



**MINUTE SUMMARY**  
**Regular Meeting of the Edina Planning**  
**Commission**  
**Wednesday, July 29, 2009, 7:00 PM**  
**Edina City Hall Council Chambers**  
**4801 West 50<sup>th</sup> Street**

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**MEMBERS PRESENT:**

**Chair Mike Fischer, Jeff Carpenter, Julie Risser, Kevin Staunton, Michael Schroeder, Steve Brown, Floyd Grabel and Arlene Forrest**

**MEMBERS ABSENT:**

**Nancy Scherer**

**STAFF PRESENT:**

**Cary Teague and Jackie Hoogenakker**

**I. APPROVAL OF THE MINUTES:**

The minutes of the July 1, 2009, meeting were filed with a correction from Commissioner Forrest.

**II. NEW BUSINESS:**

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**2009.0004.09c      Amendment to Zoning Ordinance 850**  
**Richards & Wanninger LLC**  
**4420 Valley View Road**

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**Planner Presentation**

Planner Teague informed the Commission Richards & Wanninger, LLC have made a request to amend the City's Zoning Ordinance to allow restaurants to have a drive-through window in the PCD-1 Zoning District. The purpose of the request is to allow Bull Run Coffee to utilize the existing drive-through window at the Clancy's site at 4420 Valley View Road. They would offer coffee and pastry sales through the window. Prima Restaurant would be sharing the building with

the coffee establishment, but Bull Run Coffee would operate the drive-through window.

Currently the PCD-1 district allows drive-through facilities, except those that are accessory to financial institutions and food establishments. A coffee shop is considered a food establishment. Clancy's Drug Store has a drive-through window on the east side of their building.

With graphics Planner Teague pointed out the present PCD-1 District in the City; 44<sup>th</sup> and 54<sup>th</sup> and France areas; Londonderry Road and 169; and the 70<sup>th</sup> and Cahill area.

Planner Teague concluded that staff would recommend approval of the ordinance amendment with added restrictions and that the Commission has three options this evening – Approval with or without specific conditions; denial or if more time is needed table the issue until the next meeting of the Commission.

### **Commission Comments and Questions**

Commissioner Carpenter asked Planner Teague if he knows the reason drive-through windows were prohibited for certain uses. Planner Teague responded that he wasn't sure; however he was told that during this time the Council didn't want to see fast food restaurants crop up in the PCD-1 zoning districts. Continuing, Planner Teague also noted at that time there was no concept of a drive-through window for coffee service.

### **Appearing for the Applicant**

John Wanninger, Richards & Wanninger, Jennifer King, Prima Restaurants and Greg Hoyt, Bull Run Roasting Co.

### **Applicant Presentation**

Mr. Wanninger addressed the Commission and explained he along with his partner, purchased this property nine years ago and over the past nine years have considered a number of different redevelopment options. Mr. Wanninger acknowledged they have had tenant issues and at this time Clancy's will be relocating their pharmacy business to Lunds. Continuing, Mr. Wanninger said in his opinion this is a vital corner, adding he believes the proposed building renovation to accommodate an Italian Bistro and Coffee House will be a wonderful addition to the corner and neighborhood. Mr. Wanninger introduced Jennifer King, Prima Foods and Greg Hoyt, Bull Run Coffee.

Ms. King addressed the Commission and told them her and her husband Elliott own and operate two Prima Restaurants, adding they love the Valley View Rd and Wooddale location, it's a great neighborhood. Ms. King said their goal is to

bring a small neighborhood restaurant to this area. Continuing, Ms. King said she operates a “from scratch” kitchen. Concluding, Ms. King reiterated their desire to bring a neighborhood restaurant to this area, adding they are “neighborhood people”.

Greg Hoyt told the Commission he is an Edina resident and small business owner and is very excited about this opportunity. Mr. Hoyt explained that his coffee is available in a number of restaurants and is brewed to order, adding he believes his concept is very unique.

### **Comments and Questions from the Commission**

Commissioner Grabiell asked Mr. Wanninger if any changes would be made to the building. Mr. Wanninger responded that the building will be remodeled, adding there will be no change to the buildings footprint. Mr. Wanninger said they intend to cut in large windows and add window boxes. The property will also be re-landscaped.

Commissioner Grabiell asked Mr. Wanninger why he feels a drive-through window is necessary at this location. Mr. Wanninger responded that a drive-through window for the coffee element of the restaurant is very desirable. Ms. King added that the window is essential from a revenue standpoint.

Commissioner Brown noted that it was mentioned previously that coffee will be brewed to an individual’s choice and asked how long this “specialty” service would take. Mr. Hoyt responded that it takes roughly 40 seconds to brew the coffee. Commissioner Risser asked Mr. Hoyt if he knows how long it would take to brew their most complex coffee drink. Mr. Hoyt responded that he wasn’t sure; however, the coffee selections on the outdoor menu board would be limited.

Commissioner Carpenter questioned if a study was conducted on the number of “competing” coffee shops in the area. Mr. Hoyt responded a study was done and it was found that within a 5 mile radius there are roughly 30 coffee shops. Mr. Hoyt reiterated that he believes the service he provides is unique; adding he also believes that coffee shops with a drive-through element will be the shops that will thrive.

Commissioner Brown asked Mr. Wanninger the square footage of the building. Mr. Wanninger responded that he believes the building is 14,000 + square feet. Commissioner Brown asked Mr. Teague if parking is adequate for the present and proposed uses of the building. Planner Teague responded that parking was an initial concern; however, staff “ran the numbers” and believe parking will be adequate.

Commissioner Schroeder questioned if the Commission even has the ability to discuss/shape the site plan, noting that it appears seven of the parking spaces

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are on City right-of-way, adding the request before the Commission is for an amendment to the ordinance, not site plan review. Planner Teague responded that the parking spaces in the right-of-way are an existing condition and the change in the use of the drive-through triggers the ordinance amendment. Continuing, Commissioner Schroeder asked for clarification on the City's notification process, adding he thinks in this instance that proper notification is important. Planner Teague responded that this evening the Commission is holding a public meeting, not hearing. The City Council holds the public hearing on ordinance amendments. Continuing, Planner Teague agreed with Commissioner Schroeder that it may be a good idea for staff to notify neighbors, but as it stands the City is only required to post a notice in the local paper. Concluding, Planner Teague said he would check and see if this request would warrant a mailed notice.

Chair Fischer asked Planner Teague if he ever received requests for a drive-through window in the City's other PCD-1 Districts. Planner Teague said to date he hasn't received any.

Commissioner Brown commented that from the work the Commission accomplished on the Comp Plan and on ordinance revisions that it appears to him that the Commission is again reacting, pointing out what's before them this evening isn't even a plan. Continuing, Commissioner Brown stated during the Comp Plan re-write this area along with the 70<sup>th</sup> and Cahill area were identified as key areas for further study and small area plans. Commissioner Brown said in his opinion it is premature to amend the ordinance – the impact would be sweeping. Commissioner Brown stated in his opinion there are some real limitations with this site and reiterated acting on the requested ordinance amendment is premature. Concluding, Commissioner Brown said he believes the restaurant/coffee house is a good idea, but this request goes beyond this site and is more complicated.

Commissioner Risser stated she is worried about vehicle emissions from vehicles idling in the drive-through lane and asked Mr. Wanninger where the intake system is located. Continuing, Commissioner Risser said she realizes the City doesn't have a policy on air quality; however, this site is located across from a day care center, adding she would feel more comfortable if this was looked at from an environmental standpoint. Mr. Wanninger responded that he believes the intake vents are located on the roof.

Chair Fischer opined with Clancy's leaving the building and the property owner proposing a restaurant/ coffee house to fill the vacancy if the Council were to amend the ordinance it's possible that unforeseeable issues could arise in the future. Chair Fischer asked Planner Teague if this request could be handled another way – possibly through the variance process. Planner Teague responded that variances are not granted for a "use", adding the request to

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amend the ordinance is because the “use” of the drive-through is changed from pharmacy to restaurant.

Commissioner Schroeder suggested that another option would be to handle this through a Conditional Use Permit. Planner Teague agreed that would be an option, adding the ordinance could be amended to allow a drive-through as a conditional use with the ability to apply specific conditions to the CUP.

Commissioner Forrest said she has a concern about early morning rush hour, pointing out this is a busy corner where there could be conflicts. Commissioner Forrest questioned if stacking could become an issue while people wait for their coffee. Commissioner Forrest commented that in her opinion this request may have been put together too quickly.

Commissioner Grabiell commented that he has observed first hand what happens at Gus Young Lane where people wait in the drive-through aisle over 15 minutes to get their coffee. Commissioner Grabiell said he doesn't believe drive-through windows should be encouraged, especially at this time.

Commissioner Staunton stated he's concerned with the process, pointing out there is a big picture perspective to consider, adding he believes this area needs a small area plan. Commissioner Staunton said he also has a concern with the lack of notification, adding he believes nearby residents should be able to weigh in on this ordinance change.

Chair Fischer agrees there is conflict with this request. He added if the Commission were to list what would work well here it would probably be this. He pointed out the vision of the Commission for these small area nodes was pedestrians first.

Commissioner Carpenter said that he believes the drive-through is necessary for Bull Run, adding a community based coffee house may not be a viable option. Commissioner Carpenter concluded that he struggles with amending the ordinance, adding he would be comfortable with this as a conditional use.

Planner Teague suggested if the Commission would like he could craft language that would shift this to the conditionally permitted section of the ordinance.

Commissioner Brown said he would like to re-state that he believes amending the ordinance is premature, adding in this instance he has site concerns and believes there are too many unclear issues. Concluding, Commissioner Brown stated without a site plan this is only half of the picture.

Commissioner Staunton noted if it wasn't for the existing drive-through window and the potential for its use to serve coffee the Commission wouldn't even be discussing this, pointing out the restaurant/coffee house is a permitted use in the

PCD-1 district. Commissioner Staunton stated that at least to him amending the ordinance is too big of a step to take without public input.

### **Commission Action**

**Commissioner Staunton moved to deny the requested amendment to ordinance 850. Commissioner Brown seconded the motion. Commissioner Staunton clarified his motion – Commissioner Staunton moved to recommend that the ordinance not be amended to allow a drive-through window to service a restaurant/coffee shop in the PCD-1 Zoning District. Commissioner Brown seconded the motion. Ayes; Risser, Staunton, Schroeder, Brown, Grabiell, Forrest and Fischer. Nay; Carpenter**

**Commissioner Schroeder moved to recommend that the ordinance be reviewed and amended to allow a drive-through window as a Conditional Use in the PCD-1 Zoning District.**

A discussion ensued with Commissioners expressing hesitancy in drafting language for this purpose. It was pointed out that at the present time the Commission is in the process of re-writing portions of 850 and it's probable during the revision process that this issue would be discussed, and amending the ordinance at this time would be piece-meal. A number of Commissioners indicated they wouldn't be able to support additional drive-through options in the PCD-1 District - regardless.

**Commissioner Schroeder withdrew his motion.**

Chair Fischer thanked the applicant for his time and stated he believes the Commission agrees that the restaurant/coffee house are a good fit for the neighborhood; however, allowing the drive-through window would have ramifications for the City's other PCD-1 zoning districts.

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**2009.0004.09a**

**Amendment to Zoning Ordinance 850 regarding accessory buildings larger than 1,000 square feet on property with conditionally permitted uses.**

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### **Planner Presentation**

Planner Teague informed the Commission the City Council recently amended the Zoning Ordinance to limit accessory buildings on property with single-family homes to no more than 1,000 square feet, and did not limit accessory buildings over 1,000 square feet on properties with a conditionally permitted use, such as a

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golf course or school. That amendment allowed Interlachen to proceed with their building, as they had already been through the Conditional Use Permit process.

Planner Teague explained that the City Council agreed with the Planning Commission that requiring a Conditional Use Permit for buildings over 1,000 square feet on properties with a conditional use was appropriate. As a result, they requested that the Planning Commission study, and make a recommendation on an Ordinance Amendment that would require a Conditional Use Permit for accessory buildings over 1,000 square feet that are located on properties with a conditionally permitted use in the R-1, Single Family Residential Zoning district. The Council asks that a recommendation be forwarded to them within 90 days.

Concluding Planner Teague noted that the Planning Commission previously recommended to the City Council that a conditional use permit be required for any accessory building over 1,000 square feet on property on which a conditionally permitted use already exists. The Planning Commission is asked to consider this proposed amendment and any other requirements you may wish to add, such as setback and height requirements. Again, the Commission has 90 days to make a recommendation to the City Council. The intent of tonight's meeting is to begin the discussion and ask staff to bring back additional information that you deem necessary.

### **Comments from the Commission**

A discussion ensued with Commissioners expressing and suggesting the following:

- Survey other Cities on how they regulate accessory buildings,
- Recognize that some of the City's conditionally use permitted parcels have limited space,
- Consider requiring additional screening (where appropriate) and require a "screening/landscaping" plan,
- Consider requiring that accessory buildings be architecturally compatible if located within a specific distance from the principle building (to be determined); it was also noted that architectural diversity isn't necessarily bad, but pay attention to the entire parcel and its buildings,
- Increase the required setback of the accessory building(s) from all property lines,
- Place a cap on building height

The Commission asked Planner Teague to draft ordinance requirements based on the discussion. Commissioners also noted that the ordinance needs to allow for some variation, as previously mentioned not all sites are equal.

Planner Teague responded he would be happy to conduct a survey of other cities accessory building requirements and bring back to the Commission a draft for their review.

**III. INTERGOVERNMENTAL BUSINESS:**

Chair Fischer acknowledged receipt of the Council Connection and miscellaneous material.

Member Risser invited the Commission to attend an "Energy Future Fair" held at the Edina High School at 5:30 pm on August 18th. She informed the Commission that author Bill McKibben and Will Steger will be present to discuss global warming. Music and entertainment will also be provided.

Commissioner Staunton updated the Commission on the July work and information gathering session with the Transportation Commission and the Park Board, adding it was a good exchange. Continuing Commissioner Staunton said another ordinance re-write work session is scheduled for August 12 with Dan Cornejo and Roger Knutson. Commissioner Staunton said the future meetings will be to re-group and to hold a public meeting on the ordinance re-writes.

Member Forrest told the Commission she attended a workshop at City Hall which was outstanding and she informed the Commission another session will be held again at City Hall on August 6<sup>th</sup> – Member Forrest encouraged Commissioners to attend if possible. She added the August 6<sup>th</sup> session will be at 2:00 and 6 PM.

Commissioner Carpenter told the Commission he has been busy and is still working on drafting by-laws for the Commission.

**IV. ADJOURNMENT:**

Commissioner Carpenter moved adjournment at 8:45 pm. Commissioner Risser seconded the motion. All voted Aye; motion carried.

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Submitted by

