

City Council Agenda Item #14A
Meeting of August 6, 2007

Brief Description: Items concerning a two-phased office redevelopment project at 5700, 5720, and 5740 Green Circle Drive and 10350 Bren Road West for Opus Corporation.

Recommended Action: Approve the project and adopt the ordinance.

Introduction

Opus Corporation is proposing an office redevelopment at 5700, 5720, and 5740 Green Circle Drive and 10350 Bren Road West for a two-phased expansion of the Opus Corporate Campus. In 2006, the applicant received approval for a similarly sized expansion of the existing headquarters, but the proposal did not include the parcel addressed 5700 Green Circle Drive. Another significant change is the applicant is proposing to relocate a portion of Green Circle Drive to the west side of the parcels rather than constructing a skyway across the existing Green Circle Drive. (See the attached narrative and plans on pages A1-A7 and full civil engineering/architectural drawings on pages A14-A46.)

The request specifically includes the following considerations:

- *Site and Building Plan (final for Phase I)* – The existing Opus Headquarters building, located at 10350 Bren Road, is 104,908 square feet in size. The proposal includes extension of the existing building to the northwest and would add 147,800 square feet with Phase I. Phase II would include the construction of an 111,000 square foot addition and multiple level ramp. After all construction, the buildings would total 363,666 square feet. The existing buildings at 5700, 5720, and 5740 Green Circle Drive, totaling 94,280 square feet, would be removed as part of this project. Therefore, the proposal results in the net increase of 164,520 square feet. (See page A39) Previous approvals had similar square footage expansions, with Phase I and II including 238,025 square feet.

The previously approved expansion included a skyway connection over Green Circle Drive. The revised plan proposes to relocate Green Circle Drive from its present location to the west (near the trail and wetland area).

The site plan review includes consideration of a conditional use permit for movement of more than 1,000 cubic yards of fill.

- *Planned Unit Development rezoning and Master Development Plan amendment.* The project originally received planned unit development rezoning with an

approved master development plan. Because additional property was acquired, a rezoning action is required for that parcel. A master development plan amendment is also required due to the substantial change to the site plan. (See page A39)

- *Preliminary Plat* – There are four parcels within the redevelopment area – 5700, 5720, 5740 Green Circle Drive and 10350 Bren Road West. The proposed layout combines those parcels into one property. (See pages A31-A33)
- *Floodplain and Wetland Conditional Use Permit and Rezoning* (including wetland buffer impacts) – The proposed road realignment of Green Circle Drive causes some intrusion into the floodplain and impacts some wetland area. The plan would replace both - lost floodplain storage and wetland area. Similarly, because of the impact to wetland protection areas for the existing and revised trail location, this would require conditional use review. (See page A34.)

Primary Issues

- **Is the proposed master development plan reasonable?**

Yes. Staff believes the proposed master development plan is reasonable for the following five reasons:

1. The use would be the same as the existing office uses on the site. Opus would replace the existing office buildings on the three sites.
2. The plan contains adequate parking. The parking plan in Phase I utilizes a proof-of-parking element, which allows for constructed parking to meet anticipated demand for the project. However, the proof of parking areas could be utilized sooner, if necessary.
3. The site would be adequately landscaped and would provide screening from adjacent properties. The plan provides for replacement trees as well as relocation of existing trees from the site. Previous wetland mitigation plans provided more tree removal; however, the revised mitigation plans indicate very little tree removal.
4. The height of the new building is consistent with the existing Opus building. There are several buildings within this area of Opus that exceed four stories. The Opus building to the south at 5850 Opus Parkway is a four-story building; the Marriott Hotel to the east is 16 stories; Cloud 9 is 10 stories; the office to the east at 5720 Bren Road West is four-stories; and the United Health office at 9900 Bren Road West is 11 stories. The United Health building, currently under construction, is 10 stories.

5. As demonstrated in the supporting information section of this report, all minimum zoning ordinance standards would be met or mitigated by replacing natural areas.

- **Is the road relocation appropriate?**

Yes. Staff finds the road relocation is appropriate for the following reasons:

1. Contiguous Campus. The proposal provides for a more cohesive campus for the headquarters to be located, rather than impacting the right of way with a skyway intrusion, as previously approved. The street location would provide a more definitive edge for the newly constructed building.
2. Wetland and Floodplain impacts are mitigated. The plan provides for replacement of impacted wetland and floodplain areas within the same natural complex. The details of the mitigation are found in the Supporting Information section of the report.
3. Maintains separated pedestrian trail. One of the important features of the Opus Development is the fact that a majority of the trail system does not require street crossings. The road relocation includes installation of a new bridge structure to maintain the integrity of the original pedestrian connections that have been considered highly valuable to the Opus business park.

- **Are the traffic impacts appropriately mitigated?**

Yes. There have been two traffic studies conducted for the proposal. The first study was conducted in 2006 and recently was updated to review the effects of the current proposal. The estimated a.m. and p.m. peak hour traffic of 353 trips per hour and 339 trips per hour, respectively, is slightly less than the previous forecast of 369 and 355 trips per peak hour. The traffic study also outlines the need for certain improvements. Most notably, during Phase II construction, the trips exiting the site will be directed toward Bren Road West rather than Green Circle Drive.

- **Are the wetland and floodplain impacts appropriately mitigated?**

Yes. The wetland and floodplain area that is proposed to be impacted is located on the northern portion of the site. The impacted wetland is considered degraded, and the larger wetland complex to the west would be improved by the mitigation site that is proposed to the north near Smetana Drive. The area of mitigation would also provide additional flood storage capacity for the area. Staff finds the following benefits as a result of the natural resources mitigation:

1. **Improved water quality.** The area of impact is degraded and consists of storm culverts that do not provide quality wetland characteristics. The newly created wetland area will provide an enhanced wetland area.
2. **Minimized tree impact.** After reviewing road realignments to avoid the wetland or floodplain fill, there were more impacts to existing trees in the area. The mitigation site and current road alignment allows for more preservation of existing trees.
3. **Contiguous land area for wetland and floodplain replacement is a benefit.** Alternatives for wetland and floodplain replacements were considered for multiple areas of the site. The larger wetland complex is strengthened by one contiguous replacement area rather than smaller pockets.

Planning Commission Recommendation

On July 12, 2007, the planning commission recommended that the city council approve the project as recommended by staff. (See the minutes on pages A115–A128.)

Staff Recommendation

Preliminary Plat

- 1) Give preliminary approval to the OPUS CAMPUS ADDITION, date stamped July 2, 2007. Approval is based on the finding that the plat meets the required standards and ordinances. Approval is subject to the following conditions:
 - a. Complete the following before final plat approval:
 - (1) Show the following on the final plat:
 - (a) At least ten-foot-wide drainage and utility easements next to any existing or proposed public street rights-of-way and at least seven-foot-wide drainage and utility easements along all other lot lines.
 - (b) Utility easements over existing or proposed public utilities, as determined by the city engineer.
 - (c) Drainage and utility easements over wetlands, floodplains, and public stormwater ponds, as determined by the city engineer.

- (2) Pay the city a park dedication fee, if no park fee has been paid previously.
 - (3) If the developer is petitioning the city to construct the public improvements, the city council must order the improvements.
- b. The following items must be submitted to the city before the city releases the final plat:
- (1) An engineering/utility inspection fee.
 - (2) Payment for traffic signs and installation, as required by the city engineer.
 - (3) An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - (4) If the developer is constructing any public improvements, the developer must submit a signed agreement with the city. This agreement must guarantee that the developer will complete all public improvements and meet all city requirements. This agreement must include an escrow to ensure that the developer completes all public improvements and complies with all city regulations. This escrow must be a letter of credit or cash deposit. The amount must be 150% of the estimated cost of the improvements or 125% of the cost if based on actual bids.
 - (5) The following documents for the city attorney's approval:
 - (a) Title evidence that is current within thirty days before release of the final plat.
 - (b) Conservation easements over wetland and wetland buffer areas and a drawing of the easements. The easements and drawings must be recorded with the final plat.
 - (c) Provide declaration and restrictive covenants over all mitigated wetland areas per the Wetland Conservation Act (WCA), for review by the city's natural resources staff.
 - (d) Provide restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat. These covenants must first be submitted for the city attorney's approval.

- (e) Any other requirements included with final plat approval.
- (6) A drainage and utility easement must be granted over the alternate stormwater plan and the stipulations of its use must be provided in a separate document approved by the city attorney.
- c. The following must be completed before the city issues a grading permit or any site work is started.
 - (1) Approval of final grading, drainage and erosion control plans by the city engineer. If the developer is building the streets and utilities, the developer must submit final street and utility plans for the city engineer's approval.
 - (2) A letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site must be submitted to the city. The city will not release the letter of credit or cash escrow until the developer submits as-built drawings and a letter certifying that the utilities, driveway, and grading have been completed according to the plans approved by the city.
 - (3) All trees to be preserved must be fenced and erosion control measures installed, as approved by the city.
 - (4) Approval of a construction and traffic control management plan by the city planner.
 - (5) The applicant must submit evidence of the watershed district approval, in specific, approval of the floodplain alteration on Outlot A (owned by the city). The city may require revisions to the preliminary plat to meet the district's requirements.
 - (6) NPDES permit required from Pollution Control Agency.
- d. The following must be completed before the city issues a building permit:
 - (1) All conditions provided in the site and building plan review.

Planned Unit Development Rezoning with Master Development Plan Amendment with Conditional Use Permit for over 1,000 cubic yards of material.

- 2) Adopt the ordinance on pages A129–A135. This ordinance approves the following for the Opus Corporate Expansion at 5700, 5720, 5740 Green Circle Drive and 10350 Bren Road:

- A rezoning from B3 (5700 Green Circle Drive) to PUD, planned unit development;
 - A master development plan and final site and building plans (Phase I); and
 - A conditional use permit to move over 1,000 cubic yards of material.
- a. The ordinance is based on the following findings:
- (1) The use would be the same as the existing office use on the site. Opus would replace the existing office buildings in the area.
 - (2) The plan would contain adequate parking.
 - (3) The site would be adequately landscaped.
 - (4) The height of the building would be consistent with the existing Opus building and buildings located in the area.
 - (5) As demonstrated in the Supporting Information section of the staff report, all minimum zoning ordinance standards would be met or mitigated by replacing natural areas.
- b. This rezoning is subject to the following conditions:
- (1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan date stamped June 6, 2007.
 - Grading plan date stamped June 6, 2007.
 - Landscaping plan date stamped June 6, 2007.
 - Building elevations date stamped June 6, 2007.
 - Wetland and Floodplain mitigation plans, as amended - July 3, 2007.
 - (2) Before starting any site work or obtaining a grading permit, complete the following work:
 - (a) The installation and maintenance of temporary rock driveways, erosion control, tree protection, and wetland protection fencing for each lot must be installed, subject to review by the city's natural resources staff.

- (b) Submit final site, grading, drainage, utility, roadway and erosion control plans for staff approval. These plans must include cross sections.
 - (c) Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
 - (d) Submit copies of the watershed district permit, in particular the approval of the floodplain mitigation for Outlot A. The city may require revisions to the approved plans to meet the district's requirements.
 - (e) Submit a construction and traffic control management plan for staff approval.
 - (f) Site storm sewer plans are required to be submitted for review and approval including complete storm sewer design calculations, profiles for all storm sewers, and the necessary revisions for the alternate storm sewer as noted in the May 25, 2007, memo from BARR Engineering.
 - (g) Receive approval from the property owners to relocate the driveway access to the newly constructed Green Circle Drive. If no approval is received, the ordinance needs to be revised and reconsidered by the planning commission and city council.
 - (h) A development agreement documenting the improvements and corresponding securities.
- (3) The following must be submitted to the city before the city issues a building permit:
- (a) Final landscape and irrigation plans for staff approval. Landscaping plans must equal 1% or greater of the total project value. Additional trees between the roadway and the trail must be provided and approved by the natural resource staff.
 - (b) A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping.
 - (c) An illumination plan for staff approval.

- (d) All required hook-up fees.
 - (e) Final utility plans are required to be reviewed and approved by the city engineering staff.
 - (f) Revisions to the grading plan must include curbs and/or barriers to prevent traffic southbound from driving on non-roadway areas.
 - (g) All utility services must be abandoned as required by the engineering department.
 - (h) Plans must be in substantial compliance with items outlined in the "Green Circle Drive Realignment" dated June 6, 2007, and bridge memorandum dated June 22, 2007.
 - (i) Additional traffic improvements in the area will be necessary over time. The city will further outline those responsibilities during a land use analysis of the entire Opus area, and will determine appropriate participation of property owners compliant with all applicable state statutes. This will be completed prior to Phase II of the site plan.
 - (j) Complete roadway, bridge, retaining wall, and pedestrian plans need to be provided for review and approval by the engineering department.
 - (k) Phase II of the site plan includes a parking ramp. This parking ramp will be an entry ramp off of Green Circle Drive, to encourage the use of Bren Road.
 - (l) Record this ordinance with the county.
- (4) Prior to certificate of occupancy, complete a travel demand management plan.
 - (5) The property owner is responsible for replacing any required landscaping that dies.
 - (6) All rooftop and ground-mounted mechanical equipment and exterior trash and recycling storage areas must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.

- (7) Approval does not include the signs shown on the drawings. Separate permits are required from staff.
- (8) With the exception of security lighting, lights within the building must be turned off by 11:00 p.m. unless there is an emergency situation or a room is being cleaned.
- (9) Spaces shown as proof-of-parking may not be paved unless approved by the city upon showing of a demonstrated need for these spaces.
- (10) Phase II would require site and building plan review.
- (11) Construction must begin by December 31, 2008, unless the planning commission grants a time extension.

The above plans are hereby adopted as the master development plan and as final site and building plans (Phase I).

Wetland Conditional Use Permit and Rezoning With Floodplain Alteration

- 3) Adopt the resolution on pages A136-139, which approves the proposed change in the wetland overlay district boundaries. Also recommend the city council approve wetland alteration with wetland buffer impacts and floodplain alteration. This ordinance is based on the following findings:
 - a. The floodplain impacts are also mitigated in the same sub-watershed area.
 - b. The wetland and floodplain impacts meet the standards of the city code.
 - c. The mitigation area for the wetland is being compensated within the same sub-watershed district as the wetland being altered.
 - d. The wetland will ultimately have a higher function and value.
 - e. The application meets the standards of the conditional use permit criteria.

This approval must meet the following conditions:

- a. Obtain approval from all appropriate agencies before construction.

- b. Obtain approval and comply with the requirements for the Wetland Conservation Act replacement plan as presented in the plans dated July 2, 2007 and as amended.
- c. Provide a plan which indicates specific wetland species and location/elevation. Additionally, at least 50% of the species must be herbaceous or biomat.
- d. Provide information to ensure adequate hydrology of the mitigated wetland area.
- e. Applicant must provide wetland conservation act forms, including: affidavit of land ownership, declaration of restrictive covenants, and consent to replacement wetland.
- f. Applicant must provide wetland monitoring reports, annually, for a period of five years or until the technical evaluation panel accepts the mitigated wetland. At the end of the monitoring period there shall be no more than 15% invasive species present.
- g. Applicant must provide a cash escrow in the amount of \$7,500 (\$1,500 per year x 5 years) to ensure compliance with the wetland monitoring schedule.
- h. Applicant must provide a letter of credit for 150% of the estimated cost or 125% of the actual bid for the wetland and flood plain replacement to be constructed. The letter of credit will be reduced based on establishment of the replacement wetland.

Submitted through:
John Gunyou, City Manager
Ron Rankin, Community Development Director

Originated by:
Julie Wischnack, AICP, City Planner

SUPPORTING INFORMATION

Surrounding Land Uses

- Northerly: Office building and park land; R-1, low-density residential; B-3, General Business; and guided for mixed use.
- Easterly: Opus Corporation office building; B-3, General Business; and guided mixed use.
- Southerly: Giftmart, a retail/warehouse showroom; B-2, Limited Business; and guided for mixed use.
- Westerly: American Medical Systems office building; PUD; and guided for mixed use.

Existing Site Features

The existing redevelopment sites contain three office buildings with large parking lots. (See page A2). The total size of the existing buildings to be removed is 94,280 square feet. The redevelopment area is surrounded by natural open spaces. There is a pond area located to the east, which serves as an area storm pond. There is a large wetland complex located to the west of the site that is owned by the city and is described as "Outlot A."

Planning

- Guide Plan designation: Mixed Use
- Zoning: Planned Unit Development and B-3, General Business

Preliminary Plat

The property consists of four tax parcels. The property will be replatted into one parcel of land. In that process, there will be newly dedicated right of way and vacated portions of the previous right of way (Green Circle Drive). Consideration of the right of way areas and additional property the city will receive through platting is important to review. The city will gain more property than what will be vacated or transferred. The chart below describes the property that the city will accept as new right of way, a majority of which is located on the western side of the new roadway. (See page A46.)

New Land Area to the City of Minnetonka:	
Opus dedicates the New Green Circle ROW	39,040 S.F.
Opus dedicates Outlot A (west of new ROW)	43,348 S.F.
New Land Area to the City of Minnetonka	82,388 S.F.
New Land Area to Opus:	
Vacated existing Green Circle ROW to Opus (southern portion)	21,997 S.F.
Vacated existing Green Circle ROW to Opus (northern portion)	3,359 S.F.
Transfer triangular parcel to the east	2,131 S.F.
New Land Area to Opus	27,487 S.F.
New Land Area to the Condos:	
Vacated existing Green Circle ROW near 5643 Green Cir SW Condo Bldg.	4,571 S.F.
Vacated existing Green Circle ROW near 5697 Green Cir SE Condo Bldg	1,128 S.F.
New Land Area to the Condos	5,699 S.F.

Site and Building Plan Review

In evaluating a site and building plan, the planning commission and city council shall consider its compliance with the following:

- 1) *consistency with the elements and objectives of the city's development guides, including the comprehensive plan and stormwater management plan;*

The uses are allowed by zoning ordinance and the grading plans meet the city's stormwater management plan.

- 2) *consistency with this ordinance;*

The project layout, in terms of site design and proposed building locations, is consistent with the ordinance. The proposed floodplain and wetland areas of impact are mitigated by the replacement of these areas.

- 3) *preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;*

The area in which the physical redevelopment of the buildings occurs is located on property that is currently developed with office uses. The impacts to the natural features, as a result of the road relocation, are minimized by the mitigation

strategies such as wetland monitoring, vegetation replacement, and the proposed landscaping installation.

- 4) *creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;*

The buildings would be designed to match the existing Opus building. The existing natural features will be restored and managed to a greater degree than currently. The pond to the north has become a focus of the natural environment in the area. The proposed buildings do not negatively impact that area and, in fact, could improve the overall quality of the feature. (See page A114 for LEED certification information.)

- 5) *creation of a functional and harmonious design for structures and site features, with special attention to the following:*

- a. an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors, and the general community;
- b. the amount and location of open space and landscaping;
- c. materials, textures, colors, and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
- d. vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

The buildings, both in Phase I and Phase II, provide for a cohesive campus design with parking located to the south and west, which is further away from the residential properties to the northeast than existing buildings. The extensive landscaping plans provide for a solid buffer between the building and parking areas from the natural features surrounding the site. The colors and materials of the building additions are appropriate for the site because it matches the existing building and continues the "prairie" theme architecture. The pedestrian circulation will be maintained under the realigned roadway to maintain the existing condition for the trail. The realigned roadway provides a more defined area for separation of areas used for development and preservation of natural open spaces.

- 6) *promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and*

The site would be developed to create a “campus” feel between the two buildings by providing a contiguous and continuous building footprint. The installation of landscaping around the edges of the site will soften the appearance of the building as viewed from the more natural areas surrounding the property.

- 7) *protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.*

The applicant has prepared a perspective drawing which provides a view analysis from the closest condominium building to the northeast. The perspective presents that very little of the proposed building would be visible from the residential area. (See pages A5-A13)

Master Development Plan Compliance Table – Phase I (See page A20)

	Proposed	City Standard
Building Setbacks		
North side	148 feet	52 feet
South side	322 feet	52 feet
East side	75 feet	52 feet
West side	131 feet	52 feet
Building Height	51 feet	No maximum standard
Parking Lot Setbacks		
North side	54 feet	20 feet
South side	20 feet	20 feet
East side	124 feet	20 feet
West side	37 feet	20 feet
Parking Spaces	486 actual - 555 with proof of parking	552
Floor Area Ratio	43%	100%
Hard Surface Coverage	58%	85%
Minimum Lot Area	13.4 acres (with new adjustments in acreage because of road relocations)	5 acres

Master Development Plan Compliance Table – Phase II (See page A21)

Note: Additional site and building plan review is required prior to Phase II construction.

	Proposed	City Standard
Building Setbacks North side South side East side West side	148 feet 378 feet 75 feet 54 feet	52 feet 52 feet 52 feet 52 feet
Building Height	52 feet (parking structure 34 feet)	No maximum standard
Parking Structure Setbacks North side South side East side West side	506 feet 52 feet 426 feet 57 feet	34 feet 50 feet 34 feet 34 feet
Parking Spaces	1000	976
Floor Area Ratio	62%	100%
Hard Surface Coverage	61%	85%
Minimum Lot Area	13.4 acres (with new adjustments in acreage because of road relocations)	5 acres

Traffic

Road Realignment

The proposal would provide reconstruction of Green Circle Drive and relocate the street to the western side of the redevelopment area. (See pages A16-A17). The proposed street is 30 feet in width, similar to the existing Green Circle Drive. The new street connection would remove the need to have a skyway system over the street which required variances in the original approval. The road would also replace a bridge that allows pedestrian connections to pass under the roadway. The bridge will be replaced with the new street construction.

The road does impact a small wetland area and floodplain area which is connected to the larger wetland complex located in "Outlot A" of this plat area. The wetland impacts are further noted under the wetland section of the report.

The road also presents relocation of the existing driveway for 5697 Green Circle Drive. The homeowner's association for the property has been contacted, but there

has been no formal agreement provided at this time. Staff recommends that there be agreement reached prior to issuance of a grading permit.

The road relocation will effectively leave property unused and not needed for future road purposes. All appropriate vacation actions, dedication of new right of way, and required easements must be prepared prior to final plat submission.

All costs of the roadway construction and bridge will be provided by the developer. Additionally, the developer will provide the plans and fees associated with review and documentation of the improvements. The details of the plan preparation, construction, and associated costs will be reflected in the development agreement. (See pages A14-A45)

Pedestrian/Transit Connections

As stated previously, the underpass for the trail connection near the northern edge of the subject property will be reconstructed with the new roadway. There are also areas of the trail that will be moved to accommodate the roadway. There will be pedestrian connections from the new building additions to the interior trail system. The applicant must follow the recommendations found in the bridge memorandum from WSB & Associates (found on pages A92-A98).

The development area is served with local transit – bus route 12. The closest stop would be near Opportunity Partners. With other projects of this size, the city has been requesting the applicants prepare a travel demand management plan to address peak period demands for the project.

This area has also been identified as a potential light rail area. The light rail study is moving into an alternatives analysis phase. The property to the south and west of this site has been identified as a potential light rail station location. Because of the uncertainty of exact location and resulting traffic routes, the impacts to the greater business park are difficult to determine.

Trip Generation

The city retained the services of WSB & Associates to analyze the amended site plan and proposed square footages of the application. The analysis of the changes is contained in a memorandum that is included in the document titled “Green Circle Drive Street Realignment” and found on pages A47-A88. The following serves only as a summary of the findings:

The report finds that there are no additional trips generated by the revised proposal as compared to the original, approved redevelopment. The project will add approximately 2,500 total trips per day (Phases I and II). Of those trips, 353 of the trips are experienced in the peak period in the a.m. There are 339 trips experienced in the p.m. peak period. There is also an estimate provided for truck traffic entering the

site for deliveries. It is estimated that 35 vehicles would access the site, daily. The majority of the trucks would be light duty delivery trucks, with the remaining 5 being heavier trucks accessing the loading dock area to the northwest side of the building (see page A37).

Distribution

There have been concerns raised about the distribution of trips leaving the site, particularly in Phase II when a parking ramp entrance and exit is proposed to be located on Green Circle Drive. To address that concern and reduce the amount of vehicles utilizing Green Circle Drive to access the Bren Road/169 intersection, staff recommends the parking ramp be allowed to function as an entrance only from Green Circle Drive. Staff recommends documentation be provided about construction traffic not traveling to the north, but rather through Bren Road West, in the construction management plan.

Staff recommends there be an improvement, formal curb installation and/or planting, to resolve the “cut through” situation that occurs on Bren Road, directly south of the existing entrance to the building. Vehicles travel over the curb to gain access to go south bound.

Level of Service

The proposed development and additional developments considered in the analysis provide a level of service “D” or better. The level of service, with the consideration of other developments in the Opus Park, need to be further addressed by improvements to intersections, lane additions, and traffic controls for the Opus area. Total impacts and investments for improvements would be studied further as a part of the greater land use study that will be conducted for the area. Additionally, language will be provided in the development agreement which contemplates future improvements and associated costs.

Summary of Traffic Issues

- No outlet for parking ramp to the north – Phase II (Green Circle Drive)
- Minor changes to traffic control during construction plan preparation
- Curb installation on the south side of Bren Road West
- Future land use analysis will require future infrastructure improvements
- Construction traffic control must addressed

Parking

The parking requirement for Phase I equals 552 spaces. The proof of parking presents 555 spaces. The actual plan would construct 468 surface parking spaces and 18 underground spaces in Phase I. Phase II proposes a multiple level parking lot that averages 33 feet in height and would accommodate 938 spaces. There would be an additional 15 spaces underground with the Phase II addition. Phase II would require 976

spaces. The Phase II site plan would provide a total of 1,000 spaces including the ramp, surface, and underground parking. The parking ramp upper level would also be stepped back to provide relief for the mass of the structure. Staff has reviewed the proof of parking for Phase I and feels a 16% reduction in constructed parking spaces is appropriate. (See page A38.)

Grading and Drainage

The site plan considers the movement of more than 1,000 cubic yards of earth. The city code requires the city review the impact of fill as it relates to the conditional use permit criteria:

- 1) the use is consistent with the intent of this ordinance;
- 2) the use is consistent with the goals, policies and objectives of the comprehensive plan;
- 3) the use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
- 4) the use does not have an undue adverse impact on the public health, safety or welfare.

Staff believes that the impact of the grading and movement of fill is adequately addressed by the wetland and floodplain mitigation plans and will not have adverse impacts on the criteria listed above.

Stormwater

There is an existing storm pond area located to the northeast of the existing Opus Headquarters building. This pond area will accept a majority of the run-off from the proposed additions. The pond area will be improved to accept the increase in stormwater run off. The improvement will involve some dredging of the pond and will provide additional native planting after the dredging is complete (in areas of disturbance). If the city is able to participate in the dredging for improved water quality, the city will document this participation in the development agreement.

There is a large, existing storm sewer pipe that will remain in place, after the building is constructed. The pipe will require to be enclosed in concrete to provide proper protection. However, if there is failure of this pipe in the future, there is an alternate plan for replacement of the stormwater that currently flows in this pipe. This alternate plan will be documented within a separate agreement. (See pages A22-A23)

Floodplain

The city is required to consider effects of alteration of the 100 year floodplain. The roadway relocation impact is 27,800 cubic feet. The ordinance requires that there be replacement of the floodplain with a one-to-one ratio. The ordinance requires the city to consider the effects of the proposed mitigation area and its further impacts on significant trees.

After evaluation of multiple mitigation sites (which are synonymous with wetland mitigation sites), it was evident some areas created negative impacts to significant trees. The applicant is proposing the mitigation occur to the north, near the Smetana Road area. (See pages A101-108). The mitigation area impacts five significant trees (one ash and four cottonwoods).

The city retains ownership of Outlot A (see page A113), to the west, and it is encumbered by an agreement with Nine Mile Creek Watershed District which indicates there will not be impacts to the floodplain. The applicant will be required to gain approval from the watershed district to allow mitigation of the floodplain for this area.

Wetland

Requirements

City code requirements include consideration of a wetland rezoning, one-to-one ratio for mitigation and conditional use permit to allow an impervious trail within the wetland buffer (25 feet). In addition to city requirements, wetland impacts also require review under state law – the Wetland Conservation Act. The conservation act dictates a separate permitting process from the city which requires review by a three-person technical evaluation panel. This panel determines if the proposed impact and mitigation are appropriate. If it is not appropriate, other options are discussed until the panel finds the proposal to be acceptable. The final decision is made by the city council. This permit will be reviewed when the council reviews the entire development proposal.

Impact

There is a small drainage ditch which connects to the larger wetland complex to the west. The wetland is very degraded and acts more like a stormwater conveyance system. The wetland is disconnected from the greater wetland area and does not serve as an integral component of the natural complex. The impacted area is approximately 12,823 square feet. Staff has determined that the site used for flood mitigation will also serve as wetland mitigation. There are a total of three wetlands impacted: the larger wetland in the road area and two smaller wetlands on the western portion of the site (see page A26).

The second impact is the intrusion into the natural buffer area requirement for the wetland. The required buffer is 25 feet. The city code allows intrusion into the buffer

by conditional use permit. The existing trail areas are within the required buffer. The revised plans for the trail reduce that buffer area to five feet at the lowest point. The roadway would travel through a wetland and, therefore, no buffers would be provided with the roadway. Additional plantings, after the street improvement, will restore and protect the natural features of this area. The improvements to the site (buildings and parking areas) do not impact the buffer area.

Mitigation

There have been numerous discussions and plans provided to consider, reduce or change the impacts to the wetland area (see pages A99-A100). The mitigation area for the wetland impacts will be located on the northern portion of Outlot A, which is owned by the city (See page A108). The mitigation area consists of 14,000 square feet of new wetland and 14,900 square feet of wetland buffer area. As a note, this area also provides the floodplain mitigation for the project. The Wetland Conservation Act permitting requires the mitigation site be monitored to ensure the proper function and vegetation occur as a result of the construction. A technical evaluation panel assists in determining the appropriateness of the mitigation site and the methods by which it is created. The final wetland conservation act permit will be issued by the city council, as the city is the local governing unit for enforcement of the regulations.

Technical Evaluation Panel Review

The city received comments from agencies which serve as a technical advisory panel for compliance with the wetland conservation act. Changes were requested and are reflected in added conditions of the wetland ordinance. Additional analysis of wetland assessment was conducted and found to be satisfactory by the panel.

Conditional Use Permit for Buffer Area

The city code provides the following to be considered for buffer area intrusion that, in this case, occurs for the city trail area (2 feet, rather than the 25 foot buffer):

No conditional use permit will be granted unless its approval will not adversely impact wetlands, the wetland buffer area, and surrounding properties, the intent of this ordinance or the goals and policies of the comprehensive plan. If applicable, granting of a conditional use permit will be conditioned upon approval of the request by all other appropriate regulatory governmental agencies, including the watershed district or the Minnesota department of natural resources.

The trail currently exists within the required buffer. However, the proposal provides for appropriate mitigation. In particular, there is almost 15,000 square feet of new buffer created in the wetland replacement area. There are also additional native vegetation requirements as part of the road construction which will address impacts to the immediate area of disturbance.

Landscaping

There are 231 significant trees that exist on the property. Thirteen (13) trees will be relocated on the property. There are 81 significant trees which will be removed. There are 247 new trees indicated on the landscape plan. There are a variety of types provided. The most significant part of the landscaping occurs to the north and east of the proposed building. Staff is recommending additional trees be designated between the new road and the trail areas. Exact locations will be determined during the final design of the roadway. The city code requires at least 1% of the project cost be provided in landscaping. (See pages A27-A30)

Neighborhood Comments

We surveyed the property owners within 400 feet of this site. Out of 215 properties, we received 35 replies as follows:

5 Strongly Support	2 Somewhat Support	5 Neutral	5 Somewhat Oppose	19 Strongly Oppose
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In favor:

Strongly Support -- 5627 Green Circle Dr. #101

I approve the revised plan for the Opus Corporate Center and redirect Green Circle Drive around the west side of the property. It doesn't make sense to split the property and have to use a skyway. Do it right the first time!! I have lived in my Opus condo (5627 - building two) for almost 25 years (1982) and look forward to watching the new expansion. The corporate center is a beautiful building and I'm sure the new addition will tie in. Maybe a_ pond could be dug deeper and collect more runoff from the west side, or dig another lake. It should all work out. The walking paths are very important. It has become an almost daily trek. Thank you for the information.

Strongly Support - 5643 Green Circle Dr. 102

The architectural style of the proposed buildings will be an asset to the area.

Strongly Support -- No Address Given

When Opus builds, it is always first class and well done. Live in Opus condos.

Somewhat Support -- 5607 Green Circle Dr. #305

Traffic safety? There will be increased traffic on Green Circle Drive, both car and truck, in a residential area. There already exists problems where Smetana Drive

(by South Hampton Apartments) enters Green Circle. This will likely create greater risks of accidents. In particular, when and if Phase II of the development occurs, I anticipate traffic problems will be exasperated. ** Of great concern is the environmental impact on the wetlands here. I cannot see how this will be mitigated by the scope of this project. This was not explained adequately at the meeting on May 16, 2007 Opus headquarters.

Somewhat Support -- 5643 Green Circle Dr.

My concerns:

- 1) Property value of my condo at 5643 Green Circle Drive at the expense of big business tax dollars for the city.
- 2) Replacement of lost trees and new landscaping at new Opus building.
- 3) Increased traffic on Green Circle Drive.

Opposed:

Somewhat Oppose -- 103 Flying Cloud Dr

I am opposed to the revised plans as it puts increased Opus employee auto traffic onto Green Circle Drive.

Somewhat Oppose – 5643 Green Circle Dr. #112

I live in the closest condo building to the proposed Opus expansion, at 5643 Green Circle Drive. The connection to the existing Green Circle Drive goes across a very wet area. Ducks swim in it, there are frogs, and drink in it. At one time beavers tried to build a dam, when there was more rain and snow melt runoff. I believe there could be a spring feeding it because the water looks fresh. It would be a shame if the city lets someone destroy it with a road over it. Opus says we will have more green. I think it will be a deep ditch with water in it. I prefer to keep Green Circle Drive, but with a different entrance and exit, not around Opus.

Somewhat Oppose -- 5697 Green Circle Dr. #217

Thank you to Julie Wischnack for the information she presented to us last evening. It was very helpful to have the maps with us as we walked the area to reference the relocation of Green Circle Drive and the construction of the new building by Opus. Most of my questions have been answered except for one:

- Why did Opus choose to redesign their expansion project? The design they presented a year ago was much more neighborhood friendly and was received well by most condo residents.

Concerns I have about the construction are:

- Traffic flow of construction crew, delivery of materials, excavation dump trucks and cement trucks. I would expect these trucks to be routed in and out of the Opus area via Bren Road. I do not believe that Green Circle Drive would have a weight limit high enough to accommodate these trucks, nor should they be allowed on a residential street.

- Hours of operation--the residents in our complex are very sensitive to noise and we would expect the hours of operation to be strictly enforced. No earlier than 7:00 a.m. and ending well before evening.

I will be attending the planning commission meeting next Thursday and will be looking for responses to my concerns.

Somewhat Oppose -- 5697 Green Circle Dr. #311

1. Counting every inch of our wetlands should be a priority here in Minnetonka as this is what Minnetonka represents!
2. Wetlands in this area of issue are the very reason I, along with every other area resident represented here, moved here and are willing to pay a high property tax.
3. After viewing the plans enclosed with this letter I do not see where Green Circle Drive enters the system to accommodate the Opus 2 Phase 1, 2, 3, 4, 5 condo residents.
4. Please take a moment to consider how many taxpayers this alteration plan will effect. Not only now but in the future. Obviously Opus Corporation feels the corporate world should rule, and that animals, creatures, and habitat are way down on the list of priorities. Please. Please. Please. Every inch of wetlands counts! This is an excellent opportunity for government to take a positive decision for the future for mankind and natural wetlands.

Somewhat Oppose -- No Address Given

It really doesn't matter what we think. Opus condos mean nothing to Opus Corporation, or to the City. What's going on in this area with Opportunity Partners etc., has proven that! This is a formality you feel you have to _.

Strongly Oppose -- Green Circle Dr.

I fear that by narrowing wetlands it will create a floodplain in our area. I know Nine Mile Creek floods the garden plats in Hopkins. It doesn't take much rain to partially flood Smetana Drive since the office building was constructed and a deep ditch built on the south side of the street. I oppose any assessment to our association because of Green Circle Drive realignments, or any other changes to it. I mention the hill behind our building that came down in 1987 destroying units, and requiring the expense of reducing the hill, etc.

Strongly Oppose -- 5627 Green Circle Dr.

Traffic and speeding drivers are already causing dangerous situations. I am very much against increasing traffic flow or increasing difficulty accessing our condos at Green Circle Drive, which is now somewhat tedious with the one-way road system. I am also very against disturbing our wetlands or natural habitat that we now have preserved in the middle of the city. Also, one of the main reasons I purchased. If the EPA/DNR talks about "setbacks to wetland and bufer protection areas would also require consideration", what does that mean? A "compromise" is not acceptable.

Strongly Oppose -- 5627 Green Circle Dr. #112

The reason I purchased my place on Green Circle Drive was because of the wooded area and walking trails. I also really like the fact it is quite and NOT over run with businesses. I feel we the opus area is a small relaxing area in a big city. It would ruin the whole atmosphere if this expansion is approved.

Strongly Oppose -- 5627 Green Circle Dr. #210

I would like to voice my opinion on this project. I am very much opposed to more expansion of the businesses and destruction of the wetlands and trail system. This will disrupt the wildlife and bring the value of our homes down dramatically. As it is now, at least we are separate from the businesses, but if you keep building it will destroy the peacefulness of our homes. Please keep me posted and let me know if there is anything I can do to voice my opinions. I understand the public hearing has been postponed, but I do plan to be there when it is rescheduled. Thank you.

Strongly Oppose -- 5645 Green Circle Dr. #312

One thousand employees (eventual) and 900 cars in one company is too concentrated for this campus/residential area. I suppose Opus will get it's way as it usually does, but this is a mistake and the City should not permit it. This should be obvious. Also, why have I not received any response to my email of May 14th?!! Also, I will be out of town on June 14th.

Strongly Oppose -- 5645 Green Circle Dr. #313

Please see attachment. See the attached letter on pages A110-A113.

Strongly Oppose -- 5697 Green Circle Dr. #105

Leave as is. We don't want a two-way road to get into 5697 Green Circle Drive. Would the driveway into 5697 then be extended to the new Green Circle Drive? Would 5697 then have to snow plow and maintain the driveway extension? The original agreement was acceptable. The new one is not. Where is the traffic from the proposed parking ramp going to go? Out Green Circle Drive? No way. Leave as is. Does the DNR approve of the intrusion into the floodplain and wetland areas? What kinds of an intersection will we have where the new leg of Green Circle meets the old Green Circle Drive and the extended driveway of 5697? How will emergency vehicles such as fire fighting equipment make the turn to get to 5697 Green Circle Drive?

Strongly Oppose -- 5697 Green Circle Dr. #208

I feel this plan is interfering with privacy of 5697 Green Circle Drive. I am very disappointed that they plan on cutting into part of wetlands, which makes for more traffic, and the route might cause much more traffic. I really hate to see more buildings which makes Opus so commercial. I feel that you already know what they are going to do. I chose Opus to live because of it's location. I also was

totally against a skyway. Hopefully Opus will not destroy what God put there. Leave all the wildlife keep their homes.

Strongly Oppose -- 5697 Green Circle Dr. #219

Hopefully members of the planning division will physically inspect the area of the proposed building to see for themselves how disruptive this will be to the community. Like most residents, I purchased my condo due to the quiet and country-like surroundings. We don't need another large building with more traffic. Nothing can compare to walking the trails and discovering a fawn or other animal. With this building destroying the wetlands, we can say goodbye to the many birds and animals making this their home. In this "green" area, shouldn't we be planting trees rather than taking them down? What happens to the current road? Will it just be left to disintegrate, becoming an eye sore? I thought the proposed skyway was bad; the new plan is even worse. Has Opus ever considered a tunnel between buildings leaving the road and trails alone?

Strongly Oppose -- No Address Given

We know this is an exercise in futility. We are aware that when Opus says jump, all of you ask "how high". Too bad to ruin a quiet area.

Strongly Oppose -- No Address Given

My concerns: 1) Loss of trees 2) Access to the condo's, and 3) Construction traffic, noise, dirt, and air pollution. Question: What happens to the walkway and trails? I use them EVERY DAY.

Strongly Oppose -- No Address Given

There is no benefit to the condo owners and, in fact, causes us individually and collectively an increase in costs of operating a motor vehicle. Also, a concern of length of driveway. Will this also cost us more in snow removal?

Strongly Oppose -- No Address Given

A response to this City of Minnetonka neighborhood feedback survey is nothing more than an exercise in futility for the homeowners affected by yet another Opus proposal for extensive changes to the area. There is certainly no concern by either the City or Opus for the many families who chose to buy their homes in and around Green Circle Drive for these and a number of other reasons: privacy and quiet offered by the one-way street system, beauty of park-like surroundings, walking/biking trails, and undeveloped nature/wetland area, etc. Relocation of Green Circle Drive comes totally at the expense of the homeowners. The statement, "The proposed road realignment of Green Circle Drive causes some intrusion into the flood plain and impacts some wetland area. The plan would replace both the lost flood plain storage and wetland area. Similarly, because of the impacts, setbacks to wetland and buffer protection areas would also require consideration is a huge joke and an insult to our intelligence. "Consideration" only means they'll "study" it in the shortest time possible then, in all likelihood,

decide it only affects the homeowners so it's not really necessary to do anything. Opus will only do what is necessary to ensure their surroundings are not unsightly and their landscape views are the best. They certainly won't ensure the loveliness and serenity of the area is preserved for the citizens/residents. This all harkens back to the deep-pocketed individuals/companies, fully supported by the City, sharing the "what do we care what happens to them" attitude that is so prevalent in today's society. The only time that attitude affects any of them is, in the remote possibility, that their own homes, neighborhoods and businesses are threatened with the same actions they feel are fine to impose on us. For the City of Minnetonka to approve and support this action is a travesty of justice, an ignorance of everyone's rights and a strong indication of how little support they truly offer the citizens in this area. As indicated above, my opinion is strongly oppose.

Strongly Oppose -- No Address Given

I saw the drawings at the meeting at Opus. This whole project is out of kilter with the idea of the original Opus development. One company with three connected buildings and 1000 employees with attendant traffic directly adjacent to our five condominium buildings just doesn't square. Why doesn't Opus just buy our buildings too and they can have the whole thing. They are a company who cares nothing for the residents here - only their own wants. I suppose they have the city rapped around their finger as in the past.

Strongly Oppose -- No Address Given

The expansion will destroy the wildlife in our neighborhood.

Strongly Oppose - No Address Given

When we bought our Opus condo 22 years ago we were strongly assured the wetlands would always be protected and never touched. Money speaks loudly, too bad!!

Strongly Oppose – Petition

A petition is attached in A139-A142.

General comments:

Neutral -- 5627 Green Circle Dr. #109

Meeting held at Opus office was very professional.

Neutral -- 5643 Green Circle Dr.

Recently the City of Minnetonka sent a survey to certain residents of Opus Condominiums requesting feedback on the request of Opus to change the redevelopment plan for their HQ at 10350 Bren Road. The survey provided

limited information and asked for feedback. This evening residents from several of the buildings in the Opus Condominium Complex met to discuss the proposed changes in the Opus expansion. Those of us who participated in the meeting 'strongly oppose' the application as described in your request for feedback. We have developed a list of questions that we will ask at the "neighborhood meeting" on Wednesday evening. In general the group felt Opus (and the City of Minnetonka) are trying to pass some rather major and impactful changes very quickly and without providing full information to our condominium community. How can the residents of our condo community provide thoughtful feedback before we have been fully appraised of the changes to the original plan? How can the city tell us that 'the issues we raise will assist the city in making a decision on this application' when the staff report is being prepared for the planning commission before the residents of our condo community have been provided full information and given a venue to provide feedback. Many of us are questioning the order of the process and the sincerity of the survey.

Neutral -- 5697 Green Circle Dr. #100

Will the expansion promote any growth of commercial businesses in the area, such as restaurants, stores, gas stations, etc.? I, for one, would be more supportive if that were the case. Also, is there any chance of getting some of the one-way streets changed to two-way with this rezoning? That would be another big plus. Thanks.

Neutral -- No Address Given

Will the rezoning change the one-way streets into two-way given the amount of extra traffic that it will incur? Also, I am curious if this plan will help promote other businesses such as restaurants, stores, even gas stations, etc. around the area given we are lacking that in this area? Thanks for you time.

Deadline for a city decision: August 22, 2007