



**Date:** June 27, 2018

**To:** Planning Commission

**From:** Emily Bodeker, Assistant City Planner

**Subject:** PUBLIC HEARING: Resolution No. 2018-65 Conditional Use Permit for Life Time Athletic at 250 Southdale Center

## **Information / Background:**

Life Time Athletic, the applicant, is proposing rooftop dining at the building under construction at 250 Southdale Center, the former site of J.C. Penney at Southdale Center. A site plan for Life Time and an adjacent multi-tenant building were reviewed and administratively approved by planning staff. A formal review of the site plan was not required because the square footage of the new Life Time is smaller in size than the previous J.C. Penney. A footing and foundation permit was issued on June 18, 2018 and a second building permit for the remainder of the work is currently under review.

Life Time Athletic is a three story building plus a rooftop which includes leisure pools, lounge seating, bocce courts, and the proposed rooftop bistro/restaurant.

To accommodate the request, the following is requested:

- Conditional Use Permit for the rooftop dining. Rooftop restaurants are a conditional use in the Planned Commercial District.

## **SUPPORTING INFORMATION**

### **Surrounding Land Uses**

Northerly: Firestone Tires & Homewood Suites (under construction); zoned PCD-3 and guided Community Activity Center

Easterly: Southdale Center property (parking ramp); zoned PCD-3, Planned Commercial District and Guided Community Activity Center

Southerly: Southdale Center; zoned PCD-3 and guided Community Activity Center

Westerly: Southdale Center; zoned PCD-3 and guided Community Activity Center

### **Existing Site Features**

The subject property, 250 Southdale Center, is 2.43 acres in size and is located within the Southdale Center site.

### **Planning**

Guide Plan designation: CAC, Community Activity Center  
Zoning: PCD-3, Planned Commercial District

### **Site Circulation, Traffic & Parking**

There would be no change in access or traffic to the site. The proposed rooftop restaurant would be utilized by Life Time Athletic members and guests. No additional traffic or parking needs would be generated with the approval of the rooftop restaurant.

A number of parking studies have been completed with new development and redevelopment of Southdale Center. The latest parking study, completed with the Untiedt's Garden Market proposal in March of 2018, accounted for the redevelopment of the J.C. Penney site with the Life Time Athletic Fitness/Retail/Office development.

### **Building/Building Material**

No changes would be made to the exterior of the building which was administratively approved by planning staff.

### **Conditional Use Permit**

Per Section 36-612 of the Edina City Code, a conditional use permit for rooftop restaurants shall meet the following:

1. Hours of operation are limited to 7:00 am to 10:00 pm. The city council may further restrict the hours of operation based upon the proximity of the area to residential dwelling units and upon considerations relating to the safety and welfare of residents, businesses, and other uses near the establishment.
2. Amplified sound shall be subject to the city's noise ordinance chapter 23, division 5 of the city Code.
3. The rooftop dining area shall be kept in a clean and orderly manner. No food or beverages may be stored on the rooftop unless a suitable means for such storage has been reviewed and approved by the city as part of the CUP.

4. Rooftop restaurants must be adequately screened from adjacent residential uses at the time the rooftop restaurant is established.
5. A liquor license is required to serve alcohol in the rooftop dining area.
6. Fencing or a guard is required around the perimeter of the rooftop dining area per the Minnesota State Building Code.
7. Lighting shall be permitted to the extent that it only illuminates the designated area. Lighting shall not shine or cause a glare upon other public or private property outside the designated area, and subject to section 36-1260.

Staff believes that the above criteria are met. The application indicates that the rooftop will generally be open seasonally from May until September, weather permitting. The applicant initially requested hours of operation (subject to change based on weather and business conditions) from 9:00 AM to 11:00 PM (sometimes later with special events as the City permits), but since the initial application was submitted they have agreed to the hours of 9:00 AM to 10:00 PM to comply with Section 36-612 of the Edina City Code.

There isn't residential property in close proximity to the proposed rooftop restaurant. The Onyx Apartments are located over 500 feet away from Life Time Athletic, 66 West is 600 feet away and One Southdale place is roughly 800 feet away.

The rooftop and the rooftop restaurant will be open to members and guests of Life Time Athletic, it will not be open to the public (non-members). Based on this information the parking is adequate for the rooftop restaurant and no additional spaces are required.

## **PRIMARY ISSUES/STAFF RECOMMENDATION**

### **Primary Issues**

- **Are the plans proposed reasonable to minimize impacts for the conditionally permitted Use?**

Yes, the proposed application for rooftop dining meets the requirements per section 36-612 of the Zoning Code. There are no changes to the proposed building or approved site plan. The rooftop restaurant is only open to members and guests of Life Time Athletic and therefore no additional parking will be required with the request. Per the requirements of a Conditional Use Permit, it can be determined that the project will meet the requirements for a rooftop restaurant.

### **Staff Recommendation**

Recommend that the City Council approve the Conditional Use Permit for rooftop dining at Life Time Athletic at 250 Southdale Circle.

Approval is subject to the following conditions and findings:

1. The proposed rooftop dining is not in close proximity to existing residential uses.
2. The proposal meets the conditional use permit criteria in Section 36-612 of the City Code.

Approval is subject to the following conditions:

1. Hours of operation are limited to 7:00 am to 10:00 pm.
2. Amplified sound shall be subject to the city's noise ordinance chapter 23, division 5 of the city code.
3. The rooftop dining area will be kept in a clean and orderly manner.
4. Service of alcoholic beverage requires the applicant to obtain appropriate liquor licenses in compliance with Edina Code Section 4 and Minnesota Statute 340A.
5. Required fencing shall meet the Minnesota State Building Code and must be reviewed and approved by the Building Department at the time of building permit.
6. Lighting shall meet the requirements in Section 36-1260 of City Code.
7. The rooftop dining area shall be constructed per the plans date stamped May 14, 2018