

# **Minnetonka Planning Commission Meeting**

**July 12, 2007**

## **Agenda Item 8D, Public Hearing For Opus Corporate Center Expansion Project**

**(For first half of meeting agenda, please see separate  
electronic packet for “Planning Commission Final  
Agenda, Item 4 through Item 8C”)**

**ORDINANCE NO. 2007-\_\_\_\_**

**AN ORDINANCE REZONING 5700, 5720, 5740 GREEN CIRCLE DRIVE AND 10350 BREN ROAD WEST FROM B-3, GENERAL BUSINESS TO PUD, PLANNED UNIT DEVELOPMENT; AND AMENDING A MASTER DEVELOPMENT PLAN, WITH FINAL SITE AND BUILDING PLANS (PHASE I)**

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The City Of Minnetonka Ordains:

Section 1.

- 1.01 The properties at 5700, 5720, 5740 Green Circle Drive and 10350 Bren Road West are hereby rezoned from B-3, general business, to PUD, planned unit development based on the following findings:
- a. The rezoning would be consistent with the City's guide plan; and
  - b. The rezoning would be consistent with the public health, safety, and welfare.
- 1.02 This ordinance also hereby adopts a planned unit development master development plan for a two-phase office redevelopment at 5700, 5720, 5740 Green Circle Drive and 10350 Bren Road West (Project 97096.07). Adoption is based on the findings in the July 12, 2007, staff report.

Section 2.

- 2.01 The properties are legally described as follows:

As found on Exhibit A

Section 3.

- 3.01 This ordinance is based on the following findings:

- a. The use would be the same as the existing office use on the site. Opus would replace the existing office buildings in the area.
- b. The plan would contain adequate parking.
- c. The site would be adequately landscaped.
- d. The height of the building would be consistent with the existing Opus building and buildings located in the area.
- e. As demonstrated in the Supporting Information section of the staff report (dated July \_\_, 2007) all minimum zoning ordinance standards would be met or mitigated by replacing natural areas.

#### Section 4.

4.01 Approval is subject to the following conditions:

- a. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
  - Site plan date stamped June 6, 2007.
  - Grading plan date stamped June 6, 2007.
  - Landscaping plan date stamped June 6, 2007.
  - Building elevations date stamped June 6, 2007.
  - Wetland and Flood Plain mitigation plans, as amended, July 3, 2007.
- b. Before starting any site work or obtaining a grading permit, complete the following work:
  - 1) The installation and maintenance of temporary rock driveways, erosion control, tree protection, and wetland protection fencing for each lot must be installed, subject to review by the city's natural resources staff.
  - 2) Submit final site, grading, drainage, utility, roadway and erosion control plans for staff approval. These plans must include cross sections.
  - 3) Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.

- 4) Submit copies of the watershed district permit, in particular the approval of the flood plain mitigation for Outlot A. The city may require revisions to the approved plans to meet the district's requirements.
  - 5) Submit a construction and traffic control management plan for staff approval.
  - 6) Site storm sewer plans are required to be submitted for review and approval, including complete storm sewer design calculations, profiles for all storm sewer, and the necessary revisions for the alternate storm sewer as noted in the May 25, 2007, memo from BARR Engineering.
  - 7) Receive approval from the property owners to relocate the driveway access to the newly constructed Green Circle Drive. If no approval is received, the ordinance needs to be revised and reconsidered by the planning commission and city council.
  - 8) A development agreement documenting the improvements and corresponding securities.
- c. The following must be submitted to the city before the city issues a building permit:
- 1) Final landscape and irrigation plans for staff approval. Landscaping plans must equal 1% or greater of the total project value. Additional trees between the roadway and the trail must be provided and approved by the natural resources staff.
  - 2) A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping.
  - 3) An illumination plan for staff approval.
  - 4) All required hook-up fees.
  - 5) Final utility plans are required to be reviewed and approved by the city engineering staff.
  - 6) Revisions to the grading plan must include curbs and/or barriers to prevent traffic southbound from driving on non-roadway areas.
  - 7) All utility services must be abandoned as required by the engineering department.

- 8) Plans must be in substantial compliance with items outlined in the "Green Circle Drive Realignment" dated June 6, 2007, and bridge memorandum dated June 22, 2007.
  - 9) Additional traffic improvements in the area will be necessary over time. The city will further outline those responsibilities during a land use analysis of the entire Opus area, and will determine appropriate participation of property owners for improvements. This will be completed prior to Phase II of the site plan.
  - 10) Complete roadway, bridge, retaining wall, and pedestrian plans need to be provided for review and approval by the engineering department.
  - 11) Phase II of the site plan includes a parking ramp. This parking ramp will be an entry ramp off Green Circle Drive, to encourage the use of Bren Road.
  - 12) Complete a travel demand management plan.
  - 13) Record this ordinance with the county.
- d. The property owner is responsible for replacing any required landscaping that dies.
  - e. 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.
  - f. Approval does not include the signs shown on the drawings. Separate permits are required from staff.
  - g. With the exception of security lighting, lights within the building must be turned off by 11:00 p.m. unless there is an emergency situation or a room is being cleaned.
  - h. Spaces shown as proof-of-parking may not be paved unless approved by the city upon showing of a demonstrated need for these spaces.
  - i. Phase II would require site and building plan review.
  - j. Construction must begin by December 31, 2008, unless the planning commission grants a time extension.

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

Section 5. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 6. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on July \_\_\_\_\_ 2007.

\_\_\_\_\_  
Janis A. Callison, Mayor

ATTEST:

\_\_\_\_\_  
David Maeda, City Clerk

**ACTION ON THIS ORDINANCE:**

Date of introduction: June 4, 2007

Date of adoption: \_\_\_\_\_

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent: Wagner

Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
David Maeda, City Clerk

Date:

**ORDINANCE NO. 2007-**

**AN ORDINANCE MODIFYING A WETLAND OVERLAY DISTRICT BOUNDARY,  
CONDITIONAL USE PERMIT FOR WETLAND BUFFER IMPACTS AND FLOOD  
PLAIN ALTERATION FOR THE OPUS CORPORATION REDEVELOPMENT AT 5700,  
5720, 5740 GREEN CIRCLE DRIVE AND 10350 BREN ROAD WEST**

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The City Of Minnetonka Ordains:

Section 1.

1.01 This ordinance modifies the boundary of a Wetland Overlay District at \_\_\_\_\_, based on the findings in the July \_\_\_, 2007, staff report (Project 97096.07A ) which identify the following:

- a. The flood plain impacts are also mitigated in the same subwatershed area.
- b. The wetland and floodplain impacts meet the standards of the city code.
- c. The mitigation area for the wetland is being compensated with the same subwatershed district as the wetland being altered.
- d. The application meets the standards of the conditional use permit criteria.
- e. The wetland will ultimately have a higher function and value.

This approval must meet the following conditions:

- a. Obtain approval from all appropriate agencies before construction.
- b. Obtain approval and comply with the requirements for the Wetland Conservation Act replacement plan as presented in the plans dated July 3, 2007.

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The ~~stricken~~ language is deleted; the double-underlined language is inserted.

c. Revegetate all disturbed areas with appropriate vegetation.

Section 2.

2.01 The property is legally described as follows:

As found on Exhibit A

Section 3. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 4. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on \_\_\_\_\_, 2007.

\_\_\_\_\_  
Janis A. Callison, Mayor  
ATTEST:

\_\_\_\_\_  
David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction:

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

\_\_\_\_\_  
The ~~stricken~~ language is deleted; the double-underlined language is inserted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on \_\_\_\_\_, 2007.

\_\_\_\_\_  
David E. Maeda, City Clerk

Date:

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The ~~stricken~~ language is deleted; the double-underlined language is inserted.

**Opus Corporate Center Expansion  
A127 #97096.07a**

EXHIBIT A

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The ~~stricken~~ language is deleted; the double-underlined language is inserted.

**Opus Corporate Center Expansion**  
**A128 #97096.07a**