

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

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MEMORANDUM

DATE: December 5, 2007

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of October 29, 2007 and December 3, 2007

The following actions were taken by the Planning Commission on October 29, 2007. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Motzenbecker, El-Hindi, Huynh, LaShomb, Mains, Nordyke, Norkus-Crampton, Schiff and Tucker – 9

Not Present: Williams (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

6. Karmel Village (BZZ-3715, Ward: 6), 2848 Pleasant Ave and 2825 Grand Ave S (Hilary Dvorak).

A. Conditional Use Permit: Application by Phillip Broussard, on behalf of Karmel Village, LLC, for a conditional use permit for 92 dwelling units for the properties located at 2848 Pleasant Ave and 2825 Grand Ave S.

Action: The City Planning Commission **continued** the conditional use permit application for 92 dwelling units located at 2848 Pleasant Ave and 2825 Grand Ave S to the December 3, 2007 Planning Commission meeting.

B. Site Plan Review: Application by Phillip Broussard, on behalf of Karmel Village, LLC, for a site plan review for the properties located at 2848 Pleasant Ave and 2825 Grand Ave S.

Action: The City Planning Commission **continued** the site plan review for the property located at 2848 Pleasant Ave and 2825 Grand Ave S to the December 3, 2007 Planning Commission meeting.

Staff Dvorak presented the staff report.

Commissioner Tucker: I have a couple of questions. First, there is a reference to alternative compliance on page 12 saying that alternative compliance is not warranted, was there actual alternative compliance requested by the applicant?

Staff Dvorak: No, that's my standard language for when we don't need alternative compliance for anything.

Commissioner Tucker: Could you talk a little bit more about why you might apply the student housing ratio in this area if it's certainly not a student parking area? What brought that to mind? Why is that a concern?

Staff Dvorak: It came up at our staff meeting when we reviewed the project in just looking at the number of three, four and five bedroom units within the development. We had a discussion at our staff meeting about starting to see developments with higher bedroom counts and just as something to point out or for maybe all of us to start thinking about – we are updating the parking chapter, it's something we may think about changing with the rewrite of that chapter. It wasn't necessarily that there was a concern behind it; it's just pointing it out.

Commissioner Tucker: That's referenced here because it has a large number of bedroom compared to most other projects you've reviewed recently.

Staff Dvorak: Right; it has a higher number of the three, four and five bedrooms. There are 29 two bedroom, 42 three bedroom, 18 four bedroom and three five bedroom units so that is a higher bedroom count than we've seen in a lot of projects that aren't by the U of MN in recent months.

Commissioner Tucker: Are there projects you have applied the .52 recently?

Staff Dvorak: Not that I can think of.

Commissioner Tucker: How close to the U of MN, or institutions of higher learning, does a project have to be before you apply this?

Staff Dvorak: I don't know if there's a standard unless it's specifically called out as student housing.

Commissioner Tucker: I'm just curious to follow up on that because I know it's been a discussion on other projects but never applied.

Staff Dvorak: I should point out one other thing, speaking of parking. It came to my attention just in the last week or so, after this report was mailed out, Public Works asked for a discretionary TDM plan. I'm sorry, this is probably a key piece to the conversation. I did have a chance to review it and I have comments. Public Works and I both have comments that are going back to the applicant for a second draft. As part of the TDM we look at intersections for level of service degradation. The intersections that were evaluated were Pillsbury and 29th and then Pleasant and Grand both at Lake Street. None of the intersections failed with this development proposal. That is just another piece of information for you for traffic.

Commissioner Nordyke: Just educate me a little bit on some of these four and five bedroom units. How many unrelated adults could live in a five bedroom unit?

Staff Dvorak: I think up to five unrelated in the R5 district.

Commissioner Nordyke: Does that change if there are children present?

Staff Dvorak: I think it's family plus up to two unrelated, I believe.

Commissioner Nordyke: I'm trying to get my head around the concern...the code was obviously designed to contemplate four and five bedroom apartments around the city and obviously there is a higher density there, but your comments about your concerns, there's not really anything we can do about that is there? You can't say "you meet the code to do this but one of the conditions we're going to put on the conditional use is that you have to put more parking in it"; we can't do that, can we?

Staff Dvorak: I think you could put a condition that there could be more parking.

Commissioner Nordyke: For a CUP for parking?

Staff Dvorak: On the conditional use permit, minimizing traffic congestion is one of the items that we look at.

Commissioner Nordyke: Help me with some of the language because it's confusing me. I believe when you talk about this that you said that they have a right to that conditional use permit; a right to a conditional use permit for those parking spaces. Isn't that the language that you were using?

Staff Dvorak: They have a right to the 92 dwelling units based on the density that is required in the R5. The zoning code requirement for parking for residential is one parking space per dwelling unit. If they have 92 units they need 92 parking spaces and they have 97.

Commissioner Nordyke: If we do think that because of the unique nature of this, that needs to have more parking, we can as a condition of the CUP, require them to have more parking even though they're meeting the code right now?

Staff Dvorak: I believe so, yes.

Commissioner Nordyke: Does somebody know the answer to that?

Staff Wittenberg: The specific provision in the City's zoning code is 541.170 refers to: *Where additional parking is required by a conditional use permit, in addition to the conditional use standards, the City Planning Commission shall consider, but not be limited to the following factors when determining the number of off-street parking spaces required: 1. Documentation regarding the actual parking demand for the proposed use. 2. The impact of the proposed use on the parkway and roadway facilities in the surrounding area. Then there are two others: Whether the proposed use is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use. 4. The availability of alternative forms of transportation.* Presumably the TDM plan would help you in some of those criteria in determining the parking requirement if higher than the base requirement in the zoning code.

Commissioner Schiff: Ms. Dvorak, the TDM plan that you've gotten from Public Works, you have had time to read it or you have not?

Staff Dvorak: I have.

Commissioner Schiff: Was that read and analyzed before the staff report was finished?

Staff Dvorak: It was not. I received it on October... I sent comments back to our traffic consultant, Mike Anderson, on the 24th of October. It was after we had written the report. There isn't anything alarming that came out of it. We were looking at levels of service at the intersections and according to the data nothing fails.

Commissioner Schiff: Nothing fails, but how well does it perform? I live near Hiawatha so I know the difference between a highway that performs at a D- level and at a C+ level several times of the day and one that actually fails often can't be noticed to the residents near by.

Staff Dvorak: Under 2007-2009, no-build and 2009, build. They are at a B now and they would be in the future, a LOS B.

Commissioner Schiff: What times of the day? We're restricting turn lane times already for people coming off of the some of the surrounding streets in order to minimize the congestion. Usually failure is pinpointed for rush-hour traffic or non rush-hour traffic.

Staff Dvorak: Quickly, I can't answer that question. I would have to reread these few pages. I don't know if it necessarily breaks down the win as far as when they evaluate.

Commissioner Schiff: Do any residential developments in the surrounding area have densities comparable to what's proposed here?

Staff Dvorak: Not this large. I was going to write it on here for this multi-family. I think this multi-family is somewhere around the realm of 40. We could pull it up on the computer in Property Info and it tells you how many units is in this building. I want to say it's 35-45, but my memory may not be serving me correctly right now.

Commissioner Schiff: Ok, but this one proposed would be higher than that.

Staff Dvorak: This would be higher than that, correct.

Commissioner Schiff: If the Comprehensive Plan calls for dwellings of appropriate form and density, how would we say this is appropriate when it's so much larger than anything in the surrounding area?

Staff Dvorak: I think given the size of the site; that's one characteristic that's unique about this property compared to surrounding properties. I think appropriate for this site, it would be. Also, that small area plan that was done, the Midtown Greenway Land Use and Development Plan said it can accommodate anywhere between 40-120 dwelling units per acre and we're at 57 so, in my opinion, we're on the low end of what that small area plan, that was recently approved, called out for on this site.

Commissioner Schiff: Ok. Thanks.

Commissioner Mains: The Traffic Management Plan did not look at the intersections at 28th Street, which is kind of surprising.

Staff Dvorak: It did not look at those intersections and I apologize. I was not at the meeting where they talked about what intersections to pick to evaluate. I can't say why those were chosen, but maybe the applicant can shed some light on that.

Commissioner Mains: I know this is currently aimed at an immigrant population, which does have larger families, but that doesn't mean that's the use it's going to continue at so that's something to think about when thinking about the large numbers of bedrooms. Their treatment of their façade on the Greenway and the access they are providing to the Greenway and anything that they are doing to provide active viewing, more than just windows, are there balconies on the Greenway? It would improve security in that area and improve the activity level of the Greenway. I'm a little concerned in looking at the façade at the elevation, it looks like there is one service door to the Greenway and then a bunch of windows but no balconies, but I couldn't quite tell.

Staff Dvorak: That is correct. The bottom two floors of the building...here is there floor plan; you can see that they are very small in footprint. The current proposal for these two floors is for storage. There is going to be an elevator and there is also an access door for the residents to the Greenway. Hennepin County would have to grant easements to have direct access to this. I will let the applicant speak to this, but in our conversations, I believe their intention is to eventually have a more prominent entrance or access to the Greenway, but at this time that wasn't...they wanted to just keep moving forward and they have to still have that conversation with Hennepin County.

Commissioner Mains: Are those windows or are those balconies facing the Greenway? The floor plan sort of looks like balconies but I couldn't tell.

Staff Dvorak: There are balconies. All of these recessed areas, those are all balconies, but they don't project over because they need that encroachment.

Commissioner Mains: They are balconies?

Staff Dvorak: There are three levels of recessed balconies...four levels, excuse me, that have...

Commissioner Mains: The fourth level is stepped back considerably.

Staff Dvorak: Yes. There are balconies that overlook the Greenway.

Commissioner Mains: Ok. Thank you.

Commissioner LaShomb: I didn't read the TDM so I'm not totally sure, but it seems to me that there is bus service on Grand Avenue and there is also substantial bus service on Lake Street so I would just remind Commissioners that on some other projects where we've kind of downplayed the number of parking spaces, in fact we've reduced them sometimes to nothing, we've done so on the basis that there is high transit, so I'm a little surprised that people are concerned about parking there on this project. Commissioner Schiff, we've approved several projects along what I call the trench, for lack of a better term for it, and it seemed to me some of those were quite substantial...

Commissioner Mains: The better term is the Greenway.

Commissioner LaShomb: The Greenway, ok. The point is, I'd be curious about the density on some of the other projects because I thought that some of those other projects were pretty darn big. I could be wrong.

Commissioner Schiff: The Midtown Exchange is awfully big, but I'd don't know if we'd propose that on every intersection of the Greenway.

Commissioner LaShomb: I guess that's the question of what development is supposed to be along the Greenway. I heard Hilary state early on that this was consistent with the Comprehensive Plan so if it's not, then I guess we can discuss that. My last point is more anecdotal, when I was a little kid, after World War II, we had 13 people in our family because we had two families living in a two bedroom house in St. Paul. After World War II there wasn't any other housing and I'd say it'd be wonderful to have a family situation where you actually might only have two kids in a bedroom. I think this housing has a certain extend, a certain kind of cultural issue involved with it that it's providing housing for individuals who may have larger families because that's part of their cultural mix. This whole discussion about how it may turn out to be student housing at some time or it may turn out to be something else, I'm not sure that issue is very reliable, but the point I'd make is that there is a lot of transit in this area so the parking issue doesn't bother me, but if it bothers other people I guess that's what bothers you.

President Motzenbecker: For the commission's information, we just recently approved the project at 28th and Lyndale, which is three blocks away, for 109 units and it was 96 dwelling units an acre. That's quite close to this. That's one that I had recalled; there may be more.

Commissioner El-Hindi: I agree with Commissioner LaShomb on the transit issue and the parking issue. I feel like we, as a city and as a body, we've been trying to promote transit oriented development, specifically with Lake Street as close as it is and hopefully, potentially in

the future with the greenway, potentially, hopefully, sometime would get lightrail. This would certainly fit very well within that scheme. I just wanted to remind the commissioner of that.

Commissioner Tucker: I'm just curious if there are other ways, if we're concerned about the parking and want to get the number of bedrooms and parking places in better balance if there are other options besides just conditioning the parking requirement to go to 136. Could we, instead, put in a condition that limits the number of bedrooms to two times the parking spaces made available, for instance, as one option? A second option, could we approve a CUP up to 92 units as long as parking meets the .5 parking space per bedroom standard? Those are just other ways of approaching it. It wouldn't necessarily move parking to 136; it could leave parking at 99 and move the number of bedrooms down, for instance.

Staff Dvorak: I think that could be an approach. I would defer to Jason on the number of units.

Staff Wittenberg: I think it's reasonable to come up with some sort of formula like that. I would prefer that it be stated in a way that does not state it to limit the number of bedrooms because that could be implied as limiting the size of a family. If you state it the other way, the number of parking spaces per the number of bedrooms provided.

Commissioner Tucker: The student standards apply, for instance.

Staff Wittenberg: That would be one example.

Staff Dvorak: Just a follow up on the question of bus service, the TDM calls out routes 21 and 53 on Lake Street and 4 and 113 on Lyndale. It doesn't mention any bus service on Grand.

Commissioner Nordyke: My biggest issue is the parking. I think staff has outlined some legitimate concerns. We can do something about that with regard to the CUP. I believe Jason's exact words were something to the effect that the TDM would help answer my questions about parking, but that came after the staff report was written and nobody up here has ever seen it. How do we make an appropriate, fair and educated determination about how to move ahead with this if none of us has seen the TDM and the staff report is not based on that? Where are we at in the cycle of approval on this? Is this something we can postpone?

Staff Dvorak: We have plenty of time. The 60 days ends on December 3 and we have the ability to extend it to an additional 60, which would take us into February. As far as the outcome of the TDM after reading it, I don't think we would have a different recommendation on parking other than what we stated based on what the zoning code requires and past practice within our office. There aren't any alarms going off with this TDM. It doesn't say that you need more parking; I guess is the bottom line of the TDM. It doesn't say that. You are correct; you did not have a chance to look at it. It's in email format so it can be emailed out.

Commissioner Norkus-Crampton: I understand where people are coming from on this parking issue. It seems like what we're trying to do, like with the student housing, we're basing a parking formula based on the demographics of the people potentially living in the development. With the student housing, you're assuming that since it's a certain proximity to the schools and there are four or five bedrooms, you're making a guesstimate that probably the housing will be taken up more by a lot of single people sharing and having more cars and that kind of thing. In this development, there seems to be an assumption because of the demographics that there is going to

be possibly more extended family or more unrelated people or whatever living there. I am a little uncomfortable with this direction because if we have rules we need to apply them. If we don't have rules, I think we have to be very careful about selectively applying them based on who we think is going to be living in the developments and lifestyle choices or whatever. That's my only comment.

Commissioner Huynh: I agree with Commissioner Norkus-Crampton on this issue. The objective of the city is to promote mass transit and provide less parking on site. I think that's been my position on most of the projects that have gone through the city and I still take that stance with this project. I think that the issue with implying that student housing, parking regulations and insisting that perhaps we look at CUP or additional language to require more parking is a direction that I would not like for the project to head towards. There are several issues I think, looking at the staff report and a lot of the letters that the applicant had written in the report in terms of the cultural barriers and understanding how a certain culture lives and the family life and perhaps not being able to understand that fully in terms of how that would apply to a larger development with a lot of bedrooms. Granted, it could be just this type of use for three generations or four generations and perhaps be transitioned out for public use and not for an immigrant family, but I think that we have to take into consideration that it is a multi-family housing development and not a student housing development and apply the regulations that are at us beforehand and not, I believe, apply additional standards assuming "what if" situations that I don't think would apply.

President Motzenbecker opened the public hearing.

Robert Speeter (120 S 6th St): I'm an attorney with Speeter & Johnson. I represent the applicant, Sabri properties. I'm going to try to keep this brief for you. I think the staff report is excellent and has gone through and given you a pretty good general idea of what we've got. I'm going to have to do PowerPoint by paper because the technology didn't quite work for us. I think, first, this is a wonderful opportunity for the city. We've got a place, a nice, attractive building that's coming into place where we need to bring some revitalization. It's a 100% developer funded project. The developer is not looking for any government money in any respects. Again, it meets all current zoning requirements across the board. We're not asking for a rezoning or any variances. This will help build a significant vacant industrial building that I think is not a very attractive building as it presently sits and we will make it a very attractive building. It provides housing for nearby small business owners and I think that's one thing we need to consider when we get to traffic and I will get to that in a minute. It's designed in a way to address security and crime reduction efforts. The whole concept here is to really address the security issues. Presently, this is what's at the project. It's not very attractive as it presently sits and the past developer had problems with it. They were going to try to do a rebuild and they felt that the only thing they could do was tear it down. We've looked at it again and we've come up with a plan that we can provide something really significant and a great improvement for the city. You can see the difference and that's approximately the same view. Yes, there are a number of balconies. I think there is nine units across on each floor; there's a balcony for each unit there. The architect is here and he can address some of these concerns for you as well. Very briefly, this is where the city is headed. The city has designated this area right here as part of the R5 in the Comprehensive Plan. This is for the higher density areas and that's what we're looking at. This is right on the Greenway. This is what the city contemplated and we're following along with it. We're not asking for any variances. Very briefly, again, it's a four story rebuild on this abandoned Midwest Machinery site. The number of units is 92. I just want to address the bedrooms and make a little

correction. There are no five bedroom units. Let's start with that. There are 29 two bedrooms, 42 three bedroom and 21 four bedrooms. There are 99 off-street parking spaces; 92 of which are enclosed. We're going to have ongoing fulltime security on this property. There is going to be lots of lighting and it's a high visibility. As you can see from how it's laid out, there are windows 360 degrees around; not only on the exterior, but on the interior. There is a lot of security just on having the eyes on the street. We have a vacant building presently and we're going to have lots of eyes on the street. We knew traffic was a concern. It was certainly a concern last time around with the prior proposal. This one is approximately 25% scaled down; a little over that. It's a much less significant proposal. That one required an R6, we're not seeking that. I think it's important to note what was found in the traffic study. With regard to the Lake Street-Grand and Lake Street-Pleasant Ave, they found that overall the proposed development will have very little impact on the operations at these intersections. At Pillsbury Ave and 29th St, when they compared the no-build and the build, they determined that the intersection operates at adequate [tape ended]...and no improvements are necessary to accommodate the proposed development. Specifically, the capacity analysis were completed using existing geometrics in the intersection control. Hilary was right that is LOS B. I think the traffic study shows that there is not an issue there. Parking though, I know that is the issue. Karmel Village exceeds the R5 parking requirements. There is a lot of talk about student housing, but this isn't student housing.

President Motzenbecker: We're not going into student housing. It's not student housing; we heard you.

Robert Speeter: What I do want to mention is the field of dreams analogy. If you build it, they will come. If you build a parking spot, the cars will come. I think that's a consideration. We have to also consider why it's adequate. There will be many who will work near by. Right across the street there will be a lot of people that will be working nearby. There is strong transit in the area and it is right on the Greenway. All of these things come together to not make a higher requirement than what the code is. It's a big change. It's a positive change. We do have the architect for any follow-ups.

Commissioner Huynh: I believe you had a PowerPoint up that showed off-site parking. Is the project providing off-street, off-site parking?

Robert Speeter: There is on-site 92 enclosed and seven within the common area. There isn't any other parking. I should note that there is a lot of parking over in Karmel Plaza as well. There is a whole underground parking area there so that is available.

Dustin Nygaard (2304 Harriet Ave) [not on sign-in sheet]: I'm the chairman of the Whittier Alliance Community Issues committee. We've discussed this project quite a few times in those meetings and I think some of the immediate neighbors will speak to some of the concerns, but I'd just like to highlight that regardless of what the traffic study may show, if you go down there at times of the day, these streets are not functioning at any level. There is no through traffic; it's gridlock, absolute gridlock. You may find it hard to believe on these little neighborhood streets, but they are well beyond capacity. What I'd like to concentrate on, it's been said that this is in compliance with the city's Comp Plan; I would argue that, typically, when the city is talking about the number of dwelling units in a project, there is an assumption that those are one or two bedroom dwelling units. We're now talking about densities that are about twice what the city really anticipated when they were talking about the number of dwelling units that they would expect to see on a site like this. I think that, coupled with my personal concerns seeing some of

this developer's previous projects, the level of quality we've seen in those projects developed, has not been what we in Whittier Alliance expect in new development. We were happy to approve a project that was referenced on Lyndale and the Greenway that was moderate density immediately on transit on Lyndale Ave and high quality materials. We feel this project does not meet those standards and long term will be a detriment to the neighborhood, especially to those immediate neighbors who are already suffering and will suffer more if this project is approved. Thank you.

Mohamud Isse (2910 Pillsbury Ave): I'm one of the business owners in Karmel Plaza. I'm also a member of Karmel Plaza Business Association. I'm talking about the impact of this project to the business owners, both living and working. This project is very important to us because we have around 200 stores around both Karmel's and most of the owners park on the street because we let the parking lot of Karmel Plaza to park by the customers. We know there is a lot of volume traffic coming on this because the reason they circle around the neighborhood is mostly owners; they park on these streets in the morning and then it's full. If this project is approved, that means that you take off the street 92 parking. That makes more traffic moveable and then we can work. It's also makes easier to come to work and not drive all over, saving us money and time. It also eases the frustration of the neighborhood. That's why we would like to support this project as Karmel Business Plaza Association. Security-wise, it's going to increase in security of this area. One reason, there is a lot of walking people. Like me, I walk. We're going to be there only working hours. We would be there 24 hours so that means it will increase the mobility of the area to reduce the crime. Most of the owners of the Karmel, they don't own houses, but this is going to encourage them to own their own house. That means this pushes up their self-esteem more so they can feel the dream in America. Since we are immigrants that come to the United States recently. We are proud to be Minnesotans since. We hope this project will be approved for us. Thank you very much.

Yuyudhan Hoppe (2826 Pleasant Ave): This is the first time I've seen the site plan that actually encroaches right next to my window. I did own 2820 until earlier this year so I had two four-plexes. I averaged 15 cars in those two four-plexes over the years that I've owned them. I've owned them for 11 years now. If you put the same ratio on that, this project is way oversized and you will end up putting 77 more cars on to Pleasant Ave and that will fill Pleasant from Lake St to 28th St packed; no other parking spots with a few extra cars to spare. The other thing is, I got out of owning the two buildings because once the International Market came in, there was absolutely no parking for the residents and with me having four parking spots per building and basically four extra needing to go out on to the street, these people could not park on the street. It used to be that I could have two years, easy, of a lease and it's gone down to every time the lease is up, they're out. They don't have parking. I could not keep my places filled. I could not rent the places if they came at night. Another thing I'd like to say is that you're building this place for families. There is absolutely no place for kids to play on this property. It's so densely built. If you put them on to the Greenway, the Greenway is a commuting area and I don't see that as a playground. I don't think it'd be safe for the kids down there to be playing on the Greenway. I do use the Greenway all the time and I know it's not safe.

Abdisalam Adam (5708 Jefferson St NE, Fridley): I spend most of my time either at Karmel or in Cedar Riverside neighborhood. I've spent much time in bridging understanding between immigrants and mainstream society. Through the school system and through community activities, I've seen a lot of the needs of the community. The primary ones are housing, education, employment and I can see this project making all three possible. When it comes to parking and cars, this new immigrant community still does not have a number of cars within the

family. The fact of that is, when we are in for school events and we ask parents to come, we spend a lot of time either giving them rides or hiring taxi's or hiring buses to bring the families in. When it comes to occupants and everyone having a car, in this car, in this case I think the situation is very much different and I do see that not too many cars will be using those. The parking lot will be sufficient. Going back to the history of Karmel itself, I was approached in 1999 by one of the public school teachers in Minneapolis that Mr. Basim Sabri was planning to start a project of a mall in this neighborhood. I set an appointment with him and I remember walking through the old Karmel with nothing there with the vision of community growth and he had played me more from the religious perspective because when I was an immigrant community comes together a place of worship is always an essential part of its coming together and being together. Given the advice and seeing the progress that happened between 1999 and today and the development around this mall and the development of people being empowered with businesses and with education, I think this is another step. After I have gone through this building, I was let through the building and I went inside and looked at it. I did see a huge building that's empty and not in use. The vision of Karmel with housing I think would be great for the city of Minneapolis. I do see the schools benefit. It breaks my heart, families moving because they are living in two apartments because no house is big enough for them. They go to St. Cloud. All of the sudden the next day you hear that a family moved because there are not enough houses to bring the family together. I think the idea of bringing families together and making them stable...I hope that financing that meets the needs of this community will come along. Owning homes and settling down is what we're looking towards for in this city. I'm pretty sure that this project will really vitalize the neighborhood. It would be to the benefit of everybody and would be proud of it I'm very sure. Thank you very much.

Doreen Hartzell (218 W 29th St): I'm a neighbor of the property. I have a letter that I wanted to submit to you. I wanted to sort of respond somewhat to what I've heard already given today. On the TDM that's been proposed on some of the discussions about the previous parking studies, I have not seen any mention of what impact it would have on the intersection of 29th and Pleasant. There's been some discussion about Lake Street and there's been discussion about Pillsbury. As someone who needs to use that to enter and exit my property, I generally find that cars are parked all the way up to the stop signs obstructing visibility around the corner. I have trouble seeing if there are vehicles coming in order to turn safely. There are a lot of small children that run out in the street that play in that area. I would hope that that would be reviewed as well before this proposal would be approved to see what impact that would have. One other thing I wanted to address is that a lot of the congestion that's there is a result of development at other neighboring properties and I'm not convinced that the way this proposal is structured it will actually impact that and improve the conditions. The neighborhood has also had some difficulty working with the city, trying to get enforcement on the construction on this 2848 site as it's already begun as well as on the adjacent property at 2901 Pleasant. Some of the things I've brought show you that original demolition work that began on this site happened actually before the first permit allowing that to happen was issued by the city. The openings you see on the lower level there on the Greenway, were cinder blocks being blocked out by workers on to the Greenway surface. There was no caution tape up, no protection of people going by on there bikes or on foot. I have some concerns about that as a standard of construction and whether the city, if it approves this, is going to have the resources to properly supervise that site and make sure that people are safe while this is happening and it will be safe for the families moving in. There are some additional, on the site next door...

President Motzenbecker: We're not talking about the site next door. Focus on the item at hand, that'd be great.

Doreen Hartzell: I'm just saying that I think there is a question for the city about how we are going to get help supervising this project if it's approved and making sure it's done in an appropriate fashion and I hope the city considers that when looking through this plan.

Rashid Omar (2910 Pillsbury Ave): I'm a real estate broker with Medina Realty. I have worked in south Minneapolis since 1999 either fixing properties or working as a real estate agent and now I am a real estate broker with Medina Realty. Since I've worked in south Minneapolis, I have witnessed a lot of changes in that area. As a matter of fact, when I moved to Minnesota, the place I stayed was south Minneapolis. This project, late June, Mr. Sabri came to my office and discussed the project with me. I looked at the plans that he had for the project and we discussed a few things and I told him he wasn't the first one who came to me and discussed putting housing in south Minneapolis. The things that we discussed was the project that he was putting there has to be something that would serve the people I usually work with and the community where we work. About two months later, Mr. Basim came back to me and he made several changes on the plan that he had. He told me that the complied based on the information that he gave me. What I'm trying to say here is it's very clear. Based on my experience, I'm talking about my experience working since 1999 selling real estate and helping a lot of communities that I work with, not only Somolian, but mostly in the east African community. Not everyone can afford to live in suburban areas. There are people that go to school here, they can not afford to leave. It's only three percent of the east African community that has bought houses and lead to home ownership. What I'm trying to say is that this project, if Mr. Sabri does exactly what we discussed and based on the information that he shared with me, if this project is built from what I have seen, it's something that's going to benefit everyone, especially the people I've been working with over the years. I do understand the concerns of the neighborhood. They do have solid concerns, which is the traffic. It's not only them, but everyone who drives there sees the concern. What I'm hoping today here is that everyone look at both sides and come to an agreement how we can make this work for both sides. I do believe this project is very important for the people that I work with that it has to get it done based on what I've seen.

Barbara Lickness (2727 Grand Ave S): I live about four structures north of where this proposed site is. This body mentioned a project that was done maybe three blocks to the west that was 109 units and you always talked about the Midtown Exchange. I just want to point out one thing, both of those developments used union labor and were licensed and bonded contractors to do those projects. This developer has a history of not doing that. I question based on the quality of other developments that we've seen. I'm very concerned about the safety of the families that would be living in this structure because this is a huge structure and I'm not sure this developer has taken on a structure of this size before. I'm very concerned about the quality based on the surrounding projects that we've seen and him complying with getting permits and hiring contractors o do the work, very important work in heating, air conditioning, plumbing and electrical. There is a huge parking issue. I don't know when they went there and watched Pleasant Ave but it is absolutely grid locked and not just for the people that live there, for the people that are trying to get into that mall. It's a dangerous situation the way...and I'm not saying the developer has a right to charge for parking, that's free enterprise, but the way the parking is structured to go in and out of that mall is absolute gridlock. You add more traffic to that and it's going to be a nightmare. My other question is, when this was presented to us, this was presented to us as rental. I just checked with my Council Member across the hall and his understand is that this is rental, but yet I'm hearing

people here testify today that they believe they are going to be owning these units. I think that's an important factor for us to know whether these are condominiums or apartments, at least for the people who are going to be moving into them. I believe the staff person referred that there were 227 units but when I just counted the number of bedrooms on this sheet that the developers attorney put up here we counted 266 so which is it? It seems to me that it's changed. Is it rental? Is it ownership? Is it 227 units or 266?

President Motzenbecker: That was bedrooms, not units.

Barbara Lickness: I meant bedrooms, sorry. I'm hearing a change in here right now from what the staff report said to what the developer's attorney said so I just wanted to point that out.

Jeff Thomson (2608 Pleasant Ave): My concern is about the two lower levels that they're currently showing as storage space and that that would be future development. We have a development that is really maximizing density and minimizing parking; I'm concerned that any potential development down there would then increase traffic and parking to the site and the issues that would pertain to that. It's been referenced that the Midtown Greenway Land Use Plan does call this for high density and urban orientated. Just going through the adopted plan from the city, it also does call for strong connection from redevelopment properties to the Greenway. I think if we don't take this opportunity for a site that currently has access at the actual Greenway level, we are missing a huge opportunity for connecting this both in access for increased use, aesthetics as well as the safety of the Greenway, but also encouraging the construction of that very large wall on the north side of the Greenway both in varying maybe doors, windows and landscaping somehow enhance that. They are showing some landscaping on their landscaping plan within the green. Certainly, the land use plan does call for guidelines on ecological, sustainable landscaping and that's called out on the plan as being "to be determined." I think that's a little loose-ended and I think we demand a little more commitment on the developer's behalf to ensure we understand exactly what that is and when that would be installed. Thank you.

Adulah Elmi (1025 Otto Ave, St. Louis Park): I want to talk about three things here today. First of all, I'm one of the Somali community in Minneapolis. I'm very disappointed. I'm hearing that my community is struggling to get housing just like after World War II, the immigrants came here and struggled to get a home. We are doing very good in the Minneapolis area. We are one of the best community tenants in Minneapolis. I'm very disappointed. As somebody mentioned, we're struggling to get Somalian people apartments. Second thing, about the parking issue. Based on the history of Sabri Properties, I just want to give you a brief on my position. My family and I, in two years, we spent about \$500k at Karmel Plaza, investing in the new business. The promise we had was they would provide us a very good parking lot to survive, to make it, and in the future there would be housing coming up across the street. We couldn't make it. They evicted us because we couldn't pay the rent. The reason we couldn't pay the rent was that we approved the city of Minneapolis 20 parking spots in my business. My parking lot became private parking. Anybody who visited my store and my bakery and my restaurant has to be \$4.00. Even Rainbow and Cub Foods if they charge for parking. We lost all the business. They evicted us. They didn't give us a chance to survive and maybe renegotiate. After that, they gave us a negotiation...

President Motzenbecker: Let's bring it back to this item.

Adulah Elmi: Ok. Third thing is, for the history of the landlord, as the gentleman just told you...maybe one person doesn't have a lease or a guarantee. There are other apartments they are running and they don't have a lease and that's not safe for the city of Minneapolis. I just want to know if they are going to have good management to run these apartments. I worry about kids in this open area. It's not safe. My people have a better opportunity to get an apartment, schools and everywhere in Minnesota, not only this small portion. Thank you.

Erica Christ (2307 Clinton Ave) [not on sign-in sheet]: I'm the chair of the Whittier Alliance Board of Directors. I have three points, but I will leave the parking one off. One is that we do support the reuse of this building. We've had other developments come before us that wanted to knock the building down and the neighborhood was quite adamant that the building be preserved. The second is that we support the reuse of this building at 58 units; that's the most we've ever voted. That's the density for the size of the building and the area. We think it can support, as well as the livability within the building. It's quite a bit fewer than what they're proposing, but I think the livability issue is going to be big in that building. Lastly, a lot of this stuff that you heard from the neighbors was brought up at various meetings. The city planner sent the developers back to the neighborhood to meet with them and they were very insincere in their attempts to go through the neighborhood process. They could have addressed some of these things in the plan that they brought to you and chose not to. We made every effort to be as open to their development as we could and they did not engage us in any kind of meaningful way whatsoever. Thank you.

Commissioner Norkus-Crampton: I was going to ask that you be more specific; are there some specific issues we're talking about here? That would be helpful for us to know.

Erica Christ: Specific issues...

Commissioner Norkus-Crampton: You said that there were unresolved issues besides parking.

Erica Christ: Yes, as Barb alluded to, we never once got a site plan that was consistent with the drawings. At the meetings that they came to, they never brought enough drawings to go around; sometimes they brought none at all and just did projections. The site plan and the elevations they drew did not match. They often refused to answer questions or said they didn't know and kind of basic questions about materials and stuff like that they would just say they didn't know.

Commissioner Norkus-Crampton: I guess my question is, are there some specific issues that you didn't feel were dealt with to this proposal before us here tonight that you would advocate for at this hearing now.

Erica Christ: I think the point of the access to the Greenway is an important point. I think the size of the units, the number of units, the consistency is an important point and, of course, the parking.

Mandy Hwang (2815 Harriet Ave) [not on sign-in sheet]: I think that we do need immigrant housing to accommodate families, but I think there are just too many. This 92 development with 227 bedrooms would completely change the character of my neighborhood. There is a large apartment building directly behind my house and this sits just south of that apartment building and it's just too many units. We have a lot of rental. I'd like to encourage maybe some townhouse style housing, something that's not simply apartment rental, especially on that block.

I think it's a good idea for families there because there is...you can see Whittier school from there, but there is a busy street, there is no stoplight, things have to be in place before...when are they going to happen after this is developed? That's really all I have to say about it. Thanks.

Nick (2817 Pleasant Ave S) [not on sign-in sheet]: My main concern is about the façade at the Greenway and what sort of accommodations are made to get people, both looking on to the Greenway and using it functionally, I think that would help with traffic in the area, which I don't think is as bad as it's been made out to be. It's only at certain times of day and maybe a few times during the week that traffic is really an issue and I think there would be more creative ways of dealing with that than with denying this project just on those grounds. Thank you.

Phillip Broussard (2190 Como Ave, St. Paul): I'm the architect for the project. I just wanted to go through a couple of points. I heard several times that there were insinuations of substandard construction practice. I haven't heard any specific construction practice that was substandard or proof of it. In fact, as you all know, there are a lot of rules in Minneapolis and the state of Minnesota and it's pretty hard to build a building that isn't 100% compliant and that has to do with life safety. We do intend to have, also, which wasn't mentioned, a green roof, stormwater runoff retention areas and a collection of rainwater for irrigation of the property. We did go to several meetings with the neighbors. We basically didn't feel that the neighbors were being very cooperative with us. We did change out building after the meetings with them from five stories to four stories. We changed the number of units from 102 to 92 and we changed the traffic so we have on to both Grand and Pleasant instead of just on to Pleasant, which we were told would help the traffic situation considerably. Finally, I think that the public Greenway access is not out of the question, it's just not on the plan at this moment.

President Motzenbecker: We seem to be getting a lot of new information today, which is a little disturbing, but if we're going to now have green roofs I would appreciate you showing the commission where on the buildings they are going to be. If you could put a plan on the overhead and point those out to us. If you could clarify renting versus owning; are these condos or apartments? If you could clarify that for the commission and the public because we've had some confusion.

Phillip Broussard: There's a parking level inside the square, the court. There's a roof on that that's quite large, probably 40 feet by 80 feet, that's going to be a green roof.

President Motzenbecker: Can you put a plan up, please, and point that out to us?

Phillip Broussard: This is the courtyard that's in the center of the building and this piece inside of it, the rectangle, is a second story roof, that the units on the inside will look down on to. Some of them will have direct access to it from balconies and all of them will have direct access visually. That will be a green roof. On the south side that faces the Greenway, the upper floor of the building, because the existing building stops about 25 feet short of the south edge of the building, that entire area is slated for green roof and that will be available at least to the units that have access to it.

President Motzenbecker: That's structurally capable of holding a green roof or will be reinforced to do so?

Phillip Broussard: It will be able to be grown continually. It's not trees and bushes; it's basically ground cover and the sorts of things that can be grown in a minimal amount of soil.

President Motzenbecker: That building has been looked into structurally to be able to handle that?

Phillip Broussard: Absolutely. It's really built.

Commissioner Schiff: What's the soil depth you are proposing?

Phillip Broussard: About three inches plus mulch.

Commissioner Schiff: You pointed to this point on the overhead of where the green roof will be and then you mentioned another one, can you put that up on the overhead of where the other green roof will be?

Phillip Broussard: Right here, this is on drawing A-002, all the way along the south side above the second level.

Commissioner Schiff: How many square feet is that area along the Greenway?

Phillip Broussard: Above the units on the south side it's about 25x250'. On the inside of the building it's probably 30 x 60'.

Commissioner Schiff: You also mentioned stormwater, onsite stormwater, where will that be?

Phillip Broussard: Every place where you see green on the landscape plan, at least the edges, but a substantial portion of the edges are going to have infiltration beds all the way around and the water that comes off the roof would go first there and then be piped back to this point over here and then into the storm sewer when there's excess.

Commissioner Schiff: Ok, so will those be grated to hold stormwater?

Phillip Broussard: To slow it down and to hold it somewhat. It's not a retention bin. There is a basement under this area of the building. It's probably as big as a double garage and we feel that that's probably suitable for storing water.

Commissioner Schiff: The basement? So, none of the greenspace in the building will be available for playground space or access for residents?

Phillip Broussard: To the north, we left approximately 60' between the building between the building and the alley that's being put in now. That would be potentially useful for children. The little piece of the building that projects out is a common area with glass on it so mothers and parents can observe the children. It's quite a large area. We might not put that many plants in. I think I got overzealous with the planting. Certainly that's a larger yard than most sites end up having.

Commissioner Schiff: Will that space be flat level play space or will it be grated in order to help collect stormwater?

Phillip Broussard: The stormwater, the ground will end up about level. In the stormwater areas, that would be where you have plantings actually shown. There will be gravel and material that will infiltration into that area, but the center of that area would not be used for retention, that would be used as grass or play area.

Commissioner Schiff: Ok, and how much square footage remaindered are we talking about for recreational space?

Phillip Broussard: I'm thinking about 50x100'.

Commissioner Schiff: What are the exterior materials you're proposing for the building?

Phillip Broussard: The materials of existing building is kind of in rough shape on two sides because it was less expensive brick. One side is in pretty good shape. On the sides that are not faring that well, we're going to restucco, retuckpoint and basically do what you would normally do to restore old masonry. It's not going to look exactly like brand new brick because it can't. On the new portions of the structure, we plan on primarily stucco, cement plaster stucco, not EIFS.

Commissioner Schiff: We saw some color renditions that are suggesting that the whole building will become kind of an orangey-brown color; are those representative of a color scheme that you're going with? Do you have color versions of your exterior?

Phillip Broussard: We have not made color choices, but I believe they will probably be blended quite well. The drawings that we put out now are basically shown to differentiate old from new and there will not be that much of a contrast in the final selections.

Commissioner Schiff: We have very small versions of your exterior plans. Do you have something else with you today that is larger that shows in detail your designs for the exterior of the building?

Phillip Broussard: I guess this might do it a little bit better. This is a perspective from the southeast. This would be Pleasant, that's Grand, this is the Greenway. This is the existing large shed of the building. The smaller shed goes along Grand and you don't see that. This is the new portion of the building. The new portion, from the outside you would see brick all the way around the exterior completely. The new building starts 13' off of the front, or 15' depending on which side and that would be the first time that you would see new materials.

Commissioner Schiff: Do you have views of this from any other angles?

Phillip Broussard: We have one from the northwest which is basically the opposite side from this. Unfortunately, I don't have it in a large enough size to show you right now.

Staff Sporlein: I just want to clarify for the commission and for the public that while it might be useful information to know whether it is rental or owner occupied, that issue isn't before the commission. They don't regulate tenure, just the land use which is residential.

Phillip Broussard: I'm not a lawyer, but I think that what's intended, hopefully, is to have this be a condominium. The units would be for sale but it would not necessarily mean that the occupier of the unit purchase it right out; those could be somehow worked through financing and the people could end up as owners over a longer period of time. They would be purchased by some other group or organization that would then rent it to them.

Commissioner Mains: First of all, this is aimed at families. Two to four kids equals 180 to 360 kids. Where are they going to play?

Phillip Broussard: They have the yard, obviously, but they can also have the Greenway, they have public spaces within two blocks.

Commissioner Mains: Where are the public spaces within two blocks of this? I don't know of any that are not crossing a major street?

Phillip Broussard: I thought there was a park about three blocks away. I'm not sure.

Commissioner Mains: Are there any community rooms in this building?

Phillip Broussard: There is at least the one that's on that green space that's north of the building.

Commissioner Mains: That sounded more like an entryway, not a community room from what you said.

Phillip Broussard: No, it's 16x40' so it's a pretty good sized room with glass all the way around.

Commissioner Mains: I'm familiar with a couple high-rise developments in the Seward neighborhood that have significant community rooms and significant training facilities. I know this is a private development, but I'm very concerned that this is a family development that has no real provision for children. The Greenway was mentioned. I've bicycled it, I've walked it, it's not kid-friendly. The Greenway access, you have high windows in those bays where some concrete has been knocked out. It would make much more sense and I think we'd be much more comfortable if it were full length windows or windows significantly lower. Access to it; to tell you the truth it looks like a service entrance. You come up in the middle of the first floor in that elevator which isn't an easy place for any residents to get to. I'm not concerned about parking. We're getting to be more transit oriented. I think that that is something we can live with. I'm concerned about gridlock. I was there at 3pm yesterday and those streets were gridlocked. I'm wondering if this project is ready for our approval. We've gotten different information; we've gotten some sketchy information. I don't think you've thought about what it means to have at least 180 to 360 kids in this building. I'm very concerned about that. It doesn't look at all kid-friendly. There is no common space for Homework Helper. I'm very concerned.

Commissioner Huynh: You had mentioned early that you looked at possibly linking the development to the Greenway. Can you explain or describe some of those linking options from the proposal to the Greenway?

Phillip Broussard: Right now, initially, we plan on having a method of getting from the ground level down to the Greenway for tenants. We have talked in the past; in fact, it probably would come to pass over a period of time that we would build a permanent access to the Greenway

that's public. The reason that we did not do it is because as soon as we said we were going to do it then there were a lot of questions like how we were going to do it and what it was going to look like. Really, it's a matter of timing and trying to get this project going why we did not want to spend a lot more time at it, defining it and making everything exactly as it will be so we took it out.

Commissioner Huynh: In regard to your response, I think that may not have been the right approach in my opinion. We have such a valuable area in terms of the proposal and what we have for the site and I think it does deserve some though in terms of providing that visible and physical linkage to the Greenway, especially with such an amenity for the tenants that could use it that I think that we could use a little bit more thought. With that, I share a lot of concerns with Commissioner Mains in terms of whether or not this project is ready to be approved tonight just because of the proposal itself. A lot of the issues that...

President Motzenbecker: We haven't even closed the public hearing yet. I just want to respect that we are just asking questions right now. I know we have a lot of burning questions and discussion, but if you have any other questions, Commissioner Huynh, we'd be happy to answer those, if not....

Commissioner Huynh: Nope, I'm good.

Commissioner Tucker: I want to follow up on what Commissioner Huynh was asking. Could you tell us more specifically what the opportunities are to connect to the Greenway?

Phillip Broussard: What will the connection between the building and the Greenway be? There is an elevator toward the middle of the site next to the core in the middle and that will go down one floor and then there's a hallway that will go over to the south face of the building on the floor that's below grade and then there would be a lift that goes from there down to the Greenway level. That's the initial attempt to put in a connection.

Commissioner Tucker: So that will give a connection between the connection and your courtyard with a hallway and elevators.

Phillip Broussard: Directly from there, but you have to inside the building in order to make use of it.

Commissioner Tucker: Are there any other possibilities that you have explored?

Phillip Broussard: Yes, actually. We've had lots of further developed plans on the lower levels. We've left it, hopefully, innocuous, but obviously it can draw criticism by not saying what you're going to use it for or hope to use it for, but one of the things that we wanted to put in on the lower level is a daycare center. We feel it would be very well used, very well placed. The connection to the Greenway at the bottom should be more open. I mean, it will be. It's crazy to leave it the way that it is and I don't think there's a question about it. We didn't want to make the approval of the project contingent upon that. We're hoping that you trust in us to do the best work there; we're not going to waste it.

Commissioner Tucker: So the space adjacent to the Greenway is not assigned right now, it's not part of your parking?

Phillip Broussard: It's assigned nominally as storage for the tenants, but it's really too good of a space for that.

Commissioner El-Hindi: Has any of the proposal contemplated the idea of having a true courtyard?

Phillip Broussard: A true courtyard that does not have traffic through it?

Commissioner El-Hindi: Correct.

Phillip Broussard: We had not, but it's always a possibility. One of the reasons that we like that is because the cars who are visitors would be inside of a surveyed place where people could keep track of them. It's a security thing. There would be doors that would prohibit somebody who does not have an access to the doors from getting in to the building from there. It's basically as much of a security issue as anything.

Commissioner El-Hindi: There could potentially be parking designated within the enclosed parking area for visitors rather than being on the surface. It could be still accommodated within the enclosed area and then rather maybe answer some of the questions or some of the criticism about having an area for a family oriented development like a place for kids. A courtyard would certainly be a wonderful thing. Also, it would add a lot more greenspace to the facility. I know that would be losing parking, seven spaces, but I guess I just wanted to throw that out.

Phillip Broussard: It's certainly a passed opportunity. You can only use a piece of ground for one thing.

Commissioner El-Hindi: How about the possibility of having a community room?

Phillip Broussard: We have only that one room now specified, but we do have intention to make the grassed area, the green roofs available to the public and not just the units that are on them; at least some of them so that everybody has an opportunity to get together outside. We don't have a designated community room of any size now other than the one on the north side.

President Motzenbecker closed the public hearing.

Commissioner Norkus-Crampton: During the staff report there was a mention that any sort of access to the Greenway was in part governed by the county and I was just curious what kind of...how does that work and would they need to weigh in...it sounds like we might be wanting to make some conditions along those lines so I was just curious what role the county played in that and what role we played in that.

Staff Dvorak: Based on the last two proposals which I had been involved in, there was a process that the applicant went through with the county and received encroachment permits. I forget which of the two proposals, but they were actually going to encroach over with balconies and have stair cases coming down from both the side streets to the Greenway, which in order to do that construction they needed permission since it was over Hennepin County's land. If they were to have access, even if they had just a stoop for outside of the door, which I believe you need for fire access purposes, they will need to get an encroachment permit from the county to do that.

That's the extent of the process I know. I didn't walk the Cornerstone Group through that a few years back, they did that all on their own.

Commissioner Norkus-Crampton: As far as we know, that process hasn't been started in this case?

Staff Dvorak: Not that I'm aware of.

Commissioner Nordyke: I want to start a discussion about holding this over. When would be an appropriate time?

President Motzenbecker: You may make a motion. I want to make sure there are no other questions first. I don't see any so that does leave us with two items, a CUP and a site plan review.

Commissioner Nordyke: We have a wonderful staff report. The TDM, which has been mentioned several times, is not mentioned in the staff report. It has been suggested that it may or may not contain information...actually, it will contain information that will address the issues that I hear about parking. The required findings is one of our principal required findings, number four and there is information in the TDM that will inform me on that. That was not in the staff's possession when they made their report. The staff has it, but no one else up here as read it. The staff has said that they don't see any problem with it. The staff is a resource for us, they are not a decision maker. That's equivalent to them having architectural drawings that we haven't seen and us saying "they don't have a problem with it and that's ok." The staff does a great job, but we very routinely don't agree with the staff. I can't personally see how I could vote today either way given the issues surrounding the conditional use permit without not only having seen it, but also I would like the staff to respond in writing to it as they do with everything else and give us a chance to look at that. It seems to be something that addresses a core concern. On that basis alone I would am going to make a motion that we hold this over one cycle and that the staff distribute that TDM to the board with a cover letter stating their case with regard to the impact that they think it has now that it's in their possession (Mains seconded).

Commissioner Mains: I don't think we're ready to make a decision on this. The TDM is a very good example; another example is that this is making no use of the Greenway to speak of. I think that's a problem. They're talking about this being family housing, but there is no provision for children. I think that's a major problem that has to be addressed. I like the idea of the central courtyard and I personally would be willing to say we'd be willing to get rid of a little more parking to have a courtyard, but that's my personal opinion. I'm not sure if one cycle is enough, we have more time and I think we...would you accept an amendment to make it at least one cycle and leave it up to staff?

Commissioner Nordyke: I'm saying one cycle. If you wanted to propose an amendment that would make it two, I'm fine with that.

Commissioner Mains: Ok. I'm going to propose two cycles and look at staff to think that's reasonable.

Commissioner Nordyke: I'm fine with that.

Commissioner LaShomb: I don't have any problem laying this over, but let me remind you that November 14th is the only Planning Commission meeting in the month of November and we have the Twins Stadium to discuss that night so if we do one cycle, plan to bring your sleeping bags. If you go to two cycles, that brings you into the first week of December and maybe that's ok. I think the basic point about this is I would hope that we're not laying this over simply because of the parking issue because I don't think the parking issue is worth a hill of beans and I'm not sure. The other issue is, I'm not sure what we can do in terms of demanding recreational space for a building where we haven't got any assurance if children will ever live there. Once again, you're going back to that question of defining who you think is going to live in the building. I happen to think that there are going to be extended families in that building with parents and children and that's all fine and good. If we lay this over two cycles, I think we owe the applicant and we owe the staff some very clear direction about exactly what we want to know so that we don't spend time on frozen ground trying to grovel to find dirt and I would point out to people on page 10 and 11 of the report that talks about how this fits into the code and how this fits into the Comprehensive Plan and I'm not going to spend time tonight going through this, but quite frankly, if I were a lawyer and I had this document in front of me in front a judge, I would say "they didn't approve this, even though on page 10 and 11 it was clearly understood that this project is for all intents and purposes a viable project and meets the code and the Comprehensive Plan and the Greenway." I will certainly vote to support laying this over two cycles, but we should find out exactly what people want to know before we take that vote because if we don't do that we've wasted the applicants time and I don't know what the December agenda is going to look like, but I would rather spend some good time talking about stadium issues and some good time talking about some other things that are on that, what I've been told is a heavy agenda, so colleagues lets tell the staff and the applicant specifically what we want. Vague terms like "access to the Greenway" don't cut it for me as a staff direction because I could define access to the Greenway in a lot of ways. The parking issue, there is a lot of ways you could deal with parking, but the basic point is, this building pretty much fits what Minneapolis has expected of developers to do in terms of the code. It also fits the standard of what's going on in Minneapolis and what's going on along the Greenway. Finally, this is an issue that has some cultural pieces to it. I think a rejection of this project by the Planning Commission could send a stinging message to some people in Minneapolis that your cultural values are not the values of our city and I don't want that message coming from me because I think the community that supports this project is a group of individuals that have worked very hard to find a meaningful life in our city and we should encourage a lifestyle that gives them the kind of opportunities that I had a chance to have when I was a kid.

Commission Nordyke: Can I make a point of order? The only thing I agreed to change in my motion was that it would go to two cycles. The motion was specific as to the staff providing us with the TDM and the analysis of the TDM (tape ended).

Commissioner Tucker: I agree that only an extension for two cycles would be of any use, but even then I'm not sure what we would gain. It seems to me that the directions we would be issuing would be to show what the connections to the Greenway increased access might and I doubt the issues with the county could be worked out could be worked out in that time. We could leave it as a direction with the staff to work with the applicant and neighborhood to find those additional connections to the Greenway. Otherwise I think we have what we need to decide on this right now.

Commissioner El-Hindi: I agree that the motion that was before us was actually seconded by, actually, a different motion. What I heard was that we need clarification on the TDMP in writing, although staff gave it to us today verbally on record. I don't think that that, for me, is needed since we have that on record, but I did hear the second really address issues like the connection to the Greenway and the courtyard and families issue so I feel like these are completely two different motions that were put in front of us. I think we should probably clarify that I totally agree with Commissioner LaShomb that if we do postpone this that we need to be very specific to what it is that we need from the applicant to come back with; issues that we discussed today like the Greenway connections or other issues if that's the case.

President Motzenbecker: Commissioner Nordyke actually clarified that. His motion was specifically to lay it over to get more information on the TDMP. The only amendment that he did accept was that it go from one cycle to two cycles. The points raised by Commissioner Mains were not offered as or accepted as an amendment. What we have before us is simply the TDMP added to the review moved to two cycles.

Commissioner Mains: Point of order, I think what we also have is commissioners voicing their opinions of what they think is important for staff that's not in the form of a motion. That usually, I don't think, is always in the form of a motion. We've heard a variety of things. Staff is intelligent, the developer is intelligent; they can figure out what we think is important. I just want to make clear that the commission is raising a number of issues they want further addressed. It may not be in the motion, but there are a number of issues being raised.

President Motzenbecker: The motion has been made and seconded. These are just comments for the record.

Commissioner Huynh: I have a question whether or not we can add on additional items if Commissioner Nordyke will accept them.

President Motzenbecker: If Commissioner Nordyke will accept them, you can try.

Commissioner Huynh: In addition to what Commissioner Mains has, I guess I see value in having staff and the applicant work further with the architect in looking at access to the Greenway in terms of visual and physical linkage from either the courtyard or within the development to the Greenway. This can be done in a tunnel that's in a corridor that has physical access that can be worked with the county eventually at least have some status updates by the next two cycles. Also, looking at providing a lot more visual eyes on the Greenway in terms of providing a community space at the lower level instead of dedicating it just for storage. It would be nice to have some type of program down there that utilizes the space, the Greenway and the opportunities that you have.

President Motzenbecker: Could you phrase those as amendments to the motion? You want them to look at those things. We're getting a little obtuse here. I need a little more focus and if we could kind of just address this item, vote on it and if it goes up or down, then maybe we can go into the whole array of what we'd like to see. We've heard enough, I think, about what we'd like to see for sure. I would kind of like us to get a little more specific and vote on this or give us some more specific information as has been requested. If you're going to ask Commissioner Nordyke to amend his motion, then I need some specific amendments to that not just what we'd

like to see the architect look at. If anyone has those, I will entertain them, otherwise I am going to call the vote.

Commissioner LaShomb: I would include in this motion an amendment that would direct staff and the developer to identify potential opportunities for greater recreational space on this site and also to have the staff do a little research to determine whether comparable projects on the Greenway have provided recreational space and also to identify for us how other comparable projects on the Greenway have provided access to the Greenway so that we can decide whether this project could provide comparable access to the Greenway to other projects that we have approved.

Staff Sporlein: If this is a successful motion and there is a two cycle delay, staff typically takes the comments during the hearing so in addition to the specific one about the TDMP, we also have comments related to access to the Greenway, children issues in relation to recreational activities and other amenities that are children friendly, the green roof and stormwater – more details on both of those elements, and also any changes to the courtyard. So, in that time, if there is any new information, we certainly would be seeking that information so that we can analyze it and present a report back to you on that. That would be done in addition to the specific TDM.

Commissioner Nordyke: Given that those are all information gathering and do not impact my personal motion, as a courtesy, I will accept those.

Commissioner Tucker: I just wanted to make a specific reference in the access to the Greenway of exploring community space at the lower level.

President Motzenbecker: Is that acceptable?

Commissioner Nordyke: Yes.

President Motzenbecker: Ok. We have the motion before us to postpone this for two cycles given all the information, which I'm not even going to attempt to repeat. All those in favor? Opposed?

The motion carried 8-0.

Staff Wittenberg: For the benefit of the public, two cycles is December 3, 2007.

The following actions were taken by the Planning Commission on December 3, 2007. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Motzenbecker, Huynh, LaShomb, Norkus-Crampton, Schiff, Tucker and Williams – 7

Not Present: El-Hindi (excused), Mains (excused) and Nordyke

Committee Clerk: Lisa Baldwin (612) 673-3710

4. Karmel Village (BZZ-3715, Ward: 6), 2848 Pleasant Ave and 2825 Grand Ave S (Hilary Dvorak). This item was continued from the October 29, 2007 meeting.

A. Conditional Use Permit: Application by Phillip Broussard, on behalf of Karmel Village, LLC, for a conditional use permit for 92 dwelling units for the properties located at 2848 Pleasant Ave and 2825 Grand Ave S.

Action: The City Planning Commission **approved** the conditional use permit application for 58 dwelling units located at 2848 Pleasant Ave and 2825 Grand Ave S based on the following findings:

1. The City previously approved a 58-unit development for the property.
2. The large number of dwelling units and bedrooms would result in significant parking congestion. Combined with the parking congestion that exists in the area, the proposed number of units would negatively affect the use and enjoyment of properties in the area.

And subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

B. Site Plan Review: Application by Phillip Broussard, on behalf of Karmel Village, LLC, for a site plan review for the properties located at 2848 Pleasant Ave and 2825 Grand Ave S.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the site plan review for the property located at 2848 Pleasant Ave and 2825 Grand Ave S based in the following finding:

1. The reduced number of units approved in the conditional use permit would likely cause the entire plan to shift and not be relevant.

Staff Dvorak presented the staff report.

Commissioner Norkus-Crampton: I have a question about under the environmental health portion of the developmental review. They talk a lot about contaminated soil on the site and asking how the contaminated soil will be addressed and the remediation of the potentially contaminated soil on this site and I was just curious in the discussions about the passive play area as well as the more developed area, was there any discussion about the quality of the soil there and how that might be dealt with to make it a safe play area for children?

Staff Dvorak: I will comment briefly, but I will let the architect discuss this. As I recall the conversation, the property has been going through remediation, volunteer remediation, and I don't recall that there was actually found contaminants, but given that it's been an industrial property they have been going through this remediation incase something comes along. Maybe I

should look for my minutes and sit down and let the architect respond. I just can't seem to find my PDR report.

President Motzenbecker opened the public hearing.

Phillip Broussard [not on sign-in sheet]: I'm the architect for the project. There are two things I wanted to mention. Everything that Hilary said was true, except for I think that we would like not to have 100 percent windows on the lower two levels; primarily for two reasons. One reason is for security and the other is that we're not going to need it in all the spaces down there so it's inappropriate. We'd like to propose 50 percent or better in windows, which is a substantial amount. The wall is almost all openings. That's what we were hoping to work with, about 50 percent windows. The second thing is, I heard there was some discussion on contaminated soil; it's my understanding that Landmark Environmental did work on it and found that there was only one small area that they had identified actual contaminated soil. Originally it was a foundry so they cast a lot of metal, but apparently there was not a lot of bad stuff there. There was one area where they painted things after they cast them, milled them and machined them and that area probably does have some. It's in the middle of the site, but it's not close to the Greenway. On the Greenway we were hoping to expand that for the children's play area. The reason we had none for the last time is there's really no other children's play area on the site that's large enough for really running around and working up an appetite. The Greenway, hopefully, was going to be partially accessible to us without play equipment on the Greenway, but with play equipment inside the building directly adjacent to it and also associated with the daycare center that would be there.

Commissioner Schiff: Can you walk us through the updated elevations?

Phillip Broussard: Sure. The elevation meaning the south side elevation?

Commissioner Schiff: I think all of the sides so we can see the changes, but if you could start with the south side and the windows that would be great.

Phillip Broussard: These two are what we consider the principal elevations; the east and south. The west is also important and the north is an interior lot focus. On the bottom drawing, you will see that there is the Greenway area with a catwalk that happens one level above that and then a level above that is the street level. You have two levels before you hit the street level. The reason that we dropped it down is because we will have housing units directly behind those windows and that would be an untenable situation. It also does provide for us to get from both streets down to the Greenway. On the level above that, there is now one frame of windows vertically, all the way across on this level and this level. As you see two there, there is only one right now. We're basically going to split it so we have two floor levels of housing on that face. All of these faces, up to this point right here, are faces that are right on the Greenway; immediately on the Greenway. This top section of blue windows, that is back about 25 feet. If you take a look at the east side, this is the side that has the two levels. The Greenway is down below this and here is the section that's over here that's set back 25 feet. All of the red is meant to indicate existing building. The other color is meant to indicate new building.

Commissioner Schiff: On the south side, you said you wanted something different on the windows. What are you requested, what you said or what's in the drawings?

Phillip Broussard: The only reason that I can't be more exact about it is that we really haven't got the uses behind it squared away. We do know that we want a daycare center, which is going to take all windows, almost. We want some areas that may not be seen for security reasons. It would be best if you could look in and not see everyone inside because you could keep track of everybody just like inside you could.

Commissioner Schiff: But you've submitted drawings that show all windows.

Phillip Broussard: Yes, and I do apologize. That should have been changed. I do believe that we're going to be somewhere between half and 100 percent. I don't think we'll be close to half. Some of the windows might be glass block because there are quite a few glass blocks in the building.

Commissioner Schiff: Ok, it just puts us in an awkward position when you're asking us not to approve the drawings that you've submitted.

President Motzenbecker: Was staff aware of these things? This happened last time where we got a whole new set of drawings and told a whole new set of things. We need to have approved things before us that aren't going to be moving targets. We can't really approve your wishes.

Phillip Broussard: So, what do we do?

President Motzenbecker: I'm just going to see if there are any more questions for you at the moment.

Commissioner Schiff: Could just continue to walk around the building from the other elevations that would be great.

Phillip Broussard: Here are the other two sides. We've got the west side; this is on Grand Ave. The dark portion of the structure indicates existing building. In this case, all of this area as well is existing building, all the way down to the very end. Everything you see from the street will be existing. This portion of the building is setback about 25 feet. There is an older section that is 25 feet back and then there is a newer section that is behind that by another 15 feet or so. The look from the street in both cases and the look from the Greenway is going to be pretty much what you see now. On the north side, there is some existing that's visible from each end. This is the end of this piece of the building and then the rest of it is new construction, four stories tall.

Commissioner Schiff: You've used recessed balconies rather sparingly. Why have you decided to use them where you have used them?

Phillip Broussard: We just feel it's a cleaner look and better for the building. It is an industrial looking building. It could be light, open metal... are you talking about on the Greenway now?

Commissioner Schiff: On all sides. On one elevation there's no recessed balconies. On another elevation there is about six and you don't have any balconies overlooking the Greenway itself. Why not more balconies?

Phillip Broussard: The balconies overlooking the Greenway are recessed into the building and every unit has a balcony. It's hard to see that.

Commissioner Schiff: Can you show us that on the elevations?

Phillip Broussard: It is a little bit hard to see. It shifts from areas. This particular one is recessed about six feet. That glass is six feet back from the face of the unit. They pair up; these two are together, these two are together and these two are together. There about 10 units going across the south side and each one has a balcony.

Commissioner Schiff: Is there some kind of railing? I don't see a railing on the versions we're looking at.

Phillip Broussard: It's not on there because it's just brick, basically. The brick would be cut out to that height. If you get up to the third floor, this is a continuous railing out of brick and then the entire part behind that that's 25 feet deep in the width of the building is going to be a green roof.

Commissioner Schiff: Ok. I think that's great. I think the balconies are a nice touch and you could include quite a bit more balconies on some of the other elevations, but I think using the brick balcony and having them recessed is a nice touch on the Greenway side.

Phillip Broussard: Unfortunately, this is what the drawing should have shown on it, which is that almost all of the windows, the openings, we are proposing to have some window in, but we didn't want to put 100 percent of the windows in. You can see that some of them go down farther than others. You can't see all the way down to the bottom, this is just a figurative way of demonstrating that it wouldn't be totally windows. Let me understand that, are we not going to be approvable if that's the case?

President Motzenbecker: We'll see what happens.

Kristine Martinson (2930 Harriet S): I've got a number of issues and concerns. I'm not going to go into all of them. I'm going to start with these height...

President Motzenbecker: We do have your letter so if you could paraphrase, we don't need to rehash.

Kristine Martinson: I've been present at most of the community issues meetings and I was present at the group review session, which was a small task force to discuss this proposed development. As a witness to all those meetings, I must say the architects have been very deceptive throughout the whole presentation process. They say "it could" a lot and they say "might" a lot. They don't have anything that's in stone to present. Just as an observer of the building, I want to show you my sketches. I went out and measured the height of the building. This is the existing top of the roof right now on that second level. This little piece here is a façade that's four feet. They put on their plans, I just briefly looked at it because it was hard to see, 36 inches is that top roof, which I find is deceptive. Here would be 56 feet. This is from the street level. We're talking about a building that could be almost twice as tall as the existing building. My other concern would be that everything could change and then it might be one giant block-like building. This, I didn't have the right measurement; this is just showing the south end of the building on the Pleasant side. This one picture they have, I hate it because it's kind of like a birds-eye view looking up so they don't really show what the height of this building is going to be. If you looked at it from the street level, this would be 56 feet right here. This is 20 feet, this is the roofline of the lower level, 20 feet, this right here is to scale. This I just did real quick as in

illustration. Twenty feet here is the first roof line, second roof line is at 31 feet and 56 is their roofline level which is here so I just wanted to show how massive this building is. You can look at my other issues in my letter.

Robert Speeter (1205 6th St): I'm the attorney for the developer. The only thing that's 56 feet is the spire. That's just that little area there. This little part here is at 48 feet, but when you get to the top of the building, which is just barely above what's existing, that's 41 feet. This has been the plan pretty much throughout so there hasn't been any bait and switch here. With the windows, what we're looking at is that lower area and it's just for the usage. If the windows are a big deal, we can make it work. We just didn't want to have anybody come back and say we're not being honest. The thought was that with some of these uses it wouldn't be appropriate for windows there for security reasons because we have storage and other areas that might not be appropriate for that access. We're just trying to be proactive, being up front and say that we're going to be at least 50 percent windows at the very bottom. Up above we're all windows. If we need windows we'll make it work with glass block or something.

Commissioner Schiff: Going back to the height, can you put that image back up? On the gray addition, is there roof space designed for outdoor use? I see a guard rail on the drawings in front of me.

Robert Speeter: There is some green roof space. The architect would be the best to answer that accurately, but yes, there is some.

Commissioner Schiff: My question is on the height of that additional parapet wall, what is the need for that, how much of that is actually roof space for the interior units and how much of that is actually just a wall that covers up the roof?

Robert Speeter: How about an accurate answer, would that be fair enough?

Phillip Broussard: The entire portion of the upper part of the building, the highest roof, other than the stair access to it has a guard rail around it.

Commissioner Schiff: And is that a rail or is that a solid wall?

Phillip Broussard: It's a solid wall on three sides. It's open on the fourth.

Commissioner Schiff: And how tall is that wall?

Phillip Broussard: It's 3-1/2 feet.

Commissioner Schiff: And what's the purpose of the wall?

Phillip Broussard: Primarily security. I don't think we are going to have people that are up there but for whoever does go up there, that's for safety. Not security, but safety.

Commissioner Schiff: You don't think you'll have people up? Will there be access for residents or won't there? Is this an amenity being used for the tenants?

Phillip Broussard: I'm sorry, I don't know.

Commissioner Schiff: You don't know.

Phillip Broussard: I don't know. I would suspect not. We have a lot of roof area that they can get to. There is no reason to put them on the entire roof.

Commissioner Schiff: Okay. But you're not intending to design it for residential use?

Phillip Broussard: Not designed for residential use.

Commissioner Schiff: Okay. That gives us some direction as what we might be able to do. Thanks.

Doreen Hartzell (218 W. 29th Street): My name is Doreen Hartzell. I live at 218 W. 29th Street. It's at the corner of 29th and Pleasant where this main access to this building is going to be taking place. I had two comments on the traffic density management plan that have been submitted. The first of those is that the intersection at 29th and Pleasant which is the main access on the east side of this building is not included or addressed in these traffic studies at all and if you look through there they list the other end of Pleasant Avenue, they list things at Lake Street, they list things at 28th, but the intersection that's most directly impacted by traffic going in and out of this facility is not addressed at all in that plan. The other issue of that is that their parking study was conducted early in the morning on October 30th this year and looking through the photos that were submitted of morning vs. evening parking, early morning parking has not been an issue in the neighborhood to-date. That is a time before neighboring businesses are open, before those business owners are parking on the streets to go in and get the stores ready for their customers. And even at that time of day, they are showing that that's 56% occupied, I believe, before we have hundreds of people coming in to patronize these stores and park on the streets. So, I just wanted to point out that while that plan was not found problematic, I think there is some serious issues that are not addressed in there and I talked to the person in charge of parking for the City and we have been working with him over the last year to try to get critical parking approved for that neighborhood already. He says he is aware there is a congestion problem and he was not contacted and asked about the plans for this. I had just a few comments on some of the things that have been, some of the supporting documents. This one had been included from Leonard Properties which is across the street from this building that is going to be going in. That's currently a vacant building that is shut down and has numerous code violations on it and has been closed down for several months now since this summer so if you wanted to take that into account when evaluating the letter of support from that property owner that's certainly your choice. My other question is going to be about who will be responsible for enforcement if you approve this project. Right now the neighborhood is somewhat frustrated in trying to get enough city resources to monitor ongoing projects and issues in the neighborhood and I would really like to know whether it's the responsibility of this commission to determine whether there is sufficient supervisory resources for this project to be monitored as it's built or whether that is something that is outside of your jurisdiction.

President Motzenbecker: It is outside of our jurisdiction. The zoning administrator would be one piece. Jason, you may have a little bit better clarification for that.

Staff Wittenberg: Yes, Commissioner. If we are talking about issues related to the zoning code the CPED Planning Division and the zoning administrator would be in charge of enforcement of those provisions; other provisions would be enforced by the Inspections Department.

Doreen Hartzell: Okay. I just had one sort of update. This is something that was submitted at the last hearing on this project. It's a self-facing view on the Greenway of the building and some work that had been already started without any sort of monitoring of the safety of passers-by. This section of the building now, this upper story, is now completely missing. There were workers up there with sledge hammers when I left and walked over here today. So that's still ongoing. I don't know if that affects your decisions.

Staff Wittenberg: Commissioners, my understanding is that a demolition permit was issued for the project. I don't know the extent of it or if Ms. Dvorak has information about the extent of that permit.

Doreen Hartzell: I know there was something issued but I also know that if I walk around downtown and there is work being done on the second or third story of a building there are generally protective scaffoldings put up on pedestrian passways near that sight, but has not been done currently.

President Motzenbecker: Okay. I think that would be an Inspections piece to make them aware of. Anyone else? Come on up.

Marian Biehm [not on sign-in sheet]: Good afternoon, Commissioners. Marian Biehm, Executive Director from the Whittier Alliance. The Whittier Neighborhood and the Whittier Alliance are on record as opposing the proposed housing development for 92 units at 2848 Pleasant Avenue. We are also on record as having no confidence in the developer. Both letters are in your Commissioner packet. And if you could indulge me for just a moment, in 2004 the Sabri Property Development, Karmel Plaza, formerly 206 Elroy and now 2910 Pillsbury, it was a 6,400 square foot, two-story project that was approved with the CUP for a farmer's market and 11,000 square feet of reserve space for industrial and economic development. Parking was calculated on that type of development. What has occurred is a retail mall which is a very active retail mall, the industrial space has been incorporated into the retail mall so that calculation for parking is moot, and the parking in the neighborhood and the traffic in the neighborhood has been severely impacted. The amount of parking that was allocated is now insufficient for the use so I don't know that it was any great secret that this what was going to happen but this was what was approved and we are no looking at critical parking and traffic issues in that area. We have had multiple meetings with some of the management at Karmel, Karmel business people, and have tried to mitigate but the problem still exists. I bring this up because what gets approved and what actually gets developed are two different things in this developer's track record and it presents kind of a subjective problem with how to mitigate or maintain or help with the neighborhood impact. I think we are facing a potential similar problem with 92 units of residential. To address that specifically now, the Whittier Alliance supports housing on that site and we support, we have in the past, supported a conditional use permit for 58 units and also the Planning Commission has supported the proposal for 58 units, and that was back in March of 2004. The 52, I'm sorry 58 units, I'm getting my numbers, it's 92 proposed, 58 were approved in March of 2004. That is consistent with the R-5 zoning. We are looking at the 92 units of 20 two-bedrooms, 41 three-bedrooms, 15 four-bedrooms and 6 five-bedrooms. That totals 279 bedrooms. This creates an occupancy density more commonly associated with an R-6 zoning. The R-6 zoning was previously submitted and denied for this site. It was denied, I believe, in '05 by the Planning Commission. The 279 bedrooms, whether occupied by adults or adults with children, will bring an intensity of use to the area that is more consistent with a highrise. The potential traffic and parking for this number of units with a larger number bedrooms and higher probability of adult

drivers, cannot be accommodated by the 92 parking spaces that are being suggested. The number of units and the number of bedrooms, if occupied by children and adults, also creates a livability issue for the children with lack of adequate play space and area for the potential numbers of children. Due to safety issues, the Greenway and the Hennepin County Railway area, I don't know that they should really be considered as, the Railway area, I don't know that that could be considered as a passive play area. Previous recommendations or previous, I'm sorry, not recommendations, previous proposals with the request to use that railway area have not been granted by the rail area so to presume that that might be a passive play area is a little bit premature. It's also consistent with things being proposed and not in place prior to approvals being requested. In addressing the findings, the potential density for 92 units with 279 bedrooms would add both occupancy density and additional traffic and cars that would endanger the safety and comfort and general welfare of the surrounding area which is already stressed with congestion. We ask you to support our original number of units of 58. In finding to the conditional use would be injurious to the enjoyment of property in the vicinity. The addition of 92 2, 3, 4, and 5-bedroom units would greatly impact the livability of the area. And finding 3 and 4, the surrounding neighborhood streets of 29th, Pleasant, and Grand are residential streets. They are already congested. The residential streets are not equipped to handle the additional 92 units and with the potential for more than one driver per unit, adequate measures have not been taken to minimize the traffic congestion with the existing conditions resulting from Karmel Square and Karmel Plaza. The Neighborhood holds no hope for the developer or the City to adequately minimize the traffic congestion. I would also ask the Commission to really take a look at the environmental and the structural impacts of the building. Previous issues and withdrawals of proposals have been the structural issues and the environmental issues have been cited as reasons to withdraw further development for housing on that site and if we're looking at a significant number of people as well as children in those areas, the contamination could be an issue. I know the developer has said that he is sealing off two of the lower level areas that have some contamination. I don't know if that's been completed or not. I think that's it, but I do ask that you consider reducing the number from 92 to 58, consistent with previous approvals and that you seriously consider the density, the livability issues and the traffic and the Travel Demand study is inaccurate in its counts based on the time of day that they were done, particularly the parking. Thank you.

President Motzenbecker: Thank you very much. Anyone else?

Mohamud Amarissee (sp?) (2910 Pillsbury Avenue #207) [not on sign-in sheet]: I am a business owner at the Karmel Plaza. I am speaking on behalf of the Muslim Business, Karmel Business Association, and also speaking on behalf of business owners at both Karmels. As you know, we mention of other times the Karmel has a lot of businesses and the parking issue was going a long time but the owner of the building and the business owners, we have a lot of meetings. Even we have a meeting with the City Parking Staff and they give us choices so what happened is the separate property that used to make the parking pay parking only for tenants, I mean only for customers. And the tenants is always we park on the outside so the mostly who, the reason we are behind this project because we see we have a problem in the neighborhood because we park on their spots outside. So when Sabri says we're going to build in this building we say that that's ok. The reason is even he bought it and he says we can make the business owners to live there so we have parking and then we can walk out there and we are very close. So if this project was go ahead and then you give a 92 unit parking, a 92 unit goes ahead that means 91 business owners, if they bought, I don't know, many, most of them want to buy it but if they bought that place, that means 92 parking space was off the street going to that building. So still the problem is there.

And then, the reason the building wants a larger occupancy like the rooms, and the size of the rooms, is because as a Somali community, we have a family size larger than the average American people here. Because the culture there, since you have no health care and no insurance, kids they die much older so the person, his wealth is how many kids he has and his retirement is how many kids he has. For example, if your kid is successfully grown and they have it, you will live with your kids. You're not going to live with Social Security. We don't have nothing. So it's still the culture is the people still there. We have a large families always. So that is the reason we advise Sabri to have large number of rooms and larger things like that. That's what the reason is. And that's why we support this project. The Somali community, we don't have much rooms available to us. Usually it's two rooms, three rooms and it doesn't fit the rooms. I know a lot of family who rent two different apartments, with two expense. But if they get something accommodating with their own living, with their family size, that is very suitable. That is the reason we are behind it and we appreciate it if you go for it to support our need. Thank you.

President Motzenbecker: Thanks. Make it quick.

Abdallah Hassan [not on sign-in sheet]: I have a business at Karmel Square since 1998. I have been involved at different levels in increasing the number of businesses in that neighborhood. I would like to inform you Karmel Square and Karmel Plaza is a vibrant Somali community businesses. It gives us a reason for people to come and shop with us because of the variety of the shops. There is some traffic when you have economic activities, there are issues of driving and more people and all that, but it has been, from what I understand at the Karmel we started with dark infested building that has been closed up for over 10 years. From what I understand after 5:00 that neighborhood was unsafe for anybody to walk and people are walking all times of hours at night in that neighborhood. So as a community, we have been a positive addition to the neighborhood, both financially, economically, socially and safety wise. It is true, people like to have more space and less housing and all that, but I would like to tell you is one of the reasons that this housing will help this community is a lot of the people who own the business and they would be able to reside in those buildings and that will cut on the driving, that will cut on congestion on the streets, that will cut, that will strength if you are a homeowner and you own a business. From my prospective what I'm looking is the more customers I can get around my business the viability of my business and the long term of survival would increase. If you reduce the number of units to 58 as the Whittier Executive Director suggested, it prices out typical Somali families out of those units so we have to get people who have more income for that project and from what I understand the previous owner could not make it economically viable the project with the number of units and I am assuming people who can afford a 58 units depending the cost structure and the market value of that property, I guess would have a better choice, options of neighborhoods to live in. So what I am suggesting to you is it would be a waste of resources for that to tie the developer's hands to a unit that is not viable to the people who could use the facilities because of cost reasons. I thank you very much.

President Motzenbecker: Thank you. Okay. New information please. I think we understand the parking and the living next door.

Andirzak (2910 Pillsbury Ave): I used to have a business in Karmel, but today is the last day I am living in that place. I closed my business because, there are a couple of things. Since my contract expired, they don't want to renew my new contract. I found out that 90% of people have a business and they don't have a contract. Everyone, they stay month to month. The second thing is, when they started doing parking payment, dramatically, I lost a lot of customers.

President Motzenbecker: Again, with all due respect, these issues are not ones that we can address right now; the parking, the businesses across the street. The items that are before us today are specifically this residential business. We have a conditional use permit and a site plan review for this. I understand that these are tied together to some degree, but if you could just focus on how that relates directly to what we have to decide on, that would be helpful for us.

Andirzak: They collected signatures for the people supporting this kind of deal and there are so many people that say they don't support it. I have a couple people, but they are late and are coming today. You can hear their own opinion. There are a lot of people not supporting Karmel and Sabri Properties. He doesn't respect the community and he only looks for his own interest. That's what I'm trying to stop. Most of the communities, they don't want to address that. Today, I have most of the ladies who have business in the Karmel and you can hear from their own voice that they don't support all this kind of deal. We're here today to let you know we don't support it at all. There are a few people who support Sabri Properties, but I would say 80% are not interested and are not supporting his own personal interest. Who are the people occupying that space? The Somali communities. He don't have any respect at all for the community. I heard people say that when one person leaves that some other person comes in. There are issues going on many, many years. I have been in Karmel mall about a year and a half and I have seen all the people complaining. Today I stand up for the community. The other thing is, we find another place now. Forty-eight business owners, they move in Karmel mall. We're not supporting Karmel mall or Sabri Properties at all. Thank you very much.

Mandy Hwang (2815 Harriet Ave): The neighborhood didn't receive notification for this meeting. Is that because it was continued to a second meeting?

Staff Wittenberg: That's correct. When an item is noticed for a public hearing and then it's continued to a certain date, it's expected that those who have an interest in the project will be here to see that it was continued to that date or can contact the staff to find that out.

Mandy Hwang: Ok. When I spoke to the planning office, they told me that I should be receiving a notification and when I spoke to the neighbors, they hadn't. Thanks.

Rashid Omar (2910 Pillsbury Ave): I'm a real estate broker. I've been in Karmel mall since it was opened. I've been working with Sabri, with this project, to sell and to market and find appropriate new home owners for these units. I just want to tell you, as of today, even though it has not been approved, we have 25 people signed up to buy these homes. This is not only for Somali community, I even have Mexicans, Ethiopians, Somalians...immigrants and people who cannot afford. I've been doing business in south Minneapolis as a real estate broker for five years. I have talked to builders before and discussed with them what kind of project they can put out there. Sabri is the only person...I might not agree with what he has done in the past, but he at least listened to the concerns that we have as far as what kind of homes we wanted to build, what kind of sizes, what kind of price. I think we should give serious consideration for this project, not because what's attached or what the neighborhood or someone else has opinion, but we should at least look at the facts. The facts are, I have sold properties for \$30,000 one block from Karmel mall. The same client, I asked him if he wanted to sell for \$210,000 and he basically looked at me and asked if I was crazy. I don't understand where this is coming from that Somali or immigrant communities, they moving in the neighborhood and properties depreciate. This is good for everyone. Karmel mall, I'm glad it was approved. There is a vibrant community out there. I have a business out there. I pay taxes. I know 103 people doing business there. I don't see how

it's negative. I think it's something good for the whole community, not only Somalians, but I think we should learn from each other, work together and see really look at what's in front of us. I think this is really a good thing. If it's not approved, I think it's a loss for the whole community, not only for Sabri, not for Somalians, not for everyone. I think we should look in depth at what's on the table. Thank you.

President Motzenbecker: I will take one more. New information please.

Nimco Ahmed (CM Lilligren's Aide): Council Member Lilligren couldn't be here today because he had other engagements that our office had. One of the things that we want to let you know, I know people have talked about this, parking and traffic problem that exists in the neighborhood. Our office has been getting numerous calls. It's really crazy. For that reason, we actually do ask you if you can reduce this to 58 units. Because of all of the problems, this is not actually going to solve any of the problems that we already have. This is going to bring more problems, especially the parking and traffic issues that the neighborhood has talked about it that even other folks that live around the area have already talked about. For that reason, please do whatever you can to reduce this to 58 units. That's what our office supports. Thank you.

President Motzenbecker closed the public hearing.

Commissioner Schiff: Question for the architect, could you review for us the green space on the site and how much of that will be accessible for tenants of the building?

Phillip Broussard: There are three areas of green space on the property. One that's in the courtyard is probably going to be the least used for public [tape ended]...tenants. In the center we have a courtyard. It's actually going to be useful to all the people that want it, but it's going to be in the shade a lot of the time so I don't suspect it's going to be attractive to a lot of people to spend a lot of time out there except at perfect times of the year. We had intended that this be a more sedentary quiet area, probably more for very small children and parents, but basically available to everybody. The main area that we were hoping to capitalize on was the Greenway because we...our lowest level is basically right at the Greenway level. If you open a door, you're on the Greenway whether you like it or not. The Greenway is meant for exercise and enjoyment. We tried to combine the daycare and the exercise equipment for the kids inside, directly adjacent to the outside so that it could be one continuous thing and basically used to it's maximum potential. That of the green space on the site, that's what's on the ground. Are you concerned with the roof?

Commissioner Schiff: We'll get to the roof in a second. Can you just clarify; did you say indoor space for children?

Phillip Broussard: Yes.

Commissioner Schiff: Where is that?

Phillip Broussard: That is at the lowest level.

Commissioner Schiff: How many square feet is that?

Phillip Broussard: The lowest level along this area here, the two levels that are down by the Greenway, this is the lowest; there would be the daycare center in some portion of this, right now we are showing it right here, that could have operable doors, overhead doors, and basically be one with the Greenway. The daycare center also has space upstairs; it's quite large. This is meant specifically for very strong activity for the kids.

Commissioner Schiff: That area on the outside does not connect directly to this. That's on the other side of the Greenway. Is that also doubling as stormwater management?

Phillip Broussard: This piece right here? Yes. Wherever you see planted it's infiltration beds below it. Where you don't see the planting, there is grass. You have infiltration beds all the way around. This is an infiltration bed on the other side, it's our property, but it's on the other side of the alley. All the way around through here and there and then finally there is a catch basin here that goes out to the catch basin in the street.

Commissioner Schiff: How will you access that outdoor area? Can you access it from inside the building or is it only from going outside and going around?

Phillip Broussard: This is one of the two stairs over here and this little projecting element is a community room, or basically a common room, available to everybody; it's windows on all sides. We're hoping to use that basically for parents that want to watch kids and this will be fenced in out here, but probably not a lot of very aggressive activity there.

Commissioner Schiff: There are 279 bedrooms by my count in this proposed development, how much play space do you think that is?

Phillip Broussard: Well, they have standards for daycare centers and we could figure that out but we did not do that. We have the Greenway, which is almost unlimited play space.

Commissioner Schiff: A small child on the Greenway is going to get hit by a bicyclist really fast.

Phillip Broussard: The character of it is that, actually we're like a foot or two above the Greenway and what we were hoping to do is terrace this out, natural terrace, so that it doesn't look like it's ours or belongs to the building necessarily, but have some ups and downs in there and make it so that the kids would have their limits and it would be established.

Commissioner Schiff: I think that's a very good opportunity space that could really be key for providing adequate green space. I know that's in Hennepin County's control so hopefully the commissioners there will grant you the easements you need to use that.

Commissioner Norkus-Crampton: It seems I read somewhere in this application that the individual parking spaces, are they included with the individual units or do they have to pay extra for access to the parking? It seemed like I remembered there was an issue of that somewhere.

Phillip Broussard: I'm not sure how that plays out, but there is one for every unit. Presumably, there could be people that don't have cars that move in and people that could have two cars that move in. I know the people in Traffic told us that what we should do is make sure they are assigned to units so that you don't have people parking just anywhere.

Commissioner Norkus-Crampton: So as far as you know they should be included in with the cost of the unit?

Phillip Broussard: Yes, I would think it would be blended in to the cost of the rent unless somebody just doesn't want a parking stall and it's valuable so they should get a break on their rent.

Commissioner Norkus-Crampton: Ms. Dvorak, I was wondering if you had any more information for me as far as the contamination.

Staff Dvorak: As I had said, the site, not necessarily this property owner, but previous property owners, have been going through the voluntary cleanup. I asked this question when we were at the preliminary development review meeting because we had heard at the previous Planning Commission that that's why the building wasn't being reused was because of contamination and what it says in the report was that if contamination was found that it would be required to go through the PCA. It's not that there is contamination there that makes it unlivable, but if it's found, there is as process as there would be for any site.

Commissioner Norkus-Crampton: They were mentioning that there might be some small area of the site that was contaminated and it might be more in the center of the building where some excavation was going on but it wouldn't necessarily be in the play areas.

Staff Dvorak: I can't speak to that. I haven't been in the building. Here it says "is a former industrial site and may have contaminated soil that will need to be addressed." That's the comment from the Environmental Health office.

Commissioner Schiff: I'm not an expert on Traffic Demand Management Plans, but it seems odd to me that Public Works staff would choose an early morning hour for their study. It's obvious in the early morning that you're not looking at major time for businesses and when there is major retail and commercial activity so close to this site, it's almost like you would choose early morning if you wanted to not look at the problem that exists out there that so many of the neighbors have complained about. Do you have any idea why they would choose the hour that they chose for this study?

Staff Dvorak: It's not Public Works that does traffic counts, it's Wenck & Associates in this case, the traffic consultant that's been hired. They've done several of the Travel Demand Management Plans for projects that I have worked on. I can't speak to that, but I can tell you that Planning staff and Public Works staff read these and have dialogue back and forth once we see a draft. That wasn't an issue that was flagged and so I can't speak to it, but I would say it wasn't flagged when we reviewed the initial draft of the Travel Demand Management Plan.

Commissioner LaShomb: This reminds me a little of a project we approved two weeks ago in a different part of town but the issues are almost side by side. I think that this is basically a good project. What I am basing that on is page 11 of the staff report and page 12 which talks about the zoning code and Minneapolis Plan. For those who aren't privileged to have pages 11 and 12, I will address those in a minute. I want to make a motion not to get into the site review plan, but I would like to move the conditional use permit for the 92 units.

Commissioner Tucker: I will move that we approve a conditional use permit for 58 units (Norkus-Crampton seconded).

Commissioner Williams: My question is, what was the rationale for moving from 58 to 92?

Staff Dvorak: When the project came through in 2004, that number happens to be what the developer at the time was proposing. It could've been 30 or 78, but that happened to be what they were proposing.

Commissioner Williams: A different developer is involved now?

Staff Dvorak: Correct. The Cornerstone Group was the developer back in 2004 and that's what they were choosing to do with the building.

Commissioner LaShomb: I guess I get to talk about my motion just to oppose Tucker's motion. I'm quizzical as to why we should drop this to 58 units when the Zoning Code and Minneapolis Plan seem to suggest that 92 units is quite appropriate for this site. For those don't have those documents in their hand I will go down them quickly. First of all, they are proposing 96 parking spaces in a building under the R5 zoning district where the code requires one parking space per unit so they're proposing four more spaces than the code requires so it seems to me they're pretty good on parking. Beyond that, this is a pretty high transit area. It's a block or block and a half from Lake St and they get a lot of service down there. In terms of the FAR, the FAR for an R5 is two and their FAR is 1.81 so it seems to me that they are well within that standard. The building height, they are well within that standard. The minimum lot area with the bonus they are entitled to allows them to build up to 92 units and they're proposing 57.5 dwelling units per acre and if you go over and look at the Midtown Greenway Use Plan, this site is called out as a high density housing site ranging between 40 and 120 dwelling units per acre which means, conceivably, if they maxed it, they could be building 180 units on this site. My reaction is that the facts seem to suggest to me that 92 units is quite appropriate for this site, but I think there is another dimension to this and that is that there is a need in Minneapolis for affordable housing for individuals who came to the United States as, lets say legal immigrants, but there is a need for that kind of housing and it is not just as need to have a number of units, but also to have units that of a sufficient size. When I was a kid, my parents were in the post World War II generation and we had a terrible time trying to find a place that would allow two parents and six kids to live and we lived in a situation that I would never impose on my children if I had any. I think there is a cultural dimension about this as well. I think the cultural dimension says that there needs to be a substantial housing unit that provides housing opportunities for individuals who come to the United States to find a better life and, secondarily, those units are going to tend to be bigger because those individuals do have a cultural bias towards larger families. For a long history, those families lost children hand over fist because of health care and other issues so to put this down to 58 units seems to me to violate the code and secondly it seems to violate the Minneapolis Plan and the Midway Corridor Plan. I guess I don't have the vote since I couldn't get a second, but I think putting it down to 58 units is an underutilization of the property in a situation where we should be maximizing the use of the property and that was the argument that we carried forward in the southwest Minneapolis situation and I think it applies just as well here. Ted, as much as I respect your logic on this, I'm afraid that I'm going to be on the wrong side of this one.

Commissioner Williams: I'm interested in hearing the rationale for moving from 92 to 58.

Commissioner Tucker: I made that motion seeing the lack of a second on Commissioner LaShomb's. I know we have support here from previous discussions for 58. It's supported by the neighborhood; they brought their rationale of the intensity of development that this project promises with so many bedrooms per unit and the likelihood of more than one car per unit and the congestion that brings to the neighborhood and I think that's the main rationale for limiting this to 58 units. It is, as noted in the staff report, a project that as of right does have the 92 by the calculations, however, as proposed with so many bedrooms and such an intense use, I don't think the proposed parking is commiserate with the proposed number of bedrooms. Otherwise, there is a lot of good things about this project, but most of those are ones we'll discuss in site plan review. So it's the intensity of use and the lack of parking that the project includes.

Staff Wittenberg: Based on what I heard as the rationale for the motion, you may want to consider requiring a certain number of parking spaces per unit which is increasing the number of parking spaces above and beyond what's required in the zoning ordinance is clearly authorized in the zoning ordinance that may be another approach to think about.

Commission Huynh: I just wanted to apologize to Commissioner LaShomb for throwing out my second a little too late here. I want to think through the logic that Commissioner Williams also addressed in terms of going from 92 to 58 and understanding the reasons why you would other than traffic reasons. I think that Commissioner LaShomb had addressed the issue and I think this has been addressed in Creekside Commons which is the cultural issue in terms of accommodating housing types that addresses immigrant populations and the way that they live. Coming from a first generation Vietnamese immigrant family, generally coming from larger families, you understand that it is a different country that you come in and try to assimilate yourself and knowing how to live a lifestyle that is different from your own and making your way work. I think the only other project types that have attempted to address housing for different cultural backgrounds is in Frogtown. Currently they are doing single family developments and why not do that in Minneapolis? This is an excellent opportunity to do it. It's an excellent site. They're within the conditions of the zoning ordinance to be able to do 92 and I can't justify going from 92 to 58, especially if that's going to help a lot of the immigrant population find housing. It is a lifestyle that Americans live with using automobiles, but if it is within walking distance and within walking distance of a bus line that allows them to learn how to live a different lifestyle, I think the site and the proposal is valid. I support Commissioner LaShomb's motion. In terms of the changes that the architect had mentioned in terms of the elevation at the south façade and the glazing, I'm not sure...

President Motzenbecker: We can probably do that in site plan review.

Commissioner Huynh: Ok, sounds good.

Commissioner Williams: When we were talking about the impact of traffic and looking at who the likely occupants are for these units, I don't think we can assume that there will be the same level of automobile ownership there as is historically the situation in other American families.

Commissioner LaShomb: I think the answer to the question of why 92 units are being proposed here is twofold. One is that it's a maximum use of the property consistent with the zoning code. If I were building this project I wouldn't be wasting money building 58 units on a site where I could build 92 units under the code. The second reason is, I think there is a cultural issue involved in this and I don't want to make too much of that, but the simple fact of the matter is that it's

pretty hard to find housing in the city of Minneapolis for large families. It should be consistent with Minneapolis public policy to support developments that accomplish that. As far as the Traffic Management Plan, I remember a situation about a couple of months ago where we had some people on the Planning Commission who said people will know what the parking situation is when they get there and they'll buy based on whether they can keep their car or not. I would encourage the developer to not assign one car per unit. What I would do is...or one space per unit...what I would do is I would basically do a separate rental on garage spaces and I would create some real disincentives to get people to drive simply because it works in the building where I live. Where I live, I have to pay \$42 a month for my parking space and that's beyond the cost of my unit. I think the Tucker motion is a misuse of the property for a lot of reasons. As much as I can hear the neighborhoods concerns about this, I just think that as a Planning Commission, we should be developing these parcels consistent with the Minneapolis Plan which is to provide good housing for individuals in our city who need that housing.

Commissioner Norkus-Crampton: I seconded the Tucker motion because I wanted to hear further discussion of the various numbers that might be appropriate on this site and rationale for each one. Obviously, we did just pass the Midtown Greenway Land Use Plan and that does call for additional density as a goal on this site because of access to present and future transit in trying to move forward with rational land use. It's difficult when we look at the parking requirements and it seems like that is an issue, but it doesn't really...traffic studies don't really illustrate that very well because of whatever, whether it's the timing that they did where they actually monitored the parking so we don't have a lot of objective data to look at on that, although it sounds like a lot of people are experiencing problems. If we're going to make increased parking requirements for a development such as this, again, I don't think that can be based on cultural considerations. I think that gets us going in a direction that we ought not to be going. If you look at other reasons to increase parking, one of the reasons says documentation regarding actual demand for the proposed use, well, the demand study that we have, faulty or otherwise, doesn't really show that there is a problem or demonstrate that objectively. The impact on parking and roadway facilities in the surrounding area, again, the traffic demand study doesn't show that. Locate a near parking area that is available to the customers, there's all these different things that...there is transit available, there is parking available that meets the requirements, but what we're hearing from the people who live there and from the people who will be affected by this development that there is difficulty for them now so as a commissioner I am struggling with how to move forward with this in a fair way that would be fair to all parties and would hold up on appeal. That's where I am at at this point.

President Motzenbecker: I just wanted to say that I'm struggling a little myself because, having been over there numerous times, I don't tend to agree with the TDM either. I think there is just some real oddities there in that report. I'm not an expert so I don't know how they come about with what they come about. I'm just a little nervous about that. I am a big fan of quality, affordable housing and know that we need it desperately, but something tells me just from seeing the shifting designs that we have seen twice now from the architect, things are changing, I'm not sure if the materials would change once we approved it and anyone would really enforce it. Who knows what might happen. They could change to lesser quality materials, they could change to something that we just can't predict and we don't know. It's an interesting though. I have a lot of things about injurious to the vicinity, some of the conditions that are being met for the CUP. Minimizing traffic congestion on the public streets. Again, while the TDM plan says one thing, I have been over there and have seen differently. Adequate utilities, access roads, injurious to the use of other properties. I think there is a lot that could go speaking towards reducing to some

degree. Again, I'm open to hear from commissioners if there is a parking space commentary to be made. Maybe it's a per bedroom thing that we think about.

Commissioner Tucker: I just want to suggest that perhaps we should vote on this motion, dispense with it one way or another. If it fails then we can try another number or add conditions that will help with the problems that we see for this site, perhaps a parking requirement or something else.

Commissioner Schiff: I would encourage people to vote for the motion. Clearly, the staff report says under finding four that the project could contribute to significant parking congestion in the area. I think that feeds back into item number two, under the conditional use permit, will it be injurious to the use and enjoyment of other properties in the vicinity. Clearly, if there is serious traffic congestion caused by a new development, that is going to affect other people's ability to use their property. The photo of it that's been given to us by the neighborhood already shows driveways being blocked by cars and people have the inability to access even their own property because of congestion on the streets. Why that TDM was done early in the morning, to me, is highly questionable. I don't know if city staff just hasn't set up standards for when TDMs should be conducted, but clearly, this one needs a new one. It needs a fresh look and it should take place in the afternoon hours when all the other uses are at play in this neighborhood, and those are commercial uses primarily. What a previous commissioner said, it's our job to encourage quality housing in neighborhoods and said that this looks like other projects that we've approved just two weeks ago. I don't remember another 92 unit building that we approved just a few weeks ago. I do know that part of our job as a commission is to plan and this reminds me of a lot of the urban planning disasters of the '50s and '60s when high density housing was built with little to no green space. Although this is next to the Midtown Greenway, that does not really replace a place where children can play. I really like the inclusion of play space inside this building and the adjacent small playground that's there, but clearly there is just not enough for something that could have 279 bedrooms. That's an enormous amount if you count up to two children per bedroom and you'll see a very big need here for adequate recreational space. In the past, the city has approved 58 units. We had another development that we denied at 123. When you look at the math, it's clear that we're seeing the most number of units possible crammed onto this site. You just look at the square footage allowed under this zoning density, you look at the density bonus that's allowed and you come to the number of 92 as the maximum that is conceivable. Well, that's not planning. That might be an economic exercise of how much profit you can wring out of a parcel of land, but I think our responsibility is a greater responsibility to those adjacent property owners and to make sure that we have a city that works for everybody. I think the ultimate answer will be somewhere in-between 58 and 92 units, but at this point, until we see that, I think that voting for the recommendation on the floor is the right thing to do.

President Motzenbecker: All those in favor of the conditional use permit motion to reduce to 58 units? Opposed? It's a tie. I tend to agree with Commissioner Schiff so I am going to vote for the motion.

The motion carried 4-3 (including Motzenbecker's vote).

Commissioner LaShomb: If we're not satisfied with the Traffic Demand Management Plan, my question to Jason is, is there time to lay this over for a while to fix that problem or are we just going to assume that 58 spaces isn't going to create traffic congestion?

Staff Wittenberg: It doesn't appear we have time under Minnesota Statute 15.99 to continue the application again.

Commissioner Schiff: I show February 1, 2008 as our...

Staff Wittenberg: That's correct and we have to account for a possible appeal and City Council and Mayoral action within the 120 days.

Commissioner Tucker: I will move the staff recommendation on the site plan review (Motzenbecker seconded). I can say that there are a lot of very good aspects of this project; reuse of the industrial building along the corridor there does lend to the corridor a little reminder of why we have that Greenway there. I think it's great they reuse a building. I'm pleased to see a high density in a low-rise building. I think many of the changes they made since our previous hearing, opening up to the Greenway, were big improvements. They added the connection between Pleasant and Grand along street level, that was good. All in all I think the site plan has been responsive to our concerns. I'm certainly expecting a few amendments here, suggestions on how to improve it.

Commissioner Schiff: Given the previous actions that we just took, I don't think the site plan we have in front of us is relevant anymore. Unless we're going to be creating eight and nine bedroom units, the massing of this building is going to shift opening up the door for perhaps less parking as well as more green space. I don't think we have a site plan in front of us that we can approve today until we know the outcome of the total number of units. I'm going to make a substitute motion to deny the site plan (Motzenbecker seconded).

President Motzenbecker: All those in favor of denying? Opposed?

The motion carried 5-1.

Staff Wittenberg: Commissioners, can we summarize the findings for the conditional use permit? I think I've got the site plan review down, but if we could summarize the CUP findings, please.

Commissioner Schiff: In the staff report they mention potential significant parking congestion under finding four and then the impact that significant parking congestion would have on finding number two, which is impact on adjacent properties.

Staff Wittenberg: Just to clarify, is the number of bedrooms proposed what is unique about this number of units triggering parking congestion in this particular case?

Commissioner Schiff: That's the statement in the staff report.

Commissioner Tucker: The number of bedrooms does contribute to the prediction that...

Staff Wittenberg: Just trying to make sure that that's what the commission is agreeing with because the staff recommended approval.