

## **RESOLUTION NO. 2021-21**

### **APPROVING FINAL REZONING FROM PCD-3, PLANNED COMMERCIAL DISTRICT-3 TO PUD-20, PLANNED UNIT DEVELOPMENT-20, OVERALL DEVELOPMENT PLAN FOR THE ENTIRE SITE, FINAL SITE PLAN FOR US BANK, FINAL PLAT, DEVELOPMENT CONTRACT, SITE IMPROVEMENT PLAN (SIPA) AGREEMENT AND EASEMENT AGREEMENT FOR 7001 AND 7025 FRANCE AVENUE**

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

#### **Section 1. BACKGROUND.**

- 1.01 Mortenson is proposing to redevelop the property at the corner of 70<sup>th</sup> and France Avenue (7001 and 7025 France Avenue)
- 1.02 The applicant would tear down the existing 66,200 square foot office and bank, and build the following in multiple phases:
- A one-story, 24-foot tall 6,500 s.f. US Bank with drive-through (Phase I);
  - A 24-Story, 282-foot tall 270-unit apartment with 5,000 s.f. of retail space;
  - A 10-story, 146-foot tall, 190,000 s.f. office/retail building; and
  - A 9-story, 90-foot, 110-unit apartment building.
- 1.03 To accommodate the request, the following is requested:
- A Rezoning from PCD-3 to PUD, including an Overall Development Plan
  - Final Site Plan for Phase I – US Bank
  - Subdivision
- 1.04 On November 18, 2020, the Planning Commission held a public hearing and recommended approval of the Request. Vote: 5 Ayes and 2 Nays.
- 1.05 On December 1<sup>st</sup>, 2020 the City Council held a public hearing and considered the request.
- 1.06 On December 15<sup>th</sup>, 2020 the City Council granted Preliminary Approval of the Project.

#### **Section 2. FINDINGS**

2.01 Approval is based on the following findings:

1. The proposed land uses, and density are consistent with the Comprehensive Plan.
2. The proposal meets the City's criteria for PUD zoning. The PUD zoning would:

- a. 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. Project is of high quality of design and design compatible with surrounding land uses, including both existing and planned.
  - e. Maintains the efficiency of public streets and utilities.
  - f. Provides a mixture of land uses within the development.
  - h. Project would meet the City's affordable housing policy.
3. The PUD would ensure that the development proposed would be the only building that would be allowed on the site unless an amendment to the PUD is approved by City Council.
4. Addresses the Greater Southdale Area Design Experience Guidelines. The following principles are included:
  - The division of the property into smaller blocks and the provision of pedestrian and vehicle access and connections through the site to adjacent properties to the east and south.
  - Close conformity to the street typologies
  - No visible surface parking stalls from 70th or France Avenue.
  - The provision of public space that makes up 26% of the site. This includes 1.2 acres consisting of the internal sidewalks and drive aisles, a 4,650 square foot public/park space south of the residential tower available to the public, and an easement over a 68' x 130' area (8,840 square feet) that would extend the north south drive to the south in the future.
5. The proposed project would meet the following goals and policies of the Comprehensive Plan:
  - a. A Pedestrian-Friendly Environment. Improving the auto-oriented design pattern present in much of the city will call for guidelines that change the relationship between parking, pedestrian movement and building placement.
    - i. Provide visual screening and privacy to buffer cars from people, provide visual relief and allow stormwater infiltration in parking lots.
    - ii. Evaluate current parking standards in order to encourage shared parking and minimize the visual impact of surface parking.
    - iii. Landscaping is essential to screen parking areas, buffer adjacent residential uses and create a pedestrian-friendly environment along streets.
    - iv. Encourage the development of parking lots or structures so they can be shared by more than one building on the site or by buildings on neighboring sites, and which can transition over time to other uses if parking needs change.

- b. Encourage successful mixed-use development.
  - c. Create and maintain housing options that serve a diverse range of ages, household types, and economic situations.
  - d. Ensure that public realm design respects community character, supports of commercial and mixed-use development, promotes community identity, and creates high quality experiences for pedestrians, cyclists, transit users, and motorists.
6. The existing roadways and parking would support the project. Spack Consulting conducted a traffic and parking impact study and concluded that the proposed development could be supported by the existing roads and proposed parking.
  7. The proposed uses would be an upgrade to development on the site.
  8. Based on the EAW done by Kimley Horn on behalf of the City of Edina, an Environmental Impact Statement is not necessary. Recommendations and conditions outlined in the EAW would adequately address impacts through conditions of approval for the Rezoning to the revised PUD.

### **Section 3. APPROVAL**

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves Final Rezoning of the site from PCD-3 to PUD, including an Overall Development Plan, Final Site Plan for US Bank, Final Plat, Development Contract, SIPA and Easement Agreement.

Approval is subject to the following conditions:

1. The Final Development Plans for future Phases must be generally consistent with the approved Preliminary Development Plans and Overall Development Plans dated January 25, 2021.
2. Phase One, construction of the US Bank shall be built consistent with the Final Plans dated June 4, 2021, and June 10, 2021.
3. The Final Landscape Plan for Phase I must meet all minimum landscaping requirements per Chapter 36 of the Zoning Ordinance. A performance bond, letter-of-credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures at the time of any building permit.
4. Provision of code compliant bike racks for each use near the building entrances.
5. Roof-top mechanical equipment shall be screened per Section 36-1459 of the City Code.
6. Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the district's requirements.
7. A Developer's Agreement/Site Improvement Plan Agreement is required at the time of Final Approval.

8. County approval if necessary, on access to France Avenue.
9. Future Phases of development that include housing must conform to the City's affordable housing policy. Final determination to be made at final plan approval for each housing phase.
10. Compliance with all of the conditions outlined in the director of engineering's memo dated November 10, 2020, and the transportation planner's memo dated November 24, 2020.
11. Compliance with the Spack Consulting Traffic & Parking Study recommendations, except for the right turn lanes on France Avenue. These would be considered as part of the site plan reviews for Lots 1-3. Additional traffic study would examine the specific uses proposed at that time and if they are needed. Staff shall work with Hennepin County staff to eliminate the need for the right-turn lanes if they would be warranted.
12. Subject to the Zoning Ordinance Amendment to establish the PUD, Planned Unit Development zoning for this site.
13. Dedication of public access easements of the east-west and north-south sidewalks and drive-aisles through the site and sidewalks around the perimeter of the site. Easements must be filed prior to issuance of a certificate of occupancy for the Bank.
14. Provision of green roofs as shown on the building renderings for future phases.
15. Compliance with all of the conditions outlined in the fire marshal and building official's memo dated November 2, 2020.
16. Submittal of a construction management plan subject to review and approval of city staff prior to issuance of a building permit. The plan must demonstrate minimal impact to pedestrian and vehicle movement.
17. Hours of construction must be consistent with City Code.
18. Park dedication shall be paid at the time of approval of a building permit for the residential uses. Dedication shall be \$5,000 per unit. The value of the 4,650 square foot park/public space shall be considered for a reduction in the total amount.
19. All buildings must comply with City Code Section 36-618 regarding building materials and transparency.
20. The property owner shall be responsible for the maintenance of internal sidewalks and drive aisles. The City would snow plow a 5-foot path of the sidewalk on 70<sup>th</sup> and France. The property owners would be responsible for the remaining areas.

Adopted by the City Council of the City of Edina, Minnesota, on June 15, 2021.

ATTEST: \_\_\_\_\_  
Sharon Allison, 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 June 15, 2021, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Sharon Allison, City Clerk