

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**NOVEMBER 8, 2007**

**1. CALL TO ORDER**

Chair Hart called the meeting to order at 6:30 p.m.

**2. ROLL CALL**

Commissioners Cheleen, Dahl, Lehman, Schmitz, Adams, Brandt, and Hart were present.

Staff members present: Community Development Director Ron Rankin, City Planner Julie Wischnack, Principal Planner Susan Thomas, Planner Josh Metzger, Planning Technician Jeff Thomson, Natural Resource Manager Jo Collieran, and Assistant Engineer Steve Lillehaug.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with the removal of Item 8C, a conditional use permit for a home occupation at 5315 Dominick Drive for Brian and Sid Curtis (07025.07a), which was withdrawn by the applicant, and additional comments and an added condition of approval provided in the change memo dated November 11, 2007.

- 4. APPROVAL OF MINUTES:** October 25, 2007

***Schmitz moved, second by Adams, to approve the October 25, 2007 meeting minutes as submitted.***

***Cheleen, Lehman, Schmitz, Adams, Brandt, and Hart voted yes. Dahl abstained. Motion carried.***

**5. REPORT FROM STAFF**

Wischnack briefed the commission on land use applications considered by the city council at its meeting of November 13, 2007:

- Introduced an ordinance rezoning 15549 Ranchview Court from single-family residential to planned unit development for a two-lot subdivision for Evergreen Development Corporation.
- Adopted a resolution approving a subdivision at Ridgedale Center on Ridgedale Drive for General Growth Properties (07050.07a).

- 6. REPORT FROM PLANNING COMMISSION MEMBERS:** None

**7. PUBLIC HEARINGS: CONSENT AGENDA**

Item 7A, a front yard setback variance for a new garage and living space at 5348 Oak Drive for Kimberly and Bradley Gohman (07058.07a), was removed from the consent agenda for discussion and separate action.

***Cheleen moved, second by Schmitz, to approve items B, C, and D listed on the consent agenda as recommended in the respective staff reports as follows:***

**B. Sign plan review, with variances, for monument and wall signs on the Minnehaven Mall property at 17603 Minnetonka Blvd for Lindsay Can-Am LP. (94014.07a)**

Approve the sign plan, with variances, for Lindsay Can-Am (Minnehaven Mall). Approval is based on the following findings:

- 1) The proposal would meet the required standards and ordinances for a site and building plan approval.
- 2) The proposal would meet the required standards for a variance, because:
  - a) The proposed signs are reasonable:
    - (1) The proposed signs would meet setback requirements, eliminating existing, non-conforming setbacks.
    - (2) The proposed signs would meet height requirements, eliminating existing, non-conforming heights.
    - (3) The signs would visually connect the Minnehaven property with the property immediately to the south, which is also owned by Lindsay Can-Am.
  - b) Given the configuration of the building, tenant wall signs do not face the area roadways or the parking lot; the wall signs face the interior of the site. This is a unique circumstance not common to every similarly zoned property.
  - c) The proposal includes the same number of signs as currently exists on the property. Rather than altering the essential character of the

neighborhood, the proposed signs would enhance the aesthetics of the area.

Approval of the sign plan is subject to the following conditions:

1) The following plans constitute the signs plan for Minnehaven Mall, unless modified by the conditions below:

- Site plan date-stamped October 15, 2007
- Monument sign exhibit date-stamped October 15, 2007
- Wall sign exhibit date-stamped April 9, 2007

2) The monument sign along County Road 101 may include tenant 3 identification.

3) The monument sign along Minnetonka Boulevard must meet all city code standards pertaining to dynamic signs. The static portion of the sign may display the shopping center name only.

4) Sign permits are required for all signs.

**C. Sign plan review for an amendment to increase the size of signage at 13201 Ridgedale Drive for Target. (94034.07a)**

Approve the sign plan as shown on pages A4 & A6 of the staff report. Approval is based on the following findings:

1. The proposed signage would total 362 square feet which amounts to 2.25% of the north and east façades combined. This is appropriate for the building.
2. The proposed increase in the size of the sign would better suit the remodeled façade than that of the existing signage.

Approval is subject to the following conditions:

1. A separate sign permit must be applied for.
2. The wall signs on the north and east elevation shall conform to the following dimensions:
  - 12-foot diameter logo

- 2.66-foot tall letters
- 181 total square feet

3. No "PHARMACY" sign shall be placed on the exterior of the building.

This sign plan replaces all conditions associated with signage in Ordinance 97-777, which established the master development plan for Target in 1997.

**D. Conditional use permit to locate a cellular antenna at 15407 McGinty Road W. for T-Mobile. (07057.07a)**

Recommend the City Council adopt the resolution on pages A13-A16 of the staff report, which approves a conditional use permit for a cellular antenna to be located on the existing telecommunications tower at 15407 McGinty Road West. This resolution is based on the findings that the proposal meets the required conditional use permit standards, and is subject to the following conditions:

- 1) The site must be developed and maintained in substantial conformance with the plans date-stamped October 8, 2007, except as modified below.
- 2) The fence surrounding the ground-mounted equipment must be a minimum of seven feet in height to provide complete screening. The fence must be opaque and constructed of a material consistent with the building materials of the existing equipment shelter.
- 3) The exterior enclosure of the antenna must be painted the same non-contrast color of the existing tower.
- 4) Unused telecommunication facilities and related equipment must be removed within one year after cessation of operation at the site, unless an exemption is granted by the city council.
- 5) This resolution must be recorded with the county, and a copy of the recorded resolution must be submitted to the city.
- 6) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 7) Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

8) The applicant must agree to the above conditions in writing.

***Cheleen, Dahl, Lehman, Schmitz, Adams, Brandt, and Hart voted yes. Motion carried and items B, C, and D on the consent agenda were approved as submitted.***

Chair Hart stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days. Item 7D, a conditional use permit to locate a cellular antenna at 15407 McGinty Road West for T-Mobile (07057.07a), is tentatively scheduled to be reviewed by the city council on November 19, 2007.

## **8. PUBLIC HEARINGS**

### **A. Front yard setback variance for a new garage and living space at 5348 Oak Dr. for Kimberly and Bradley Gohman (07058.07a)**

Chair Hart introduced the proposal and called for the staff report.

Metzer reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Cheleen noted that the city considers a double garage to be the standard size and there was no way to add a single garage on the site without a variance. Metzer agreed.

Chair Hart noted that if the lot was not a corner lot, the setback would be on a side yard and the requirement would be met.

The public hearing was opened.

Mike Proell, 5340 Oak Drive, stated that the applicants do not use the existing garage. He provided pictures of the view from his kitchen. The proposal would block the sun on the east side of his residence and his view. The stake does not show the full effect of how big the addition would appear. He provided a letter from a neighbor opposed to the proposal. His view would be of a two-story garage. He likes to see the traffic and what is going on in the neighborhood.

Bruce Iverson, designer for applicants, stated that the applicants are concerned that the addition match the homes in the neighborhood. The alternative to the proposal would be to add a two-story addition to the residence, a stand-alone,

three-car garage south of the residence, and a new curb cut off of Forest Drive. The proposed tuck-under garage would fit with the neighborhood. The proposal keeps the addition as far away from the west side yard as possible. It could go as close as 10 feet to that property line. There was a great deal of effort to minimize the impact of the addition. The existing garage is not tall enough for the applicant's van to fit inside.

No additional testimony was submitted and the hearing was closed.

Chair Hart reviewed the primary issues.

***Dahl moved, second by Brandt, to adopt the resolution on pages A4–A6 of the staff report, which approves the proposed variance. This resolution is based on the following findings:***

- 1) The small area of the lot, the substandard lot width and the configuration of the home on the lot present a practical difficulty. Altogether, these factors make construction of a home/garage addition without a variance virtually impossible.
- 2) The unique circumstances are the subject property's substandard lot area, lot width and the 45-degree angle at which the home was built. Also, the home only contains one garage stall, whereas most modern homes contain at least two garage stalls. The construction of a home/garage addition compatible with the surrounding neighborhood is greatly encumbered by these site features.
- 3) The proposed home/garage would give the property owner reasonable use of the property by having a two-stall garage and would not alter the essential character of the neighborhood.

Approval is subject to the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a building permit.
- 2) A 25-foot setback from the north property line must be maintained.

This variance will end on December 31, 2008, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

***Cheleen, Dahl, Lehman, Schmitz, Adams, Brandt, and Hart voted yes.  
Motion carried.***

Chair Hart stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

**B. Request to table action indefinitely on an application for a lot-behind-lot setback variance at 17216 Lake Street Extension. (07055.07a)**

Thomson recommended tabling the application indefinitely based on the applicants' request to allow more time to revise the proposal.

***Schmitz moved, second by Adams, to approve the applicants' request to table indefinitely the application for a lot-behind-lot setback variance at 17216 Lake Street extension.***

***Cheleen, Dahl, Lehman, Schmitz, Adams, Brandt, and Hart voted yes.  
Motion carried.***

**C. Variances for an addition to the home at 12301 Woodbine Road for Dean Foerster. (04086.07a)**

Chair Hart introduced the proposal and called for the staff report.

Thomson reported. He recommended denial of the application based on the findings listed in the staff report.

Cheleen realized that the addition would be nearly out of sight from the surrounding homes after visiting the site. The proposal would not change the character of the neighborhood or change the site lines.

Adams asked what the total square footage would be located outside of the buildable area. Thomson responded that 30 square feet to 35 square feet of area would be located outside of the buildable area on the front and side combined.

Dean Foerster, 12301 Woodbine Road, stated that the current garage has a low ceiling and limits the type of vehicle that could fit inside. A mini van would not fit inside. The majority of neighbors, 9 of 14, strongly supported the application. The steep slope limits the location for the addition. Most of the addition would not be seen from the street.

The public hearing was opened.

Perry Torrick, 4006 Huntingdon Drive, provided a brief history. He lived across the street for 30 years and has watched the house deteriorate the entire time. It was vacant for the last 3 years. He and another neighbor strongly support the improvement. The site is located substantially below the street and is difficult to see. The current owners have done a wonderful job rehabbing the residence. Mold had to be removed. The proposal would greatly improve the look of the residence.

No additional testimony was submitted and the hearing was closed.

Chair Hart directed staff to consider including a standard height in the city's garage policy.

Lehman stated that the intent of setbacks is not for sight line protection. Setbacks provide proper clearance from a side yard or road. He asked what concerns would be caused by granting the variance. Thomson agreed with his understanding of the intent of setback requirements. Maintaining a consistent front line for structures along a street is also a benefit. The proposed residence currently sits significantly closer to Woodbine Road than the other properties, but currently meets the front yard setback requirement. Granting a variance to the front yard setback would make the residence nonconforming.

Adams echoed the need for a standard garage height. He was not opposed to granting the variance due to the orientation of the residence. The neighboring residence is so much higher than the proposed addition. The majority of neighbors do not object.

Schmitz recognized that the height of the garage is preventing its reasonable use. Wischnack predicted more variances will be requested due to the garage height issue and increase in remodeling of aging residences.

Chair Hart felt the elevation of the lot and placement of the residence created the hardship. The garage was constructed so short, in part, because of the topography of the site.

Cheleen asked if utilities could be provided to the addition. Thomson was not aware of a problem.

Cheleen supported the application due to the height of the garage preventing reasonable use; the Woodbine Road site line would not be an issue; the

changing elevation of the lot; the house placement on the lot is not the fault of the owner; and it would not impact the character of the neighborhood.

***Cheleen moved, second by Schmitz, to adopt a resolution approving an aggregate side yard setback variance from 30 feet to 28 feet, and a front yard setback variance from 35 feet to 29 feet to construct an addition to the house at 12301 Woodbine Road with staff's added conditions. This resolution is based on the following findings:***

- 1) Strict enforcement would cause undue hardship because of the following circumstances:
  - a. The proposed garage would be a reasonable use of the property.
  - b. The height of the existing garage prevents it from providing reasonable use.
  - c. The changing elevation of the property and placement of the residence on the lot create a hardship not created by the property owner.
- 2) The variance would meet the intent of the ordinance since:
  - a. The addition would not alter the character of the neighborhood.
  - b. The addition would not be visible from surrounding properties.

Approval is subject to the following conditions:

- 1) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 2) Prior to beginning work, install erosion control, tree protection and wetland protection fencing as required by natural resources staff. These items must be maintained throughout the course of construction.
- 3) The applicant will record the resolution with Hennepin County and provide the city with an official, recorded copy.
- 4) The boulder wall on Woodbine Road must be moved back eight feet from the edge of the pavement.

***Cheleen, Dahl, Lehman, Schmitz, Adams, Brandt, and Hart voted yes.  
Motion carried.***

Chair Hart stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

**D. Conditional use permit for a home occupation at 5315 Dominick Dr. for Brian and Sid Curtis. (07025.07a)**

This item was removed from the agenda at the request of the applicant.

**E. Items concerning the reconstruction of County/State Aid Highway 61 (CSAH 61), Shady Oak Road, for the Hennepin County Transportation Department. (07059.07a)**

Chair Hart recused herself from the discussion and action on this item since she lives in the impacted area.

Acting Chair Cheleen introduced the proposal and called for the staff report.

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Lehman asked what the impact would be on trees. Thomas described the areas that would require the removal of trees to provide ponds and drainage connections. The vast majority of tree removal would be associated with roadway reconstruction.

Lehman asked if the citizen advisory committee was informed of the tree removal. Thomas explained that the citizen advisory committee completed its work in 2004 and did approve the final layout.

Adams noted that Pond 2 and Basin C would require a substantial number of trees removed. He understood the need for the basins, but questioned the purpose of the fill. Thomas explained the need for the fill which would be located below the 100-year flood elevation.

Adams questioned the need for fill to be added off of Dominick Drive. The bank is very steep. Lillehaug explained that the fill would be needed to allow realignment of the road.

The public hearing was opened.

Ulrich Bonne, 4936 Shady Oak Road, represented a group of homeowners on the northeast and north side of the lake and Shady Oak Road. He said that:

- No alternatives were provided.
- Out of 600 trees, 427 trees would be cut down.
- To save space, trees, cost, and reduce encroachment on the lake Shady Oak Road should be reconstructed to 3 lanes with a middle lane when needed for turning.
- Eliminate the concrete barrier.
- He was concerned with saving the beauty of Shady Oak Lake.
- Road traffic noise should be reduced as much as possible.

Lillehaug stated that the configuration of the street was determined by Hennepin County based on projected volumes. Four lanes is the ideal lane configuration to accommodate the projections. The existing sound level would not be worsened. The existing roadway does not have the best screening. The slopes do not accommodate room for proper mitigation of sound in that location.

Adams noted that the citizen's advisory board supported making the road four lanes rather than three lanes.

Rankin recalled the extensive public participation process as both the design and cross section were planned several years ago. Extensive work was done on the west side of Shady Oak Road to work out access arrangements, tree removal, and new landscaping. Very detailed work has been done up to this point.

Mr. Bonne agreed that a lot of planning and discussion has occurred and it was all very agreeable as long as the residents agreed with the engineer's design. There was no give and take or consideration of alternatives. Making the road 4 lanes was "rammed down" their throats. He noted that County Road 101 has no less traffic than Shady Oak Road.

Ron Hays, 4914 Shady Oak Road, stated that the committee did not recommend four lanes. They agreed with the four lanes, but it was the county's recommendation. The property owners did not agree to the proposal. He would not be affected by the proposal, but he did attend the meetings. What was surprising was the number of trees to be removed. He had never seen the total number.

No additional testimony was submitted and the hearing was closed.

Acting Chair Cheleen found it unfortunate that a Hennepin County representative was not present, but the planning commission was only looking at the floodplain alteration permit and the shoreland setback variance. The project is tentatively scheduled to be reviewed by the city council on November 19, 2007. He invited residents to provide input at that time also.

Lehman asked what would happen if the planning commission did not recommend approval. Thomas explained that the total fill and excavation would need to be the same as the proposal. Location of the fill may vary. Lehman noted that decreasing the number of lanes was not in the planning commission's purview.

Acting Chair Cheleen asked if residents would be able to provide input prior to construction. Thomas suggested contacting City of Minnetonka Engineer Lee Gustafson who has worked on the project since 2002.

In response to Dahl's question, Colleran explained that the applicant provided information regarding trees in the application. She explained the current tree ordinance would allow the removal in the requested areas without mitigation. The proposed tree ordinance would identify significant trees, but they would still be removable from roadway, grading, and ponding areas. If any of the trees were considered "high priority trees," then those trees would need to be mitigated at a higher rate. She has not seen a landscape plan for the project yet. A retaining wall is being proposed to minimize the amount of tree impact. It is not known yet what would be proposed to offset tree loss.

Adams did not have trouble with the setback request for Shady Oak Road near the lake or an issue with the pond request. He did not understand the need for 8,000 cubic yards of fill. He opposed the proposal until someone could explain the need to alter the shoreline with the fill. Thomas indicated that clarification would be obtained for each of the fill areas.

Rankin explained that at the intersection of Shady Oak Road and Dominick Drive, very extensive work is being done west of the intersection. The current grades are so steep they prompt the need for the fill.

The public hearing was reopened.

Nick Michalski, 5008 Shady Oak Road, stated that Lee Gustafson said that each tree removed would be replaced by two trees. Thomas clarified that the ordinance does not require tree mitigation for the proposed areas; however, tree replacement would happen. Over \$300,000 would be used for landscaping the

constructed area. Residents may contact Gustafson directly to discuss individual properties.

The public hearing was closed.

Acting Chair Cheleen reviewed the primary issues.

***Lehman moved, second by Dahl, to recommend the city council adopt the resolution on pages A21–A24 of the staff report, which approves the requested floodplain alteration permits, conditional use permits, and shoreland setback variance for reconstruction of County State Aid Highway 61 from Bren Road to Excelsior Boulevard. This resolution is based on the following findings:***

- 1) The proposed floodplain fill and excavation is reasonable:
  - a. The fill is required to accommodate the new roadway, which will be significant public benefit to both community residents and the traveling public
  - b. The proposed floodplain excavation would result in a net increase in floodplain storage along the roadway.
  - c. The proposed floodplain excavation would create stormwater treatment ponds resulting in increased protection of Shady Oak Lake and area wetlands
- 2) The requested shoreland setback variance is reasonable.
  - a. In relation to the total linear feet included in the overall roadway project, only a negligible 400 feet would be within the required 50-foot setback. This is a minor point intrusion into the required setback.
  - b. The location of the existing road and surrounding land uses, including existing residential homes, present a practical difficulty. The proposed reconstruction design could not be accommodated without: (1) a setback variance; or (2) further impact to properties on the east side of the road.
  - c. The item requiring a variance is a public roadway and, as such, has no zoning classification. The public improvement and its

reconstruction provide a significant benefit to community residents and the traveling public. This is a unique circumstance.

- d. CSAH 61 is currently a public roadway set back just over 50 feet from the OHWL of Shady Oak Lake. The requested setback would have little visual impact on the lake and no negative impact on the essential character of the neighborhood.

Approval is subject to the following conditions:

- 1) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 2) Prior to beginning work, install erosion control, tree protection and wetland protection fencing as required by natural resources staff. These items must be maintained throughout the course of construction.

***Cheleen, Dahl, Lehman, Schmitz, and Brandt voted yes. Adams voted no. Hart recused. Motion carried.***

**F. Items concerning Crossroads Corporate Center at the southeast corner of the I-394/Hopkins Crossroads intersection, for Opus Northwest LLC. (06071.07b).**

Chair Hart rejoined the commission and introduced the proposal and called for the staff report.

Wischnack and Thomas reported. Thomas recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Craig Vaughn, SRF Consulting Group, Minnetonka's traffic consultant, reviewed the infrastructure upgrades required with the proposal. The south frontage road capacity would be increased by adding an additional south-bound left turn lane. The south frontage road would be modified to accommodate trips exiting the site including an extended right turn lane along the south frontage road, near CSAH 73, and a dedicated west-bound left turn lane. Mr. Vaughn stated that modifications would be made to accommodate trips leaving the park and ride facility. He described the mitigation measures necessary to service the site and traffic flow.

Wischnack noted that the left-bound turn lane in the area of Oak Knoll Terrace North would be a joint project with the city and Hennepin County. Both agencies would need to plan accordingly.

Wischnack completed staff's presentation, acknowledging the land use transition issues raised by area neighbors. The height variance is serious, but reasonable. The increase in open space mitigates the proposed height.

Chair Hart called for a short break and reconvened the meeting.

David Menke, Opus Northwest LLC., applicant, appreciated staff's thorough report. He stated that:

- Effort was made to have intense uses on the north and west corners of the property.
- The hard surface area would equal 39 percent. Up to 70 percent is allowed.
- The floor area ratio would be 42 percent. Up to 75 percent is allowed.
- The 5-story building was reduced to a 4-story building on the front and a walk-out on the rear. It equals a 15-foot reduction in height.
- The property would be developed in 2 platted lots. It would allow for 2 ownership entities.
- The wetland would be undisturbed.
- Circulation to the site would be maintained.
- The center court feature would be achieved.
- He described the flattering neutral colors.
- A tinted glass, rather than reflective glass, would be used.
- Each building would have a stone appearance on the lowest level.
- Landscaping would be generous.
- Each building would strive for Leadership in Energy Conservation and Environmental Design (LEED) certification. He described those elements.
- He described the lighting plan.
- Predictable office hours would be kept.
- Landscaping would be plentiful.
- The wetland would be undisturbed.
- The drainage pattern would remain.
- The developer would agree to a maintenance agreement for the landscaping.
- Maintaining as many trees as possible would be a main priority.

- He provided an illustration of the parking structure. The south parking structure could be shifted to the west.
- Conifers would be planted to minimize the view of the parking deck.
- He described the swale south of the south parking structure.
- He discussed the roundabout. It would not be intuitive.
- Snow would be removed by a small bobcat or truck with a plow.
- Security would be provided for the buildings and patrols in the ramps.
- He looked forward to developing two first-class, LEED certified buildings.

Adams asked if a single parking ramp was considered. Mr. Menke stated that two parking structures would allow the buildings to be developed separate from each other.

Chair Hart asked if the color palate would be similar to Crescent Ridge. Mr. Menke stated that a more muted, "buff" tone would be used.

Cheleen recognized that two access points would allow more room for stacking space for exiting vehicles. He asked if a roundabout could be located further to the east. Mr. Menke stated that it would not be feasible.

The public hearing was opened.

Ed Wons, 11014 Oak Knoll Terrace North, thanked Adams and staff for visiting the site and working with the public. He stated that:

- The neighborhood knows that the property will be developed and the use will be office.
- He wants a plan that the neighbors can live with.
- Providing a reasonable traffic level is a development limitation.
- This project protects the natural environment.
- He had difficulty believing that the project would promote neighborhood stability and protection of property values. Mitigating the view of the south parking ramp was a concern. The 50-foot setback would not be able to be used in a way to mitigate the view of the south parking ramp. Not enough landscaping could be planted given the existing utilities.
- Belmont Avenue undeveloped right-of-way is not designated as office use and would make it harder to hide the south parking ramp.
- The project would increase peak-hour traffic.

- He favored staying within ordinance requirements. Decreasing the height of the office buildings may decrease required parking and, therefore, the height of the parking ramps.

Wischnack explained that Belmont Avenue is a dedicated right-of-way. Part of the proposal would rezone the 33-foot area.

Chair Hart confirmed with Wischnack that a culvert/swale would be situated east to west due to the location of utilities, storm sewer, and emergency overflow for the pond.

Roger Friesen, 11004 Oak Knoll Terrace North, stated that:

- Belmont Avenue right-of-way includes a retention pond and wetland. The retention pond would be relocated. The city would need to sell one acre, owned by the city, to the developer.
- The area has high-voltage wires. He wants the electrical lines buried.
- His property is the lowest in elevation, so he is most concerned with drainage.

Bergit Carlson, 1412 Archwood Road, stated that:

- The location is unique, but that does not mean it should be developed in a hurry on a grandiose scale at the expense of two R-1 neighborhoods because the developer already has a tenant lined up for one of the large buildings.
- Because of the site's unique nature, it carries a most unique responsibility to carefully integrate itself with the R-1 communities it borders.
- The Sage and Shelter Corporation buildings fit with the area.
- The size of the buildings drives the use of the parking structures.
- No one would want a 3-level or 4-level parking structure 20 feet or 50 feet from one's property unless it was guaranteed that it would not be visible, cause a noise impact, or increase pollution.
- All berms, coniferous trees, and fencing should be permanently maintained.
- The addition of 575 vehicles that could be stacked in front of one's property is concerning.
- Environmental health quality is a concern.
- A large parking garage detracts from the property value and desirability of her 1 ½ acre lot.

- The increased traffic would have a major impact on the south service road as well as the entrance to Interstate 394 and CSAH 73.
- The neighborhood's appeal is that it is a low-impact traffic area.
- Any office proposal should prove its ability to handle additional traffic.
- She urged the planning commission to give the parcel's development careful consideration in regard to neighborhood stability.
- The guidelines were written to prevent this very situation.
- The result should benefit everyone involved and stand the test of time.

Donna Falk Fredkove, 1502 Archwood Road, would not have been present if the proposal fit the zoning and comprehensive plan. She stated that:

- The proposal does not fit the zoning.
- She has lived in her residence 10 years.
- When the area was rezoned from residential to office building, she was told the office building could not be higher than 3 stories. The proposal would be 4 stories plus a walk out in the rear. That does not fit the zoning. Zoning is not just a philosophy, it is the law.
- In addition to the general zoning ordinance requirements, the Interstate 394 overlay district has additional requirements including development of the parcels on the Wilshire property; meeting the traffic standards, which this does not; and to not be taller than 3 stories.
- Variances require undue hardship. The application does not meet that standard.
- The applicant is not the owner. The applicant is free to walk away. The owners of the properties have an investment. The neighborhood has to live with the consequences.
- The request would cause a hardship for the neighborhood.
- The request is premature. It does not meet two thirds of the requirements. It does not meet the height or peak flow traffic requirement.
- The Sage and Shelter Corporation buildings meet the height requirement.
- The existing tall buildings are Opus buildings. The hardship cannot be caused by the applicant themselves. The justification cannot be to allow more stories in the southeast quadrant because there are more stories in the northeast quadrant.

- Townhouses on the north side of the freeway were put up after the existing tall buildings. Those residents chose to live next to a 9-story office building. The properties adjacent to her neighborhood were guided for an office use no more than 3 stories tall.
- She requested the planning commission enforce the existing law and not rush through the application.
- The location and height of the north building is an issue.
- Another concern is the cost to the tax payers for redoing the roads for a private developer.
- The item should at least be continued to the next meeting. Changes keep being made. Not much time is being allowed for homeowners to react.
- One property owner was told by an appraiser that his property value would decrease by 25 percent.
- The livability of the remaining homes was a concern.
- The project should be substantially modified.

Chair Hart confirmed with Thomas that the developer would be reasonable for infrastructure costs.

Chair Hart noted that the applicant submitted several alternative plans that met all requirements, but would take up much more of the site. Under one plan, the east border would be all building and parking ramp. Staff is recommending the variances in order to preserve the green space, reduce the hard surface coverage, and reduce the floor area ratio. Thomas agreed. The height variance is mitigated by the increase in open space for the site. The city attorney has advised that “undue hardship” does not mean that an applicant must show that there could be no reasonable use of a property without a variance; but, rather, that what is being proposed is reasonable in light of the circumstances and practical difficulties associated with the property.

Dennis Strand, 10412 Crestridge Drive, asked if a plan was submitted that met the “traffic code.” Thomas explained that the proposal does not require a traffic variance. City code outlines a vehicle trip maximum based on current infrastructure conditions. The code allows a developer to appeal that maximum. An increase in traffic must be mitigated by infrastructure upgrades to handle the increased volume. Anything beyond the maximum outlined in code requires upgrades to the infrastructure.

Mr. Strand favored requiring the developer to meet the traffic code in hopes that the height requirement would be met. Chair Hart explained that the developer is allowed to appeal an increase in the trip generation maximum by making

improvements and if the improvements mitigate the increase in traffic, the proposal is granted.

Wischnack clarified that the planning commission could request changes to plans.

Chair Hart explained that an appeal of the traffic maximum can be made and if the infrastructure can be improved enough to mitigate the increase in traffic, then the plan meets the required level of service.

Mr. Strand opposed a roundabout.

Gordon Olson, 11102 Oak Knoll Terrace North, has lived there 30 years. He stated that:

- He has spoken before the planning commission many times.
- He and his wife strongly oppose the development.
- He was concerned with the proximity of the parking structure to the R-1 district.
- He was concerned with the increase in traffic.
- Vehicle exhaust would diminish the air quality. Remote starters would be used and vehicles would run for extended periods of time.
- He provided a picture of the possible view from his residence.
- The vehicle lights would shine in his back yard.
- He wanted the parking ramp turned 45 degrees or put in the middle of the site.
- An appraiser said his property's value would decrease by 25 percent. He wanted to know who would compensate him.
- He requested planning commissioners vote with their consciences.

Judy Mages, 10501 Belmont Road, was concerned with the traffic. She stated that there are a lot of accidents in the area already. It is difficult to cross to the park and ride. There is no sidewalk on the south side. There are a lot of traffic issues. She wondered about rebuilding the roads so soon after they have just been rebuilt. Traffic would be negatively affected.

Dr. Ken DeMeuse, 1509 Archwood Road, thanked Julie, staff, and Dave Menke for holding meetings. He stated that:

- The parcel is called Special Plan Area Number 15. However, it is not just a "plan area", it is his neighborhood.

- The height of the buildings is a concern. Air space should be considered.
- A major concern is traffic. The traffic service will still be graded "D." That is a low standard to accept.
- He opposes the roundabout.
- Safety, convenience, and health are considerations.
- The scope of the project is too big.
- Most neighbors oppose the project.
- Enforce the current zoning laws.
- Neighborhood stability and property values would be a concern.
- The south parking ramp is a concern. The power line would have to be buried at a minimum.

Anne Malm Hossfeld, 14616 Glendale Avenue, stated that:

- A trend is developing in the city where there are more conflicts between developers and neighborhoods.
- The planning commission should stand between proposed projects and neighborhoods.
- Projects become contentious because an existing plan is changed.
- She was concerned with spot zoning changes.
- The desire of developers for economic gain is not undue hardship.

Wendy Larson, 1600 Wilshire Drive, stated that:

- The process has been very long to redevelop the site.
- Everyone on her street knows about the development.
- The residents who live on the street have been stuck waiting to find out what will happen. No one wants to make an improvement to their residence because the homeowner may not get the investment back.
- She wanted commissioners to vote in favor of the application. The project would be good.

Michael Halley, 14801 Minnehaha Place, stated that:

- He owns 1508 Wilshire Drive.
- He purchased property and developed a site plan for high density residential for the proposed site. It would have generated less traffic and needed no variances. It did require a guide plan amendment. The responses he received from the neighbors were identical to what Opus is receiving. He withdrew his application.

- The huge overwhelming positive that the Opus development would have is the amount of green space.
- His plan did not have a lot of open space, but it would have met the height requirement.
- The proposed buildings would be wonderful.
- Since there is a Metro Transit ramp across the street and since the city favors open space, he could not conceive of a better proposal.
- There will always be objections.

Scott Condon, 1518 Archwood, was worried that if the proposal would be approved, then his property value would decrease. He stated that:

- The Hopkins School District is taking a big hit. The project would not promote getting new families in the district.
- He would trade less green space for more blue space.
- If the site lines were better, then there would be less opposition.

Juliane Cole, 11014 Oak Knoll Terrace, complimented Mr. Halley on his previous project. The neighborhood wanted a reasonable project, like Mr. Halley had proposed.

Dennis Larson, 1512 Wilshire Drive, has lived in his residence 40 years. He has been there through the development of Ridgedale and part of his property was condemned for Interstate 394. Then his property was reguided for office use. He was concerned with his property value. No one would buy his property as a residence. He opposed a roundabout. The current access is fine. Motorists making U-turns when test driving vehicles are a problem. Improvements need to be done, but traffic is not really that big of an issue. He was told that there will be redevelopment at some point. The next proposal might be worse, a McDonalds or Super America. He did not want to move.

Gordon Olson advised that a roundabout needs to have the same amount of traffic on each side otherwise it becomes a race track.

Helen Strand, 10412 Crestridge Drive, felt traffic level D was not acceptable. It is a health hazard.

Mr. Wons felt enough questions were raised to justify a continuance to work through some issues. He did not know what was being voted on.

Ms. Falk Fredkove, 1502 Archwood Road, said that Archwood Road residents were not unreasonable. What she wanted was something that fit with the

neighborhood and zoning if possible. Variances should be granted only if there is undue hardship. She did not believe that was shown. She was willing to work with the developer and cooperate. Mr. Halley had a proposal for a mixed residential development prior to the senior housing proposal. Ms. Falk Fredkove saw no reason to “not follow the zoning in this particular case.”

Wendy Larson, 1600 Wilshire, stated that the neighborhood was not in agreement at all regarding Mr. Halley’s mixed housing proposal.

No additional testimony was submitted and the hearing was closed.

Adams was troubled by an office use being adjacent to an R-1 district. He requested an example of a similar situation. Wischnack stated that there are similar situations throughout the city. In some areas residential areas abutted commercial areas, parking structures, and topography changes. The buffer and balance issue is considered quite often.

Schmitz asked for the current traffic service level. Mr. Vaughn stated that the area does operate on traffic level D during peak hours. Mitigation efforts will keep the service level at D or better. Service level D means an average delay time of 35 seconds to 55 seconds to cross an intersection.

Chair Hart and Mr. Vaughn discussed roundabouts and the traffic flow pattern. Lillehaug clarified that the city owns the property where the roundabout would potentially be located.

Schmitz asked if the trail would be private or public. Mr. Menke stated it would be a private trail to be used by the office tenants.

Cheleen asked if there are guidelines regarding how close the two accesses could be located to each other. Lillehaug explained the issues related to the site.

Brandt noted that motorists would all leave the ramp close to the same time and almost all make a left-hand turn. He understood the benefit of a roundabout.

Lillehaug understood the issues and benefits of one and two access points. A signal was considered, but it would not alleviate the stacking problem and would not be warranted by the level of traffic. Other communities use the roundabout with success. A roundabout increases safety and minimizes delay.

Cheleen noted that traffic congestion would only occur in the afternoon. The roundabout would get motorists through the area quicker. In response to

Cheleen's question, Lillehaug said that approximately 10 percent to 15 percent of commuters would travel east.

Schmitz felt the roundabout would be a better alternative. She has become accustomed to roundabouts. She asked if it would be similar in size to the roundabout in Edina. Lillehaug answered in the affirmative.

Brandt asked why the three-story restriction was imposed on the site. Wischnack gathered that the character of area south of Interstate 394, including existing office buildings, influenced the restriction.

Brandt asked how many of the Wilshire properties were owner occupied. Wischnack was not sure. Wischnack clarified that the three-story restriction did not cover any other area other than the proposed site.

Dahl acknowledged that a three-story building with a large footprint could meet ordinance requirements. Thomas stated that any proposal for the site would be reviewed by the planning commission and council. However, as commissioners are aware, the city is legally required to approve an application that meets all zoning standards. The traffic requirement is not a variance. It is a requirement that the increase in traffic must be mitigated by improvements to the infrastructure to keep the traffic level the same or improved.

Lehman recognized staff improving upon applications by making trade offs between what a developer is entitled to do and what the city would like to happen. Lehman questioned if the developer had been "pushed hard enough" without giving up the project. Wischnack described the negotiation process. A laundry list of options had been gone through and the best solution is being presented.

Lehman knew that a large footprint would detract from LEED certification possibility. He was concerned with decreasing the ability to meet LEED certification requirements.

***Lehman moved, second by Cheleen, to extend the meeting 30 minutes. All voted ayes. Motion carried.***

Schmitz agreed with Lehman regarding the trade-offs. The green space is generally in the area where the residences are located. She questioned if the parking structure could be angled so that not so much of it would be next to the residences and she asked if the utility wires would be buried.

Mr. Menke stated that the applicant would be amenable to burying the utility lines on the south property line. He described the options of locating the parking structures. It could be studied further. However, the balance has been struck to maintain required setbacks. Pushing something away from something pushed it closer to something else. He did have a three-story plan, but gold LEED certification is being sought. The roundabout is another negotiable item. The con is its impact on the building orientation and front-door appearance. Maximizing the sight lines is achievable with improvements to the frontage road and the appropriate dimension would be preserved. Safety and access spacing would be addressed.

Lehman asked if the parking ramp's south wall could be designed to be more camouflaged. Mr. Menke stated that a large fence, 23 feet high, with vines on it could be an option. He understood the concern with headlights. The crash walls could be increased to 44 inches tall. The opening of the ramp could be screened also.

Chair Hart reviewed the proposal and primary issues.

Adams was concerned with moving ahead without determining the south parking ramp location and screening. He supported continuing the item.

Chair Hart stated that conditions could be added.

Dahl suggested the applicant provide city council with an improvement for the parking structures. Chair Hart felt more direction was needed.

Schmitz asked staff if orienting the south parking structure so that a corner faced the residences was considered and, if so, if it would be feasible. Wischnack responded that that option would cause the buildings to be located closer to the frontage road which would increase stacking or separation problems. There was no other viable option without redesigning the entire site. The proposal is the best plan.

In response to Dahl's question, Thomas explained how parking requirements are calculated based on square footage of the buildings. Dahl asked if underground parking could be included.

Chair Hart stated that the site could not be redesigned by the commission at this meeting.

Lehman felt that in order to have the preferred layout and amount of green space, something would have to be located in the south corner. He was confident that staff challenged the developer and looked at the possibilities.

Chair Hart reviewed primary issues. Chair Hart stated that the applicant must have its definitive accesses figured out before going to the city council. She requested that technical experts provide the best solution.

Adams was less concerned with the height of the buildings than the proximity of the parking structure. The height would be reasonable to gain the green space.

Brandt asked if locating parking under a seven-story structure located in the center of the site would be possible. Mr. Menke discussed the possible options. There are grade challenges on the site. The decks would still be at the proposed height. The elevation of the wetland is too high to allow much underground work.

***Lehman moved, second by Cheleen, to extend the meeting 30 minutes. All voted ayes. Motion carried.***

Chair Hart saw the main issue as the location of the south parking ramp.

Lehman preferred moving forward with as many additions to buffering and landscaping that make sense.

Cheleen concurred with Lehman. He supported staff's recommendation. The amount of green space is phenomenal. The landscaping would be adequate if not better. Eighteen-foot pines are doable. Screening on the south side would be possible. Ventilation and fumes from the vehicles is the only remaining issue. Traffic would be improved by improving the infrastructure all day and high traffic times. The roundabout issue may be worked out by staff and the developer to come up with a solid proposal for the city council.

Schmitz wanted the ramp reoriented. She suggested that option be available for the city council to consider. She would be comfortable with recommending the proposal with additional conditions requiring screening. Overall, it is a better project than many that could come forward. She supported staff's recommendation.

Adams will go along with the rest of the commissioners with a condition that the developer be required to bury utility lines on Belmont right-of-way. The orientation of the parking ramp still bothers him, but he trusts that the developer will work with staff to resolve that issue.

***Schmitz moved, second by Lehman, to recommend that the city council approve the following items concerning Crossroads Corporate Center at the southeast corner of the I-394/Hopkins Crossroads intersection, for Opus Northwest LLC, with the additional condition provided in the change memo dated November 11, 2007 and additional conditions requiring screening of the parking ramps and burying the utility lines on the Belmont right-of-way:***

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

- 1) *Recommend that the city council adopt the ordinance on pages A49–A57 of the staff report, which approves the proposed rezoning, master development plan, and final site and building plans for redevelopment of the property at the southeast corner of the I-394/CSAH 73 intersection. Approval includes the following variances:*
  - a. Building height variance for Building II (North) office building from three-stories to four-stories.
  - b. Parking structure setback variance from 50 feet to 20 feet from the north property line.

This ordinance is 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.
- c. The proposal would meet the required standards and ordinances for a site and building plan approval.
- d. The proposed variances associated with the development are reasonable and appropriate:
  - (1) There are several practical difficulties impacting office reasonable development of the site:
    - (a) There is a disparity between the maximum building height defined by ordinance for the

subject site and for all other properties in the PID district. While there are several other office-designated properties along I-394 that abut single-family residential neighborhoods, these sites do not have "special" height restrictions. This disparity results in undue hardship.

- (b) There is a disconnect between the community goals of reducing impervious surface, maintaining reasonable heights of structures, reducing impervious surfaces, and maximizing structural setbacks. This disconnect results in undue hardship for many properties, including the subject site.
- (2) The subject site is the only site adjacent to the CSAH 73/I-394 intersection that has not undergone redevelopment in the last 10 years. This is a unique circumstance.
  - (3) The topography and drainage pattern of the subject property is such that ponding should and will occur on the central and south portion of the site. Shifting the parking structure to the south would impact this ponding area. This is a unique circumstance not common to every PID-zoned property.
  - (4) The subject site is currently residential properties guided for office development. As such, while the redevelopment of the site itself may alter the visual character of the property/area, the height and setback variances themselves 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 date-stamped November 1, 2007
  - Grading plan date-stamped November 1, 2007
  - Landscaping plan date-stamped November 1, 2007.

- Building elevations for Building I (South) date-stamped S November 1, 2007
  - Building elevations for Building II (North) date-stamped November 1, 2007
  - Utility plan date-stamped November 1, 2007.
- (1) The site plan must be revised to reflect:
- (a) A roundabout access.
  - (b) All sidewalk locations mutually agreeable to the applicant and city staff. These locations should include:
    - Along the frontage road;
    - A connection from the Oak Knoll Terrace North; and
    - A connection into the office development.
  - (c) A minimum 35-foot setback from the delineated edge of the wetland on the south side of the site.
  - (d) The proposed trail adjacent to the stormwater pond must be outside of the required 25-foot wetland buffer if impervious. The trail may be inside the wetland buffer if impervious.
- (2) The landscape plan must:
- (a) Meet minimum value requirements as outlined in city code.
  - (b) Not include Colorado spruce. Black Hills or Norway spruce must be substituted.
  - (c) Include additional plantings between the proposed parking structures and residential property lines. Boston ivy should be used on the façade of the structures.
  - (d) Include additional native tree plantings south and east of the stormwater pond.

- (e) Include wetland buffer seed mix acceptable to the city's natural resources manager.
    - (f) Indicate additional screening option for parking structures.
  - (3) The utility plan must include:
    - (a) Appropriate "Private" labels on all on-site utilities.
    - (b) Include a sanitary manhole 10-feet south of the existing watermain service location for the apartment located east of the subject site.
    - (c) Include a watermain gate valve on the south property line.
    - (d) All old sanitary, watermain, storm sewer, services, and other utilities on-site must be removed. Plans must label these removal and indicate all disconnects, necessary plugs, caps, bulkheads, etc.
    - (e) Utilities in the Belmont right of way must be buried.
- b. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
  - (1) The following must be submitted for the grading permit to be considered complete:
    - (a) The following documents for the city attorney's review and approval:
      - (i) A maintenance agreement. The agreement must:
        - Identify maintenance standards for landscaping at the east and southern portions of the property abutting parking structures.

- Identify replacement procedures for materials that are damaged or die.
- (ii) A public trail easement over the portion of the public sidewalk on the subject property.
- (b) Final grading and drainage plans, accompanied by all associated calculations and borings. Final plans must meet all the requirements of the city engineer.
  - (c) Final site, utility, and erosion control plans for staff approval. Final plans must meet all the requirements of the city engineer.
  - (d) Final landscape, tree replacement, and irrigation plans. Final plans must meet all requirements of the city's natural resources coordinator.
  - (e) A stormwater pollution prevention plan for staff review and approval.
  - (f) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance.
- (2) Prior to issuance of a grading permit:
    - (a) Submit cash escrow in the amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the applicant. Through this document the applicant will acknowledge: (1) the property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and (2) if compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

- (b) Submit a letter of credit or cash escrow for 150% of the estimated cost or 125% of a bid cost to comply with grading permit requirements and restore the site.
    - (c) Install a temporary rock driveway, erosion control, tree and wetland protection fencing for natural resources staff inspection. These items must be maintained throughout the course of construction.
    - (d) The final plat must be released by the city and filed with Hennepin County for recording.
  - (3) Permits may be required from other outside agencies including, but not limited to, Nine Mile Creek Watershed District. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
- c. Prior to issuance of a building permit, the following must be submitted:
  - (1) A park dedication fee of \$77,975.63.
  - (2) A letter of credit or cash escrow for 150% of the estimated cost or 125% of a bid cost of all required landscaping.
  - (3) A final illumination plan. The plan must include shielded light fixtures and shorter light standards on the top decks of each parking structure.
  - (4) All required hook-up fees.
  - (5) Proof of having recorded this ordinance with the county.
  - (6) A waiver of assessment appeal signed by the applicant and a petition requesting that the city construct the roadway improvements.
- d. Prior to issuance of a certificate of occupancy, the applicant must submit a travel demand management plan for staff review and approval.

- e. The property owner is responsible for replacing any required landscaping that dies.
- f. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
- g. Appropriate traffic control signs, as determined by the city engineer, must be installed at site access point(s).
- h. Approval does not include the signs shown on the drawings. Separate permits are required from staff.
- i. Construction must begin by December 31, 2008, unless the planning commission grants a time extension.

**PRELIMINARY PLAT**

2) *Approve the preliminary plat date-stamped September 28, 2007. Approval is based on the finding that the plat meets the required standards and ordinances and is subject to the following conditions:*

- a. Complete the following before final plat approval:
  - (1) Submit proof-of-ownership of each of the properties within the proposed plat.
  - (2) Show the following on the final plat:
    - (a) The following drainage and utility easements:
      - (i) 20-foot easement over storm sewer outlet from the wetland on the south end of the site.
      - (ii) Over the entire wetland and proposed pond at or above the 100-year flood elevation and/or wetland, whichever is higher.

- (iii) 20-foot easement over sanitary sewer and watermain over the public portion of the utilities near the north property line.
- b. The following items must be submitted to the city before the city releases the final plat:
- (1) An electronic CAD file of the final plat in microstation or DXF on a CD disk.
  - (2) The following documents for the city attorney's approval:
    - (a) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
    - (b) 10-foot trail easements adjacent to the south frontage road and CSAH 73.
    - (c) 33-foot trail easement over Belmont Road right-of-way.
    - (d) A 25-foot-wide conservation easement adjacent to and upland of the delineated edge of the wetland.
    - (e) Easements over public sidewalk adjacent to the south frontage road.
    - (f) Restrictive covenants to be recorded against the individual lots with the plat. The covenants must include all conditions that have not been met as of the release of the plat. These covenants must first be submitted for the city attorney's approval.

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

- (3) Any other requirements included with final plat approval.

- c. The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

**APPEAL OF THE MAXIMUM TRIP GENERATION**

- 3) *Recommend that the city council 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:*
  - (1) Though the development would generate more vehicle trips that outlined in the PID ordinance, the vehicle trips would be mitigated by infrastructure upgrades.
  - (2) Upgrades to the surrounding roadway infrastructure would result in acceptable levels of service.

***Cheleen, Dahl, Lehman, Schmitz, Adams, Brandt, and Hart voted yes.  
Motion carried.***

Chair Hart requested the developer work with staff to decide on the best accesses for the site.

Wischnack encouraged checking the city's website to see when the city council will review the project.

Chair Hart thanked the neighbors for their comments and patience.

**9. ADJOURNMENT**

***Adams moved, second by Lehman, to adjourn the meeting at 11:40 p.m.  
Motion carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary