



**Legistar ID #28116 & 28117**

**6002 Cottage Grove Rd. & 5925 Sharpsburg Dr.**

**PUD-SIP Rezoning**

Report Prepared By:

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Planning Division

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### Requested Actions:

ID 28116 – Approval of a request to rezone property generally addressed as 6002 Cottage Grove Road from Planned Unit Development-General Development Plan (PUD-GDP) to Planned Unit Development-Specific Implementation Plan (PUD-SIP) to allow construction of an approximately 58,000 square-foot Copps grocery store in the Grandview Commons Town Center.

ID 28117 – Approval of a request to rezone property generally addressed as 5925 Sharpsburg Drive from Planned Unit Development-General Development Plan (PUD-GDP) to Planned Unit Development-Specific Implementation Plan (PUD-SIP) to allow construction of an approximately 3,800 square-foot multi-tenant retail building in the Grandview Commons Town Center.

**Applicable Regulations & Standards:** Section 28.12(10) provides the process for zoning map amendments. Section 28.07(6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments. Section 33.24(4)(f) provides the standards for large retail establishments.

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**Addendum:** On November 19, 2012, the Plan Commission recommended approval to the Common Council of specific implementation plans for an approximately 58,000 square-foot Copps grocery store at 6002 Cottage Grove Road and a 3,800 square-foot multi-tenant retail building at 5925 Sharpsburg Drive in Grandview Commons Town Center subject to conditions. The Common Council was scheduled to review the zoning map amendments on November 27, 2012.

A letter dated November 27, 2012 was submitted to the Common Council (attached) by Attorney Carol Grob on behalf of homeowners near the site of the proposed grocery store, which raised concerns about the project's conformance with 3 standards for large retail establishments in Section 33.24(4)(f) of the Urban Design Commission Ordinance and asserting that no waiver had been granted by the Plan Commission. While the City Attorney concluded that the combined actions of the Urban Design Commission and Plan Commission likely showed that the bodies considered the standards for approval in making their recommendation to the Council, and that the action of the Plan Commission could be interpreted as an implicit waiver, the City Attorney recommended the referral back to the Plan Commission to make the necessary findings and state the reasons on the record. The specific implementation plan approval for 5925 Sharpsburg Drive was also referred because the 3,800 square-foot building is part of the same planned unit development and shares parking with the proposed grocery store.

As noted in a October 12, 2012 staff memo on the design of the Copps grocery store, Section 33.24(4)(f)2.c. states that the Plan Commission may waive one or more of the requirements in Section 33.24(4)(f)4-14 if it determines "that unique or unusual circumstances warrant special consideration to achieve a superior design solution." In its November 7, 2012 recommendation of final approval of the design of the grocery store, the UDC stated that the proposed Copps grocery store met the large retail establishment design regulations subject to the conditions contained in their report.

Planning staff believes that the UDC recommendation and conditions (which are incorporated as conditions of the Plan Commission's action as a matter of course) address the concerns raised in the Grob letter about roofline variation and the location of the store entrance in relation to Cottage Grove

Road. Regarding the discussion of wall plane projections along the northern and southern side elevations, the UDC action was silent.

As stated in the November 19 Planning Division report, staff believes that the specific implementation plan for the Copps grocery store can meet the criteria for planned unit developments and that it conforms substantially to the Grandview Commons Town Center General Development Plan as amended in March 2012, including the conditions added by the Common Council as part of its approval of the Amended PUD-GDP. The location, size and orientation of the grocery store were clearly identified as part of the general development plan approved and recorded earlier this year, though it was acknowledged at that time that a more thorough analysis of the store's conformance with the large retail establishment regulations would be conducted at the specific implementation plan stage.

Staff believes that the Plan Commission's recommendation of approval on November 19 could be interpreted as an implicit waiver from the design standards in Section 33.24(4)(f) that the project was not meeting. However, in light of the Grob letter and the Common Council's referral of the specific implementation plan back to the Commission to make specific findings on the requirements, staff feels it would be appropriate to enumerate all of the provisions of the standards for large retail establishments that may not be specifically met with the proposed grocery store. As recommended by the City Attorney in his memo, the Plan Commission should make clear on the record whether it finds that all the standards for approval have been satisfied, based on the review and findings by it and UDC, or whether it finds the standard for a waiver to have been satisfied for some or all of the standards, and if so, why. The Plan Commission need not take up other matters it decided on November 19, 2012 if it chooses to not.

The waivers required are:

- Sec. 33.24(4)(f)4.a: Any single retail business establishment that has a gross floor area of 40,000 or more square feet that has facades visible from a public street, adjacent properties, or rights of way and which are greater than 75 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the total length of the facade and extending at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 75 horizontal feet. → As noted in the October 12 memo, the northern and southern side facades are approximately 196 feet in length, which equals 5.88 feet of projection. The project will provide column projections of 1.67 feet on both facades and sun shades on the southern façade of 3 feet.
- Sec. 33.24(4)(f)4.c & d: Facades of buildings of 40,000 or more square feet shall include a repeating pattern that includes no less than 3 of the following elements: color change; texture change; material module change, or; expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib. At least 1 of the above elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically. → The eastern façade of the grocery store does not meet the requirement with regard to the required repeating elements.
- Sec. 33.24(4)(f)5.a: Any single retail business establishment that has a gross floor area of 40,000 or more square feet shall have rooflines varied with a change in height every 75 linear feet in the building length. → Both side elevations and the rear elevations have rooflines that do not provide the needed variation every 75 feet. A condition of the UDC approval on November 7 alluded to the need to address this aspect of the store design, which staff interprets to apply to all sides of the building.

- Sec. 33.24(4)(f)7.b: All sides of a building that directly abut a public or private right of way that provides vehicular and pedestrian access to the site shall feature at least 1 customer entrance. The entry may utilize a pedestrian plaza, entry portico, or other community feature as described in Sec. 33.24(4)(f)11, between the building and sidewalk. Where a building directly abuts 2 or more public or private rights of-way, this requirement shall apply to at least one side of the building that abuts the most traveled right of way providing pedestrian and/or vehicular access to the site. Corner entrances may be considered to meet this requirement. → The customer entrance to the store is not proposed along the Cottage Grove Road side of the building and is too far removed from that public sidewalk to meet this requirement. The connection required by the UDC as part of its recommendation to be located between the canopy at the south-facing entrance to the foyer and the canopy included in the southwestern tower element will help to address this requirement.
- Sec. 33.24(4)(f)8.b: The development as proposed is required to be located adjacent to the street that is projected to have the most pedestrian activity associated with the building(s). This requirement may be met using any combination of buildings on the zoning lot. If a zoning lot directly abuts 2 or more public or private rights of way, there are no requirements for additional street frontages. In this case, at least 50% of adjacent street frontage shall be occupied by building facades with a maximum setback of 20 feet. This requirement may be met by using any combination of buildings on the zoning lot. No off street parking facilities shall be located between the façade(s) directly abutting the street and the adjacent street. → Staff does not believe that a waiver to this requirement is needed, as this standard will be met with the proposed and future retail buildings on Gemini Drive, which staff believes will ultimately have the highest amount of pedestrian activity. In preparing the October 12 UDC memo, staff reviewed the grocery store as having satisfied Sec. 33.24(4)(f)8.a along Cottage Grove Road despite Cottage Grove Road likely not having the highest amount of future pedestrian activity. Staff believes that Building C3 at 5925 Sharpsburg complies with 8.a, and that the other C-block buildings (future C1 public library and C2 retail buildings) will also meet this requirement.
- Sec. 33.24(4)(f)8.d: One street tree shall be planted every 30 feet along that part of the perimeter of the parcel that abuts a public right of way; these trees may be planted in clusters. (Note: These “street trees” are not trees located in the public right of way/ terrace, but instead are trees planted on the development site adjacent to or along the street right of way.) → The landscaping plan calls for canopy trees to be planted at distances greater than 30 feet. However, staff strongly believes that the landscaping plan for the development is substantial and includes a layered landscaping approach along both Cottage Grove Road and Big Dipper Drive.
- Sec. 33.24(4)(f)9.d: Any single retail business establishment of 40,000 square feet or more with 100 or more full-time employees or full-time equivalents is required to have a Transportation Demand Management (TDM) Plan, or participate in a Transportation Management Association (TMA), if one is available in the geographic area of the establishment. → A TDM framework for the town center was provided on page 6 of the September 19, 2012 application materials. Staff recommends that the final TDM plan be approved by the Director of the Planning Division following a recommendation by the City Traffic Engineer prior to issuance of building permits.
- Sec. 33.24(4)(f)11.c: Sidewalks at least 8 feet in width shall be provided along the full length of the building facade featuring a customer entrance, and along any façade abutting parking areas and shall provide at least 8 feet in width clear from any merchandise, vending, or other obstructions. These sidewalks shall be located at least 6 feet from the facade to provide planting beds for foundation landscaping, except where features such as arcades, entryways, or community features, as defined in Par.11, are part of the facade. → A 4-foot wide sidewalk is

proposed along the northern façade of the grocery store, requiring that a waiver to this provision be granted. It appears this sidewalk could be increased in width, though it could reduce the landscaped bed adjacent to the wall to or below the 6-foot dimension required.

- Sec. 33.24(4)(f)11.d: Internal pedestrian walkways provided in conformance with Sec. 33.24(4)(f)10.b. shall have weather protection features, such as awnings or arcades within 30 feet of all customer entrances and shall be constructed parallel to the façade of the building but need not extend into driving aisles or parking areas. → The weather protection features shown both to the north and south of the store entrances will be less than 30 feet in length, though the condition recommended by the UDC to address the south-facing entrance will allow the project to meet this requirement on that side of the entry foyer. The applicant will also be redesigning the area north of the north-facing entrance pursuant to the same UDC condition in a fashion that should address this requirement.

In closing, staff believes that the Plan Commission can continue to conclude that the design of the proposed grocery store can meet the intent and objectives of the standards of design for large retail establishments in Section 33.24(4)(f) of the Urban Design Commission Ordinance, and that the Plan Commission may grant the waivers to the project enumerated above. Staff believes that the Commission may find that the waivers are warranted for the proposed grocery store due to unique site design-related circumstances and that the proposed development reflects a superior design solution.

#### **Recommendations:**

The Planning Division recommends that the Plan Commission reaffirm its prior recommendation of **approval** to the Common Council of the rezoning of 6002 Cottage Grove Road from PUD-GDP to PUD-SIP and **grant** the waivers from Section 33.24(4)(f) required for the project, all subject to the comments and conditions contained in the November 7, 2012 Urban Design Commission report, the November 19 Planning Division staff report, the conditions recommended by the Plan Commission at its November 19 hearing, and this addendum.

As noted above, the 3,800 square-foot building at 5925 Sharpsburg Drive was also referred back to the Plan Commission on November 27. Planning staff believes that the project meets the applicable criteria for approval (including the provisions in Section 33.24(4)(f)) and recommends that the Plan Commission also reaffirm its prior recommendation of **approval** of it to the Council subject to the comments and conditions contained in the November 19 meeting materials.