

**City Council Agenda Item #14A
Meeting of December 17, 2007**

Brief Description: Items concerning Crossroads Corporate Center at the southeast corner of the I-394/County State Aid Highway 73 (CSAH 73) intersection, for Opus Northwest LLC:

- (1) Preliminary plat.
- (2) Rezoning from R-1, low-density residential, to PID, planned I-394 district;

Master development plan review; and

Final site and building plan review, with variances.
- (3) Appeal of maximum trip generation.
- (4) Introduction of ordinance authorizing the sale of certain property in the area of I-394 and Highway 73.

Recommended Action: Approve the project and introduce the ordinance.

Introduction

Opus Northwest, LLC, is proposing to redevelop the existing single-family residential neighborhood at the southeast corner of the I-394/CSAH 73 intersection. The 14-acre project would include construction of two office buildings and associated parking structures. (See pages A1-A23.)

Building I (South)

Building I would be located on the south side of the site. Phase I of the applicant's proposal would include construction of this single-tenant office building and associated parking structure. The specifics of design are as follows:

	OFFICE BUILDING	PARKING STRUCTURE
Stories	3 (plus walkout)	2 supported decks
Height*	44 feet(north) 49 feet (south)	24 feet (reduced to 15 feet)
Floor Area	110,810 square feet	Approximately 440 stalls
Façade	Decorative pre-cast concrete	Decorative pre-cast concrete

*code-defined height

Building II (North)

Building II of the development would occur on the north side of the site. The second phase of the proposal would include construction of this multi-tenant office building and associated parking structure. The specifics of design are as follows:

	OFFICE BUILDING	PARKING STRUCTURE
Stories	4 (plus walkout)	3 supported decks
Height*	58 feet (north side) 63 feet (south side)	Approximately 34 feet
Total Area	152,000 square feet	Approximately 575 stalls
Façade	Decorative pre-cast concrete	Decorative pre-cast concrete

*code-defined height

The applicant intends to begin work on Building I (South) in the spring of 2008, with building occupancy expected during the summer of 2009.

Proposal Requirements

The proposed development site is currently comprised of 17 individual lots, two MNDOT right-of-way parcels, a city parcel, and undeveloped city right-of-way. (See page A10.) Development of this site requires multiple actions:

- (1) *Preliminary Plat.* Preliminary plat is required to combine the 17 individual parcels and re-divide the site into two large parcels.

Rezoning. The existing properties are currently zoned R-1, low-density residential. The proposed redevelopment requires a rezoning to PID, planned I-394 district.

Master Development Plan Review. City code requires that a master development plan be drafted, reviewed, and approved in conjunction with any redevelopment of property within the PID zoning district.

Site Plan Review, with Variances. City code requires site and building plan review for construction of any office building and/or parking structure. The applicant's proposal further requires certain variances to specific site plan requirements:

- *Building Height Variance.* The redevelopment overlay code provision limits the height of buildings on this specific redevelopment site to three stories. The proposed Building II (North) building would be four stories in height. The current proposal reduces the height of the

Building II (North) building, which was originally proposed as a five-story structure.

- *Parking Structure Setback.* City code requires that parking structures maintain a 50-foot setback from property lines adjacent to residential sites. The proposed Building II (North) parking structure would meet the setback requirement from the east property line, but would be set back 20 feet from the north property line. (See page A11.) The current proposal eliminates a setback variance from the east property line, which was requested in the original proposal.
 - *Flood Plain Separation.* To significantly reduce the visible height of the above-grade portions of the south parking structure, the applicant is requesting a variance from the minimum floor elevation as compared to the 100-year flood plain elevation. The requirement is 1.5 feet above the 100-year flood elevation of the pond. The proposed elevation would be 3 feet lower than the 100 year elevation.
- (3) *Appeal of Maximum Trip Generation.* City code limits the number of p.m. peak hour trips allocated to the development site. The proposed development would result in vehicle trips in excess of the code-defined maximum. As allowed by this same code, the applicant is appealing the maximum number, based on the ability to have improvements constructed that will mitigate the impact of the excess trips.
- (4) *Introduction of ordinance authorizing the sale of certain property in the area of I-394 and Highway 73.* The city has obtained one parcel within the development area, from the state of Minnesota. There are also parcels that are remnant MNDOT right of way property, which will be transferred to the city. The ordinance provides for authorization of the reconveyance of those parcels to the developer. The developer is responsible for all costs associated with the sale and value of the property. This action will only introduce the ordinance. The final consideration of the ordinance will occur at the final plat and vacation proceedings.

Primary Issues

- **Is the proposed use of the site generally appropriate?**

Yes. The proposed office use is consistent with basic land use principles, existing land uses, and anticipated land uses.

- (1) **Land Use Principles.** Basic land use principles suggest that the intensity of any given land use should correspond to the transportation system servicing

that land use. The proposed office use of the site is appropriate, given the accessibility of nearby I-394 and CSAH 73. (See page A11.)

- (2) **Existing Land Use.** The existing use of the subject site is a clear exception to the general land use pattern in the area. The site is the only low-density residential use at the I-394/CSAH 73 intersection. Further, the site is the only low-density residential use adjacent to the I-394 frontage roads at any point in the city. (See page A3.)
- (3) **Anticipated Land Use.** The city code specifically designates the subject site as a “redevelopment area.” The comprehensive guide plan specifically designates it for office use. As such, the applicant’s office use is consistent with the property use anticipated by both code and guide plan.

- **Is the proposed location of structures on the site generally appropriate?**

Yes. The subject property is surrounded by roadways, a high-density residential site, and low-density residential lots. (See page A3.) It is likely that redevelopment of the property and construction of new buildings would visually impact one or more of these existing land uses. Given this, the location of buildings on the site is generally appropriate.

- (1) The applicant's proposal appropriately concentrates development, specifically the construction of buildings, on the north and west side of the site. In doing so, the proposed structures are located closest to the more intense roadway and high-density uses to the north.
- (2) By concentrating development on just 39% of the total site area, the central and southerly areas would be dedicated to ponding and open space.
- (3) Staff finds, with respect to balancing open space and height, the general layout of the current proposal to be the most appropriate of several layouts submitted by the applicant for illustrative purposes. Generally, all possible site plans have more structural mass located along adjacent residential properties and more hard surface coverage than the proposed site plan. (See pages A25–A27.)

- **Is the specific location and design of the proposed office buildings reasonable?**

Yes. The location and architectural design of the proposed office buildings are reasonable for the site.

- (1) **Building Location.** The Building I (South) and Building II (North) buildings would meet setback requirements from all proposed property lines. (See page A11.)
- (2) **Architectural Design.** The Building I (South) and Building II (North) buildings have been attractively designed. The east/west orientation of the buildings, together with extensive use of glass, would take advantage of available natural light. This use of natural light is one design component the applicant would be employing as they seek "Leadership in Energy Conservation and Environment Design" (LEED) certification for each of the buildings. Aside from tinted glass, the proposed façade materials would include decorative pre-cast concrete. The neutral color palate would be similar to the Crescent Ridge buildings to the north.
- (3) **Building Height.** Within the PID zoning district, city code generally regulates height based on a combination of building setback, floor area ratio, and hardsurface coverage. However, on this specific site, code restricts building height to three-stories. (See the "Supporting Information" section of this report.)

Building I (South): By code definition, the proposed Building I (South) building would be three stories in height, 49 feet. This building would meet code requirements.

Building II (North): By code definition, the proposed Building II (North) building would be four stories in height, 63 feet. The current proposal is a decrease from the applicant's original proposal of five stories. Nevertheless, the Building II (North) building still requires a height variance. This variance is reasonable for several reasons:

- (1) **Practical Difficulties.** There is a disparity between the maximum building height defined by ordinance for the subject site and for all other properties in the PID district. While there are several other office-designated properties along I-394 that abut single-family residential neighborhoods, these sites do not have "special" height restrictions. (See page A28.) This disparity results in undue hardship.
- (2) **Unique Circumstance.** The subject property is the only site adjacent to the I-394/CSAH 73 intersection that has not undergone redevelopment in the last 10 years. This is a unique circumstance.
- (3) **Impact to Adjacent Land Uses.** The intent of zoning restrictions is to minimize the impact buildings have on adjacent land uses. The proposal would meet this intent.

- The Building II (North) would be set back 210 feet from the closest residential property. Were the standard PID zoning requirements applied to this building, a 110-foot setback for a new building could be built in this location; no variance would be required.
 - The Building II (North) would be set back 210 feet from the closest residential property and 370 feet from the closest residential home. These setbacks exceed those of the Crescent Ridge buildings located directly north of I-394. The Crescent Ridge building, which is nine stories, is located 215 feet from the closest residential property and approximately 275 feet from the closest residential structure. (See page A29.)
 - The Building II (North) building could be reduced in overall height. However, the applicant indicates the reduction in height would not necessarily equate to a reduction in square footage. Rather, the footprint of the building would be increased, resulting in an increase in impervious surface. As such, the impact of building height must be balanced with the impact on increased impervious surface.
- (4) **Neighborhood Character.** The I-394/CSAH 73 intersection is diverse. Land uses include office, commercial, residential, and the transportation use of the Metro Transit Park and Ride facility. For example, the northeast corner of this intersection includes office buildings that are nine-stories in height, as well as residential unit behind those buildings. The proposed building height would not substantially alter this diverse character given the existing varied uses and buildings.

The requested building height variance would meet the three tests against which all variances must be judged. These specific tests are outlined in the "Supporting Information" section of this report.

- **Is the specific location and design of the proposed parking structures reasonable?**

Yes. The location and architectural design of the proposed parking structures is reasonable for the site.

- (1) **Structure Location.** City code requires that parking structures maintain a 50-foot setback from adjacent residential properties.

Building I (South): The Building I (South) parking structure and drive aisles would meet all setback requirements. (See page A11.)

Building II (North): The applicant originally requested setback variances from 50 feet to 20 feet from both the north and east property lines. Given the existing site topography and the ability to construct the parking structure within the side of an existing hill, staff found the variances to be reasonable. However, after meeting with area residents, the applicant revised the plans such that the Building II (North) parking structure would now meet setback from the east property line. In order to maintain the necessary number of parking stalls, the structure was likewise increased in size and height.

No longer built into the hill, the revised plan located the Building II (North) parking structure 50 feet from the east property line and 20 feet from the north property line. Staff continues to find that the variance is reasonable for the following reasons:

- (1) **Practical Difficulty.** There is conflict between the community goals of reducing impervious surface, maintaining reasonable structure heights, and maximizing structural setbacks. This conflict results in undue hardship for many properties, including the subject site. While the setback of the structure could be increased, the increase would result in either: (1) a taller structure; or (2) division of the large open space proposed on the site into small open areas.
- (2) **Unique Circumstance.** The topography and drainage pattern of the subject property is such that ponding should and would occur on the central and south portion of the site. (See page A13.) Shifting the parking structure to the south would impact this ponding area. This is a unique circumstance not common to every PID-zoned property.
- (3) **Neighborhood Character.** The subject site is currently residential properties guided for office development. Parking structures are considered an accessory use on office properties. As such, while the redevelopment of the site may alter the visual character of the property/area, the setback variance itself would not.

The requested setback variances would meet the three tests against which all variances must be judged. These specific tests are outlined in the "Supporting Information" section of this report.

- (2) **Architectural Design.** Building I (South) and Building II (North) structures would be constructed of materials complementing the proposed office buildings in both style and color. Landscaping would be placed between the property's lines and the parking structures. These plantings, which include Boston ivy on the façade of the structures themselves, would soften the appearance of the structures.

(3) **Parking Structure Height.**

Building I (South): The Building I (South) parking structure would be a two-deck structure; parking would occur on ground level, with two additional parking decks above.

Following the planning commission meeting associated with the proposal, additional review and consideration by the applicant has prompted three changes to the proposal.

- *Floodplain Separation.* The applicant has requested to reduce the height of the ramp by lowering the elevation of the ramp. City code requires a 1.5 foot separation between the lowest floor of the ramp and the adjacent floodplain area. Lowering the ramp requires a variance from the separation requirement. While the proposed parking structure would not meet the separation requirement from the floodplain, the resulting overall height of 15 feet, rather than the originally proposed 24 feet, would visually benefit the abutting homes. Conditions have been added to the staff recommendation section of this report to address issues of the floodplain separation.
- *Vegetated Buffer:* The buffer plan continues to include a tiered tree installation with a 10-foot wooden fence. The plan includes 18, 8-foot conifers; 38, 12-foot conifers; 7, 15-foot conifers; and 12, 18-foot conifers for a total of 75 trees on the south side of the property (see pages A110–A118). This is higher than the original plan which proposed 38 trees.
- *Crash Wall:* The crash wall has also been increased from 42 inches to 48 inches, to mitigate car lights since this would be the proper height to screen them from neighboring properties.

Building II (North): The Building II (North) structure would be a three-deck structure; parking would occur on ground level, with three additional parking decks above. The applicant's original proposal for Building II (North) included a two-deck structure located 20-feet off the east property line. The size of the structure was vertically increased in conjunction with the horizontal increase of the setback. (See page A23.) Since the planning commission meeting on this item, the landscape plan has been revised to increase the planting from 30 to 46 conifers on the east side. The ramp is exposed on two levels, one level - structured and the top level. Staff is requiring a fence, similar to the wood fence proposed along the south side, be installed along the eastern portion of the ramp for a distance of 300 feet.

- **Is the ratio of open space to hardcover reasonable?**

Yes. The proposed office development, including all buildings and parking facilities, would occupy 39% of the total site area. This is well under the code maximum of 70% hardsurface coverage. The remaining 61% of the site would be green area, which is attractively concentrated in the central and southern portions of the site.

Within the PID zoning district, the ordinance makes a concentrated effort to maximize density on a site through the use of floor area ratio (FAR). FAR is the amount of floor area within a development in relation to the land area of a development. Office developments are allowed a maximum FAR of 0.75. The applicant's proposal would have a FAR of 0.42. This is a considerably lower floor area ratio than other recently approved office projects.

Theoretically, the subject site could have up to 442,322 square feet of office area, rather than the roughly 260,000 square feet proposed.

- **Is the proposed access to the site appropriate?**

Two factors are considered when evaluating access points to proposed developments: (1) the safety of the proposed access point; and (2) the operation of that access point and its impact to the adjacent public roadway.

Access to the subject site is physically restricted by the location of: the signalized CSAH intersection, the existing frontage road median, and the existing driveway access to the adjacent apartment building. (See page 3.) Understanding these physical restrictions, three access options have been discussed with the applicant. Those options have been evaluated by both the city's traffic consultant and the city engineer relative to the safety of their design, their impact to on-site operations, and the implications on operations of the frontage road. The full traffic study associated with this project is attached as pages A35–A55.

(1) **Option 1: One Access/Stop Sign**

Defined by traffic engineers as a "One Side-Street Stop Control Access," this option includes one access point. Vehicles exiting the subject site would be controlled by a stop sign.

Positive

- Maintains the existing number of access points onto the frontage road. Generally, as access points increase along a roadway, safety degrades.
- Maintains the operation level of the public road.

Negative

- Poor on-site operations.
- Short on-site stacking distance for vehicles.
- May result in reduced safety, as vehicles exiting the site may do so into short "gaps" in the public street operation.

(2) Option 2: Two Access/Stop Sign

Defined by traffic engineers as a "Two Side-Street Stop Control Access," this option includes two access points. Vehicles exiting the subject site would be controlled by stop signs. This option is preferred by the applicant and is reflected in their plans.

Positive

- Better on-site operations, relative to Option 1.
- Two access points may reduce levels of on-site congestion, as vehicles have twice the number of exiting options.
- Reduces on-site stacking distances.

Negative

- Increases the number of access points, degrades the safety and operation of the public road.
- Requires modification of the frontage road to improve site distances. Specifically, the roadway would have to be lowered.
- Given the spacing between the access points, it is unclear whether standard right-turn lanes could be accommodated on the frontage road. These lanes would be required.

(3) Option 3: Roundabout

Defined by traffic engineers as an "Access controlled by Roundabout," this option includes one site access point via a roundabout constructed in the public roadway. This is city staff's preferred option.

Positive

- Maintains the existing number of access points onto the frontage road.
- Better on-site safety and operation relative to either Option 1 or Option 2.
- Manages the on-site stacking distances well.

Negative

- Requires modification of the frontage road to accommodate the roundabout. Specifically, the roadway would have to be lowered.
- May require modification to the location of proposed Building II (North) building.

Each of the three options has positive and negative components associated with it. Those positive and negatives are perceived differently by the applicant and city staff. Though each option is technically feasible, the applicant prefers Option 2 and staff prefers Option 3.

- **Are the anticipated impacts to the surrounding road network reasonable?**

Yes. With appropriate improvements to the existing roadway infrastructure, the traffic impacts of the proposed development are reasonable. As with all significant redevelopment projects, a traffic study was done in conjunction with the applicant's proposal. The study: (1) forecasted trip generation associated with the office development; (2) analyzed the impacts of this trip generation on the existing road network; and (3) recommended roadway improvements to mitigate for increased traffic volume.

- (1) **Trip Generation.** The city's traffic consultant estimates that the proposed office building would generate 2,918 vehicle trips per day; this includes a total of 410 A.M. peak hour trips and 395 P.M. peak hour trips.

Additional forecasts were made to analyze the impact of these new vehicle trips on the surrounding road network. The forecasts take into account: existing growth patterns and regional trends ("background growth"), full occupancy of the proposed office buildings, full occupancy of the recently approved General Mills Federal Credit Union east of the subject site, and a fully occupied Metro Transit Park and Ride facility. Trip generation forecasts were generated for the year 2010 and 2030. These dates correspond to short-term trip generation one year following construction of the proposed office buildings and long-term trip generation in the area.

- (2) **Levels of Service.** The city's traffic consultant analyzed the operations of four key intersections in the area of the proposed office development. The results of that analysis, specifically the average delay per vehicle, identify a level of service (LOS) for each intersection. As noted in the traffic study, LOS A is associated with the best traffic operation and LOS F notes an intersection where demand exceeds capacity. LOS A through D are generally acceptable to the traveling public. The analysis indicates that all key intersections currently operate at a level of service (LOS) D or better.

Based on the Trip Generation forecasts outlined above:

- 2010. Aside from the CSAH 73/south frontage road intersection, all key intersections would operate at LOS D or better with no infrastructure upgrades. To achieve LOS D or better at the intersection, several infrastructure upgrades will be required.

- 2030. All key intersections would result in LOS D or better with appropriate infrastructure upgrades.

- (3) **Infrastructure Upgrades for 2010.** To achieve appropriate LOS with the 2010 forecast, several infrastructure upgrades will be required. The developer is aware of, and has agreed to, the financial responsibility for these upgrades. Some of the significant upgrades include:

CSAH 73/south frontage road

- Construct additional turn lanes.
- Convert existing thru/turn lanes to exclusive turn lanes.
- Modify signal phasing.

CSAH 73/I-394 south-side ramps

- Construct additional southbound left-turn lane.
- Modify ramp entrance.

CSAH 73/all key intersections

- Optimize signal phasing.

Pedestrian Improvements

- Construct a sidewalk adjacent to frontage road.
- Construct a sidewalk connection from Oak Knoll Terrace North.
- Construct a sidewalk connection into the office development.

Unrelated Improvements

The city and county will work cooperatively to install a left turn lane into Oak Knoll Terrace North. Both agencies will need to plan for this improvement in future capital improvement budgets. This lane is not prompted by the current proposal, but would help to mitigate a long-standing issue.

- (4) **Infrastructure Upgrades for 2030.** To achieve appropriate LOS with the 2030 forecast, several infrastructure upgrades may also be required. Though the proposed development would contribute to the need for such upgrades, additional development, existing growth patterns, and regional trends would also contribute to the need for upgrades. Some of the upgrades would include:

- Construct a new northbound through lane across the existing bridge.
- Modify several existing through and turn lanes at ramp intersections.
- Optimize signal timing
- The city and county would need to work toward including these upgrades in their future capital improvement programming.

- (5) **Capacity.** During the application review, capacity to accommodate future development was raised. The traffic consultant and city engineer have further reviewed this question and have the following comments:
- Today, the existing conditions (available storage vs. vehicle queues) are currently at or approaching the safe maximum with no roadway improvements.
 - With the proposed Crossroads development, the increased traffic (taking into consideration the proposed county roadway improvements) approaches the safe maximum limit (vehicle queue vs. available storage length) that can be accommodated with respect to additional development on the south frontage road for the peak a.m. and p.m. periods.
 - Generally, any further intensification of traffic that adds to the a.m. and/or p.m. peak hours beyond the Crossroads development requires an additional northbound through lane between the north and south frontage roads, at a minimum widening of the bridge. If the improvement is not made, there may be queuing issues, which most likely would degrade safety. Some future development types could be accommodated as long as the peak trips are not intensified.
 - The ordinance, which identifies trip generation numbers, anticipated development to remain at near current levels along the Wayzata Boulevard area, excluding the redevelopment parcel. The redevelopment area was the only area identified for major intensification on the south side. The ordinance trips were based on estimated maximum building square footages able to be accommodated on the sites, rather than existing or future uses.
- (6) **Travel Demand Management.** In addition to infrastructure improvements, a travel demand management (TDM) plan must be developed for the site. This plan would address future considerations to manage daily traffic to and from the site. No credits have been provided for trip generation reduction as a result of implementing a travel demand management plan.

Forecasts, analysis, and recommendations of the traffic consultant are consistent regardless of which site access option is used.

Summary Comments

Staff acknowledges that the proposed office development will alter the visual character of the southeast corner of the I-394/CSAH 73 intersection. However, the applicant's proposal is consistent with the comprehensive guide plan and, therefore, city's intention for the visual character of the corner. With appropriate conditions regarding landscaping, illumination, and improvements to the road network, staff finds that the applicant's proposal is reasonable and appropriate for the site.

Planning Commission Recommendation

On November 8, 2007, the planning commission recommended that the city council approve the project as recommended by staff. (See the minutes on pages A79–A97.)

Staff Recommendation

PRELIMINARY PLAT

- 1) Approve the preliminary plat date-stamped September 28, 2007. Approval is based on the finding that the plat meets the required standards and ordinances and is subject to the following conditions:
 - a. Complete the following before final plat approval:
 - (1) Submit proof-of-ownership of each of the properties within the proposed plat.
 - (2) Show the following on the final plat:
 - (a) The following drainage and utility easements:
 - (i) 20-foot easement over storm sewer outlet from the wetland on the south end of the site.
 - (ii) Over the entire wetland and proposed pond at or above the 100-year flood elevation and/or wetland, whichever is higher.
 - (iii) 20-foot easement over sanitary sewer and watermain over the public portion of the utilities near the north property line.
 - b. The following items must be submitted to the city before the city releases the final plat:
 - (1) An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - (2) The following documents for the city attorney's approval:
 - (a) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.

- (b) 10-foot trail easements adjacent to the south frontage road and CSAH 73.
- (c) 33-foot trail easement over Belmont Road right-of-way.
- (d) A 25-foot-wide conservation easement adjacent to and upland of the delineated edge of the wetland.
- (e) Easements over public sidewalk adjacent to the south frontage road.
- (f) Restrictive covenants to be recorded against the individual lots with the plat. The covenants must include all 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.

These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.

- (3) Any other requirements included with final plat approval.
- c. The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

REZONING FROM R-1 TO PID, MASTER DEVELOPMENT PLAN AND FINAL SITE AND BUILDING PLANS, WITH VARIANCES

- 2) Adopt the ordinance on pages A121-A130, which approves the proposed rezoning, master development plan, and final site and building plans for redevelopment of the property at the southeast corner of the I-394/CSAH 73 intersection. Approval includes the following variances:
 - a. Building height variance for Building II (North) office building from three-stories to four-stories.
 - b. Parking structure setback variance from 50 feet to 20 feet from the north property line.
 - c. Flood plain separation requirement for the south ramp.

This ordinance is based on the following findings:

- a. The rezoning would be consistent with the City's guide plan.
- b. The rezoning would be consistent with the public health, safety, and welfare.
- c. The proposal would meet the required standards and ordinances for a site and building plan approval.
- d. The proposed variances associated with the development are reasonable and appropriate:
 - (1) There are several practical difficulties impacting office reasonable development of the site:
 - (a) There is a disparity between the maximum building height defined by ordinance for the subject site and for all other properties in the PID district. While there are several other office-designated properties along I-394 that abut single-family residential neighborhoods, these sites do not have "special" height restrictions. This disparity results in undue hardship.
 - (b) There is a disconnect between the community goals of reducing impervious surface, maintaining reasonable heights of structures, reducing impervious surfaces, and maximizing structural setbacks. This disconnect results in undue hardship for many properties, including the subject site.
 - (2) The subject site is the only site adjacent to the CSAH 73/I-394 intersection that has not undergone redevelopment in the last 10 years. This is a unique circumstance.
 - (3) The topography and drainage pattern of the subject property is such that ponding should and will occur on the central and south portion of the site. Shifting the parking structure to the south would impact this ponding area. This is a unique circumstance not common to every PID-zoned property.
 - (4) The subject site is comprised of 17 existing residential properties guided for office development. As such, while the redevelopment of the site itself may alter the visual character of the property/area, the height and setback variances themselves would not.

- (5) The southern parking ramp structure reduction in exposed height is appropriate and presents unique circumstance in the character of the surrounding area and flood separation can be mitigated.

The rezoning, master development plan, and final site and building plans are subject to the following conditions:

- a. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan date-stamped November 1, 2007
 - Grading plan date-stamped November 1, 2007
 - Landscaping plan date-stamped November 1, 2007 and revised by letter dated December 13, 2007.
 - Building elevations for Building I (South) date-stamped November 1, 2007, revised by letter December 13, 2007
 - Building elevations for Building II (North) date-stamped November 1, 2007, and as revised in letter dated December 13, 2007, with an additional 10 foot fence, for 300 feet on the east.
 - Utility plan date-stamped November 1, 2007.

The above plans, as modified by the conditions below, are hereby adopted as the Opus Corporate Campus master development plan and as final site and building plans.

- (1) The site plan must be revised to reflect:
 - (a) A roundabout access, with amendments to the site plan which do not prompt other setback variances.
 - (b) All sidewalk locations mutually agreeable to the applicant and city staff. These locations should include:
 - Along the frontage road;
 - A connection from the Oak Knoll Terrace North; and
 - A connection into the office development.
 - (c) A minimum 35-foot setback from the delineated edge of the wetland on the south side of the site.
 - (d) The proposed trail adjacent to the stormwater pond must be outside of the required 25-foot wetland buffer if impervious. The trail may be inside the wetland buffer if impervious.
- (2) The landscape plan must:

- (a) Meet minimum value requirements as outlined in city code.
 - (b) Not include Colorado spruce. Black Hills or Norway spruce must be substituted.
 - (c) Include additional plantings between the proposed parking structures and residential property lines. Boston ivy should be used on the façade of the structures.
 - (d) Include additional native tree plantings south and east of the stormwater pond.
 - (e) Include wetland buffer seed mix acceptable to the city's natural resources manager.
- (3) The utility plan must include:
- (a) Appropriate "Private" labels on all on-site utilities.
 - (b) Include a sanitary manhole 10-feet south of the existing watermain service location for the apartment located east of the subject site.
 - (c) Include a watermain gate valve on the south property line.
 - (d) All old sanitary, watermain, storm sewer, services, and other utilities on-site must be removed. Plans must label these removals and indicate all disconnects, necessary plugs, caps, bulkheads, etc.
 - (e) The southern parking structure must meet all other requirements (excluding low floor) of the Floodplain District Ordinance 300.24.9.h for an accessory structure
 - (f) The southern parking structure must be flood proofed and flood protected in accordance with all current building codes.
 - (g) Area soil borings provided by the developer indicate the current water table at approximately the 928 and 931 elevations. It should be understood that further evaluation must be made to clearly identify the water table elevation in the immediate area of the parking ramp. The plans must accurately reflect this elevation, and all building code and permitting requirements must be met.

- (h) Because the proposed floor elevation is below the 100-yr flood elevation, below the NWL of the adjacent pond, and below the adjacent wetland elevation, the property owner must enter into a hold-harmless agreement with the city, which documents the city is not liable for flood damage as a result of granting a variance from the minimum low-floor elevation. The agreement would be drafted by the city attorney, and filed with the chain of title for the property.
 - (i) No drainage of the wetland shall occur. A licensed engineer shall provide certified plans and details showing how this wetland elevation will be protected. The plans shall also include details outlining measures to protect the wetland throughout the construction process.
- b. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
 - (1) The following must be submitted for the grading permit to be considered complete:
 - (a) The following documents for the city attorney's review and approval:
 - (i) A maintenance agreement. The agreement must:
 - Identify maintenance standards for landscaping at the east and southern portions of the property abutting parking structures.
 - Identify replacement procedures for materials that are damaged or die.
 - (ii) A public trail easement over the portion of the public sidewalk on the subject property.
 - (b) Final grading and drainage plans, accompanied by all associated calculations and borings. Final plans must meet all the requirements of the city engineer.
 - (c) Final site, utility, and erosion control plans for staff approval. Final plans must meet all the requirements of the city engineer.

- (d) Final landscape, tree replacement, and irrigation plans. Final plans must meet all requirements of the city's natural resources manager.
 - (e) A stormwater pollution prevention plan for staff review and approval.
 - (f) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance.
 - (2) Prior to issuance of a grading permit:
 - (a) Submit cash escrow in the amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the applicant. Through this document the applicant will acknowledge:
 - (1) the property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - (2) if compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
 - (b) Submit a letter of credit or cash escrow for 150% of the estimated cost or 125% of a bid cost to comply with grading permit requirements and restore the site.
 - (c) Install a temporary rock driveway, erosion control, tree and wetland protection fencing for natural resources staff inspection. These items must be maintained throughout the course of construction.
 - (d) The final plat must be released by the city and filed with Hennepin County for recording.
 - (3) Permits may be required from other outside agencies including, but not limited to, Bassett Creek Watershed District. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
- c. Prior to issuance of a building permit, the following must be submitted:
- (1) A park dedication fee of \$77,975.63.

- (2) A letter of credit or cash escrow for 150% of the estimated cost or 125% of a bid cost of all required landscaping.
 - (3) A final illumination plan. The plan must include shielded light fixtures and shorter light standards on the top decks of each parking structure.
 - (4) All required hook-up fees.
 - (5) Proof of having recorded this ordinance with the county.
 - (6) A waiver of assessment appeal signed by the applicant and a petition requesting that the city construct the roadway improvements.
- d. Prior to issuance of a certificate of occupancy, the applicant must submit a travel demand management plan for staff review and approval.
 - e. The property owner is responsible for replacing any required landscaping that dies.
 - f. 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.
 - g. Appropriate traffic control signs, as determined by the city engineer, must be installed at site access point(s).
 - h. Approval does not include the signs shown on the drawings. Separate permits are required from staff.
 - i. Construction must begin by December 31, 2008, unless the planning commission grants a time extension. Failure to begin construction will render this ordinance null and void.

APPEAL OF THE MAXIMUM TRIP GENERATION

- 3) Approve the applicant's appeal of the maximum trip generation outlined for the properties at the southeast corner of the I-394/CSAH 73 intersection. Approval is based on the following findings:

- a. Though the development would generate more vehicle trips that are outlined in the PID ordinance, the vehicle trips would be mitigated by infrastructure upgrades.
- b. Upgrades to the surrounding roadway infrastructure would result in acceptable levels of service.

ORDINANCE INTRODUCTION

- 4) Introduce the ordinance authorizing the sale of certain property in the area of I-394 and Highway 73.

Submitted through:

John Gunyou, City Manager
Ron Rankin, Community Development Director
Julie Wischnack, AICP, City Planner

Originated by:

Susan Thomas, Principal Planner

SUPPORTING INFORMATION

Surrounding Land Uses

Northerly: I-394 and Crescent Ridge beyond; zoned PID, guided office.

Easterly: Single-family homes; zoned R-1, guided low-density residential.

Southerly: Single-family homes; zoned R-1, guided low-density residential.

Westerly: Metro Transit Park and Ride; zoned PID, guided office.

Planning

Guide Plan designation: Office

Zoning: R-1

Master Development Plans

A master development plan must be submitted, reviewed, and approved for development of any PUD (planned unit development) or PID (planned I-394 development). Though specific grading and building permits must be obtained by a developer, the master development plan serves as the "blue print" for those permits. Any substantial change to the master development plan would require review and approval by the planning commission and/or city council.

Existing Site Features

The subject property is comprised of 17 residential lots of record. The lots include two notable natural resources: (1) over 700 trees of various species, size, and health; and (2) a small wetland. (See page A3.) These natural resources are discussed in the "Tree" and "Wetland" sections of this report.

Right-of-Way Vacation and Land Transfers

The subject property is located directly north of undeveloped Belmont Road right-of-way. The area was dedicated for roadway purposes as part of the Chatham Fields residential plat, which was filed with Hennepin County in 1922. The 17 lots comprising the subject site are part of this plat.

Right-of-way may be used by the city solely for location and maintenance of a public road. The city has no future plans to construct a public street in this location. As such, the applicant has requested, and staff is supportive of, vacation of this right-of-way.

Several residents who own property directly south of the right-of-way have expressed two primary concerns with the vacation:

- (1) The entirety of the right-of-way would revert to the applicant, rather than half reverting to the applicant and the other half to owners of property on Oak Knoll Terrace North.

Legally, vacated right-of-way reverts to the adjacent owners within the plat in which the right-of-way was dedicated. Since the right-of-way was dedicated as part of Chatham Fields, it would revert to the applicant. The properties along Oak Knoll Terrace are part of the Oak Knoll Terrace plat, which was filed in 1953.

- (2) The setback for the Building I (South) parking structure is measured from what was the south line of the right-of-way rather than the north line. (See page A11.)

Upon vacation of the right-of-way, the south right-of-way line and the south property line of the subject property become one-and-the-same. The setback for the Building I (South) parking structure is appropriately measured. Nevertheless, regardless of where the measurement is taken, the location of the structure remains the same.

The city owns a parcel adjacent to the Belmont right of way, surrounding the wetland area. The parcel could be reshaped to contain the same square footage as the current parcel. Another option would be the city could sell the parcel in its entirety and continue to maintain easements around the wetland and stormwater area. Staff is recommending the latter option, as the city would then not be required to maintain the property, as that would be the responsibility of the development owner. MNDOT also has a partial ownership in the plat area which consists of excess right of way. The right of way would be reverted back to the city and the city could then transfer to the developer. All details of the transfer of property and the actions required by council would be detailed during the vacation proceedings and final plat process. An introduction of an ordinance regarding the land transfers has been prepared and can be found on pages A129-A132.

PID Overlay District Standards and PID Standards

City code recognizes several areas adjacent to I-394 that the city anticipates will be redeveloped in the future. These areas, which include the subject site, are included within an "overlay district." Essentially, an overlay district includes additional development standards not found in a general zoning district. The proposed development requires variances to standards found in both the PID Overlay and PID districts.

PID OVERLAY DISTRICT	REQUIRED	PROPOSED
Height	Maximum 3-stories	4-stories*
Vehicle Trips	Maximum 246 P.M. Peak	328 P.M. Peak**

*requested variance

** this corresponds to "out" only total P.M. is 395

PID DISTRICT	REQUIRED	BUILDING I (SOUTH)	BUILDING II (NORTH)
Building Setback			
North	2X height of building	n/a	205 feet
South	2X height of building	235 feet	n/a
East	2X height of building	310 feet	210 feet
frontage road	Height of building	92 feet	72 feet
Parking Structure Setback			
north	50 feet	n/a	20 feet*
south	50 feet	53 feet	n/a
East	50 feet	550 feet	50 feet
frontage road	50 feet	54 feet	210 feet
Drive Aisle Setback	20 feet	> 20 feet	4-20 feet*
Parking Requirement	1060 spaces	1065 spaces	
Floor Area Ratio	Maximum 0.75	0.35	0.49
		Overall: 0.42	
Hardsurface Coverage	Maximum 70%	Overall: 39%	

*requested variance

Grading and Drainage

The topography of the subject site is varied. However, the existing drainage pattern generally flows from northwest to southeast. Run-off is contained within small, natural depressions on the site and a Manage I wetland. The proposed grading of the subject property would maintain this existing pattern.

Runoff from the site would be directed via pipe to a large stormwater pond in the southeast corner of the property. Though certainly an aesthetic feature of the site, the pond would also control the rate and quality of all runoff coming off the property. A series of outlets and pipes would connect the stormwater pond to the public storm sewer infrastructure. The current plans indicate the stormwater pond would have a flood elevation lower than the surrounding home elevations. There would be an emergency overflow area installed to the west to provide additional protection to the area if a storm event produces a rain fall that exceeds the capacity of the new pond. Finally, a swale would be created to provide an added safeguard for flood protection that currently does not exist.

Tree Removal and Landscaping

The draft tree ordinance includes three different tree classifications: (1) Woodland Preservation Areas; (2) High Priority Trees; and (3) Significant Trees. Levels of protection and required mitigation would vary based on the classification of the site.

Under the draft tree ordinance, the subject property:

- Would *not* be considered a Woodland Preservation Area. It is not a remnant ecosystem; rather, the trees on the site were planted over time.
- Would include 139 High Priority Trees.
- Would include 643 Significant Trees.

The proposal would result in loss of over 650 of these trees. While a substantial loss, it is not unexpected given the significant change in land use that is proposed. Under the draft tree ordinance, over 680 inches of deciduous trees and 4,000 feet of evergreen trees would be required to be replaced. In this case, staff finds the replacement requirement to be excessive. The applicant's proposed landscape plan would provide for 389 new trees on the site. Staff finds this to be acceptable, with the inclusion of additional plantings around the parking structures and stormwater pond.

Wetland

There is a small, Manage I wetland on the south side of the site. The wetland would not be impacted by the proposed development of the site. As a condition of approval, a 25-foot wetland buffer, with associated conservation easement, must be established and

maintained adjacent to this wetland. The applicant intends to establish a similar natural buffer area adjacent to the created stormwater pond.

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 water resources management plan;

Finding: The proposed office use is consistent with office designation of the property within the comprehensive guide plan. The stormwater components of the plan have been reviewed by the city engineer and found to be consistent with the water resources management plan.

- 2) consistency with this ordinance;

Finding: The proposal is generally consistent with the zoning ordinance, which identifies the property for future office use. Three variances are required from specific standards of the ordinance. These variances are reasonable, as outlined in the "Variance Standards" section of this report.

- 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;

Finding: Invariably, the redevelopment of an existing single-family residential neighborhood into an office complex will result in a visual change to the property. Grading and tree removal will occur. The applicant's proposal attempts to preserve trees adjacent to single-family residential properties, maintains the existing drainage pattern, and improves existing drainage conditions.

- 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;

Finding: The proposed buildings have been appropriately located on the site. The orientation of the buildings creates a visual relationship between the built and natural components of the development.

- 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;

Finding: The proposal would create an attractive built environment with a clear internal sense of order.

- b. the amount and location of open space and landscaping;

Finding: Approximately 60% of the proposed development would be green space. This far exceeds minimum standards. Furthermore, the density proposed by the applicant is far below the maximum floor area ratio for this district.

- 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

Finding: The proposed buildings have been attractively designed. As a condition of approval, the buildings would be constructed of complimentary materials and in similar neutral tones.

- 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.

Finding: The proposed access to the site: (1) is technically feasible; and (2) provides for good on-site traffic operations. However, the access would have some negative implications for traffic operations on the adjacent public roadway. As previously noted, a roundabout option would provide for better operations along the public street, but may require some modification of the location and/or configuration of the Building II (North) building.

Pedestrian circulation to and throughout the site would be intuitive.

- 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

Finding: The east/west orientation of the proposed office buildings, together with extensive use windows, would allow wide use of natural light. The applicant intends to seek LEED certification for each of the office buildings.

- 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.

Finding: Any redevelopment of the subject site will change the visual character of the property. However, the staff recommendation includes several conditions intended to mitigate some of the impact of this visual change.

- *An extensive tree replacement and landscaping plan, with particular emphasis on areas adjacent to residential properties.*
- *A landscaping maintenance plan above and beyond standards of landscaping replacement requirements.*
- *An illumination plan that limits the height of light standards located on the top deck of both parking structures and requires shielded light fixtures.*

Variance Standards

A variance may be granted from the literal provisions of the ordinance when strict enforcement of the ordinance would cause undue hardship. By definition, undue hardship exists when a property cannot be put to reasonable use if used under the conditions allowed by city code. (City Code 300.07.1) The city attorney has advised that this definition does not mean that that applicant must show that land cannot be put to any reasonable use without a variance. Rather, the applicant must show that there are practical difficulties in complying with the code and that the proposed use is reasonable.

The requested height and setback variances meet the three tests against which all variances must be judged.

- 1) ***Are there practical difficulties that prevent a reasonable use from complying with ordinance requirements?***

Yes. There are practical difficulties associated with the subject property.

Height. There is a disparity between the maximum building height defined by ordinance for the subject site and for all other properties in the PID district. While there are several other office-designated properties along I-394 that abut single-

family residential neighborhoods, these sites do not have "special" height restrictions. (See page A28.) This disparity results in undue hardship.

Conflicting Values. There is conflict between the community goals of reducing impervious surface, maintaining reasonable heights of structures, and maximizing structural setbacks. This conflict results in undue hardship for many properties, including the subject site. In this situation, the increased setbacks and reduced impervious surface offset the increase in height.

Floodplain Separation. The southern parking structure plans have been revised to lower the height of the building to minimize its visibility. The practical difficulty arises as the reduction in height causes the building to be placed below the proposed 100-year flood elevation.

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

Yes. There are circumstances unique to the subject property.

Height. The subject property is the only site adjacent to the CSAH 73/I-394 intersection that has not undergone redevelopment in the last 10 years. This is a unique circumstance.

Setbacks. The topography and drainage pattern of the subject property is such that ponding should and will occur on the central and south portion of the site. (See page A13.) Shifting the parking structure to the south would impact this ponding area. This is a unique circumstance not common to every PID-zoned property.

Floodplain Separation. The triangular shape of the property and the ponding area create unique circumstances for the property. The reduction of the exposed, above grade portions of the structure is not a common issue for other redevelopment properties.

3) ***Would the variance alter the essential character of the neighborhood?***

No. The subject site is currently residential properties guided for office development. As such, while the redevelopment of the site itself may alter the visual character of the property/area, the height, setback and flood plain separation variances themselves would not. Redevelopment property in the northeast quadrant of the freeway interchange have building heights well in excess of four stories.

Neighborhood Meetings

At the time of this report, the applicant has held seven formal and informal neighborhood meetings. City staff has attended several of these.

Neighborhood Comments

We surveyed the property owners within 400 feet of this site. Out of 113 properties, we received 39 replies as follows, (this does not include correspondence from the EAW review, which the council reviewed at their December 3, 2007 meeting):

7	2	2	2	27
Strongly Support	Somewhat Support	Neutral	Somewhat Oppose	Strongly Oppose

In favor:**Somewhat Support - 10800 Oak Knoll Ter**

I am supportive of the proposed project. However, I am concerned with the potential number of vehicles that will be coming to and leaving the frontage road area. It is already difficult to enter and exit the Oak Knoll Terrace neighborhood at peak times. This office proposal will definitely make these movements even harder. I would suggest that a dedicated turn lane for the Oak Knoll Terrace neighborhood, be installed on Hopkins Crossroads if this proposal is approved.

Somewhat Support - 5290 Villa Way

We manage Wilshire Woods Apartments adjacent to the proposed redevelopment. We are concerned about the height of the parking structure and the shading of the apartments facing the structure. Is there going to be a landscape buffer between the parking structure and our building?

Strongly Support - Archwood

I like the various elevations of the buildings and parking ramps. It is more interesting than having them all three stories. I also think it is advantageous to have Opus develop since they developed Crescent Ridge. I would expect the buildings to compliment each other.

Strongly Support - 1609 Hopkins and Wilshire

United Properties and Halley Homes presented a high density housing project. Both the neighbors and staff directed us to come back with an office development. The area needs to be redeveloped, and it will not occur without at least this level of density shown on the Opus plan.

Strongly Support - No Address Given

It's about time the corner/intersection be developed to fit with the other three corners. Should be a nice gateway to Minnetonka.

Strongly Support - 1409 Wilshire Dr S

Don't reduce the buildings heights if you want a true gateway to Minnetonka.

Strongly Support - 1501 Wilshire Dr

We have waited so long for this project to get started. Am anxious for this to move forward as soon as possible. Yes, we approve of this project.

Strongly Support – 1504 Wilshire Dr and 1526 Wilshire Cir

Dear City Manager John Gunyou,

My husband, Gene Moorhead, and I are out of state and unable to attend the council meeting December 17. Gene's cousin Lloyd's health is such he is unable to attend.

My husband and I own 1504 Wilshire Drive, which his father built about 70 years ago, and 1526 Wilshire Circle. We have been renting them for the last 20 some years.

The Opus Crossroads development is critical to us and the rest of the residents on Wilshire Drive and Wilshire Circle. We have been under the guided office PUD for many years. Developers, thru the years, have attempted unsuccessfully to assemble the properties. Finally everyone has agreed it is time to move on, and we have a reputable developer that has a history with the City of Minnetonka. If the Opus Crossroads development is not approved I can't see that any other developer would attempt to assemble and try to get a viable development approved.

Once the staff and Planning Commission recommended that the Council approve everyone began to really plan in earnest. We felt we had met the city's criteria with this development. Our tenants have been putting up with soil borings, etc., so we needed to be up front with them as to what was happening. They are in the process of being pre-approved for loans in the hope they will be able to buy a house. If this development falls thru we will loose them.

Gene's cousin, Lloyd Moorhead at 1526 Wilshire Circle, has lived on Wilshire approximately 60 years, and needs to get into assisted living. However, he needs to have the money from the sale of the house. He can't sell his house to a normal buyer because on the disclosure statement it would need to be stated that the neighborhood is slated for redevelopment. Others on the street are making offers on homes or beginning to build new homes.

If this development isn't approved by the Council the current developers will walk away, and it will probably be years before any other developers would try to

assemble. Many of the residents have lived there for more than 40 years. The average age is around 70 years. They need to move on into other living situations.

We are appealing to you to vote to approve the project.

Opposed:

Somewhat Oppose - 1510 Archwood Rd

This proposed use is NOT as practical as the before proposed HOUSING. Our city, I liked to believe, has always had strong individual support meaning we are here for the individual. It was my hope that the support of the senior development was better for our city's image "We are in support of people to live and play and grow in our community". I am NOT saying business is bad, however, I am saying there are more appropriate places for it. I have lived here my entire life and enjoyed it because it kept up with change, but always stayed down home. As late that feeling and more IMPORTANT that look as taken a dive. I ask you to PLEASE reconsider those options which will project the image of "Enjoy where you live come to Minnetonka".

Somewhat Oppose - 10902 Oak Knoll Ter S

Five story too high. Too much traffic.

Strongly Oppose - 1411 Archwood La

We purchased our new construction home in good faith that the Minnetonka city council and planning commission would abide by the ordinances and guidelines listed in the I-394 District Guide Plan. The Opus proposal is in violation in the following areas:

1. Building height should be held to three stories and not five.
2. Building setbacks should be held to 75 feet and parking structures at least 50 feet.

The proposed building(s) should be designed to exhibit architectural design qualities in keeping with the proximity to a residential neighborhood like the Shelter Corporation. Traffic is also a concern. The parking capacity proposed at 1,065 is out of compliance with the vehicle generation guidelines listed in the guide plan.

Strongly Oppose - 1412 Archwood Rd

Buffers are a "BIG DEAL" between office and R-1 property! It should be up to the developers to provide a permanent buffer between property lines, both with fair setbacks and screening. I believe the developer should be required by the city to maintain and replace the "coniferous" screening when lost. And, this covenant should be enforceable (by the city), otherwise it would be meaningless! It should not be up to the homeowners to provide the "buffer" on their land to avoid "hardship". See the attached. See the attached letter on pages A66-A68.

Strongly Oppose - 1417 Archwood Rd

We strongly oppose the proposal. Our biggest concern is the amount of traffic that will be added to a very small neighborhood! How are you going to channel it? How many stoplights will have to be added to accommodate this project? The number of variances required for this proposal are a concern as well. Why can't the buildings be limited to three stories? The project should be redesigned to accommodate what the land can offer without variances. It seems to us that the only people that will benefit from this project is Opus, the developer. Thank you for taking the time to hear our concerns.

Strongly Oppose - 1502 Archwood Rd
See attached letter on pages A61–A65.

Strongly Oppose - 1509 Archwood Rd

I have three major concerns about the proposed project:

- 1) Height of the buildings. Both the five-story and the three and a half-story structures exceed current restrictions. Going from a R-1 zoned neighborhood directly to high rise buildings is unwise and unacceptable.
- 2) Buffer areas being reduced to 20 feet (from current 50-foot limit). Again, this is a family neighborhood. Why reduce the distance? Shouldn't we think about increased screening?
- 3) Traffic flow and safety. The recent commuter transit parking garage is making Highway 73/I394 intersection difficult. Now, we are thinking about adding another 1,000 cars. Unacceptable.

Strongly Oppose - 1518 Archwood Rd

I am writing to you regarding the proposed Wilshire development. I live at 1518 Archwood Road and have a couple of concerns regarding Opus' proposal of the 14 acres. From a personal standpoint, my biggest concern is the height of the buildings. I understand the idea behind the design was to maximize green space, but I feel the three and a half and five-story buildings are really going to stick out backed up to a residential area and across the street from one-story office buildings. Many trees between the houses on Archwood and your proposed buildings are mature, but will not come close to providing the barrier needed to shield the buildings from view when looking out windows or enjoying time in our backyards. I appreciate Opus' need for a minimum number of offices to make the project financially appealing, and would prefer the design be altered to keep the height of the buildings to a maximum of three stories. Another concern I have is the traffic impact along Hopkins Crossroad. Without having reviewed the study that was completed last month I cannot back my concerns up, but I think with the amount of new traffic along Hopkins Crossroads the city is going to experience some major headaches. The intersections north of the frontage road may be able to handle the increased load, but left turns onto residential streets south of the frontage road can already be difficult during peak traffic hours. Specifically, Hillside Drive sees a lot of traffic coming from the north going to Tanglen Elementary School. I appreciate you taking

the time to listen to our concerns and would be happy to discuss any of these items further as well as any other proposals Opus may have.

Strongly Oppose - 1601 Archwood Rd

1. Building height - The guide plan calls for a three-story height maximum. No variance is acceptable.
 2. Setback variance - The guide plan sets a 75 foot distance from the property line adjacent to the frontage road. No variance acceptable.
 3. Parking structure setback - The guide plan requires a 50 foot distance. No variance is acceptable.
 4. Drive aisle setback - A distance of 20 feet is required. No variance is acceptable.
- Every aspect of this proposal requires numerous variances. The variances to the guide plan are not a result of hardships that the applicant is faced with. The variances are a result of greed: trying to put too much on a parcel of land that doesn't support this plan. The guide plan was designed to prevent situations such as this from impacting residents in Minnetonka.

Strongly Oppose - 1615 Archwood Rd

Too tall and too many cars on frontage road.

Strongly Oppose - 10749 Genevieve La

Please leave this area R-1. Pretty soon you will want to fill in the lake across the street. Two more office buildings are about the last thing this area needs.

Strongly Oppose - No Address Given

Please keep single home residential! Too much traffic! Decreased property values.

Strongly Oppose - No Address Given

Parking garage, small office building by the southwest corner of 394 and County Road 73 was very wrong too. Well, we strongly oppose that but the City of Minnetonka passed it anyway. We think they need money for the next election. The con_ lobby is always strong, we knew that. Thank you.

Strongly Oppose - No Address Given

See the attached letter on page A57.

Strongly Oppose – No address given

As a Minnetonka resident in the Hilloway/Sherwood Forest area, I urge you to vote "no" to the proposed Opus development at County Rd 73 and 394.

* The development is unfair to homeowners in the area who bought homes in a residential neighborhood. Zoning areas exist to protect residential areas, and it's maddening to see cities sacrifice integrity and aesthetics in favor of increased tax base. There are plenty of commercially zoned areas along 394 and the frontage roads to use instead. How would you like it if someone got several variances, forced

your neighbors out of their homes and gave you views of a parking lot and office building instead? It's not appropriate to ruin a community neighborhood like that.

* The traffic on County Rd 73 is already unsafe and horrid during rush hours. I often have to wait several minutes when coming out of my neighborhood to make a right hand turn - I never would even attempt a left-hand turn. This is the only reasonable route to pick up my kids at Tanglen, and adding extra cars to this already overwhelmed roadway will increase accidents (I'm often nearly rear ended when waiting to turn left on Hillside to go to Tanglen, and often am honked at and otherwise a victim of road rage at this spot so cars can fly by going way over the speed limit.). More traffic on this two-lane road? I can't imagine!

Strongly Oppose - No Address Given

The Crossroads Corporate Center is a really bad idea. Business is encroaching too much on a residential neighborhood. I hope you vote against this. Please note that I will recommend to the Association that they immediately take action on implementing an Environmental Impact Statement on the proposed development. I have some experience doing this, and it has been effective and shutting down similar projects because it can add hundreds of thousands, if not millions, of dollars to a project and delays it for months. My opinions are coming out of ignorance and my emotional reaction to having these building so close to residential. It will also cause some traffic snarls, of that there is not doubt. Saying that, what is your opinion?

Strongly Oppose – No address given

On December 3, there is a city council meeting, and one of the items on the agenda is a proposal by Opus Development to develop property on the south east corner of 394 and Hopkins crossroad. The proposal calls for 2 office buildings - one 3.5 stories and one 4 stories with 2 parking ramps - enough space for 1100 cars. You **ABSOLUTELY** must vote NO to this proposal, for numerous reasons:

- This is the entrance to a residential neighborhood. This type of development will destroy the aesthetics of the neighborhood.
- This will add significant traffic issues to an already busy area. The city did have a traffic analysis completed of the proposed redevelopment. **HOWEVER**, the conclusions of the report cannot be held as valid. Why? Updated traffic counts were not done following the opening of the Park and Ride facility and due to the fact that the bridge was closed on Hopkins Crossroad. The existing traffic levels that were studied were significantly less than they are today, with the bridge and parking facility open. The traffic counts shown in the study are "guesstimates" and even the report clearly states that the data was based on averages from other facilities, versus an accurate count based on today's current traffic levels. Therefore, the conclusions you are being asked to vote on are based on faulty research. Are you willing to make such an important vote without proper data collection and analysis?
- Our property taxes increased 12% in our neighborhood from 2007 to 2008 (yes, you heard me; even though the property values in our neighborhood decreased on average of 20% or so this past year, our assessed value increased

12%). It is unconscionable to think that the city would raise our property taxes while simultaneously approving a project that will denigrate the neighborhood and further decrease the value of our property.

- One of the parking ramps is 50 feet from one of the home owners. The Oak Knoll neighborhood-people, who thought they were buying homes in a residential community of homes and parks, will now have a lovely view of an office building and parking ramp.

- Minnetonka prides itself on its trees and recently received negative publicity for the proposed reduction of trees with the Shady Oak Road development. The proposed Opus development would destroy 643 beautiful trees, 139 are considered high priority.

- The proposed development relies on the council to provide variances, four key variances including the restriction on height, a restriction core to any residential community. Past and current council members have made wise decisions about how land it to be used in Minnetonka. The proposed project would clearly violate numerous land use rules. By approving this project and the variances, you would in effect be stating that the work of your council and past councils was for show only. A "yes" vote would clearly state by you that the decisions past councils have made to ensure Minnetonka is an exceptional community to live in and raise a family do not matter in comparison to the wishes of a private, \$200 million land developer. A "no" vote would clearly state that you take your responsibility of ensuring that Minnetonka is a livable community based on core values related to strong neighborhoods seriously. A "no" vote would show that you respect the wise decisions of past councils to put in place rules and regulations that protect our neighborhoods from overzealous development.

- The neighborhood overwhelming opposes this proposal. In a series of neighborhood meetings held by the city and development team, 70% of neighbors oppose the project, with another 6% stating they were neutral. How could someone in good conscious vote for a proposal where 70% of the people who would be impacted by the proposal - 70% of the people you were elected to office to protect-oppose the project?

This development is bad for the neighborhood. This development is bad for the city. This development is bad for your reputation as a person who cares about the people who live in your community.

You have a duty and a responsibility to protect the interests of the voters in our community. You have an obligation to preserve the fabric of our neighborhoods. No one could possibly state that a four to five-story office building/parking complex in a residential neighborhood is a wise choice and an upholding of the community values you are obligated to protect when you were elected to office.

Therefore, you must vote NO to the proposed development.

Strongly Oppose - 10019 Oak Knoll Ter N

My husband and I have lived in Minnetonka for one and a half years. Before that we lived in Wayzata and Plymouth, respectively. We were very excited to purchase this house because of the wonderful neighborhood and location. We have had the new transit station built and we never complained about that, but we don't care for the extra traffic. We are not happy with this new office development because they are going against how it is supposed to be zoned. A five-story parking lot is too big. It is zoned for a three story. We want to keep this neighborhood beautiful and not have a parking ramp sticking over our neighbors yards. Please think of the people before you agree to this. Thank you.

Strongly Oppose - 10824 Oak Knoll Ter N

We strongly oppose the Opus project for the reasons outlined in the attached "Exhibit A". We also strongly request that in order for the "North" Oak Knoll Terrace property owners protection from further proposals from any developer, that the approximately 33 feet of Belmont Road be annexed to these existing substandard lots. This would allow for additional buffer should a future development of this property take place. Without a proper and adequate buffer we will strongly oppose any development whatsoever.

Strongly Oppose - 11005 Oak Knoll Ter N

I have lived in my home on North Oak Knoll Terrace for 35 years and strongly oppose Opus being given the go ahead to build such a large complex. I know we can't stop progress, but a complex of this nature is way out of line!!!

Strongly Oppose - 11013 Oak Knoll Ter N

Too tall - two to three stories maximum. Parking ramp too tall and too close to south property line. Too much traffic - "1,000 cars" 73 already too small.

Strongly Oppose - 11102 Oak Knoll Ter N

Refer to the attached letter on pages A59-60.

Strongly Oppose - 11103 Oak Knoll Ter N

We were misled at the meeting on October 4th. We were told the Opus group was going for one variance, when in fact they want four! This project will not be good for our neighborhood. The traffic is bad enough now. We do not need an additional 1,000 cars or more. This whole project is not good. The view from our home will be a parking ramp. We are so against this project! See the attached letter on page A58.

You and your Planning Commission should be ashamed of yourselves. I'm referring to the meeting of November 8, 2007, when you voted to forward to the City Council a faulty proposal. Several of the commission members sat and said they didn't like certain points of the Crossroads project, and that they were uncomfortable with a parking ramp so close to residential homes. And yet, you voted yes to forward this

faulty proposal to the City Council. That's passing the buck. You should be ashamed!

Strongly Oppose - 10809 Oak Knoll Ter S

My husband and I bought this house from my parents. The house is as old as I am (30 years). I bought this house for it's great residential feel and great location (half way between my husband's work and mine, Deephaven and downtown, respectively). We would absolutly hate it if someone asked us to move in order to tear our house down. I shudder at the thought. I feel terrible for the many families you're asking to give up their homes in order to allow urban expansion. Why not put up these commercial buildings in an already commercial location like where the old Cattle Company used to be on the north side of 394? No one wants an office building in their back yard. So not only are you kicking people out of their homes and making people lose their neighbors, you're changing the view of residents who still get to keep their homes. Homes that currently feel like quaint homes that will soon feel like they're on display with no privacy. Parking lots as back yards. Where will the expansion end? Will you be asking us to move in the next 5, 10, 15 years? I hope not!

Strongly Oppose - 10823 Oak Knoll Ter

Please don't do this to us. This whole neighborhood has become one big parking lot with the Shelter Corporation building, now the park and ride. The State Fair traffic was horrendous for us on Oak Knoll Terrace. More parking ramps and office buildings will only invite more crime also! As well as traffic. Ridgedale helps us (this quadrant) rank high on the crime scale already. Nice senior housing is best!

Strongly Oppose - 11014 Oak Knoll Terr N

This petition is the result of a neighborhood meeting we had with the developer concerning this project. There is strong agreement on these points and we anticipate many more people will be willing to sign this petition. I am sending you the signatures we have at this point so you will have a clear understanding of our position prior to the meeting between the developer and the city planners. I am attaching a statement from my husand and me for the Opus Crossroads Common project. We are strongly in opposition to the project. See the attached letter on pages A69-A71.

Petition by the Neighborhood in Opposition, Dated October 22, 2007

See the attached petition on pages A72-A76.

Strongly Oppose - 11329 Timberline Rd

Dear Mayor and City Council Members:

I am writing to urge you to deny the current proposal of Opus Corporation for a Crossroads Corporate Center at the south east corner of south Wayzata Boulevard and Hopkins Crossroads. As a resident of Sherwood Forest living very near this intersection, I have difficulty already trying to turn north on Hopkins Crossroads due

to the traffic volume. Adding another 1,015 cars per day (based upon proposed parking ramp capacity of that number of cars) to this intersection will create an even more serious public safety hazard than we already have in this area. It is my understanding that Opus' current proposal would generate traffic in excess of the legal limits for peak hour traffic in this zoning district, and should not be allowed.

In addition to the direct traffic safety hazards, I am concerned about the effect of numerous idling vehicles lined up waiting to enter this proposed development upon the air quality at the intersection and the nearby neighborhoods. The proposed removal of almost 700 trees from the site to accommodate office buildings and parking ramps will compound this problem.

Between tearing down trees and exceeding the height limits established by law, the proposal threatens the aesthetics and livability of our single family neighborhoods. Sage Corporation and Shelter Corporation are right across Hopkins Crossroads from the proposed development and they have been required to follow the legal height restrictions for their buildings; Opus should be required to do so, too.

Strongly Oppose - 2111 Vernon Drive South

I understand the city is considering adding an additional office tower or two at the southern corner of County Road 73 and 394. Listening to the meeting on TV tonight, we noted that the traffic wouldn't get worse than a "D." The whole intersection is currently a joke at rush hour. Adding more traffic without upgrading all the roads, and the intersection with 394, is just dumb. I expect someone will say that the landowner has the right to make money on his or her investment. This is only true if no variances are needed. No investment is guaranteed to make a profit, at least not in a capitalistic society. We all certainly watch the stock market and see our investments make or lose money daily. I would suggest that it is perfectly justified to consider traffic and the impact on the local neighborhoods before approving more high density in the area. Vote against this one.

Strongly Oppose – no address given

I am writing this email to you as a very sincerely concerned citizen in Minnetonka. I homestead across the street from Hopkins High School; very close to the neighborhood site that is to be developed by the Opus Crossroads Corporate Center. I have watched your meetings on cable television and I have spoken routinely to a dear friend of mine whose home will butt up against the anticipated ramp which will house a whopping 575 cars. Our family moved to Minnetonka for the what appeared to be a community that respected the natural and quiet environment of the old fashioned neighborhood; lots of green, less than city levels of air and noise pollution, safety, family oriented neighborhoods, and setting industry and multi-housing way off to the side of the core of the serenity that I found to be the main attraction of this community. I understand that "the show must go on for *progress*", but I must say I find it quite hideous to place such an intense multi-housing development so close in to the quiet residential setting of Archwood Road

specifically and the extended neighborhoods which will surely be affected. This densely populated property will bring in people that are more transient, a huge increase in noise and an excess of pollution to our small and quaint neighborhood. I have a dear friends in that specific neighborhood for the anticipated development site whoo will be looking out thier windows to an what I would consider, and *obscene* wall and enormous parking lot. I have always admired their property for being like living in a bird house among the hundreds of beautiful trees and quiet natural surroundings. My heart breaks for them as their property value will certainly plummet and our "Leave it to Beaver" neighborhood will never be the same. Please reconsider your current plan out of respect for your constituency. We want to trust that you care as much as the rest of us. How would it be if this development were in *your* backyard? I don't want our community to turn into a Richfield, MN. Thank you from a very concerned citizen who wants to continue to love Minnetonka's natural beauty and for your consideration on this issue. Sincerely, Dr. Tina S. Greenberg, Doctor of Chiropractic

Strongly Oppose – 11621 Live Oak Drive

We are writing to strongly oppose the proposed variance requested by the Opus Corporation for its office building at the corner of CR 73 and 394. We base our opposition on several important issues:

The development will increase traffic throughout the area, and we're concerned that the traffic study done did not reflect current patterns in that it was completed while CR 73 was blocked due to bridge reconstruction.

The development will remove residential housing and trees. At some point, the city will have to decide whether it wants to become an office park or a place to live. We prefer the latter.

The parking ramps associated with the building will be only 50 feet from the property lines of neighbors in the area.

We urge you to conduct a more thorough environmental assessment on this project before moving ahead. Sincerely, John Sullivan Sharon Whiting 11621 Live Oak Drive Minnetonka, MN 55305

See additional letters in opposition on pages A98–A109.

General comments:

Neutral - 11011 Oak Knoll Ter
I don't see any negatives.

Deadline for a city decision: January 26, 2006