

WHITTIER ALLIANCE – Community Issues Committee – DRAFT MINUTES
Monday June 8, 2009 6–8:30pm at Whittier International Elementary School

Attendees Ahmed Ahmed, Nimco Ahmed (CM Lilligren’s aide), Tesla Aldrich, David Bagley, Jim Baker, Margaret Batcheller, Steve Batcheller, Shirley Bernu, Tom Bissen, Hosmer Brown, Mary Cable, Anthony Carchedi, Crystal Carey, Erica Christ, Don Davis, Clarice Davis, Julius DeRoma, Mary Doffing, Ma Forbes, Chris Gottshall, Dan Gould, Al Hagen, Jon Hanke, Doreen Hartzell, Eric Hedberg, Tamar Herman, Paula Horan, Mandy Hwang, Dean Kallenbach, Norbert Kapingiri, Christina Le, CM Robert Lilligren, Ervin Locke, Larry Ludeman, Bruce Lundeen, Jenelle Lundgren, Linda Martin, Kris Martinson, Jeanette McDonald, Rhonda Meyers, Ryan Miles, Jen Nagel, Kurt Nelson, Nora Novic, Destin Nygard, Becky Olson, Jesse Oyervides, Nicholas Peters, Adam Pierce, Don Portwood, Jerry Rudkin, Dave Sasse, Joleen Schultz, Josie Shardlow, Erin Sjoquist, Tod Skallerup, Scott Smith, Steven Stodolka, Daphna Stromberg, Chris Swaggert, Daniel Thayer, Jennifer Umelac, Kim Vlasisjevich, Leo Whitebird, John Wilson, Cynthia Wong, Glenn Crown, Mark Milcay

Presenters Chelsea Adams (5th Precinct CPS), Lt. David Hayhoe (5th Precinct), Robert Speeter (Speeter & Johnson--Karmel), Scott Nelson (DJR Architecture--Karmel), Peggy Lucas (Brighton Development—Salem), Ken ---- (LHB Architects—Salem), Andy Matson (LHB Architects—Salem), Phillip Broussard (Architron--Loon Express), Ahmad Alhawri (Loon Express) **Staff** Marian Biehn, Karin Knudsen, Becky Neamy

Call to Order at 6:11pm by Destin Nygard, CI committee chair, who noted the Conflict of Interest & Standard of Conduct policies. A motion to approve the agenda—with time adjustments—carried, followed by introductions. Attendees were given time to review the minutes from last month; a **motion** to approve the May 11, 2009 CI minutes was **carried**.

ANNOUNCEMENTS & COMMUNITY COMMENTS A resident asked if stimulus funds could be put toward **speed bumps** at 28th and Harriet. Lilligren noted that speed bumps are a resident-driven request which is then checked out by city staff for appropriateness. Some neighborhoods use their NRP funds to pay for them; others are paid for by block contributions, etc. As of yet, no stimulus funds have been given to NRP for these types of projects.

5th Precinct Report: Lt. Hayhoe noted that overall crime was down 25% for May compared to last year. Year-to-date, reported crime is down 8.6%, with reductions in rape, robbery, theft, auto theft and arson. There have been increases in aggravated assault and burglary. CPS Adams passed around a request for a community impact statement which are used during sentencing and let the courts know how a given offense has affected you. She handed out a list of tips to prevent children being “lured” by strangers in response to an attempted luring in the Kenny neighborhood. Responses to questions/comments: There is no parking allowed on any of the bridges over the Greenway; Lt. Hayhoe will check to see if additional traffic patrols can check those zones. Bikers are required to follow all traffic laws. On streets that are narrow, bikers are expected to use good judgment when passing and riding together. Sharetheroad.mn has a list of biking regulations. Residents discussed the safety of riding with/against traffic on one-ways.

The WA is putting together a list of neighborhood **Block Club Contacts**. Please contact the office for more info. There will be the **27th Multi-Neighborhood Wine Tasting Benefit**, June 10 in Uptown. The event is \$25 in advance and \$30 at the door. The proceeds of tickets sold by the WA go back to the neighborhood.

SABRI PROPERTIES/KARMEL VILLAGE AT 2848 PLEASANT: CUP REQUEST TO INCREASE SQUARE FOOTAGE OF DEVELOPMENT & SITE PLAN REVIEW Karmel Village is under construction just north of the Greenway. Karmel Village LLC is looking for approval of a conditional use permit to increase the square footage of the development from the approved 108,833 to 135,281 square feet. Attorney Robert Speeter and architect Scott Nelson of DJR Architecture presented the request as well as a site plan. Robert and Scott explained the change in square footage will increase the bulk of the building, but the footprint will remain the same. There will still be 77 housing units, with a shift to units with fewer bedrooms and an increase in the average size of the units. 40 will be 3 bedroom units. The change in plans decreased the total number of bedrooms by 32. The plans call for more common areas on the first floor, including laundry and a larger lobby area. The hallways have changed from 4 feet to 6. The first floor units have been relocated to the 4th floor, increasing their desirability. The parking requirements will not change.

The additional bulk will be added to the 4th floor which will be set back 40 additional feet to be less visible from the street. The exterior is basically the same as the original plans. There will be two access points to the site: an entry off Grand into the parking and the entry from Pleasant. There will be an on-site playground. The property will be both owned and managed by Karmel Properties LLC. The development is entirely privately funded.

Attendee questions with responses from Robert and Scott: The total height of the building? *56 feet*. Is there a fifth floor? *nothing will be higher than it is right now, the part you can see is from the 4th floor, there is no fifth floor—that is a roof access*. Does the add’l square footage trigger a new traffic study done by the City and or require parking changes to take the additional square footage into account? *have 106 spaces, are only required to have 77; the new proposal reduces the number of spaces needed*. Will there be surveillance along the Greenway? *will have 24 hour security, and some cameras*. How will this add/subtract to parking issues at Karmel shopping? *will reduce traffic as people walk to work*. Why the need for roof access along the entire Grand Avenue side of the building? *for roof access*. What assurances can they offer about the intentions for the development? *The neighborhood is assuming the worst; these plans are better than what was previously offered and approved*. Why can’t the unit size be redistributed within the square footage that

was approved? *would require keeping units on first floor of Grand Ave which has no setback; want larger units and larger corridors, would lead to lots of 1 bedroom units; would like to have a canteen for residents, a workout and party room.* Can you address the existing stop work order? *work is continuing, are in constant contact with the city, won't get into the ongoing details because of conversations with the city.* Will the façade on Grand be restored? *the existing brick wall will stay, everything on the exposed sides will be stucco, except for the lathe on the 4th floor.* Has the approved plan had been built? *Yes, it has been.* Has additional square footage beyond the original plan had been built? (No response was given). How many emergency exits and where? *there is access and exit at Pillsbury and Grand Ave (auto).* (No response was given re: housing emergency exits). (Note: there is no auto entrance/exit on to Grand on the plans left with the WA).

Attendee comments: Where are the emergency exits?—seems to be lacking for safety; What is already built is higher than what these plans call for; Is out of scale for the neighborhood—is much larger than the neighborhood surrounding it of single family homes and duplexes.; Why is the roof pitched?—this could easily be expanded into living space and even extra units. It is unusual to have pitched roofs in a structure of this size; Essentially the “roof access” amounts to a fifth floor—with potential for future expansion; how can the community be confident the 3 bedroom units with 2 bathroom won't be subdivided later on?; if larger units are wanted, the current 77 units could be reconfigured in the existing sq footage to make larger units; Given Sabri's past projects—what assurances are there that what the neighborhood approves will actually be built?; the cup for additional square footage bring the development *above* the original request, which was turned down by the City; Is what is there *now* been approved by the planning commission?; seems like the “new” plan is already in the works and now they are coming to the community; the side on Grand could be developed into something else—like commercial spaces; Last summer when the site was approved for foundations and footings, the permit was ignored and walls were built and then torn down, when they had permission to build walls, they ignored the limits and started framing out the interior of the building—there is no foundation for trusting that the work that is being proposed is what will actually be done.

Tom **moved** to turn down the request for the additional square footage and asked that the development be kept at the approved 108k sq feet and that the development be built according to the previously approved plans; it was seconded.

CI Motion 1: The Community Issues Committee moves to deny the request for the Conditional Use Permit for the additional square footage for Karmel Village at 2848 Pleasant Avenue South (requested amount of 26,348, bringing the project total to 135,281 sq ft). The committee asks that the development be kept at the previously approved 108,833 square feet, and be constructed per the previously presented and approved plans. **Motion Carried:** 46-1-5.

Paula **moved** that the committee issue a vote of no confidence in the developer, given his past dealings with the neighborhood and history of not building what had been approved, and it was seconded. **Additional comments:** prior projects can't be mentioned at planning meetings—so the motion serves no purpose. (Paula pointed out that the current project had a stop work orders and portions were being built w/o approval; this information is admissible.) Sabri presents the neighborhood as being biased against him at City meetings—this will just add to his sense of that; WA is already on record as not having confidence in the developer, do we need to say it again?; the cup won't go before the WA board before going to the city council so this helps speak for the neighborhood.

CI Motion 2: The Community Issues Committee issues a vote of no confidence in Sabri Properties/Karmel Village LLC, given the history of other properties managed/developed by Sabri Properties and a history of not building what has been approved by the neighborhood and by the City planning department. **Motion Carried:** 32-4-13.

SALEM CHURCH AT 28TH AND LYNDALE: INFORMATIONAL PRESENTATION Peggy Lucas, of Brighton Development, explained the plans to renovate the church for use by two congregations and build a new mixed-use development (affordable housing plus commercial). The developers plan to ask for city approval by August, and start this fall. There have been some changes from the plans presented last June. Brighton/LHB Architects will present next month and request site plan approval.

Ken --- of LHB reviewed the overall site plan: the development consists of 5 stories, reaching 55 feet at the roofline. The ground floor has about 8k feet of commercial space along Lyndale, and residential amenities facing the interior parking lot and running along 28th Street, plus some housing units. (The original plans called for about 16k sq ft of commercial). There will be signage and lighting along the storefront. They will work with Urban Anthology to find the commercial renters. The ground floor amenities include a community room, an exercise facility, and a bike storage space.

The main residential entrance is off 28th street; there is also an entrance from the parking lot/ramp. The other stories of Lyndale Green will consist of housing. The parking plans calls for 53 or so surface spots plus 51 underground which are accessible from the ramp. The underground parking is for residential use, while the surface spots will be shared between the other uses. Geothermal wells will be in the parking area (and used to heat the building), and underneath the grade level parking of pervious pavers is the underground storm water tanks. As the city re-paving plans for Lyndale have

not been finalized, the streetscape plans are unknown. The boulevard trees along 28th will be restored. They plan to use neutral-colored materials, such as rockcast synthetic stone on the ground floor to relate to the existing stone of the church, and clay tile to unify with the clay tile of the roof.

Salem Church itself has been evolving over time. The plans will maintain the oldest portion (from 1904) as well as the sanctuary addition from 1953. The additions from 1933 and 1963 will be removed. There is no change along the east elevation. Most changes are along the west side of the structure, as the sanctuary is renovated to include two fellowship halls. Renovations will include repair of the clay tile work and support of the existing bowed wall.

Attendee comments and questions: encourage affordable commercial spaces so that local independent businesses may lease there; the building isn't interesting—what you see is what you get with no surprises, details or anything to peak interest and keep people noticing the building; like the green elements—but do they go far enough?; generally in favor of how the building sits on the space, but concerns about the traffic from the driveway on 28th and the congestion on the corner already; is too high—doesn't fit in with the existing buildings and will tower over them; the height will destroy the block; lack of a set-back from the street—pedestrians will feel like they're walking past a giant fortress wall; isn't visually interesting from a pedestrian level—the wall is too flat with no change; be better to pick up some features of the church and echo them in the design; is too rectangular and blocky—where is the ambiance?; most new apartments have balconies to break up the flat face of the building; geothermal can be inconsistent and inadequate in Minnesota—what about supplemental heat?.

A resident noted there was a **task force** that met with the church to facilitate dialogue about the renovation—please email Marian if you would like more information. The task force can meet before Salem presents again next month.

MARATHON GAS/LOON EXPRESS AT 2801 LYNDALE: REQUEST FOR CONDITIONAL USE PERMIT FOR OFF-SALE LIQUOR STORE: OWNER AHMAD AL-HWARI AND PHIL BROUSSARD, ARCHITRON Ahmad owns the Loon and Lyndale Express. He would like to take part of the convenience store sales floor and turn it into an off-sale liquor store of approximately 750 square feet. The store is going through hard times and they feel liquor sales would help supplement their income. They have tried an ice cream shop and a flower shop but neither worked out. They are zoned for off-sale liquor sales, but need a conditional use permit from the neighborhood. There would be no change to the outside of the store or the doorways, though new signage would reflect both aspects of the store sales and they would create an entrance for the liquor store on Lyndale. The convenience store would have a separate entrance and would off the only access to the existing bathrooms. The TCF ATM would remain, as it is one of the biggest draws for the store. They do almost 450 TCF transactions there everyday.

Ahmad plans to hire 2 full time liquor store employees for each shift, as well as an overall manager. The small size would necessitate stocking with only a select number of items. They plan to carry liquor, some beer and a minimum of wine; they will not carry 40 once malts and will not sell individual cans of beer. They do not plan to sell liquor in the small ½ size convenience bottles, as their patronage is 60% women and they want to be conscientious of safety and security. They do not want to attract the kind of clientele that is interested in purchasing single servings of alcohol for immediate consumption. They do not need any variances for increased parking. They currently have 8 spaces plus bike parking. If sales for the store are good, and there is a need for increased parking, Ahmad told the city he would be willing to shut down 2 pumps and use those spaces for increased parking. They employ 14 Whittier residents in both the stores. They would like to open by the end of the summer, and will have regular hours from 10-10, six days a week. They plan to meet with the planning commission next month and would like to have a neighborhood statement on the cup before going to the city.

Attendee Comments and questions: prices in the convenience store are marked up compared to others around—will the liquor prices reflect that as well?; the cup will be in violation of city ordinance prohibiting liquor sales near a church; concerns over traffic congestion; concern that, if successful, the entire store will be transformed to a liquor sales store (Ahmad noted he has a 10-year contract to buy gas from certain vendors, making that unlikely); would like conditions on the cup to not sell ½ point liquor bottles and not to sell single beers; would like the windows to be less covered with advertisements and signs; concerns over selling alcohol ½ block from the Greenway and the general impacts of selling alcohol; if the store is run poorly, there will be additional safety concerns; is redundant—can buy alcohol elsewhere; will having liquor sales there preclude business development in the intersection (like for Hagen's auto shop?); the convenience of being able to walk to a liquor store; since the Loon went into business, the bus stop is much safer; Ahmad runs a good business; in other states, you could buy alcohol in a gas station so this isn't a out-of-bounds request. A resident noted that a liquor store in this location would violate the city ordinance prohibiting liquor sales within 300 feet of a church—Salem Church is planning to start services again on-site as soon as the renovation is complete and they are only 220 away. Jen Nagel noted the congregation is currently meeting at Intermedia Arts—which makes that a “church” and also subject to the 300 rule. Ahmad replied that the city told him since Salem isn't currently practicing at the Salem location and it is within the Loon's zoning rights to ask for a cup.

Chris Gottshall **moved** in support of the cup, and it was seconded.

CI Motion 3: The Community Issues Committee moves in support of the conditional use permit for off-sale liquor sales at the Marathon Loon Express at 2801 Lyndale. **Motion Carried:** 27-10-10.

OLD/NEW BUSINESS (there was none offered). **Meeting adjourned** at 8:17 pm. Minutes submitted by Karin Knudsen. Next meeting: Monday, July 13, 6pm, Mpls First Seventh Day Adventist at 24th and Nicollet.