



Date: March 14, 2018

To: Planning Commission

From: Cary Teague, Community Development Director

Subject: Rezoning with Variances, 5000 Vernon Avenue for Caribou Coffee & Einstein Bagel

Information / Background:

Ted Carlson on behalf of Caribou Coffee and Einstein Bagels is proposing to tear down the existing 5,000 square foot structure at 5000 Vernon Avenue and construct a new 2,748 square foot Caribou Coffee and Einstein Bagel Shop and drive-through. Per the Grandview Transportation Study, the applicant is proposing to provide a 5-foot easement on both Interlachen and Vernon to provide for future roadway improvements; and is proposing to bury all above ground utility wires/poles. The request requires the following:

- Rezoning from Planned Commercial District 4, (PCD-4) to Planned Commercial District 2, (PCD-2)
- Setback Variances as follows:
 1. Building Front Yard Setback (Vernon) from 35 to 25 feet
 2. Parking/Drive Aisle Setback (Interlachen) from 20 feet to 5 feet (Existing condition)
 3. Parking/Drive Aisle Setback (Vernon) from 20 feet to 4 feet (Existing condition)
 4. Parking/Drive Aisle Setback (Rear) from 10 feet to 8 feet (Existing condition)

The proposed uses would be allowed in the surrounding PCD-2 Zoning Districts and allowed in the MXC-Mixed Use Center designation of the Comprehensive Plan.

The applicant has responded to the previous Planning Commission comments and the Traffic Impact Study done by Spack Consulting. (See attached Traffic Impact Study.) The revisions include: reduced the width of the drive-through and bypass lane; expanded patio size, added pervious pavers, would add signage to control traffic; designated

employee parking spaces as the spaces that would be blocked by the stacking lane; would have traffic guards to control stacking, would install “do not block intersection signs.” revised the plans to incorporate future road improvements, and added pedestrian connections across the drive-aisle from the sidewalks along Vernon and Interlachen. (See applicant narrative.)

Surrounding Land Uses

- Northerly: Holiday Gas Station; zoned PCD-4, Planned Commercial District and guided MXC, Mixed Use Center.
- Easterly: Davani’s Restaurant; zoned PCD-2, Planned Commercial District and guided MXC, Mixed Use Center.
- Southerly: Edina Liquor Store: zoned PCD-2, Planned Commercial District and guided MXC, Mixed Use Center.
- Westerly: High Density Residential Housing & Auto Repair; zoned HDR, High Density Residential & PCD-4, Planned Commercial District; guided MXC, Mixed Use Center.

Existing Site Features

The subject property is 26,379 square feet in size, and nearly entirely paved. There is a large retaining wall along the west lot line. The proposed project would be an improvement over existing conditions on the site.

Planning

Guide Plan designation: MXC – Mixed Use Center.
Zoning: PCD-4, Planned Commercial District

The table on the following page demonstrates the projects compliance against the proposed PCD-2 zoning requirements:

COMPLIANCE TABLE

	City Standard (PCD-2)	Proposed
Building Setbacks		
Front – Interlachen	35 feet	50 feet
Front – Vernon	35 feet	25 feet*
Side – West	25 feet	29 feet
Parking Drive Aisle		
Front – Interlachen	20 feet	5 feet*
Front – Vernon	20 feet	4 feet*
Side – West	10 feet	10 feet
Building Height	Four stories and 48 feet	One-story
Maximum Floor Area Ratio (FAR)	1.5%	.12%
Parking Stalls	18 stalls	22 stalls
Parking Stall Size	8.5' x 18'	8.5 x 18'
Drive Aisle Width	24 feet	24 feet
Drive Through Stacking	4 stalls	12 stalls

***Variance Required**

Drainage/Utilities

The city engineer has reviewed the proposed utilities and grading and drainage plans and found them to be generally acceptable. Currently there are no drainage controls on the site. The proposal with underground storage and increase in green space would be an improvement over existing conditions. (See the City Engineer’s memo attached.) A condition of approval should include meeting all of the conditions outlined in the city engineer’s memo. A permit would also be required from the Nine Mile Creek Watershed District.

Parking

Based on the square footage of the building, 18 parking stalls are required. The site plan demonstrates 22 built parking stalls.

Landscaping

Based on the perimeter of the site 19 over-story trees would be required. The applicant has provided a landscape plan that meets the city code requirement. Extra landscaping is provided around the building and at the intersection.

Bike Racks

Bike racks are proposed at the north entrance of the building. Minimum code requirement for the number of bicycle spaces within the rack would be one.

Garbage Area

Garbage would be collected with the building at the north corner. Garbage trucks would load the trash during off hours and would travel in the one-way portion of the drive-through area.

Building Design

The new building would be constructed of a variety of brick. (See attached building renderings and materials.) The proposed new building would be a vast improvement over the current buildings on the site.

Sidewalks/Living Streets/Multi-Modal Consideration

Sec. 36-1274. - Sidewalks, trails and bicycle facilities.

- (a) In order to promote and provide safe and effective sidewalks and trails in the city and encourage the use of bicycles for recreation and transportation, the following improvements are required, as a condition of approval, on developments requiring the approval of a final development plan or the issuance of a conditional use permit pursuant to article V of this chapter:
- (1) It is the policy of the city to require the construction of sidewalks and trails wherever feasible so as to encourage pedestrian and bicycle connectivity throughout the city. Therefore, developments shall provide sidewalks and trails which adjoin the applicant's property:
 - a. In locations shown on the city's sidewalk and trail plan; and
 - b. In other locations where the council finds that the provision of such sidewalks and trails enhance public access to mass transit facilities or connections to other existing or planned sidewalks, trails or public facilities.
 - (2) Developments shall provide sidewalks between building entrances and sidewalks or trails which exist or which will be constructed pursuant to this section.
 - (3) Developments shall provide direct sidewalk and trail connections with adjoining properties where appropriate.
 - (4) Developments must provide direct sidewalk and trail connections to transit stations or transit stops adjoining the property.
 - (5) Design standards for sidewalks and trails shall be prescribed by the engineer.
 - (6) Nonresidential developments having an off-street automobile parking requirement of 20 or more spaces must provide off-street bicycle parking spaces where bicycles may be parked and secured from theft by their owners. The minimum number of bicycle parking spaces required shall be five percent of the automobile parking space requirement. The design and placement of bicycle parking spaces and bicycle racks used to secure bicycles shall be subject to the approval of the city engineer. Whenever possible,

bicycle parking spaces shall be located within 50 feet of a public entrance to a principal building.

- (b) The expense of the improvements set forth in subsection (a) of this section shall be borne by the applicant.

The applicant has revised the site plan from the sketch plan to address concerns. Per the Grandview District Transportation Plan, a bike path is added along Interlachen in addition to the additional turn lane, a sidewalk is added along Vernon and the corner reconfigured with a pedestrian connection across the parking lot in two locations. However, the sidewalks are located adjacent to the roadway which is not a desired in the Grandview District Development Framework. (See attached.)

Site Access & Traffic

Access would be provided to the site off both Interlachen and Vernon. The driveway entrance on Vernon closest to the stop light would be removed for safety.

Spack Consulting completed a traffic study to analyze impacts on the adjacent roadways. (See attached study.) The study concludes that the capacity of the adjacent roadways can support the proposed use. However, the study also concludes that the proposed use could cause the following traffic issues (See page 15 of the study):

- Southbound queues on Interlachen could block the drive entrance into the site, even with the construction of an additional southbound turn lane, which is also recommended.
- Drive-through circulation will routinely block six parking stalls during peak periods and cause general conflicts.
- Studies of other coffee shop drive-thru stacking suggest an 85th percentile maximum queue length of 13.5 vehicles. The proposed site plan shows storage for 12 vehicles. One or two additional vehicles, matching the study of other sites, would impact site circulation, the access intersection with Interlachen Boulevard, and potential the Interlachen Boulevard/Vernon Avenue intersection during peak periods.
- The sidewalk design lacks boulevard separation from the driving and parking areas, which decreases pedestrian comfort. The Grandview Transportation Study recognizes buffers as a key component to improved walkability.

Drive Through

A coffee shop with a drive-through facility is a permitted use in the PCD-2 zoning district. While the proposed stacking space complies with the City's minimum code requirements; concern has been raised by the traffic consultant as mentioned. The proposed queues could interfere with parking, site circulation and potentially the Vernon/Interlachen intersection.

Per Sec. 36-1264, drive-through facility standards, the number of stacking spaces shall be at least four. No stacking space shall encroach into any drive aisle necessary for the circulation of vehicles. There is adequate room for 12 cars to be stacked without encroaching on required drive aisles; however, three stalls would be blocked by the drive-through staking. The traffic study indicates that the 85th percentile maximum queue length is 13.5 vehicles. Should traffic reach this volume, which is likely given existing traffic in the area, it could impact Interlachen. Should the City approve this proposal, a dual drive-through should be installed as suggested by the Spack traffic report.

Variance – Building & Parking Lot Setback

Per the Sec. 36 of the Zoning Ordinance, a variance should not be granted unless it is found that the enforcement of the Ordinance would cause practical difficulties in complying with the Zoning Ordinance and that the use is reasonable. As demonstrated below, staff believes the proposal does meet the variance standards, when applying the three conditions:

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. The Proposed Variance will:

1) Relieve practical difficulties that prevent a reasonable use from complying with ordinance requirements.

Reasonable use does not mean that the applicant must show the land cannot be put to any reasonable use without the variance. Rather, the applicant must show that there are practical difficulties in complying with the code and that the proposed use is reasonable. “Practical difficulties” may include functional and aesthetic concerns.

There are practical difficulties with this site, they include: the small size of the lot, the triangular shape, and being located on a corner with two large street frontages. Additionally, the existing building and parking areas are considered legal existing non-conforming uses. The proposed development would be more in conformance than existing conditions and an improvement over existing conditions. The City would also obtain needed right-of-way for future roadway improvements recommended in the Grandview Transportation Study.

However, the staff questions the reasonableness of the proposal for this site. The building could be located on the site to meet the required setback. The parking stalls are extended into the required setback due to the need for a drive-through. Cars stacking from the drive-through interfere with parking stalls and could extend into Interlachen. That condition currently exists in this neighborhood on Arcadia with the Starbuck drive-through, which causes an unsafe condition. Given the current traffic conditions at the Interlachen/Vernon Intersection, a coffee and food drive-through may not be an appropriate use for the site. Reasonable use exists on the site with the existing 5,000 square of retail space. The proposed pedestrian

walkways along Vernon and France are not consistent with the Grandview District Framework due to the large drive-through and parking lot areas. Sidewalks would be located right on the curb. If there were no drive-through on the site there could be room on the site to locate sidewalks further away from Interlachen and Vernon and a safer and more convenient sidewalk connection to proposed uses on the site.

2) There are circumstances that are unique to the property, not common to every similarly zoned property, and that are not self-created?

Yes. The circumstances of the small and triangular shaped lot on two arterial roadways are unique to similarly zoned property. These conditions were not created by the applicant.

3) Will the variance alter the essential character of the neighborhood?

No. The proposed building and drive-through uses would not alter the character of the neighborhood. Automobile oriented uses have existed on the site (oil change) and retail. There are several automobile oriented uses in this neighborhood including gas stations, auto repair, and a coffee shop with a drive-through.

Rezoning

Per Section 36-216 of the Zoning Ordinance, the Planning Commission is asked to consider all Rezoning requests subject to the following:

(1) Is consistent with the Comprehensive Plan;

The proposed uses are consistent with the uses suggested in the Comprehensive Plan. The site is guided MXC, Mixed Use Center. See the development guidelines below.

<p>MXC Mixed-Use Center</p> <p>Current examples:</p> <ul style="list-style-type: none"> • 50th and France • Grandview 	<p>Established or emerging mixed use districts serving areas larger than one neighborhood (and beyond city boundaries).</p> <p>Primary uses: Retail, office, service, multifamily residential, institutional uses, parks and open space.</p> <p>Vertical mixed use should be encouraged, and may be required on larger sites.</p>	<p>Maintain existing, or create new, pedestrian and streetscape amenities; encourage or require structured parking. Buildings “step down” in height from intersections.</p> <p>4 stories at 50th & France; 3-6 stories at Grandview</p>	<p>12-100 residential dwelling units/acre</p> <p>Floor to Area Ratio-Per current Zoning Code: maximum of 1.5</p>
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The following are the guiding principles of the Grandview District Framework: (See attached.)

1. Leverage publicly-owned parcels and civic presence to create a vibrant and connected District that serves as a catalyst for high quality, integrated public and private development.
2. Enhance the District's economic viability as a neighborhood center with regional connections, recognizing that meeting the needs of both businesses and residents will make the District a good place to do business.
3. Turn perceived barriers into opportunities. Consider layering development over supporting infrastructure and taking advantage of the natural topography of the area.
4. Design for the present and the future by pursuing logical increments of change using key parcels as stepping stones to a more vibrant, walkable, functional, attractive, and life-filled place.
5. Organize parking as an effective resource for the District by linking community parking to public and private destinations while also providing parking that is convenient for businesses and customers.
6. **Improve movement within and access to the District for people of all ages by facilitating multiple modes of transportation**, and preserve future transit opportunities provided by the rail corridor.
7. Create an identity and unique sense of place that incorporates natural spaces into a high quality and sustainable development reflecting Edina's innovative development heritage.

The following is one of the three primary goals of the Framework:

Completely rethink and reorganize the District's transportation infrastructure to:

1. Make the District accessible and inviting to pedestrians and cyclists;
2. Create connections between the different parts of the District;
3. Maintain automobile-friendly access to convenience retail;
4. Create separate pathways for "pass-through" and "destination" automobile traffic; and
5. Preserve future transit opportunities provided by the rail corridor in a way that ensures that the kinds of opportunities pursued in the future are consistent with the character we envision for the District and provide benefit to the surrounding neighborhood.

One of the primary issues expressed during the preparation of the Grandview District Framework plan was the lack of safe pedestrian and bicycle areas. The area is dominated by the automobile. A primary goal is to create a more pedestrian and bike friendly district. The proposed automobile oriented use that promotes customers to never leave their vehicle is in contrast with that vision. Pedestrians would be in conflict with the drive-through when accessing the proposed new store.

The proposal does not create a separate pathway for destination automobile traffic. Pedestrians need to cross through the parking and drive-through areas.

(2) Will not be detrimental to properties surrounding the tract;

The proposed project would not be detrimental to surrounding properties. The use is permitted and consistent with the neighborhood. However, as mentioned, the proposed use would not promote a sense of pedestrian or bicycle oriented use.

- (3) Will not result in an overly intensive land use;**
- (4) Will not result in undue traffic congestion or traffic hazards;**

The proposal is not an overly intensive land use. Spack Consulting concluded that the existing roadway volume capacity can support the proposal. However, the drive through could be in conflict (See attached traffic study.) The study concludes that the proposed use could cause the following traffic issues:

- Southbound queues on Interlachen could block the drive entrance into the site, even with the construction of an additional southbound turn lane, which is also recommended.
- Drive-through circulation will routinely block six parking stalls during peak periods and cause general conflicts.
- Studies of other coffee shop drive-thru stacking suggest an 85th percentile maximum queue length of 13.5 vehicles. The proposed site plan shows storage for 12 vehicles. One or two additional vehicles, matching the study of other sites, would impact site circulation, the access intersection with Interlachen Boulevard, and potential the Interlachen Boulevard/Vernon Avenue intersection during peak periods.
- The sidewalk design lacks boulevard separation from the driving and parking areas, which decreases pedestrian comfort. The Grandview Transportation Study recognizes buffers as a key component to improved walkability.

- (5) Conforms to the provisions of this section and other applicable provisions of this Code; and**

Other than the variances requested, the project would conform to PCD-2 zoning regulations. While variances are requested, the conditions of the site would be greatly improved.

- (6) Provides a proper relationship between the proposed improvements, existing structures, open space and natural features.**

As mentioned, the proposed use would be an improvement to the existing conditions on the site, staff has concern over the proposed drive-through and the impacts it could have to traffic in the area and the pedestrian and bicycle experience in the Grandview District.

PRIMARY ISSUES/STAFF RECOMMENDATION

Primary Issues

- **Is the proposed rezoning and development plan reasonable for this site?**

No. Staff does not support the rezoning for the following reasons:

1. The proposal is inconsistent with the Grandview District Development Framework vision of creating a more pedestrian friendly district. While sidewalks and bike lanes are proposed, they would be in conflict with the drive-through, drive-aisles and parking lot when accessing the proposed new store. A Goal of the Grandview Framework and the Grandview Transportation Study is to create a separate pathway for destination automobile traffic. The following goals are highlighted:

“Completely rethink and reorganize the District’s transportation infrastructure to:

- Make the District accessible and inviting to pedestrians and cyclists;
- Create connections between the different parts of the District;
- Maintain automobile-friendly access to convenience retail;
- Create separate pathways for “pass-through” and “destination” automobile traffic; and
- Preserve future transit opportunities provided by the rail corridor in a way that ensures that the kinds of opportunities pursued in the future are consistent with the character we envision for the District and provide benefit to the surrounding neighborhood.”

The proposed automobile oriented use promotes customers to not have to leave their vehicle is in contrast with the above. Pedestrians would be in conflict with the drive-through and parking areas when accessing the proposed new store.

2. The sidewalk design lacks boulevard separation from the driving and parking areas, which decreases pedestrian comfort. The Grandview Transportation Study recognizes buffers as a key component to improved walkability. (See attached pages from the Transportation Study.)
3. The proposal could have negative impacts on adjacent roadways. The Spack Consulting Traffic Impact Study identified the following issues:
 - Southbound queues on Interlachen could block the drive entrance into the site, even with the construction of an additional southbound turn lane, which is also recommended.
 - Drive-through circulation will routinely block six parking stalls during peak periods and cause general conflicts.
 - Studies of other coffee shop drive-thru stacking suggest an 85th percentile maximum queue length of 13.5 vehicles. The proposed site plan shows storage for 12 vehicles. One or two additional vehicles, matching the study of other sites, would impact site circulation, the access intersection with Interlachen Boulevard,

and potential the Interlachen Boulevard/Vernon Avenue intersection during peak periods.

- The sidewalk design lacks boulevard separation from the driving and parking areas, which decreases pedestrian comfort. The Grandview Transportation Study recognizes buffers as a key component to improved walkability.
4. Drive-through circulation would block required parking.
 5. If there were no drive-through on the site there could be room on the site to locate sidewalks further away from Interlachen and Vernon and a safer and more convenient sidewalk connection to proposed uses on the site.

- **Are the proposed Variances reasonable?**

There are practical difficulties with this site, they include: the small size of the lot, the triangular shape, and being located on a corner with two large street frontages. Additionally, the existing building and parking areas are considered legal existing non-conforming uses. The proposed development would be more in conformance than existing conditions and an improvement over existing conditions. The City would also obtain needed right-of-way for future roadway improvements recommended in the Grandview Transportation Study.

However, as mentioned above, staff questions the reasonableness of the proposal for this site. The building could be located on the site to meet the required setback. The parking stalls are extended into the required setback due to the need for a drive-through. Cars stacking from the drive-through interfere with parking stalls and could extend into Interlachen. That condition exists in this neighborhood on Arcadia with the Starbuck drive-through, which causes an unsafe condition. Given the current traffic conditions at the Interlachen/Vernon Intersection, a coffee and food drive-through may not be an appropriate use for the site. Reasonable use exists on the site with the existing 5,000 square of retail space. The proposed pedestrian walkways are not adequate due to the large drive-through and parking lot areas. If there were no drive-through on the site there could be room on the site to locate sidewalks further away from Interlachen and Vernon and a safer and more convenient sidewalk connection to proposed uses on the site, consistent with the Grandview Framework and Transportation Plan.

Conclusion/Recommendation

As this is a request for a Rezoning with Variances, the City has discretion as to approving or denying this request. (See the attached pyramid of discretion.)

Therefore, staff is providing the Planning Commission and City Council alternative actions to be considered:

Approval

Recommend that the City Council approve the requested Rezoning from PCD-4 to PCD-2 with the required Variances. Approval is subject to the following findings:

1. The proposed uses are allowed in the PCD-2 Zoning District.
2. The proposed development would be an improvement over the existing use and buildings on the site.
3. The City would receive needed right-of-way along Vernon and Interlachen for future roadway improvements.
4. The existing utility poles and overhead wires would be removed and buried.
5. The proposed variances are reasonable. The practical difficulties for this site include the small lot size, the triangular shape and being a corner lot located on arterial roadways.
6. The existing building and parking areas are considered legal existing non-conforming uses. The proposed development would be more in conformance than existing conditions.
7. Spack consulting has concluded that the existing roadways can support the proposed use, and with proper on site management of the drive-through, including constructing a double drive-through lane, the drive-through stacking should not extend on to public roadways.

Approval is subject to the following conditions:

1. The Plans must be consistent with the Development Plans dated January 30, 2018, and the revised plans and materials board as presented to the Planning Commission.
2. 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. The property owner is responsible for replacing any required landscaping that dies after the project is built.

3. Compliance with all of the conditions outlined in the city engineer's memo dated March 7, 2018.
4. Provision of code compliant bike racks near the building entrances.
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. Roof-top mechanical equipment shall be screened from adjacent residential property, per Section 36-1459 of the City Code.
7. Final Lighting Plan must meet all minimum lighting requirements per Chapter 36 of the Zoning Ordinance. Lighting shall be down lit.
8. Compliance with the recommendations in the Space Traffic Impact Study, including the reconfiguration of the drive-through to be dual lane.

Denial

Recommend the City Council deny the request for a Rezoning with Variances. Denial is based on the following findings:

- I. The proposal is inconsistent with the Grandview District Transportation Plan and Grandview District Development Framework vision of creating a more pedestrian friendly district. A Goal of the Grandview Framework is to create a separate pathway for destination automobile traffic. The following goals are highlighted:
 - "Completely rethink and reorganize the District's transportation infrastructure to:
 - Make the District accessible and inviting to pedestrians and cyclists;
 - Create connections between the different parts of the District;
 - Maintain automobile-friendly access to convenience retail;
 - Create separate pathways for "pass-through" and "destination" automobile traffic; and
 - Preserve future transit opportunities provided by the rail corridor in a way that ensures that the kinds of opportunities pursued in the future are consistent with the character we envision for the District and provide benefit to the surrounding neighborhood."
- The proposed automobile oriented use promotes customers to never leave their vehicle is in contrast with the above. Pedestrians would be in conflict with the drive-through and parking areas when accessing the proposed new store.
2. The sidewalk design lacks boulevard separation from the driving and parking areas, which decreases pedestrian comfort. The Grandview Transportation Study recognizes buffers as a key component to improved walkability.

3. The proposal could have negative impacts on adjacent roadways. The Spack Consulting Traffic Impact Study identified the following issues:
 - Southbound queues on Interlachen could block the drive entrance into the site, even with the construction of an additional southbound turn lane, which is also recommended.
 - Drive-through circulation will routinely block six parking stalls during peak periods and cause general conflicts.
 - Studies of other coffee shop drive-thru stacking suggest an 85th percentile maximum queue length of 13.5 vehicles. The proposed site plan shows storage for 12 vehicles. One or two additional vehicles, matching the study of other sites, would impact site circulation, the access intersection with Interlachen Boulevard, and potential the Interlachen Boulevard/Vernon Avenue intersection during peak periods.
 - The sidewalk design lacks boulevard separation from the driving and parking areas, which decreases pedestrian comfort. The Grandview Transportation Study recognizes buffers as a key component to improved walkability.
4. Drive-through circulation would block required parking.
5. If there were no drive-through on the site there could be room on the site to locate sidewalks further away from Interlachen and Vernon and a safer and more convenient sidewalk connection to proposed uses on the site.
6. The proposal does not meet the Variance Criteria. The building could be located on the site to meet the required setback. The parking stalls are extended into the required setback due to the need for a drive-through. Cars stacking from the drive-through interfere with parking stalls and could extend into Interlachen. That condition exists in this neighborhood on Arcadia with the Starbuck drive-through, which causes an unsafe condition. Given the current traffic conditions at the Interlachen/Vernon Intersection, a coffee and food drive-through may not be an appropriate use for the site.
7. Reasonable use exists on the site with the existing 5,000 square of retail space. The proposed pedestrian walkways are not adequate due to the large drive-through and parking lot areas.

Staff Recommendation:

Staff recommends denial of the proposed Rezoning and Variances subject to the findings above.