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Cc: [Plan Commission Comments](#)
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This ordinance change would allow nonresidential buildings to be as tall as 50 feet, or 10-15 feet higher than the maximum for residential buildings. (A nonresidential building is defined as one "that houses no residential uses, with the exception of a caretaker's dwelling.")

The staff report states the current maximum of 35/40 feet is "too constraining." Yet the 35/40 feet maximums have been in effect for 15 years without a problem. If one developer currently believes the 35/40 feet is too constraining, that developer could apply to rezone the property.

The residential districts are established to stabilize and *protect* the essential characteristics of the residential areas. Residential homes almost always have gabled roofs. A gable roof reduces the massing of the building. A two-story home may have 20' of height and gabled roof ridge line at 35', but this home does not look as massive as a 35' building with flat roof. In addition, many residential areas primarily consist of one-story homes, homes just perhaps reaching 20' in height at the ridge line. Yet, under this proposed ordinance, a nonresidential building could go to 50'. This is not protecting the essential characteristics of residential areas.

One of the purposes for building form standards, MGO 28.171(1), is to "ensure compatibility between different land uses and building forms" and another is to "encourage building forms that respect their context." A 50-foot high nonresidential building does not meet either of these purposes. In a residential district with a 35' maximum for residential buildings, that 50' building would be 43% higher than the residential maximum.

The staff report notes that conditional use approval for nonresidential buildings up to 50 feet in height would apply the same standards and process as is currently applied to mixed-use and commercial zoning districts. Staff always advises that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. Thus, if this ordinance change is approved, it would almost certainly ensure that any proposal for a 50' nonresidential building would be approved.

I urge Plan Commission to not recommend approval of this change.

Respectfully Submitted,
Linda Lehnertz