

**City Council Agenda Item #14A**  
**Meeting of January 28, 2008**

**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) Ordinance authorizing the purchase and sale of a certain property near the I-394/County State Aid Highway 73;
- (2) Preliminary plat;
- (3) Vacation of easements and rights-of-way;
- (4) Rezoning from R-1, low-density residential, to PID, planned I-394 district;  
  
Master development plan review;  
  
Final site and building plan review, with floodplain separation variance; and
- (5) Appeal of maximum trip generation.

**Recommended Action:** Hold the public hearing for the vacation, approve the project and adopt the associated ordinances and resolutions.

### **Introduction and Background Information**

In December 2007, the city council considered a proposal by Opus Northwest LLC to redevelop the existing single-family residential neighborhood at the southeast corner of the I-394/CSAH 73 intersection. The 14-acre project included construction of two office buildings and associated parking structures. (See the pages A1-A11.)

#### Building I (South)

Building I would be constructed as a single-tenant building. The three-story walkout building and its associated parking ramp would be located on the south side of the site.

#### Building II (North)

Building II would be constructed as a multi-tenant building. The four-story walkout building and its associated parking ramp would be located on the north side of the site.

During previous discussion of the project, area residents and council members expressed three primary concerns.

#### Parking Structure Location

The proposed parking structures would be located between their respective building and adjacent single-family properties. Area residents stated their opposition to location and resulting visual impact of the parking structures. (See page A5.)

#### Office Building Height

Building II (North) was proposed as a four-story building. 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. Given the adjacent land uses, residents and various members of the council were opposed to the requested height variance.

#### Traffic Implications

The proposed redevelopment would add 2,918 daily vehicle trips, including 395 p.m. peak hour trips, in the I-394/CSAH 73 area. This increase in trips would be mitigated by roadway and intersection improvements. Residents and several council members were concerned about the long-term implications these increased trips would have on the surrounding roadway system.

Following public testimony and council discussion, the applicant's proposal was denied on a split vote of three in favor and three opposed. (See the minutes on pages A90–A102.)

### **Revised Proposal**

The applicant has submitted a revised proposal. The general site plan remains the same. However, changes to building setbacks and modifications to building design have been made to address the concerns expressed at the December 17 council meeting. Significantly, the revised application no longer requires any variances, with the sole exception of a floodplain separation variance for the southern parking ramp that the city is requiring to address neighborhood visual impacts. (See pages A104–A121.)

#### Parking Structure Location

The Building I (South) parking structure has been shifted seven-feet to the north. This shift results in a 60-foot setback from the adjacent residential properties, 10-feet greater than the required 50-foot setback. The increased setback affords greater area for the proposed plantings and their maintenance, which helps to further mitigate previous visual impact concerns.

The Building II (North) parking structure has been shifted 30 feet to the south and decreased in total height. The setback change eliminates all variance requests associated with this parking structure. (See page A106.)

#### Office Building Height

Building II (North) has been reduced in height; previously a four-story walkout, the building is now proposed as a three-story walkout structure. This reduction in height results in a 30,000–square-foot reduction in total building area and, thereby, a reduction in required parking stalls, which allowed a scaled reduction in the height of the associated northern parking ramp. By removing one floor from the building, the applicant has addressed the previous building height concerns, and more significantly, has eliminated all variance requests associated with the office buildings.

#### Traffic Implications

The reduction in total floor area and proposed TDM strategies also reduces the total vehicle trips generated by the proposed office development, which helps mitigate traffic concerns. A revised traffic study indicates a 538, or 18 percent, reduction in daily trips. The study notes that this reduction would not change the roadway and intersection modifications required to accommodate the proposed redevelopment; improvements in the previous application had already met ordinance standards to comply with the trip generation appeal. The trip reduction does not change the anticipated level of service on the surrounding roadway network.

### **Revised Proposal Requirements**

As with the original submission, the revised redevelopment proposal requires multiple actions:

- (1) Ordinance authorizing the purchase sale of property. Certain properties within the proposed subdivision are owned by the city and/or are remnant MnDOT right-of-way parcels, which will be transferred to the city. The ordinance authorizes the purchase and re-conveyance of those parcels to the developer.
- (2) Preliminary Plat and Easement/Right-of-Way Vacation. Preliminary plat and vacation of existing city easements and rights-of-way is required to combine the 17 individual residential parcels and re-divide the site into two large parcels.
- (3) 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.* City code requires site and building plan review for construction of any office building and/or parking structure.
  - *Floodplain Separation Variance.* City code requires that parking structures maintain a 1.5 foot horizontal separation from a 100-year floodplain. To reduce visible height, the lowest floor of the southerly parking structure has been set to an elevation three feet below the elevation of the adjacent pond.
- (4) 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 mitigating the impact of the excess trips through changes to the existing roadway infrastructure.

### Primary Issues

- **Given the city's development guides, is the proposal generally reasonable?**

Yes. The proposed office use is reasonable and anticipated by basic land use principles and the city's existing development guides.

- (1) **Land Use Principles.** The proposal is consistent with basic land use principles. These 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 A3.)
- (2) **Comprehensive Guide Plan.** The proposal is consistent with the current comprehensive guide plan. The guide plan designates the subject area for office use. The plan specifically notes that this redevelopment area would include "both sides of Wilshire Drive, extending from the I-394 frontage road to the edge of the properties along North Oak Knoll Terrace."
- (3) **City Code.** The proposal is consistent with city code. The I-394 Ordinance designates the subject area as a "redevelopment area." Aside from the requested floodplain separation variance, the revised proposal meets all development standards required in the ordinance. The requested variance is intended to reduce the visual height and, therefore, the visual impact of the Building I (South) parking structure on adjacent residential properties.

- (4) **Water Resources Management Plan.** The proposal is consistent with the water resources management plan. Both the original and revised proposal would control the rate and quality of all runoff coming off the redevelopment site. Further, through inclusion of appropriate outlets and swales the grading and drainage plan associated with the proposal would provide an added safeguard for flood protection that does not currently exist.

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

Yes. The location and architectural design of the proposed parking structures are reasonable.

(1) **Structure Location.**

City code requires that parking structures maintain a 50-foot setback from adjacent residential properties. Under the revised proposal, both Building I (South) and Building II (North) would meet this setback requirement. In addition to the horizontal setback, the proposed parking structures would be buffered from adjacent properties through extensive planting. Additionally, the developer is agreeable to installation of either cedar fencing or fabric screening on the openings of the parking structure. The additional setback in the revised proposal would allow greater planting flexibility to help further mitigate neighborhood impacts.

(2) **Structure Height.**

Building I (South): The south parking structure would have an above ground height of 15 feet. The lowest floor of the south parking structure would be located 3-feet below the adjacent floodplain elevation. As city code requires the structure to be 1.5 feet above the floodplain, a variance is needed. The separation variance is requested to visually benefit abutting homes. The ramp could be constructed at grade with no variance; such structure would have a height of 24 feet. Two additional decks above the lowest floor would provide three levels of parking. (See page A117–A120.)

Building II (North): The Building II (North) structure would range in height from 25 feet exposed on the north end to 35 feet exposed on the south. For a majority of the structure the average height of the ramp is 12.5 feet exposed, which is a reduction from the previous proposal. Two parking decks above the lowest floor would provide three levels of parking. This structure would meet all minimum code requirements. (See page A113–A116.)

(3) **Structure Design.**

The Building I (South) and Building II (North) structures would be constructed of materials complementing the proposed office buildings in both style and color. Landscaping and cedar fencing would be placed between the property lines and the parking structures to soften the appearance of the structures.

• **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 all setback requirements from all property lines. (See page A106.)

(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. Under the revised proposal, both Building I (South) and Building II (North) would meet this ordinance standard.

• **Are the anticipated traffic impacts to the surrounding road network reasonable?**

Yes. The Planned I-394 Ordinance establishes maximum p.m. peak hour trip generation for each property within the PID zoning district. Per the ordinance, development exceeding the established maximum may be constructed if concurrent road system improvements are installed and paid for by the developer. These roadway improvements must achieve a level of service (LOS) at area intersections consistent with the LOS that would have existed without the excess trip generation. Both the previous and revised proposals meet this ordinance requirement, and the revised application makes a potential 18 percent reduction in trip generation.

A traffic study was conducted to determine: (1) the trip generation associated with the applicant's proposal; (2) the resulting levels of service at area intersections; and

(3) necessary roadway improvements. The study was recently updated to reflect the revised proposal. Both the original and revised studies found that the traffic impact of the redevelopment would be reasonable, with appropriate improvements to the existing roadway infrastructure.

- (1) **Trip Generation.** The city's traffic consultant estimates that the proposed office development would generate 2,380 vehicle trips per day; this includes a total of 335 a.m. peak hour trips and 323 p.m. peak hour trips.

In addition, the traffic study also forecasted vehicle trips for the years 2010 and 2030. 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.

- (2) **Levels of Service.** The operations of four key intersections in the area of the proposed office development were analyzed. 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:

- 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 CSAH 73/south frontage road intersection, several infrastructure upgrades will be required. These upgrades are outlined in the "Supporting Information" section of this report.
  - 2030. All key intersections would result in LOS D or better with appropriate infrastructure upgrades. These upgrades are outlined in the "Supporting Information" section of this report.
- (3) **Travel Demand Management (TDM).** In addition to infrastructure improvements, the applicant is required to develop a TDM plan. This plan outlines "non-infrastructure" techniques to manage daily traffic to and from the site. While the TDM contributes to the 18 percent improvement in overall trip generation, no credits are made to reduce parking space requirements for the development. (See "TDM Plans" in the "Supporting Information" section of this report.)

- (4) **Capacity.** The capacity of the surrounding roadway system was analyzed at both existing and proposed conditions. The analysis concluded:
- With no roadway improvements and without the proposed development, the existing conditions (available storage vs. vehicle queues) are currently at or approaching the safe maximum.
  - Conditions (available storage vs. vehicle queues), with the proposed development and with the required traffic improvements, would remain the same as current conditions, which approach the maximum limit. Some additional p.m. peak trips could be accommodated.
  - Some redevelopment, which would not substantially increase vehicle trips during a.m. or p.m. peak hours, could be accommodated. However, major additional trip generation in the corridor would require further improvements, including an additional through lane between the north and south frontage roads, which would require that the existing CSAH 73 bridge be widened.

### Summary Comments

The revised proposal:

- (1) Is consistent with basic land use principles, the comprehensive guide plan, the zoning ordinance, and the water resources management plan;
- (2) Requires no variances, aside from the floodplain separation requested by the city to mitigate neighborhood impacts; and
- (3) Includes extensive landscaping and roadway improvements to buffer and mitigate for the intensification of land use.

Staff finds that the applicant's proposal is reasonable and appropriate for the site.

### Staff Recommendation

#### ***ORDINANCE AUTHORIZING PURCHASE AND SALE OF PROPERTY***

- 1) Approve the ordinance on pages A143-145 authorizing the purchase and sale of certain property in the area of I-394 and Highway 73. Approval is based on the following findings:

- a. The city will retain drainage and utility easements over all areas as required by the city engineer.
- b. The applicant will reimburse the city for all costs associated with the purchase and sale of the properties in question.

***PRELIMINARY PLAT***

- 2) Approve the preliminary plat date-stamped September 28, 2007, with revisions shown on page A105a of the attachments in the staff report. 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.
        - (iii) All easement areas must be kept clear of amenities, signs, walls, etc.
        - (iv) Additional right of way dedication is required to accommodate roadway improvements.
  - 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) A 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) A public trail easement over the portion of the public sidewalk on the subject property.
  - (f) Easements over public sidewalk adjacent to the south frontage road.
  - (g) 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) A development agreement in a form acceptable to the city attorney.
  - (4) 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.

**VACATION OF EXISTING DRAINAGE AND UTILITY EASEMENTS, RIGHTS-OF-WAY, AND OTHER ASSOCIATED EASEMENTS**

- 3) Hold the public hearing and adopt the resolution on pages A146–A149, which approves vacation of existing easements, rights-of-way, and other associated easements in conjunction with redevelopment of the property at the southeast

corner of the I-394/CSAH 73 intersection, subject to the requirement that the applicant pay the city fair market value as determined by the city assessor for the easement that was obtained by condemnation. Approval is based on the following findings:

- a. The petitioners are owners of the land abutting said easements and rights-of-way and within the plat in which said easements and rights-of-way were dedicated and, therefore, are proper petitioners.
- b. These easements and rights-of-way are no longer needed by the city.
- c. Vacating these easements and rights-of-way is in the public interest.

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

- 4) Adopt the ordinance on pages A150–A158, 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 variance:

- a. 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 variance associated with the development is reasonable. The proposed reduction in exposed height of the Building I (South) parking structure is appropriate:
  - (1) This reduction in height, in response to neighborhood concerns, results in a non-conforming floodplain separation. The conflict between aesthetic value and technical requirement results in a practical difficulty.
  - (2) The triangular shape of the subject property and the ponding area create a unique circumstance. The reduction of the exposed, above

grade portions of the structure is not a common issue for other redevelopment properties.

- (3) The reduced flood separation can be mitigated through appropriate building design.
- (4) 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, the floodplain separation variance itself would not.

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 dated December 20, 2007
  - Grading plan dated December 20, 2007
  - Landscaping plan date-stamped January 8, 2008
  - Building elevations for Building I (South) date-stamped January 23, 2008
  - Building elevations for Building II (North) date-stamped January 23, 2008
  - 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) Sidewalk locations mutually agreeable to the applicant and city staff. These locations should include:
    - Along the frontage road;
    - A connection from Oak Knoll Terrace North; and
    - A connection into the office development.
  - (b) A minimum 35-foot setback from the delineated edge of the wetland on the south side of the site.
  - (c) 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 southern parking structure must:
  - (a) Meet all requirements (excluding low floor) of the Floodplain District Ordinance 300.24.9.h for an accessory structure.
  - (b) Be flood proofed and flood protected in accordance with all current building codes.
  
- (3) 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 a 10-foot fence adjacent to and south of Building I (South) parking structure and east of Building II (North) parking structure. The fence adjacent to the Building II structure must be a minimum of 300 linear feet. As an alternative, fabric screening may be installed in the parking structure openings.
  - (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.
  
- (4) 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) Existing overhead utility lines within existing Belmont Road right-of-way must be buried.
  - (5) 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.
  - (6) The property owner must enter into a hold-harmless agreement with the city, which documents that the city is not liable for flood damage as a result of granting a variance from the minimum low-floor elevation. The agreement will be drafted by the city attorney, and filed with the property's chain of title.
  - (7) No drainage of the wetland is permitted. A licensed engineer must provide certified plans and details showing how this wetland elevation will be protected. The plans must 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.
      - (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, and 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, 2009, unless the city grants a time extension. Failure to begin construction will render this approval null and void.

***APPEAL OF THE MAXIMUM TRIP GENERATION***

- 5) 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. By city code, developments that exceed the established maximum of p.m. peak hour trips established by the PID ordinance may be constructed if:
    - (1) Concurrent road system improvements are installed and paid for by the developer; and
    - (2) The roadway improvements achieve a level of service (LOS) at area intersections consistent with LOS that would have existed without the excess trip generation.
  - b. Though the applicant's proposal would generate more vehicle trips than specified in the PID ordinance, the vehicle trips would be mitigated by infrastructure upgrades. The applicant must bear all costs associated with the infrastructure upgrades.
  - c. Upgrades to the surrounding roadway infrastructure will maintain levels of service consistent with levels of service that would have existed without the increase in trip generation.

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 "blueprint" 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 A6.) These natural resources are discussed in the "Tree" and "Wetland" sections of this report.

### **Right-of-Way Vacation**

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 A106.)

*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.*

## **Land Transfer**

The applicant's proposal includes parcels of land currently under control of the city and MnDOT. It should be noted that all drainage, utility or conservation easements will be reestablished as a part of this action (See page A122.)

- (1) **City Property.** The city received a limited tax forfeit title to a residential property in the Chatham Fields subdivision. The property has been held by the city for drainage purposes. Recently, the city has requested and received full title to the property from the state. The applicant has requested that the city transfer the property to OPUS. The city will retain a drainage and utility easement over the area. The city additionally maintains an easement in the Wilshire Circle area which was originally acquired through condemnation. The city does not usually require compensation for easement vacation. However, in this case, the city had to pay fair market value for the easement at the time of the condemnation. Therefore, the city will require the developer to pay the current fair market value for the land as determined by the city assessor.
- (2) **MNDOT Property.** The state controls two remnant right-of-way parcels included in the redevelopment area. The applicant has requested that the city act as a conduit to transfer those parcels from the state to Opus. The actions associated with the current proposal anticipate purchase of the MNDOT property and transfer to the applicant.

|          | OWNERSHIP       | COST              |
|----------|-----------------|-------------------|
| Parcel A | City            | \$21,000          |
| Parcel B | MNDOT           | \$30,000          |
| Parcel C | MNDOT           | Turnback – no fee |
| Easement | Granted to city | \$2,500           |

- (3) Residents' offer. The city recently received correspondence from neighbors indicating a \$15,000 offer to purchase parcel A (See page A141) with the rationale of preserving the existing drainage pond. While the city has no statutory or city requirement for the sale of city-owned property, the offer should be considered. Staff believes that the neighbors' offer is inferior to the developer's offer for these reasons:
- a. The city, through its comprehensive plan and overlay zoning requirements, has consistently intended that this parcel be included within the redevelopment of this area.
  - b. The larger context for this development involves multiple parcel transfers, which are closely connected in design and overall land use continuity.
  - c. Selling off an individual parcel in the entire assemblage would be inconsistent with the city's long-standing requirement that the designated redevelopment area be master planned and not be developed in a piecemeal fashion.
  - d. The existing drainage pond is not needed, since the stormwater plan for the proposed redevelopment would provide even greater protection to area residences than is currently provided.

Based on these findings, staff would recommend transferring ownership to the applicants as part of the redevelopment project.

### **Infrastructure Improvements**

To achieve appropriate LOS with the 2010 trip generation forecast, several infrastructure upgrades will be required. The developer is financially responsible 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.

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.

**TDM Plan**

By city code, within the PID district, all approved development projects over 25,000 square feet must operate under a traffic demand management plan approved by the city. The applicant has submitted a TDM concept that outlines several strategies to address traffic to and from the site. A draft of a TDM commitment is attached as pages A136–A139 of this report. The plan includes:

- Participation with regional TDM organizations.
- Support and promotion of car and vanpooling.
- Vehicular traffic movement and access restrictions.
- Monitoring.
- A 5-year budget to begin implementation of the plan.

## Site Access

The applicant's revised proposal reduces the total floor area of the redevelopment project by 30,000 square feet. This reduction, together with the TDM strategies, would result in an 18% decrease in daily vehicle trips when compared to the original proposal.

Though the total office area of the development has decreased, the applicant proposes two access points. However, based on the reduction in floor area, the site could be accessed via a single drive. Generally, the side street delay for two access points ranges from 20 to 30 seconds (LOS C to D) and a single access point would be approximately 45 seconds (LOS E). This difference in delay between the dual and single access points is relatively insignificant, and does not result in safety or queuing concerns as recognized under the previous development scenario.

The two-access scenario is feasible. It does, however, include substandard design elements for the necessary public roadway improvements along the frontage road. A one-access scenario, maintains the current functionality for the public roadway, and minimizes vehicle conflict points.

## 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." Aside from the requested floodplain separation variance, the proposal meets all standards found in both the PID and PID overlay district ordinances.

| PID OVERLAY DISTRICT | REQUIRED               | PROPOSED      |
|----------------------|------------------------|---------------|
| Height               | Maximum 3-stories      | 3-stories     |
| Vehicle Trips        | Maximum 246 P.M. Peak* | 323 P.M. Peak |

\* without infrastructure improvements.

| PID DISTRICT     | REQUIRED              | BUILDING I (South) | BUILDING II (North) |
|------------------|-----------------------|--------------------|---------------------|
| Building Height  | Based on setback/FAR  | 49.5 feet          | 51 feet             |
| 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            | 80 feet             |

|                           |              |  |          |
|---------------------------|--------------|--|----------|
| Parking Structure Setback |              |  |          |
| North                     | 50 feet      | n/a                                    | 50 feet  |
| South                     | 50 feet      | 60 feet                                | n/a      |
| East                      | 50 feet      | 550 feet                               | 50 feet  |
| Frontage Road             | 50 feet      | 54 feet                                | 210 feet |
| Drive Aisle Setback       | 20 feet      | 50 feet                                | 20 feet  |
| Parking Requirement       | 927 spaces   | 928 spaces proof-of-pkg<br>914 striped |          |
| Floor Area Ratio          | Maximum 0.75 | Overall: 0.37                          |          |
| Hardsurface Coverage      | Maximum 70%  | Overall: 39%                           |          |

### Grading and Drainage

The topography of the subject site is varied. However, the existing drainage pattern generally flows from north to south. 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. An emergency overflow area would be 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 and not justified in a redevelopment scenario consistent with the comprehensive plan. 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.

### **Existing Stormwater Pond**

In 1999, the city constructed a small pond and storm sewer system on the subject property to provide an outlet for the existing wetland, to help mitigate adjacent property flooding and to eliminate ditch erosion that was occurring. Although the pond created an added benefit by providing additional stormwater storage, it did little to improve water quality due to its relative small size and its placement being on the downstream side of the wetland. These improvements were installed at a time when the city required a portion of the project to be assessed to the benefitting property owners. The total cost of the original project was \$77,587, of which only \$4,215 was assessed and paid as utility charges by area properties, including those proposed to be sold to Opus. City policy has since been revised whereby all storm sewer projects are now funded by the Storm Water Utility Fund.

The proposed plans for this development include filling the existing stormwater pond, creating a much larger pond on the upstream side of the wetland, and slightly modifying the existing wetland outlet. The newly created stormwater pond will provide water quality protection for the wetland and also for Crane Lake. The wetland outlet will continue to discharge into the existing storm sewer system. The project also includes an added flood protection safety measure that consists of an emergency overflow swale along the south property line. All proposed storm water and wetland elements meet or exceed city and watershed organization standards and requirements.

## Site and Building Plan Review

In evaluating a site and building plan, the planning commission and city council must 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. One variance is required from specific standards of the ordinance. This variance is 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 percent 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 is technically feasible and provides for reasonable on-site and street traffic operations. 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 floodplain separation variance meets 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. The lowest floor elevation of the Building I (South) parking structure is proposed to minimize the visibility of the structure from adjacent residential properties. This reduction in height, in response to neighborhood concerns, results in a non-conforming floodplain separation. The conflict between aesthetic value and technical requirement results in a practical difficulty.

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

Yes. 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 the floodplain separation variance itself would not.

**Neighborhood Comments**

As part of the original proposal, the city surveyed the property owners within 400 feet of this site. Out of 113 properties, we received 40 replies. This number does not include correspondence related to an EAW review, which the council considered at their December 3, 2007 meeting.

|                         |                         |                |                        |                        |
|-------------------------|-------------------------|----------------|------------------------|------------------------|
| <b>7</b>                | <b>2</b>                | <b>2</b>       | <b>2</b>               | <b>27</b>              |
| <b>Strongly Support</b> | <b>Somewhat Support</b> | <b>Neutral</b> | <b>Somewhat Oppose</b> | <b>Strongly Oppose</b> |

**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 A44-A46.

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 A39–A43 and A58–A62.

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 A35.

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 A55-57.

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 A36.

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 A47-A49.

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

See the attached petition on pages A50-A54.

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 friend in that specific neighborhood for the anticipated development site who will be looking out their 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 A63–A66.

**General comments:**

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