



Date: April 24, 2019

To: Planning Commission

From: Emily Bodeker, Assistant City Planner

Subject: PUBLIC HEARING: Conditional Use Permit for RH (Restoration Hardware) at 6801 France Avenue South

Information / Background:

Restoration Hardware (RH), the applicant is proposing rooftop dining at the building under construction at 6801 France Avenue. A site plan for Restoration Hardware was approved by the Planning Commission and City Council in 2017. The project was reviewed administratively after approval by the Planning Commission and City Council, due to the project changing from 3-4 stories down to three stories in height.

The top floor of the three story RH under construction includes kitchen space, a pantry/wine bar, café, and outdoor terrace space with outdoor dining.

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: Edina Water Tower on the Southdale Site; zoned PCD-3, Planned Commercial District and guided CAC, Community Activity Center.
- Easterly: Southdale Theaters; zoned PCD-3, Planned Commercial District and guided CAC, Community Activity Center.
- Southerly: Galleria Shopping Center; zoned PCD-3, Planned Commercial District and guided CAC, Community Activity Center.
- Westerly: Bank of America; zoned PUD, Planned Unit Development and guided CAC, Community Activity Center.

Existing Site Features

The subject property, 6801 France Avenue, is 2.09 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 with the addition of rooftop dining. No additional traffic or parking needs would be generated with the approval of the rooftop restaurant as a restaurant was always planned with this development.

A number of parking studies have been completed with new development and redevelopment of Southdale Center. A parking study was completed and a parking variance was approved with the original site plan.

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 be open from Monday-Saturday 10:00 a.m. - 9:00 p.m. and Sunday from 11:00 a.m. – 6:00 p.m. with Section 36-612 of the Edina City Code.

There isn't residential property in close proximity to the proposed rooftop restaurant. Single family housing is located approximately 650 feet to the west behind the office and commercial developments on the west side of France Avenue.

Restaurant space was included with the original site plan. A parking variance was granted with the approval of the site plan in 2017. 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. A parking study was completed that concluded that Southdale had adequate parking with all of the redevelopment of the 80-acre site. A parking variance was approved with the original site plan approval. A restaurant was an included use with the site plan approval, now a portion of the proposed seating is proposed to include outdoor rooftop seating. 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 Planning Commission recommend City Council approve the Conditional Use Permit for rooftop dining at Restoration Hardware, 6801 France Avenue South.

Approval is subject to the following conditions and findings:

- I. 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 March 19, 2019.