

**MINNETONKA PLANNING COMMISSION
MINUTES**

NOVEMBER 5, 2009

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Lehman, Sjeklocha, Thomas, Walker, Adams, Blatz, and Cheleen were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, and Planner Jeff Thomson.

3. APPROVAL OF AGENDA: The agenda was approved as submitted.

4. APPROVAL OF MINUTES: October 15, 2009

Adams moved, second by Walker, to approve the October 15, 2009 meeting minutes as submitted with the change provided in the change memo dated November 5, 2009 which replaces the report for planning project number 99020.09a with the report for planning project number 09027.09a.

Lehman, Sjeklocha, A. Thomas, Walker, Adams, Blatz, and Cheleen voted yes. Motion carried.

5. REPORT FROM STAFF

Gordon briefed the commission on land use applications considered by the city council at its meeting of October 26, 2009:

- Adopted a resolution approving vacation of drainage and utility easements and final plat items concerning Evergreen 2nd Addition.
- Approved a 12-month time extension for the Applewood Point plat located on Rowland Road.
- Discussed a concept plan review for 5110 Baker Road. Councilmembers had questions regarding density and character. A broader study for the corridor to address how to deal with density increases was requested.

Gordon announced that the Hennepin County Board, acting as the Rail Authority, approved the Southwest LRT Alternative 3A which runs through Eden Prairie Center, Opus, and Hopkins.

Gordon noted that the next planning commission meeting will be November 19, 2009.

- 6. REPORT FROM PLANNING COMMISSION MEMBERS:** None
- 7. PUBLIC HEARINGS: CONSENT AGENDA:** None
- 8. PUBLIC HEARINGS**

A. Resolution approving multiple variances to install a new wall sign on the office building located at 10901 Red Circle Drive (01001.09a)

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

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

Sjeklocha asked if the sign could be used by the next tenant. Thomson explained that a variance runs with the property. A condition of approval requires the sign be in substantial compliance with the sign plan. If a future tenant wants to put a new sign on the building, it would have to be similar in construction, size, and height as allowed by the variances or meet ordinance requirements.

Adams asked for the hours of operation for National American Academy. Thomson directed the question to the applicant.

Christine Town, 1816 McAndrews Road West, Burnsville, applicant, stated that the business is open Monday through Thursday from 8 a.m. to 10 p.m., Friday 8 a.m. to 5 p.m., Saturday 8 a.m. to 5 p.m., and sometimes on Sunday for tutoring of students.

Adams asked where the students come from. Ms. Town responded Minnetonka, Edina, and Eden Prairie. Adams asked what type of curriculum is taught. Ms. Town said that the school is regionally accredited and offers business classes.

The public hearing was opened. No testimony was submitted and the hearing was closed.

A. Thomas commented that he did not support the proposal because of the reasons provided in the minutes of the October 15, 2009 meeting. He added that the ordinance does not mention requiring signs to be visible from a highway. It has been done to accommodate places, but it is not in any ordinance. There is no requirement for the height to be seen from the highway. That is irrelevant to the present ordinance.

Blatz confirmed that the Security Life sign is nonconforming because of rezoning. The rationale of supporting the proposed sign because it is in line with the Security Life sign made her feel uncomfortable because that rationale could be used to allow other signs.

Lehman supports the recommendation because he sees a pattern in sign variance requests that indicates that the sign needs of businesses do not fit the cookie-cutter sign ordinance. The ordinance should have guidelines that provide for the intent of the sign ordinance without getting too restrictive regarding square footage and letter size. He changed his view in terms of enforcement of the current ordinance and expects that the planning commission will need to be more open and able to fit the sign request to the needs of the individual applicant.

Adams agreed with Lehman that the current sign ordinance may be overly restrictive. He doubted that any sign ordinance would be flexible enough to accommodate every situation. The proposed sign is in proportion with the area. It is symmetrical with the Security Life sign that is already there. Some sort of way-finding sign is necessary for students unfamiliar with the area when it is dark at 6 p.m. He supported staff's recommendation.

Walker felt the ordinance on the books should be followed. Graphically, it would be out of scale. He disagreed with the size of type face and height. He did not support it.

Lehman moved, second by Sjeklocha, to adopt the resolution on pages A10-A13 of the staff report, which approves the following variances to install a new wall sign on the building at 10901 Red Circle Drive:

- Variance to allow for two wall signs on the building.
- Variance from maximum copy and graphic height from 24 inches to 10-feet, 6-inches.
- Variance from maximum copy and graphic area from 50 square feet to 147 square feet.

Approval is based on the following findings:

- 1) The proposal is reasonable and would meet the required standards for a variance, because:
 - a. **UNDUE HARDSHIP:** There is an undue hardship due to the configuration of the building. The southwest building elevation has three protruding faces. There is not a building face to accommodate the entire length of the sign if it was configured in a single line of copy and graphic.

- b. **UNIQUE CIRCUMSTANCE:** The significant size and height of the building, and the increased distance from the roadway are circumstances that are not common to every office building.
- c. **INTENT OF THE ORDINANCE:** The sign would meet the intent of the sign ordinance. The signs would provide for appropriate site identification, and would provide appropriate visibility from each direction.
- d. **NEIGHBORHOOD CHARACTER:** The signs would not adversely impact the character of the commercial area. The sign would be proportioned to the scale of the building. Furthermore the sign would be comparable in height and size to the existing wall sign. This would provide consistent and uniform signage on the property.

Approval is subject to the following conditions:

- 1) The wall signs must be in substantial compliance with the plans date-stamped September 21, 2009.
- 2) Prior to issuance of a sign permit, a copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city.
- 3) This variance will end on December 31, 2010, unless the city has issued a sign permit for the project covered by this variance or approved a time extension.

Lehman, Sjeklocha, Adams, and Cheleen voted yes. A. Thomas, Walker, and Blatz voted no. Motion failed.

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

9. OTHER BUSINESS

A. Concept plan review of United Health Group, Phase II, located at 9701 Data Park Drive (06060.09a)

Chair Cheleen introduced the proposal and called for the staff report. Sjeklocha recused herself from discussion.

Gordon reported. He requested the planning commission provide comments and feedback to assist the development team with preparation of more detailed development plans.

A. Thomas asked for highlights of concerns from the neighborhood meeting. Gordon answered that questions from the public were in regard to how the proposal would impact the interchange, infrastructure, and utility related issues.

Chair Cheleen noted that the original concept plan approved both buildings. The specifics for building one were provided, but not the particulars for building two. The proposal may add a story to the building and increase parking.

Dennis Spalla, of United Health Group, 9900 Bren Road East, applicant, addressed everyone. He stated that the first phase is Leadership in Energy and Environmental Design (LEED) Gold certified. That is the goal for the second tower. He was available for questions.

Bill Blanski, HGA Architects, reviewed what was approved in 2006 and provided an overview of the revisions. He stated that:

- When buildings are oriented in an east-west orientation, it provides a great energy advantage. It helps reduce the heat gain in the afternoon. A smaller face of the building would face the highway. To reduce the footprint, the building would be over a portion of the parking structure.
- Parking underneath the building would be moved to the north and a green roof would be created from grass and paving materials. That would be an advantage for sustainable goals for the project overall.
- To make up the square footage lost in the building, a floor would be added to make it an 11-story building.
- He provided a rough notion of what the building might look like as seen from the north and west sides of Phase 1. The general design and aesthetic of the building would be a distant cousin rather than a twin of the existing building.
- The loading dock would be on the right hand side. Food service and a dining component would be on the west, left-hand side of the plan, located north side of the building mass.

Adams thought the first concept plan had too much parking. The first building provided 1.16 parking spaces for each employee. The proposal would provide 1.14 parking spaces for each employee. He asked for the rationale. Mr. Blanski

explained that the parking ratio is compliant with the approved concept plan. Parking capacity of the Phase 1 ramp is sized to meet the long-term needs and goals of the company.

Adams noted that the area is intensely filled with traffic right now. He did not understand why an incentive should be offered for employees to drive to work. He thought some opportunity should be given for employees to carpool and utilize mass transit.

Wischnack agreed that a good piece of information for commissioners to have is the number of employees who work at the site. She will request that information.

Mr. Blanski clarified that it is not in the UHG plan to complete the vertical expansion of the Phase 1 ramp. Adams stated that there are now 1700 parking spaces for 1500 employees. Mr. Blanski repeated that the expansion for an additional 460 is currently not in the plans. Adams felt that was great. Mr. Blanski explained that the ramp would be designed to accommodate that expansion, but it is not part of the current plan.

Gordon clarified that the master plan for the campus shows what an ultimate build out could be if approved. The plans submitted for Phase 2 can come in underneath what was approved in 2006, but cannot exceed what was approved. It will really depend on what is submitted in the formal application.

Walker asked what factors favor adding to the parking structure vertically rather than expanding the footprint. Mr. Blanski explained that the structure would be a post-tension concrete structure which means that as the concrete is poured, there are tendons in the concrete. Once the concrete hardens, then the tendons are tightened. There is potential risk if that type of construction is done next to the existing building. The cost for added parking would require additional load. As the new ramp would be built, three floors of parking below that would be vacated.

Walker asked for the intent of mass-transit measures to reinforce what Adams was talking about from a design stand point. Mr. Blanski was glad Adams brought that up. The second tower is intended to achieve LEED certification to the same threshold as the first tower. There are already significant incentives to provide designated parking stalls for low-emitting vehicles and carpool accommodations. There is a shuttle program throughout the campuses in the neighborhood. That shuttle bus culture should remain intact into the future with the Southwest Light Rail Transit (LRT).

Walker asked if a traffic analysis had been updated and if one would be updated to include the LRT input for this specific project. Gordon stated that a traffic report will be reviewed with the application. Preliminary LRT ridership numbers were used to evaluate route alternatives. The ridership number with alternative 3A will provide a view of what may occur in Opus. At the next planning commission meeting, staff will report on traffic in the area during review of the Opus ordinance which addresses the interchange capacity, LRT, and other modes of transportation. Those factors have already been under consideration. The city is looking at how LRT will influence traffic in the area. Specifics are going to be rough at this time.

Walker has his office in the Opus area on the other side. The peak-travel time gets pretty heavy. Opus would be one of the largest, if not the largest, land lord in the area. The density of it would drive a lot of trips. Not that that is good or bad, just a concern to account for during the review of the LRT impact. Hopefully, let that have some bearing on the design.

Wischnack added that a great deal of time has been spent working on traffic issues. That information will be provided at the next meeting. A traffic study has been considered for the last 10 months to 11 months not only for this project, but the entire park. The 2030 numbers are being used to predict the issues at the Interstate 169/Bren Road interchange. The 2030 numbers are based on the super density model.

A. Thomas asked if the east side of the building would have enough room for a semi to drive around without backing. Mr. Blanski stated that service traffic for the site would work well in a clock-wise fashion around the entire property. He explained that a semi would arrive east bound on Data Park Drive, take a right on the service road that loops around the site, pull over to the right hand side, and back into the loading dock position. The loading dock would be sized for two vehicles. The larger, 65-foot, over-the-road vehicles would be on the west overhead door and smaller vehicles on the east side. That would keep them out of the line of traffic for other vehicles circulating on the road. When the semi would leave the site, it would head straight out and exit onto Blue Circle Drive.

Chair Cheleen confirmed with Mr. Blanski that there would be three levels of underground parking. There is an option to feasibly adjust heights somewhat so that it would look fairly close to the first building. It would not be a full, whole story plus the super structure. It could be adjusted so that the buildings would look complimentary. It would be nice to have the two buildings not look exactly the same, but, also, fit together height wise so that one would not be obviously a tall center and the other one a little guard next to it. Adjusting the building into the

ground would provide an architecturally more desirable look of having similar heights. Mr. Blanski appreciated the comment. There are details like that yet to be done. The floor to floor dimension is also something that could be used to modify the overall height of the building from grade to the top.

Wischnack felt a better perspective drawing will help compare the two buildings in terms of elevation. The illustrations are a great start, but there is no real world elevation information that compares statistics. The hill behind the second phase is deceiving. A lot of the new building would not be visible from Highway 169. A perspective from Highway 169 would help.

Chair Cheleen felt the concept of having three floors of parking underground and having the green surface to the north is a very good idea. He recalled in 2006, there were people who questioned a building that tall. His perspective is that if some of the parking would be moved underground and some green space to the north would remain, adding a floor, if it is done well, is a good trade off and makes sense.

Walker asked how far along the schematic drawing was in being completed. Mr. Blanski stated that it was at the beginning. Walker appreciated the comment regarding the east-west orientation from an environmental stand point. The mass of the building from that façade would be pretty massive from the north view because of the two elevations standing side by side. He could not tell how much of a gap or break there is between the buildings. Ultimately, the plan would drive the layout. At least from the preliminary perspective, it seems like it would be a pretty massive façade when the two are blended together.

Adams recalled neighbors concerned that the first tower would block out their sunlight. He visited the site during the time of day when that would be possible. It really does not block the sun. Probably because of the orientation that Walker referred to with the east-west orientation. He commended Mr. Blanski on that. The current site is very attractive. He was pleased with the outcome, but he shared the concern that the mass would block sunlight into the park. Luckily, there are no residents there. Overall, he was pleased with the reasonableness of Phase One. Mr. Blanski added that he spent long nights contemplating how the two buildings would be distant siblings or cousins instead of fighting neighbors. By rotating the building in the new position, it is further away from the Phase One tower. The space between the two is to their liking as far as the architectural massing of the sight. He encouraged commissioners to visit Mr. Spalla at UHG and look at Phase One from the 9900 building and imagine how all three of the buildings would work together as a composition. It would offer advantages from

an urban design point of view. There is a 600-plus-foot wall there. The structures would be friends and be in dialogue with each other.

Walker asked if massing models would be prepared. Mr. Blanski answered affirmatively. Walker would appreciate seeing some of the models. The buildings are based on functionality and the environmental factor, but it would be good to help convince everyone to show the variation. Mr. Blanski stated that the buildings would be offset 40 feet from the north-south dimension. That is part of the balance between the two.

Chair Cheleen stated that the new east and west orientation would locate the mass against Data Park Drive and the other building. Anyone in other buildings would be a long distance away from it. The layout is a trade off environmentally and makes sense.

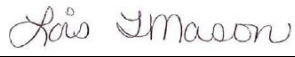
Gordon took notes on the discussion and will use them to assist with the formal application process and analysis.

Chair Cheleen felt commissioners gained a good idea of the major thoughts and changes coming up. He looked forward to reviewing the formal application.

Sjeklocha rejoined the meeting.

10. ADJOURNMENT

A. Thomas moved, second by Adams, to adjourn the meeting at 7:36 p.m. Motion carried unanimously.

By: 
Lois T. Mason
Planning Secretary