant**

Jim Vos, Cresa, Greg Anderson, Anderson Builders, Paul Holmes, Pope Architects, Maureen

Michaliski, Schaefer Richardson

### **Questions/Discussion**

Commissioner Grabel noted that presently there is a grade change from France Avenue onto the site and asked Planner Teague if the site would continue to be elevated from France. Planner Teague responded in the affirmative.

Commissioner Forrest commented that she understands housing is a permitted Conditional Use in the PCD-3 zoning district and asked Planner Teague if the Commission could limit the type of retail "use" in the residential component of the project. Continuing, Forrest said if limiting uses are allowed how would the Commission do it - would it be per parcel. Planner Teague responded that presently all uses allowed in the PCD-3 zoning district are permitted; however, the Commission can limit those uses per site. Continuing, Teague noted that any "use" not "called out" in the ordinance is prohibited.

Commissioner Forrest questioned if the developer could choose to develop this area through the PCD-3 zoning process and not through PUD. Teague responded that could occur; however, rezoning the site to PUD solidifies a "what is approved is what you get" development. A straight PCD-3 rezoning allows all uses permitted in that zoning district to be "used".

### **Applicant Presentation**

Jim Vos, Cresa, representing Lund Food Holdings, said they are happy to be back with a redevelopment proposal developed from the feedback they received from the Commission and Council at Sketch Plan Review. Vos introduced the development team.

Paul Holmes addressed the Commission and explained the proposed redevelopment plan will be accomplished in two phases. Phase 1 includes a replacement for the Byerly's store of 47,000 square feet, and two market-rate rental apartment buildings. Building A is a 6-story, 124,250-square foot, 106 unit building, with two levels of underground parking. Building B consists of a 6-story, 81,375-square foot, 77-unit building with 10,450 square feet of retail space on the west of the ground level, and two levels of underground parking. Phase 2 consists of a 50,400 square foot, 48-unit apartment building, and 10,500 square feet of retail area on the west side of the ground level and two levels of underground parking. Concluding his presentation Holmes said RLK completed a traffic study, adding that the housing element would be managed by Steven Scott.

Steven Manhart, RLK reported on the findings in the traffic analysis that indicated that this redevelopment would result in acceptable levels of service for traffic using existing roadways. Mr. Manhart said in particular it was found that the additional access points to and from the Byerly's redevelopment site greatly benefit the traffic operations despite there being more trips generated than in the current situation.

Chair Staunton asked City Engineer Houle to present his findings on the France Avenue TE, specifically because it relates so closely with what's occurring in the area as far as redevelopment goes. Houle delivered a power point presentation highlighting the following design elements:

- Consider narrowing lanes
- Widen and landscape medians
- Enhance pedestrian crosswalks
- Enhanced intersection corner treatments (suggested Biscuit Planters)
- Traffic signal improvements
- Pedestrian/bike phasing and detection
- Accessible pedestrian signals (APS) countdown timers, etc.

With graphics Houle illustrated traffic and pedestrian movements. Houle reported the schedule that would be followed. 1) Plans to Hennepin County/Federal Aid (2/4/2013); Plan approved for Letting (March 31, 2013), Construction June, 2013 – September 2013. Houle also reported a volunteer is needed at the Planning Commission level for Urban Design review. Houle stated this working group would focus on urban design for the corridor. Houle said he believes the working group would meet for roughly three months.

### Discussion

Commissioner Grabiell asked if the proposed residential units are rental. Mr. Voss responded in the affirmative. Grabiell questioned their intent to replat – who would own the apartment buildings and could they be sold to another party. Vos responded the intent is a long term partnership with Schaefer Richardson, adding the parcels are being split to accommodate financial requirements for construction.

Commissioner Forrest asked for clarification on the elevation of the residential community area, adding to her it appears above grade. Mr. Vos responded that area is above grade by roughly 7-feet at its highest point.

Chair Staunton asked if more units had been added since Sketch Plan Review. Mr. Vos responded in the affirmative. Mr. Holmes interjected and explained the siting of the buildings guided unit quantity, adding he believes there is an increase of 40-units. Staunton questioned if any consideration was given to pulling Building B closer to France Avenue. Mr. Holmes said their goal with the residential element of the project was to have the housing address the promenade as suggested by the Commission and Council. Continuing, Holmes said that their intent was also to separate the commercial from residential and to have the parking for the store be in front.

Commissioner Scherer questioned if unit size was determined. Ms. Michalski informed the Commission there is a wide range of unit size. Studio apartments begin at around 590-square

feet, 1-bedrooms between 620-830, and the range goes up from there with some loft units in excess of 1,500 square feet. Ms. Michalski gave a brief presentation of the housing units adding the design team went with a more classic look and feel to the residential building component of the project. Commissioner Scherer referred to a letter received from the property owner at 3655 Hazelton Road and asked if the lot line issue was clarified. Mr. Vos said they are working with that owner and are trying to strike a balance.

Commissioner Potts said he is having a difficult time appreciating the pedestrian connection from the promenade. Potts added he imagined a more "formal" pathway from the promenade into the site and to the new store. Mr. Vos said options are still open, and pointed out the plans indicate a pedestrian grid throughout the site. Potts suggested they "take this to the next level" by emphasizing the paths and reduce parking spaces. Concluding Potts said there are some great features in this project; however, more needs to be done. Mr. Holmes responded that at this time the plans are in the preliminary stages.

Commissioner Schroeder commented on sustainability referenced in the submitted materials and asked the development team if they have a target or set of goals they want to achieve. Mr. Vos responded that the proposed new store would be smaller, which reduces energy and other measures such as mechanical design and lighting etc. would also be implemented. Ms. Michalski told the Commission the development team is also working with Excel, White Group on energy design. Mr. Vos reiterated with the use of better mechanical systems, lighting and the shrinking of the foot print there would be measurable energy savings. Commissioner Schroeder stated that may be true; however, he would like to see the applicant formulate an outline and frame a target that illustrates the energy efficiency measures that will be implemented for this project. Schroeder said he there are ways to document differences in energy consumption from a building constructed in 2013 to one that was constructed in the 1970's or 80's. Ms. Michalski said working with the White Group should help the process.

Commissioner Forrest asked in reference to Engineer Houle's presentation if Metro Transit is part of the discussion. Houle responded in the affirmative.

### **Public Testimony**

The following spoke to the project:

John Bohan, 800 Coventry Place  
Janet Bohan, 800 Coventry Place  
Bill Wolfson, 3655 Hazelton Road  
Resident of 7220 York Avenue  
Resident 7220 York Avenue

## Motion

**Chair Staunton asked if anyone else would like to speak to this project; being none; Commissioner Grabiell moved to close the public hearing. Commissioner Scherer seconded the motion. All voted aye; public hearing closed.**

Chair Staunton asked if the store would have carry outs or would it be parcel pick up. Mr. Holmes responded parcel pick up is proposed for the store. Staunton further questioned if the type of retail uses have been determined. Mr. Holmes responded that he envisions a mobile phone store, a Noodles or Punch restaurant, adding the retail tenant mix is still being worked out.

Commissioner Schroeder referred to the traffic figures and questioned if Byerly's was expecting to lose customers. He pointed out the traffic analysis standard considers building size; however, in this instance Schroeder said he doesn't believe the smaller Byerly's building makes any difference with regard to traffic to and from the store.

A discussion ensued on traffic calculations, pedestrian access and site circulation. Chair Staunton noted that this is a two-step process; however it is very important the Commission gets preliminary right. Continuing, Staunton said from the discussion so far there appears to be building site issues on the east side, lack of sustainability measures and limited future build out analysis.

Commissioner Kilberg said he would like to add a youth view to the discussion. Kilberg said he enjoys walking the Centennial Lakes pathways, adding that the access to the promenade is a huge plus for this redevelopment proposal. Kilberg said in his opinion, this proposal should be developed as a destination; especially the Byerly's store and the small retail spaces. Kilberg also added the proposal is good for the community and achieving easy access for vehicles and pedestrians is beneficial for all. Concluding, Kilberg said he views this redevelopment as a continuation of Centennial Lakes park and promenade walking path. The walkability is very good and will flow as one large circle. Kilberg said he also envisions opportunity on the site to develop a "square" or meeting area, adding the current plan doesn't seem to achieve that level of pedestrian interaction.

Commissioner Platteter stated he has continues to have concerns with the project and in general has trouble envisioning this parcel as pedestrian friendly; especially its relationship to the promenade. Platteter also noted that the interior pedestrian flow needs clarity - how will the pedestrian navigate between landscape islands and the retail components. Concluding Platteter stressed the importance of walkability. He said to achieve walkability the residential components may need to be pulled back from the promenade. With regard to sustainability and working with the White Group a certain percentage of measurability needs to be documented. He also said he was a bit uncomfortable with the water feature.

Commissioner Scherer also noted positive features of the plan; however expressed the following concerns: better refine connectivity, reconsider the variance from the promenade, will these apartment buildings be “light stealers” from the properties to the east; adding she is also uncomfortable with the loading dock.

Commissioner Potts suggested that the applicant return to the Commission with a revised plan to include more information on sustainability, energy design and further explain the joint program with Excel.

Commissioner Forrest said that the Commission and development team should work together in developing this site as a PUD. Forrest stated she was a little disappointed with the PUD process, noting, what’s occurring isn’t much different from a straight PCD-3 rezoning. Forrest reiterated she thought that through the PUD process the Commission and applicant would work together and come up with ideas that fine tune the project. Forrest pointed out this is the first time the Commission has viewed this proposal; it’s an important proposal and in her opinion it requires more thought.

Chair Staunton commented that instead of a continuance the Commission “could” grant preliminary rezoning approval and list the categories Commissioners feel need more work. Staunton relayed what he heard so far is:

- Provide more clarity on pedestrian circulation within the site and how the pedestrian addresses the site from the promenade and vice versa.
- Consider reconfiguring the apartment building layout; possible look at reducing the variance.
- Hammer down the water feature on the site.
- Some Commissioners expressed displeasure with the loading dock scenario; location and screening. Can this be reconfigured?
- How does the pedestrian element tie in with the retail components of the apartment buildings?
- Create a better blend or “tie in” between the residential component of the site and the promenade and the Byerly’s store itself.
- Consider “use” restrictions.
- Develop sustainability measures.

Mr. Vos questioned if the Commission was at least supportive of the site plan (building arrangements). Commissioners commented that they have little opposition to the west side of the site; however the east side of the site needs work. Mr. Vos asked if that could mean relocating or moving the buildings. Commissioners said that was a possibility.

Chair Staunton commented that in all fairness this has been a long meeting, agreeing that it may be best to continue the hearing to the next meeting of the Planning Commission on March

13th. This would allow the Commission more time to revisit the plans and also to allow more time for the applicant to possibly re-tool the project.

### **Motion**

**Commissioner Platteter moved to continue the request for preliminary rezoning, preliminary plat, and preliminary development for Lund Holdings until the next meeting of the Planning Commission on March 13, 2013. Commissioner Scherer seconded the motion. All voted aye. Motion to continue the meeting to March 13, 2013 approved.**

The applicants stressed how difficult it is to modify a site plan when certain factors can't be changed; one being the existing store must remain open during the construction of the new store and in terms of a loading dock; this is a grocery store, a loading dock is needed, and the Commission and Council have both indicated their desire to have the store relocated as close to France Avenue as possible. Mr. Holmes asked if the Commission had any suggestions on where the loading dock should be located; adding, there aren't many options. Concluding, the applicants asked for clarification and direction with the density and the orientation of the residential components of the project.

Chair Staunton asked Commissioners to clarify if they "were OK" with the layout of the store and residential buildings. A number of Commissioners reiterated they were OK with the siting of the building on the west side (Byerly's store); however, were uncomfortable with the residential element on the east side. A number of Commissioners indicated they can't rule out the possibility of rearranging the buildings in the residential component.

Commissioner Grabiell questioned what would happen if the applicant comes back and informs the Commission they can't change certain aspects of the project. It was noted if that were to occur the Commission would have to vote the project either up or down.

Chair Staunton thanked everyone for their participation adding the request has been tabled to the next meeting of the Planning Commission on March 13, 2013.

### **VII. CORRESPONDENCE AND PETITIONS**

Chair Staunton acknowledged back of packet materials.

### **VIII. CHAIR AND COUNCIL MEMBER COMMENTS**

Chair Staunton thanked everyone for attending the ULI Workshop held at the Senior Center last week. Staunton also noted that in speaking with Planner Teague they felt it may be time to have a Planning "refresher" course with the City Attorney, Roger Knutson. Staunton said he and Teague would work on finding the right date for that event.

Continuing, Staunton said it may be time to revisit the "Work Plan", adding he would speak with Teague to set a date to add it to the agenda. Concluding, Staunton introduced new

FRANCE AVENUE

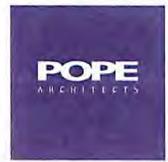
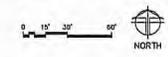
HAZELTON ROAD

PYLON SIGN



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CITY OF EDINA

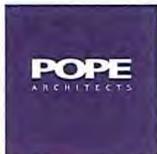
REVISED SITE PLAN



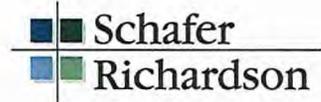
**Preliminary Development Plan**  
**Byerly's France Avenue Re-Development**  
EDINA, MN  
3-7-2013 | 15226-11051



VIEW OF CORNER FROM FRANCE AVENUE



**Preliminary Development Plan**  
**Byerly's France Avenue**  
**Re-Development**  
EDINA, MN  
3-11-2013 | 15226-11051





PROMENADE AT SCULPTURE

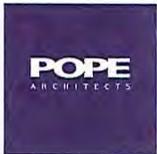


**Preliminary Development Plan**  
**Byerly's France Avenue**  
**Re-Development**  
EDINA, MN  
3-11-2013 | 15226-11051





PROMENADE AT SIGN LOOKING NORTHWEST



**Preliminary Development Plan**  
**Byerly's France Avenue**  
**Re-Development**  
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PROMENADE LOOKING NORTH

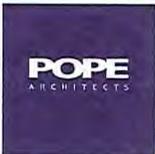


**Preliminary Development Plan**  
**Byerly's France Avenue**  
**Re-Development**  
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PROMENADE LOOKING NORTH



**Preliminary Development Plan**  
**Byerly's France Avenue**  
**Re-Development**  
EDINA, MN  
3-11-2013 | 15226-11051



## Cary Teague

---

**From:** Greg Anderson <ganderson@anderson-km.com>  
**Sent:** Wednesday, March 13, 2013 1:02 PM  
**To:** Cary Teague  
**Subject:** FW: Byerly's Edina - Sustainability

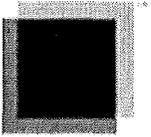
**Importance:** High

We received approval from Lunds during our project progress meeting today to send this email on to you regarding Lund's operational, sustainability attributes. Sorry for the late transfer of this information, but wanted you to have it in order to send it on to the planning commission members if possible.

Thanks Cary,

---

Greg Anderson | Chief Construction Officer | D: 952-746-1465 | C: 952-292-1100  
[ganderson@anderson-km.com](mailto:ganderson@anderson-km.com) | 4220 Park Glen Road | St. Louis Park, MN 55416



**ANDERSON  
KM BUILDERS**

**Comprehensive Building & Development Services**



Think green before printing this email.

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**From:** Edgett, Mike [<mailto:Mike.Edgett@lfhi.com>]  
**Sent:** Friday, March 08, 2013 9:47 AM  
**To:** 'Jim Vos'; Greg Anderson  
**Cc:** 'Matt Masica'; Wirtanen, Kris; Kent, Jenifer; Lindeman, Wally  
**Subject:** Byerly's Edina - Sustainability

Hello Jim and Greg,

I understand we took too long to add any information to Matt's sustainability letter to Cary Teague on our Byerly's Edina project. I still think there could be some merit to having this information available for the upcoming meetings with the Planning Commission and/or the City Council. You are welcome to utilize any of this if your see fit to do so.

1. Refrigeration System

- a. Hybrid condensers save energy and lower the total refrigerant charge by utilizing micro channel heat exchangers and E.C. motors.
- b. Individual case controllers further lower the refrigerant charge and energy usage by utilizing a loop piping strategy.
- c. The refrigeration rack system will incorporate variable capacity compressors which also lowers energy usage.
- d. We will utilize reclaimed heat from the refrigeration system to pre-heat water before it goes to the gas fired water heaters.
- e. Refrigerated cases will be of efficient design incorporating E.C. motors and efficient coil design.
- f. The above listed items will allow the total refrigerant charge will be 30% less than a standard system.
- g. Energy usage will be 25% to 40% more efficient than the standard systems.
- h. Night shades on all open style cases provides 50% more efficiency while the store is closed

2. Energy Management System
  - a. Our system design monitors all components and interacts with the HVAC, refrigeration system and cases, and the overall store lighting to provide 10% less energy usage.
3. Lighting Systems
  - a. Both interior and exterior lighting will be 20% more efficient than standard.
  - b. Day lighting and automatically dimmable fixtures will be utilized to save energy.
  - c. Motion activated lighting systems will be utilized in all office spaces, meeting rooms, walkin coolers and freezers
  - d. Energy management system automatically adjusts lighting back during closed hours.
4. General Equipment
  - a. Auger style cardboard compactor allows for 3 times the capacity within the haul away container saving on trips to the recycle center.

This list captures the main contributors to sustainability components within the store. There are many more store operations driven policies and procedures that add to the performance standards for this new Byerly's store. We offer these as a means to quantify and measure the store's success.

Thank you,

Mike Edgett  
Senior Project Manager  
Lund Food Holdings, Inc.  
952-915-2680

March 6, 2013



Mr. Cary Teague  
Director of Community Development  
City of Edina  
4801 West 50<sup>th</sup> Street  
Edina, MN 55424

**Re: 7171 France Avenue Redevelopment  
PAI Project No.15226.11051**

Dear Cary:

In our original Preliminary Development Application submittal, our project narrative outlined several sustainable concepts that the project team is very excited about. During the February 27<sup>th</sup> Planning Commission meeting, we heard the comment that our sustainable goals for the project should provide a way to measure these goals.

The current design of the site and buildings bring a high degree of sustainable attributes when measured by industry standard third party sustainable rating systems. The housing portion of the site in particular will be going through one such industry standard program, the Energy Design Assistance program facilitated by Xcel Energy. This program uses the same energy modeling standard as the USGBC's LEED program; ASHRAE 90.1 2007. Both LEED and EDA's programs benchmark the building's overall energy performance taking into account the building envelope and the mechanical and electrical systems that are provided within them. While this process will take considerable design development to get to the point of having measurable results to share, the housing team is committed to the EDA process.

It is our opinion that the EDA process would provide a measurable third party standard in which the project can be benchmarked in comparison to other projects. Beyond that, we want to emphasize the project's sustainability goals in addition to the EDA process.

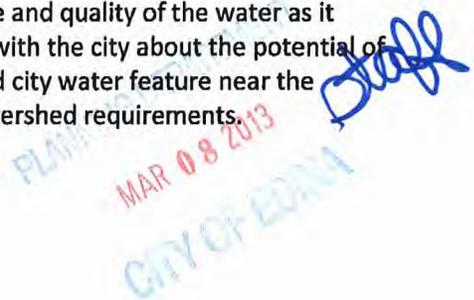
Sustainable site items include:

- Added density. The site will help curtail urban sprawl and be well connected to the surrounding community therefore reducing the number of automobile trips and making use of a previously developed site and infrastructure.
- The site has been designed to accommodate different modes of transportation and features strong pedestrian connections, areas for bicycle storage, connection to mass transit, and accommodations for automobiles while reducing the amount of surface parking and accommodating electric vehicles by means of charging stations at the housing and grocery locations.
- Our current storm water management design calls for water to be retained on site via at-grade infiltration and underground storage which will help both the rate and quality of the water as it eventually leaves the site. We also continue to have discussions with the city about the potential of collecting rainwater from rooftops to be routed into the proposed city water feature near the promenade as well as other storm water strategies to exceed watershed requirements.

POPE ARCHITECTS, INC.

1295 BANDANA BOULEVARD N, SUITE 200  
ST. PAUL, MN 55108-2735  
(651) 642-9200 | FAX (651) 642-1101

www.popearch.com



7171 France Ave. Redevelopment  
March 6, 2013

Water efficiency items include:

- The selection of low flow plumbing fixtures.
- Drought tolerant landscaping on the site and sprinklers utilizing moisture sensors to avoid unnecessary operation.

Energy consumption and its effect on the atmosphere:

- We would point to the previously mentioned EDA process through Xcel Energy as an effective and measurable third party process that the housing portion of the site will undergo.
- When looking at materials and resources for the projects many of the materials will come from a 500 mile radius of the site; reducing the negative impact of the transportation of the building materials to the site as well as aiding local economies.
- A high recycled content for building materials selected for the project including the re-use of parts of the existing building and parking lot as base and aggregate for the new parking lots.
- An increased percentage of recycled material when waste is removed from site during construction thus reducing the impact on landfills.
- At the grocery store we will be using high efficiency refrigeration systems and incorporating an energy management system which controls HVAC, lighting, and optimizes operating efficiencies.

Improved indoor environmental quality:

- Use of low VOC adhesives, sealants, paints, and flooring.
- A mix of LED and fluorescent lighting, many of which will be tied to occupancy sensors throughout the project to reduce the overall energy demand for the project.
- Day-lighting strategies and consideration of views for the occupants by window placement and building orientation.

In conclusion, we are very excited about the sustainable ideals that are integrated into the design of the project. We want to emphasize that there will be measurable results specifically from the Energy Design Assistance program through Xcel Energy and on top of that there will be a wide array of sustainable features that will be seen, felt, and experienced on site from the charging stations in the parking areas to the day-lighting strategies for the grocery store. We feel that this project will be a tremendous asset to the City and look forward to working together with the City on a great project and amenity to the community at large.

Sincerely,

**POPE ARCHITECTS, INC.**



Matt Masica  
Senior Project Architect

PLUMBING DEPARTMENT  
MAR 08 2013  
CITY OF EDINA

March 6, 2013



Mr. Cary Teague  
Director of Community Development  
City of Edina  
4801 West 50<sup>th</sup> Street  
Edina, MN 55424

**Re: 7171 France Avenue Redevelopment  
PAI Project No.15226.11051**

Dear Cary:

A family vacation will keep me from attending the Planning Commission meeting on the 13<sup>th</sup>. So, in advance of that session, I want to provide some additional input regarding the project, and the revisions that are being made in response to the meeting of the 27<sup>th</sup>.

We will also be submitting additional drawings and renderings, and hopefully this narrative and those exhibits will convey our approach clearly. Jim Vos of Cresa Partners, and others on the team, will be present on the evening of the 13<sup>th</sup> to present the changes in person, and to answer questions.

Reflecting on the meeting of the 27<sup>th</sup>, and reviewing the video archive (yes, all of it!), it was clear that there is a central disagreement about the organizational forces that should inform the site plan.

One idea is that the design team should "grab the Promenade and pull it on to and through the site", creating a new pedestrian armature around which buildings, roadways and parking are organized. The other view (ours) is that the Promenade itself is a strong pedestrian armature that informs the organization of sites adjacent to it, but, that to extend a pathway of that sort through our site, and to make it the primary organizing principle, would be to skew the true planning priorities.

The goals of this project are, very simply, to sell groceries and rent apartments, and to develop the site in a way that best supports those endeavors, within the context of the comp plan, zoning regulations and the PUD process. Significant factors that shape the site plan include:

- Keeping Byerly's in business during construction of a replacement store
- Providing safe and convenient access for people in cars. This is the primary way that retail customers and residents will travel to and from the site on any day, and throughout the year.
- Providing adequate visibility for retail
- Providing the quantity of rental housing units needed to support the investment structure
- Keeping building height at no more than six stories to control construction cost
- Maintaining appropriate separation of retail and housing
- Making roadway connections at mandated access points on Hazelton and France
- Making best use of proximity to the Promenade

Pedestrian connection to the Promenade is important and desirable, and the Promenade is an amenity that has informed the location of the housing. But it is not, and should not be the primary organizing force. Our site is *adjacent* to the Promenade, but it is not the Promenade.

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MAR 08 2013  
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A handwritten signature in blue ink, appearing to be "Staff", is written over the official stamps.

There is another force shaping the site plan, and that is the input provided to us by Planning Commission and City Council during the Sketch Plan Review process in the spring of 2012. During that process, we clearly heard the following priorities voiced:

- That the Byerly's store and the housing were too close together, and that retail activities would compromise the quality of the residential neighborhood next to the Promenade
- That the Byerly's store should be pulled up to France Avenue, away from the Promenade
- That a stronger pedestrian connection should be created with the Promenade and that a public outdoor gathering place should be established on our site
- That in order to achieve the above, building height and parking count were malleable
- That (subsequent to the sketch plan process) the primary vehicular connection to Hazelton must be at our easternmost property line

The plan that we have submitted clearly responds to all the forces in both of the bullet point lists above. It solves the puzzle of constructing in phases, negotiating grade changes, maintaining temporary site access for retail operations, separating construction traffic from retail traffic, creating a distinct residential neighborhood on the Promenade, separating housing and retail traffic flow, improving vehicular access to and through the site, creating a gathering place on France Avenue, providing adequate screened dockage, enhancing the Promenade and linking residential activity directly to it as has been the goal of the Planning Commission in other recent projects (i.e. Target). and providing reasonable separation between private amenities and public space.

The push and pull of the various forces is a huge planning challenge, and there are no perfect solutions. The plan we have submitted is product of compromise, but it is a very good plan, and we do not believe that a significantly better option exists.

Several sit-down sessions with city staff during the development of the plan also affirmed our approach. Staff has been extremely supportive, saying that this plan responds well to all the Sketch Plan input.

With these things in mind we have revised the plans to provide stronger and safer pedestrian connections, and to make other improvements as well. The following changes will be included in the presentation materials for the meeting on the 13<sup>th</sup> of March:

1. A primary pedestrian pathway, distinguished from other sidewalks, has been established in a broadened space, allowing a wider path and more interesting course of travel between the Promenade and Byerly's. Benches and public gathering spaces are provided along the way.
2. One vehicular crossing has been eliminated on the north side of Building B's retail lot.
3. The pathway connection at the Promenade has been strengthened, creating a feature with benches and signage that provides a gateway to our development, and clearer way finding.
4. A covered walkway, extending from the Byerly's entry through the parking lot to the south, will provide shelter for shoppers arriving in cars and by other means.
5. The water feature that has always been part of the planning, is now clearly illustrated, along with a pathway and footbridge connection for residents from Building A/B parking garage (where bikes are stored), directly to the Promenade.

PLANNING DEPARTMENT  
MAR 08 2013  
CITY OF EDINA

7171 France Ave. Redevelopment  
March 6, 2013

6. High translucent windows have been added to the west and east elevations of the Byerly's Store, bringing additional daylight into the Produce and Deli areas.
7. The dock screen wall design has been revised to include additional materials, and landscaping has been added.
8. We affirm the east elevation of Housing Building C, at street level, is incomplete. We have discussed using that location for public art or enhancing it in other ways, but we are not prepared to commit to any particular solution at this time. Since Building C construction is still out several years, we request approval of the site plan, with the development of Building C being conditioned upon final design review.

We believe these revisions strengthen the project as a whole, and in particular the connection of residents and pedestrians to the Promenade. We have attached a revised site plan, and will bring additional exhibits illustrating the changes proposed. If there are questions in advance of the meeting, please do not hesitate to contact Jim Vos of Cresa Partners, Greg Anderson of Anderson/KM Builders, or Matt Masica, my colleague at Pope Architects. Again, my apologies for not being able to attend.

Sincerely,

POPE ARCHITECTS, INC.

A handwritten signature in black ink, appearing to read 'P. Holmes', followed by a long horizontal line extending to the right.

Paul Holmes  
Principal

PLANNING DEPARTMENT  
MAR 08 2013  
CITY OF BOVA

## Cary Teague

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**From:** Cary Teague  
**Sent:** Friday, March 01, 2013 2:51 PM  
**To:** Jim Vos (jvos@cresa.com) (jvos@cresa.com); Greg Anderson (ganderson@anderson-km.com)  
**Cc:** Kevin Staunton (kevin@stauntonlaw.com); Scott Neal; 'James Hovland' (jhovland@krausehovland.com)  
**Subject:** Byerly's Redevelopment Plans

Hi Jim and Greg,

Per our phone conversation yesterday, below is a summary of the concerns and issues that were raised by the Planning Commission at last Wednesday's meeting. The Planning Commission Chair has reviewed and contributed to the summary below.

### Primary Concerns

Pedestrian connections. The commission is looking to find ways to make the site more welcoming to pedestrians, signal to motorists that they are sharing the space with pedestrians, and better facilitate pedestrian movement from the Promenade and the apartment buildings to the attractive 2-story Byerly's "destination" on France Avenue and back. The commission is open to any designs that can accomplish those goals. Reducing the number of times that pedestrians are required to cross drive lanes and converting "sidewalks" to widened and landscaped "walkways" that make them more inviting and signal to motorists that they are sharing the space are two possible ways to approach achieving the goal. Ultimately, the commission is looking for a site plan that makes the pedestrian experience a primary feature that the uses are linked to rather than vice-versa. Such a pedestrian oriented design is specifically identified in the city's PUD ordinance as a way to justify departures from the usual zoning code requirements.

Sustainability. The commission is looking for ways to ensure that laudable sustainability ideas become measurable sustainability commitments. One way to do this is to link proposed sustainability initiatives to standard energy codes or other measurable standards so that we can determine that (as the city's PUD Ordinance puts it) the sustainability elements are "exceeding the city's standards." You could commit to LEED certification or commit to being XX% better than existing energy codes. The commission welcomes any ideas about how to demonstrate a genuinely sustainable design that goes above and beyond what is required in non-PUD situations.

Engaging the Promenade. The commission wants to see more about how the project is integrated with the Promenade. While the water feature is an intriguing idea that might dovetail with some sustainability objectives, it should not be pursued if it has the effect of creating a barrier between the Promenade and the development. Some of the commission's concerns may be addressed by providing additional graphics illustrating your plans for this area but the commission would also like to hear about how you intend to interface with the Promenade in a way that helps create a special pedestrian experience for both the residents of your development and those passing by or traveling to it.

### Other Concerns

North elevation of Byerly's. Brick wall along Hazelton. Should engage the street. Consider windows or glazing that could provide visual features that better engage the street as well as provide more natural light into the store.

Building C. Proximity to Hazelton and mass/setback.

Site Plan. Design the pedestrian plan first, and then locate buildings. Consider two taller apartment buildings rather than three.

Loading Dock. The commission recognizes that some site circumstances may require the Byerly's to be located at the corner of the site adjacent to France and Hazelton and that such a location also requires the loading dock to be located near that corner. The commission is looking for you to explore creative ways to screen or divert attention from that understandably necessary feature.

Consider a connection to the Promenade on the south lot line.



## PLANNING COMMISSION STAFF REPORT

Originator <b>Cary Teague</b> Community Development Director	Meeting Date <b>February 27, 2013</b>	Agenda # <b>VI.E</b>
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### INFORMATION/BACKGROUND

#### Project Description

Lund Food Holdings is proposing to tear down the existing 59,000 Byerly's grocery store, located at 7171 France Avenue and build the following:

#### Phase 1

- A new 47,000 square foot Byerly's store.
- A six/seven-story 109-unit apartment building with two levels of underground parking.
- A six/seven-story, 77-unit apartment building with a first floor 10,450 square foot retail area and two levels of underground parking.

#### Phase 2

- A six-story, 60-unit apartment building with 10,500 square feet of retail space on the first level and two levels of underground parking.

In building the first phase, the new Byerly's store would be constructed in the parking lot of the existing store at the northwest corner of the site, and Building A would be constructed. The existing store would remain open. When the new store is finished the existing store would be removed, and then Buildings B & C would be constructed. (See the property location on pages A1–A6; the applicant's narrative on pages A25–A27; the building renderings on pages A28–A41; and site plans on pages A42–A58.)

To accommodate this proposed redevelopment, the following is requested:

- Preliminary Rezoning from PCD-3, Planned Commercial District to PUD, Planned Unit Development;
- Preliminary Development Plan; and
- Preliminary Plat

This "preliminary" review is the first step of a two-step process of City review. Should these "preliminary" requests be approved by the City Council; the second step would be Final Development Plan, Final Rezoning and Final Plat review which would again require review by both the Planning Commission and City Council.

The applicant has gone through the Sketch Plan process before the Planning Commission and City Council. (See the sketch plans on pages A7–A8; and the minutes from those meetings on pages A16–A24.) The applicant has developed the proposed plans by attempting to address the issues raised by the Planning Commission and City Council. Some of the most significant changes include:

- Bringing the Byerly's store up to France Avenue.
- Relocation the loading dock away from the Promenade.
- Project embracing the Promenade.
- Better pedestrian connections.
- Providing some sustainable concepts.

## **SUPPORTING INFORMATION**

### **Surrounding Land Uses**

- Northerly: Rue De France retail center; zoned PCD-3, Planned Commercial District and guided Mixed Use.
- Easterly: Vacant restaurant; zoned PCD-3, Planned Commercial District and Mixed Use.
- Southerly: Macy's Home Store; zoned PCD-3, Planned Commercial District and Mixed Use.
- Westerly: Sunrise senior living; zoned PSR-4, Planned Senior Residential and guided Office/Residential.

### **Existing Site Features**

The subject property is 9.67 acres in size, is relatively flat and contains Byerly's Grocery Store with a large parking lot in front. (See pages A3–A4 and A6.)

### **Planning**

- Guide Plan designation: MXC – Mixed Use Center.
- Zoning: PCD-3, Planned Commercial District (See page A5.)

## **Site Circulation**

Access to the site would be from France Avenue and Hazelton Road. A new right-in and right-out would be added at the south lot line on France Avenue. Hennepin County is agreeable to this new access point. There are two existing access points on Hazelton Road. These would be slightly adjusted. A future stop light is planned for the easternmost access point, and has been realigned to match the access to the north. The property owner to the west is not agreeable at this time to this arrangement. This intersection could be shifted to the east to be off the adjacent parcel. City staff would prefer the proposed alignment to match the access across the street to the north. (See page A45.) The westernmost access on Hazelton Road would be a right-in and right-out only.

Extensive pedestrian paths are planned for the site. Along France Avenue and Hazelton Road, a sidewalk would be constructed with green space separating them from traffic. An interior sidewalk is planned from the France Avenue sidewalk, to the east in front of the Byerly's store, to the south side of Building C, and east to connect to the Promenade. (See page A43 & A45.) An additional connection to the Promenade is available along the south lot line. (See page A45.) Sidewalks are also proposed around each of the housing buildings to provide pedestrian connections to the France and Hazelton Road sidewalks and the Promenade. (See page A43 & A45.)

## **Traffic & Parking Study**

RLK Incorporated is conducting a parking and traffic study. (See the attached draft of the study dated January 16, 2013.) The Study concludes that the proposed development could be supported by the existing roads subject to conditions. The document attached to this report is a draft of the study. RLK is anticipating completing the study this week. Representatives from RLK and Wayne Houle, the City's director of engineering will be at the Planning Commission meeting to present the study and answer any questions. Once staff receives the updated study it will be emailed out to the Commissioners prior to the meeting.

The proposed new right-in and right-out on France Avenue would greatly benefit traffic operations around the site. The level of service on adjacent roadways and intersections would remain the same. The Study further concludes that the project would have adequate parking.

Based on the proposal for 67,950 square feet of retail and 246 apartment units, 357 spaces are required for the retail, 18 bike parking stalls, and 246 enclosed units for the apartments. The applicant is proposing 314 spaces for the retail space and 357 enclosed and 33 surface stalls for the apartments. Bike racks are show at the entrances of each retail building. A shared parking

arrangement between all the lots for parking and drive aisle access would be established by a blanket easement over the properties. A parking study was done for the proposed project, which has concluded that the amount of parking provided would adequately serve the proposed development. (See the attached draft parking study by RLK.)

A specific breakdown of the parking for each proposed lot is as follows:

Lot 1 (Byerly's) = 190 stalls proposed (252 required)

Lot 2 & 3 (Housing A&B + retail) = 285 enclosed proposed + 72 surface proposed (183 enclosed required + 62 surface retail required.)

Lot 4 (Housing C + retail) = 89 surface proposed + 72 enclosed proposed (62 surface retail required + 60 enclosed and required.)

### **Landscaping**

Based on the perimeter of the site, the applicant is required to have 68 over story trees and a full complement of under story shrubs. The applicant is proposing 98 over story trees. They would include a mixture of Maple, Lindens, Oak, Crabapple and Spruce. (See pages A43, A49–A50.) A full complement of understory landscaping is proposed around the buildings. Final Landscaping would be more closely reviewed with the Final Development Plan.

### **Loading Dock/Trash Enclosures**

The proposed plans would locate the loading area on the east side of the building along Hazelton Road. (See proposed location on page A43.) This is similar to the arrangement of the loading dock for the recently construction Whole Foods to the south on France Avenue. The loading area would be screened from Hazelton with a brick wall that would match the building. (See page A32, A43 & A49.) Additional landscaping is also proposed along Hazelton to screen the loading area from the Hazelton and adjacent property. This is an improvement over the current location of the loading dock facing the Promenade, and the plans reviewed during the Sketch Plan, which were also facing the Promenade. (See previous Sketch Plan on page A7 & A8.)

### **Grading/Drainage/Utilities**

The city engineer has reviewed the proposed plans and found them to be generally acceptable subject to the comments and conditions outlined on the attached page A61. A developer's agreement would be required for the

construction of the proposed sidewalks, public water main, sewer and any other public improvements. Any approvals of this project would be subject to review and approval of the Nine Mile Creek Watershed District, as they are the City's review authority over the grading of the site. A more detailed review would be done at Final Development Plan. It should be mentioned that the water feature, as recommended in the Promenade Plan, is not specifically designed in the grading plan. (See Promenade Plan on pages A9–A15.) The Promenade Plan ponding area is located on a high point on the site, and therefore, was difficult to get drainage to flow naturally to that spot. The applicant is indicating that roof storm water could be routed to the area, if the City constructed the pond. (See page A26 of the applicant narrative.)

### **Lighting**

The applicant has indicated that all site lighting would conform to City Code requirements. Pole lights, 25 feet tall would be used to light the parking lot areas, and 14 foot tall decorative fixtures would light pedestrian walkways. All exterior lighting and illuminating devices would include lenses, reflectors or shades so as to limit light spill and glare on to adjacent properties. A detailed lighting plan would be required for the Final Development Plan review.

### **Building/Building Material**

The Byerly's would be constructed of brick on all four sides, with a stone base and concrete panels. (See rendering on pages A8–A9.) The apartment buildings would be constructed of metal panels, cement fiber panels, large windows, pre-cast concrete. The applicant believes that the mass of the building walls, in particular the west and north elevations, have been broken up by the variety of brick and concrete proposed as well as the landscaping anticipated in front. The applicant will present a visual elevation that shows the building and the landscaping together at the Planning Commission meeting.

### **Signage**

The underlying zoning of the property would be PCD-3, therefore, would be subject to signage requirements of that zoning district. Staff would recommend a full signage plan be submitted as part of the Final Development Plan. Plans should specifically include location and size of pylon signs and way finding signage. Specific signage regulations would be incorporated into the PUD Zoning District including way finding signage.

## Density

The proposed density would be 24 units per acre would be toward the lower middle end of the density range for the City's high density residential development as indicated in the table on the following page.

Development	Address	Units	Units Per Acre
Yorktown Continental	7151 York	264	45
The Durham	7201 York	264	46
York Plaza Condos	7200-20 York	260	34
York Plaza Apartments	7240-60 York	260	29
Edina Place Apartments	7300-50 York	139	15
Walker Elder Suites	7400 York	72	40
7500 York Cooperative	7500 York	416	36
Edinburgh Condos	76xx York	392	36
South Haven	3400 Parklawn	100	42
69 <sup>th</sup> & York Apartments	3121 69 <sup>th</sup> Street	114	30

## Preliminary Plat

The applicant is also requesting a Preliminary Plat to create separate lots for each of the proposed buildings. (See the plat on page A44.) The site exists as two lots today; the proposed subdivision would create four lots. The subdivision would meet all minimum lot standards and subdivision requirements. Shared parking and drive-aisle agreements would need to be established across the four lots.

## Park Dedication

Per Minnesota State Statute 462.353, Subd. 4(a) and Section 810.13 of the City Code, the applicant is required to dedicate land for public use as parks, playgrounds, recreation facilities, trails, or public open space.

Per Section 810.13, Subd. 5 of the City Code, the fees in lieu of land dedication is \$5,000 per dwelling unit. The development would create 246 new dwelling units; therefore, a \$1,230,000 parking dedication would be required. A portion of the park dedication funds could be used to develop the water feature, as shown on the Promenade Plans on pages A9–A15.

The fee would be paid prior to the City's release of the signed final plat mylars or subdivision approval for recording with Hennepin County.

### **Planned Unit Development (PUD)**

Per Section 850.04. Subd. 4 D provides the following regulations for a PUD:

- 1. Purpose and Intent. The purpose of the PUD District is to provide comprehensive procedures and standards intended to allow more creativity and flexibility in site plan design than would be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the City Council to make in its legislative capacity. The purpose and intent of a PUD is to include most or all of the following:**
  - a. provide for the establishment of PUD (planned unit development) zoning districts in appropriate settings and situations to create or maintain a development pattern that is consistent with the City's Comprehensive Plan;**
  - b. promote a more creative and efficient approach to land use within the City, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the City;**
  - c. provide for variations to the strict application of the land use regulations in order to improve site design and operation, while at the same time incorporate design elements that exceed the City's standards to offset the effect of any variations. Desired design elements may include: sustainable design, greater utilization of new technologies in building design, special construction materials, landscaping, lighting, stormwater management, pedestrian oriented design, and podium height at a street or transition to residential neighborhoods, parks or other sensitive uses;**
  - d. ensure high quality of design and design compatible with surrounding land uses, including both existing and planned;**
  - e. maintain or improve the efficiency of public streets and utilities;**
  - f. preserve and enhance site characteristics including natural features, wetland protection, trees, open space, scenic views, and screening;**

- g. allow for mixing of land uses within a development;***
- h. encourage a variety of housing types including affordable housing; and***
- i. ensure the establishment of appropriate transitions between differing land uses.***

The proposal would meet the purpose and intent of the PUD, as most of the above criteria would be met. The site is guided in the Comprehensive Plan as "Mixed Use Center – MXC," which encourages a mixing of uses, including retail and multifamily residential.

The proposal would create a more efficient and creative use of the property. The Byerly's store would be pulled up close to the street, with sidewalks in front, and separated from the street by green space to promote a more walkable environment. A patio is proposed along France at the front of Byerly's, and the front walkway in front of the building would be covered with a canopy. (See page A32.) The store configuration is similar to the recently constructed Whole Foods, except that there is an entry into the store closer to France Avenue. (See page A43 & A52.)

Pedestrian connections would be made from France Avenue to the Promenade from the north and south sides of the site, as well as through the middle. (See sidewalk plan on pages A43 & A45.)

The applicant is also proposing some sustainability principles within their project narrative. (See pages A25–A27a.) The proposed buildings would be a high quality brick, stone, precast concrete, metal and glass building. (See pages A29–A35.)

The site circulation would be improved with a right-in and right-out added along France Avenue.

## ***2. Applicability/Criteria***

- a. Uses. All permitted uses, permitted accessory uses, conditional uses, and uses allowed by administrative permit contained in the various zoning districts defined in Section 850 of this Title shall be treated as potentially allowable uses within a PUD district, provided they would be allowable on the site under the Comprehensive Plan. Property currently zoned R-1, R-2 and PRD-1 shall not be eligible for a PUD.***

The proposed uses, retail and multiple-family residential housing are uses allowed in the Mixed Use Center, as described in the Comprehensive Plan, and within the underlying PCD-3 Zoning District.

- b. Eligibility Standards. To be eligible for a PUD district, all development should be in compliance with the following:***
- i. where the site of a proposed PUD is designated for more than one (1) land use in the Comprehensive Plan, the City may require that the PUD include all the land uses so designated or such combination of the designated uses as the City Council shall deem appropriate to achieve the purposes of this ordinance and the Comprehensive Plan;***

The site is guided in the Comprehensive Plan for "Mixed Use Center – MXC," which encourages the mixing of retail and multi-family residential uses. The proposed plans are therefore, consistent with the Comprehensive Plan.

- ii. any PUD which involves a single land use type or housing type may be permitted provided that it is otherwise consistent with the objectives of this ordinance and the Comprehensive Plan;***

Again, the proposal is for a mixture of land uses.

- iii. permitted densities may be specifically stated in the appropriate planned development designation and shall be in general conformance with the Comprehensive Plan; and***

As indicated in table earlier within this report, and the fact that the site is located in a commercial area on France Avenue and the Promenade, the proposed density of 24 units per acre is appropriate for this site.

- iv. the setback regulation, building coverage and floor area ratio of the most closely related conventional zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purpose and intent described in #1 above.***

The following page shows a compliance table demonstrating how the proposed new building would comply with the underlying PCD-3 Zoning Ordinance Standards. Should the City decide to rezone this site to PUD, the proposed setbacks, height of the building and

number of parking stalls would become the standards for the lots. Please note that a few City Standards are not met under conventional zoning. However, by relaxing these standards, the purpose and intent, as described in #1 above would be met.

The site layout would be improved by bringing the building up to the street; pedestrian connections would be incorporated through and around the site, including green space between the road and the sidewalk; locating the taller buildings farther back from France Avenue, into the site; introducing a mixture of uses on the site.

The design of the building is of a high quality. Byerly's would be brick on all four sides, with a stone base and concrete panels. (See rendering on pages A29–A35.) The apartment buildings would be constructed of metal panels, cement fiber panels, large windows, pre-cast concrete. The development would incorporate improved landscaping and green space. Traffic would be improved in the area with a right-in and right-out on France Avenue.

## Compliance Table

	City Standard (PCD-1)	Proposed
<b><u>Building Setbacks</u></b>		
<i>Byerly's</i>		
Front – France Avenue	50 feet	51 feet
Side Street – Hazelton Road	50 feet	<b>26 feet*</b>
Side – South	NA	200+ feet
Rear – East (Promenade)	NA	200+ feet
<i>Building A</i>		
Front – France Avenue	81 feet	500+ feet
Side Street – Hazelton Road	81 feet	300+ feet
Side – South	NA	41 feet
Rear – East (Promenade)	81 feet	<b>27 feet*</b>
<i>Building B</i>		
Front – France Avenue	85 feet	300+ feet
Side Street – Hazelton Road	85 feet	200+ feet
Side – South	NA	NA
Rear – East (Promenade)	85 feet	200+ feet
<i>Building C</i>		
Front – France Avenue	79 feet	300+ feet
Side Street – Hazelton Road	79 feet	<b>43 feet*</b>
Side – South	NA	NA
Rear – East (Promenade)	79 feet	200+ feet
<b><u>Parking Lot Setbacks</u></b>		
Front – France Avenue	20 feet	51 feet
Front – Hazelton Road	20 feet	20 feet
Side – North & East	NA	NA
Building Height		
Byerly's Building A Building B Building C	Eight stories or 108 feet	One story – 21 feet Six/seven stories – 81 feet Six/seven stories – 85 feet Six stories – 79 feet
Maximum Floor Area Ratio (FAR)	50% Lot size = 9.67 acres	<b>72%*</b> 303,025 s.f.
Parking Stalls		
Retail Housing	67,950 s.f. = 357 spaces 246 units = 246 enclosed units	<b>314 spaces retail*</b> 357 enclosed & 33 surface
Parking Stall Size	8.5' x 18'	8.5 x 18'
Drive Aisle Width	24 feet	24 feet

\* **Would require a variance under PCD-3 Zoning**

## PRIMARY ISSUES/STAFF RECOMMENDATION

### Primary Issues

- **Is the proposed development reasonable for this site?**

Yes. Staff believes the proposal is reasonable for the following reasons:

1. The proposed uses would fit in to the neighborhood. As mentioned, this site is guided in the Comprehensive Plan for "Mixed Use Center – MXC," which encourages mixing land uses, including retail and multiple family residential, on one site.
2. The proposed six/seven-story buildings are two-three stories lower than the height allowed by City Code, and would fit into this area. They are consistent with some of the high density residential development to the east and south.
3. The existing roadways would support the project. RLK conducted a traffic impact study, and concluded that the proposed development could be supported by the existing roads subject to conditions. The proposed new right-in and right-out on France Avenue would greatly benefit traffic operations around the site. The level of service on adjacent roadways and intersections would remain the same.
4. The proposed project would meet the following goals and policies of the Comprehensive Plan:
  - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of liner buildings close to the street to encourage pedestrian movement.
    - Locate prominent buildings to visually define corners and screen parking lots.
    - Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.
  - b. Movement Patterns.
    - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
    - A Pedestrian-Friendly Environment. Improving the auto-oriented design pattern discussed above under "Issues" will call for

guidelines that change the relationship between parking, pedestrian movement and building placement.

- c. Appropriate Parking Standards. Mixed use developments often produce an internal capture rate. This refers to residents and workers who obtain goods and services from within the development without making additional vehicle trips. Parking ratios for mixed use development should reflect the internal capture rate and the shared parking opportunities this type of development offers.
  - d. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.
- **Is the PUD Zoning District appropriate for the site?**

Yes. Staff believes that the PUD is appropriate for the site. As highlighted above on pages 6-9, the proposal meets the City's criteria for PUD zoning. In summary the PUD zoning would:

1. The site is guided in the Comprehensive Plan as "Mixed Use Center – MXC," which encourages a mixing of uses, including retail and multifamily residential.
2. The proposal would create a more efficient and creative use of the property. The Byerly's store would be pulled up close to the street, with sidewalks in front, and separated from the street by green space to promote a more walkable environment. A patio is proposed along France at the front of Byerly's, and the front walkway in front of the building would be covered with a canopy. (See page A32.) The store configuration is similar to the recently constructed Whole Foods, except that there is an entry into the store closer to France Avenue. (See page A43 & A52.)
3. Pedestrian connections would be made from France Avenue to the Promenade from the north and south sides of the site, as well as through the middle. (See sidewalk plan on pages A43 & A45.)
4. The applicant is also proposing some sustainability principles within their project narrative. (See pages A25–A27a.)
5. The proposed buildings would be a high quality brick, stone, precast concrete, metal and glass building. (See pages A29–A35.)
6. The site circulation would be improved with a right-in and right-out added along France Avenue.

7. Ensure that the building proposed would be the only building built on the site, unless an amendment to the PUD is approved by City Council.

## **Staff Recommendation**

### ***Preliminary Rezoning to PUD & Preliminary Development Plan***

Recommend that the City Council approve the Preliminary Rezoning from PCD-3, Planned Commercial District to PUD, Planned Unit Development District and Preliminary Development Plan to build a new 47,000 square foot Byerly's store; a six-story 106-unit apartment building with two levels of underground parking; a six-story, 77-unit apartment building with first floor 10,450 square foot retail area and two levels of underground parking; and a six-story, 60-unit apartment building with 10,500 square feet of retail space on the first level and two levels of underground parking.

Approval is subject to the following findings:

1. The proposed land uses are consistent with the Comprehensive Plan.
2. The proposal would meet the purpose and intent of the PUD, as most of the above criteria would be met. The site is guided in the Comprehensive Plan as "Mixed Use Center – MXC," which encourages a mixing of uses, including retail and multifamily residential. The proposed uses are therefore consistent with the Comprehensive Plan.
4. The proposal would create a more efficient and creative use of the property. The Byerly's store would be pulled up close to the street, with sidewalks in front, and separated from the street by green space to promote a more walkable environment.
5. Pedestrian connections would be made from France Avenue to the Promenade from the north and south sides of the site, as well as through the middle.
6. The applicant is also proposing some sustainability principles within their project narrative.
7. The proposed buildings would be a high quality brick, stone, precast concrete, metal and glass building.
8. The site circulation would be improved with a right-in and right-out added along France Avenue.

9. The proposed project would meet the following goals and policies of the Comprehensive Plan:
- a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of liner buildings close to the street to encourage pedestrian movement.
    - Locate prominent buildings to visually define corners and screen parking lots.
    - Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.
  - b. Movement Patterns.
    - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
    - A Pedestrian-Friendly Environment. Improving the auto-oriented design pattern discussed above under "Issues" will call for guidelines that change the relationship between parking, pedestrian movement and building placement.
  - c. Appropriate Parking Standards. Mixed use developments often produce an internal capture rate. This refers to residents and workers who obtain goods and services from within the development without making additional vehicle trips.\*Parking ratios for mixed use development should reflect the internal capture rate and the shared parking opportunities this type of development offers.
  - d. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.

Approval is subject to the following Conditions:

1. The Final Development Plans must be generally consistent with the Preliminary Development Plans dated January 28, 2012, and the materials board as presented to the Planning Commission. Final Development plans should include specific locations of trash enclosure areas, number of bike parking spaces provided, and where loading/deliveries are made to the retail space and apartments.
2. The Final Landscape Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.

3. The Final Lighting Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
4. Submittal of a complete sign plan for the site as part of the Final Development Plan application. Signage should include monument sign locations and size, way finding signage, and wall signage.
5. Compliance with all of the conditions outlined in the city engineer's memo dated February 22, 2013.
6. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development for this site.

### **Subdivision – Preliminary Plat**

Recommend that the City Council approve the Preliminary Plat to create a new four lot subdivision at 7171 France for the proposed project.

Approval is subject to the following findings:

1. The proposed plat meets all Zoning and Subdivision Ordinance requirements.

Approval is subject to the following conditions:

1. Approval of the Final Rezoning of the subject property to Planned Unit Development, PUD.
2. The Final Plat must be considered within one-year after approval of the Preliminary Plat, or the Preliminary Plat shall be deemed null and void.
3. A shared parking and access agreement must be established across the Plat.
4. The Park Dedication fee of \$1,230,00 shall be paid prior to release of the mylars approving the Final Plat.

**Deadline for a city decision: May 21, 2013**