

## RESOLUTION NO. 2023-11

### APPROVING A ZONING ORDINANCE AMENDMENT AND REVISED OVERALL DEVELOPMENT PLAN, FINAL REZONING, SITE IMPROVEMENT PLAN AGREEMENT (SIPA) AND FINAL SITE PLAN REVIEW FOR PHASE I 7250 AND 7200 FRANCE AVENUE

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

#### Section I. BACKGROUND.

- I.01 Orion Investment is requesting a Zoning Ordinance Amendment for a completely new redevelopment project for the subject property. This site received a rezoning approval to Planned Unit Development-16 in 2019; however, the project was never constructed. The underlying, or previous zoning on the site is POD, Planned Office District. The existing PUD would allow two six-story buildings with 299 unit of housing and 30,000 square feet of retail/restaurants and 10 owner occupied townhomes. The previous POD, Planned Office District would allow 113,000 square feet of office/medical office use.
- I.02 The property is legally described as follows:

Lot 44, Block I, Oscar Roberts 1st Addition, Hennepin County. The North 325 Feet of the East 520 Feet of the Southeast 1/4 of the Northeast 1/4 Except Road. (7200 & 7250 France.
- I.03 The existing office buildings and parking ramp on the sites would be removed. The existing parking ramp is in a very poor state of repair. The project would be developed in two phases. The first phase would be the construction of a five-story 124,620 square foot office building and coffee shop with underground parking at the 7250 France Site. The 7200 site would include a ponding area, sidewalks, green space, landscaping and surface parking where the future building pad would be.
- I.04 Phase 2 would include a similar sized building in height and square footage, with the future use of housing or hotel (150 units/rooms) with or without retail. Permanent parking for Phase 1 would be required to be included in the Phase 2 development.
- I.05 An Overall Development and Ordinance Amendment establishing the PUD-16 District were approved by the City Council on April 2<sup>nd</sup>, 2019.
- I.06 To accommodate the request, the following is requested:
  - A Rezoning/Ordinance Amendment to revise the PUD-16, Planned Unit Development District to establish a new Overall Development Plan and Site Plan review for Phase I.

- 1.07 On September 14, 2022, the Planning Commission held a public hearing and recommended approval of the request with the added condition that the bike and pedestrian connections be separated from the north/south street/connector. Vote: 6 Ayes and 0 Nays.
- 1.08 On September 20<sup>th</sup>, 2022, the City Council held a public hearing and considered the request.
- 1.09 On October 18, 2022, the City Council granted preliminary approval of the requests.
- 1.10 On January 10, 2023 the applicant submitted revised plans.

## **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 still meets the City's criteria for PUD zoning. The PUD zoning would:
  - a. Create a more pedestrian-friendly development with the construction of improved sidewalks and connections to the Promenade. The project would bring vibrancy to the area.
  - b. The building would be of high-quality architectural brick, metal, stone, and glass.
  - c. Ensure that the buildings proposed in Phase 1 would be the only buildings built on the site unless an amendment to the PUD is approved by City Council. Phase 2 would be required to be multi-family residential or hospitality with possibly some retail commercial as long as there is adequate parking on the site for all phases.
  - d. If housing is constructed in Phase 2, the project would add to the City's affordable housing stock by providing 10% of the units for affordable housing.
  - e. Provide for a more creative site design, consistent with goals and policies in the Comprehensive Plan.
  - f. Enhance green space and landscaping and utilize sustainable concepts.
  - g. Meet the City's sustainability policy, including seeking a LEED certified building in Phase 1.
  - h. Provide 19% of the site for public use.
- 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. The plans address the Greater Southdale District Design Experience Guidelines as follows: The division of the property into smaller blocks and the provision of pedestrian, bicycle and vehicle access and connections through the site both east-west and north-south; increasing the public realm on the site; eliminating most of the surface parking stalls, with none being visible from France Avenue in the Phase 2 build out. If housing on Phase 2 is constructed, affordable housing should be required within the future apartment project. Public art will be located along France Avenue and the connecting plaza.

5. The proposed project would meet the following goals and policies of the Comprehensive Plan:
  - Primary uses are offices, attached or multifamily housing. Secondary uses: Limited retail and service uses (not including “big box” retail).
  - Encourage structured parking and open space linkages where feasible; emphasize the enhancement of the pedestrian environment.
  - Locate and orient vehicle parking, vehicular access, service areas and utilities to minimize their visual impact on the property and on adjacent/surrounding properties, without compromising the safety and attractiveness of adjacent streets, parks, and open spaces.
  - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
  - Limit driveway access from primary streets while encouraging access from secondary streets.
  - Provision of the north-south public vehicle, bike and pedestrian connection through the site.
  - 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.
  - Increase mixed-use development where supported by adequate infrastructure to minimize traffic congestion, support transit, and diversify the tax base.
  - Support the development of mixed-use districts that provide a variety of living opportunities within a walkable and livable area.
  - Recognize and support commercial, office, and industrial job centers that draw workers from the city and across the region.
  - Ensure that the city’s roads continue to evolve to act as connectors, rather than as barriers. Incorporate amenities and infrastructure into public corridors to make them beautiful, efficient, and multimodal public spaces that contribute to community identity and pride.
  - 50%/50% estimated residential/commercial mixed-use.
6. The existing roadways and proposed parking would support the project. Stantec 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 revised plans are consistent with the Preliminary Plans and meet the conditions required at Preliminary approval.

**Section 3. APPROVAL**

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, grants final approval of the Ordinance Amendment, Revised Overall Development Plan, SIPA and Site Plan for Phase I.

Approval is subject to the following conditions:

1. The Final Landscape Plan 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.
2. Provision of code compliant bike racks for each use near the building entrances.
3. The Final Lighting Plan must meet all minimum requirements per Section 36-1260 of the City Code.
4. Roof-top mechanical equipment shall be screened per Section 36-1459 of the City Code.
5. 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.
6. A Developer's Agreement/Site Improvement Plan Agreement is required at the time of Final Approval.
7. If Phase 2 of the project includes a housing project, it must be compliant with the City's affordable housing policy. Final determination to be made at final approval for Phase 2.
8. Phase 2 retail, housing or hotel uses must have entrances on the two street frontages, 72<sup>nd</sup> Street and France Avenue.
9. Compliance with the conditions outlined in the director of engineering's memo dated September 1, 2022.
10. Compliance with the Stantec Consulting Traffic & Parking Study recommendations.
11. Subject to the Zoning Ordinance Amendment revising the PUD-16, Planned Unit Development for this site.
12. Public sidewalks must be a minimum of 5 feet in width with a 5-foot boulevard on Gallagher Drive and West 72nd Street, and 8 feet minimum width with an 8-foot boulevard on France Avenue.
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.

14. 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.
15. Hours of construction must be consistent with City Code.
16. 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 France. The property owners would be responsible for the remaining areas.
17. Public art should be provided along street frontages and the courtyard/plaza valued at, at least \$100,000.
18. Final Plans shall comply with the street typologies in the Southdale Design Experience Guidelines along France Avenue and the building step in at least ten feet at the 60-foot building height.
19. The bike and pedestrian connections be separated from the north/south street/connector on the west side of the proposed buildings.
20. The building height for phase 2 shall be limited to 6 stories and 72 feet tall to the roof line, including a ceiling height requirement of 16 feet on the main level.
21. The existing trees along the west lot line shall be preserved to provide screening from the residential homes to the west. If they do not survive, additional trees shall be planted in the area to provide screening at a variety of species and sizes, subject to approval of the City Forester.
22. Landscaping shall be added on the west side of the surface parking lot at a sufficient height to screen vehicles from the residential property to the west. The retaining walls shall be planted with vines or vegetation to cover the concrete walls.
23. Vegetation within the retention pond must be planted and maintained to the satisfaction of city staff.

Adopted by the City Council of the City of Edina, Minnesota, on February 7, 2023.

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 February 7, 2023, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Sharon Allison, City Clerk