

**Minutes of the CIDNA Board of Directors Meeting  
Monday, May 02, 2005 @ 7:00 p.m.  
Jones-Harrison Residence  
3700 Cedar Lake Avenue**

Chad Larsen, President, called the special meeting of the CIDNA board to order at 7:03 on Monday, May 02, 2005

The following directors were in attendance:

Chad Larsen, David Shirley, Ken Moritz, Carla Sariin-Egerman, Tom Buck, Bob Corrick, Cherrie Zitzlsperger, Bengt Sohlen, Ed Bell, Judy Berge, Steve Gove.

Excused Absences: Charlie Elowson, Kathy Hendricks

Guests: Doug Daggett, 2928 West Dean Parkway; Ruth Jones, 2928 West Dean Parkway; Allan Bernard, 3304 Hennepin Ave.; Kathy Standing, 2817 Drew Ave. So.; Mark Teteris, 2633 Glenhurst Ave.; Cheryl Gibson, 2668 Glenhurst Ave., Rodge Adams, Lake Point; Nicole Hagen, 6818 Minnetonka Blvd.; Jane Dugan, 2928 Dean Parkway; Julie Allen, Hennepin County Attorney's office.

Nancy Newman, 2928 West Dean Parkway; Ruth Jones, 2928 West Dean Parkway; Carol M. Meyer, 2928 West Dean Parkway; Doug Daggett; Allan Bernard, 3304 Hennepin Ave. So.; Linda Schutz; Troy Mathwig; Jack Boarman, BKV Group; Jackie Cherryholmes, Mathwig Consultant; Stuart Ackerberg, Ackerberg Group; James Geimer and Jonathan Holtzman, Village Green Companies.

Chad announced the purpose of the meeting: to consider a new resolution on the Ackerberg development, and to consider proposed changes to the Mathwig project. Chad provided copies of the resolution prepared by the Land Use and Development Committee to all present. David Shirley moved that the board pass the resolution, and Judy Berge seconded.

The board requested that the committee summarize changes since the previous resolution. Bob Corrick, the committee chairman, stated that the committee wrote 2 resolutions, one the resolution on the table, which specifies that CIDNA does not oppose the development, subject to conditions that the developer agreed to, and another specifying that CIDNA opposes the development. This second resolution lists the conditions that the first resolution included plus additional conditions desired by the immediate neighbors, and states that were these conditions met by the developer, then CIDNA would not oppose the development. The developer would consent to all the conditions in the first resolution, but would not consent to all of the conditions in the second resolution. The first resolution, the one on the table, had a few changes, which Bob listed as follows.

The alley from the property to West Dean Parkway is now one way eastbound.

The developer will provide 4 hours of unrestricted visitor parking, in lieu of 22 visitor parking spaces that would have had no time limit.

Exhaust fans in the project, including those on the Northeast side will point inward toward the central court of the project.

The neighbors will not permit in the cost of striping or other safety measures in the alley.

A barricade will prevent use of the driveway when it is dangerous due to snow and ice.

Debris will be removed as needed by the project's regular maintenance crew, but professional sweeping of the site driveways and parking areas will occur twice a year.

Striping on Dean Parkway and a sign at the exit from the alley would direct that southbound traffic on Dean Parkway not block the exit.

In discussion Stuart Ackerberg asked who would put up the sign, since it would not be on his property. The board changed the wording of the resolution to require that the developer approach the park board to request that they add the striping and sign. Nancy Newman stated that the Calhoun Ambassador Condominiums at 2928 Dean Parkway would like to request the same signage for the exit from their property.

Doug Daggett stated that he agrees with Carol Meyer's letter to the CIDNA board, which was a statement of the positions of the Calhoun Ambassador Condominium Association. Ruth Jones requested that item 14b in the resolution be changed to stipulate monthly cleaning of the driveway, and asked that the resolution's cover letter's statement on parking be abbreviated, removing the qualifications that free visitor parking could be provided by either more hours of free parking or a higher number of unlimited free visitor parking spaces, and simply stating that visitors be provided with free parking.

David Shirley asked whether the cover letter conflicts with the resolution. Chad Larsen gave the opinion that it does not. He said that the resolution represents an agreement that seeks more than the city can demand, and noted that there are many things that even the developer cannot control, such as traffic lights and street signage. We will not take a position on these items, and we will not make certain items a condition of the resolution, but nonetheless we want to state in the cover letter that we seek more than we got in our agreement with the developer. Placing these items in the cover letter also lets us state issues that are a concern for this and future projects.

Cherrie Zitzlsperger asked whether we should be concerned about the location of the barricade. The board decided that the developer could be relied on to realize that the barricade needed to be at the top of the driveway.

Bengt Sohlen stated that this is a feel good agreement, because it provides no definite remedy if the developer fails to conform to the agreement. Chad said that we should hope that the developer will live up to there agreement. Bengt noted that the agreement does not effectively obligate the developer to perform. Chad said that CIDNA would certainly protest if the developer failed to perform. Ed Bell asked whether the conditions of our resolution could become a condition of city approval, and whether the resolution should include a statement that CIDNA's support of the project was contingent on the

city also making the conditions of our resolution a requirement for their approval. Bob said that an earlier version of the resolution had included such a requirement, but had been removed because of a concern that CIDNA had no standing to make such a request of the city. Bob then asked Stuart Ackerberg if he would agree to make our resolution and conditions a part of any approval granted by the city. Stuart said yes, and the board decided to add this request to the cover letter.

Jonathan Holtzman stated that the city takes developer-neighborhood agreements seriously. He said that Councilor Goodman, among others, supports the process between developers and neighborhood associations. He said that Village Green will perform for the sake of their reputation, but noted that fire and emergency requirements may alter our agreements. For example, the fire or other emergency services may prohibit the use of barriers on the alley. Tom Buck added that city overrides of our agreement may also include traffic control and curb cuts. Jonathan added that after this development is complete they will be part of CIDNA as property owners and managers. He repeated that differences from the agreement between CIDNA and Village Green would only come about through city health and safety requirements.

Bob Corrick asked the board to consider three requests from the immediate neighbors of the project. The first request was deferred for later consideration. The second request was for monthly removal of sand and debris. Stuart Ackerberg responded that they would not commit to monthly sweeping, and this would not be customary. However they will remove debris as part of regular maintenance. Chad asked if this meant that the on-site maintenance personnel would regularly remove debris. Stuart responded that they would maintain the property professionally, and that sweeping would take place twice a year. The third request was that a letter from the immediate neighbors be included with CIDNA's resolution. Chad expressed the opinion that the letter would be more beneficial if sent from them directly to the city. He also added that if we did so, we would not be able to stop with just their comments. Ken Moritz agreed with the opinion that the letter should be sent separately. Carol Meyers countered that they felt their position should be associated as closely as possible with CIDNA's. Since this issue did not directly affect the resolution, David Shirley called the question, and the board voted on the resolution.

The motion carried unanimously: CIDNA does not oppose the development subject to conditions stated in the resolution.

David then continued discussion of the question about including an outside letter with our resolution and covering letter when we send it to the city. He asked if there was any precedent for doing so. No one present could remember any such precedent. Chad suggested that our cover letter include a statement that the immediate neighbors are in opposition to the development on its present terms.

The board turned at this point to consider the changes to the Mathwig development. Mathwig's architect, Jack Boarman, distributed their new drawings and submittal book. Chad distributed copies of the resolution that they signed and that CIDNA passed on March 1, 2005. Jack reported that Hilary Watson, Senior Planner City of Minneapolis,

had said their submission was complete. He stated that the city had requested that one curb cut be eliminated and that the remaining curb cut be 35 feet wide. Drivers leaving the property would be obliged to go west; drivers entering the property will be able to enter both westbound and eastbound. The city wanted the building to be 25 feet back from the street, instead of the 50 feet originally proposed. The city's objective was to create a more pedestrian friendly Lake Street frontage. The plans now include a terrace area near the street. The area for large vehicles to turn around at the back of the property is now smaller, requiring drivers to back into the parking entrance to reverse direction. This change, eliminating a circular turn-around area, permits more greenery at the back of the project. The project consists of two large buildings, designated building A (closest to Lake St.) and B (farther from Lake St.), connected by a bridge link that incorporates dwelling units, and town homes at the rear of the project. Building B steps down at the rear going toward the Greenway. The combined buildings A and B include more units than originally proposed, and cover more ground. The number of units in the current proposal submitted to the city includes 123 units, as opposed to the 105 stated in the March 1, 2005 agreement with CIDNA. Jack noted that the underlying zoning would permit as many as 130 units on the site. The project is now 5 floors, instead of 4, but remains within a height of 56 feet, except for the bridge section. The new configuration will include fewer 2-bedroom units, i.e., the current proposal calls for 9 2-bedroom units. The project specifies 196 parking spaces, with 25 reserved for visitors.

They have not submitted to the city, but would like to request a roof deck surrounded by a trellis, but not covered with a roof. In addition, they would like the bridge section to rise to 60 feet. Chad reminded Jack that CIDNA had previously stated its opposition to a roof deck, because of concerns with the way that noise would carry to neighboring residents. Bob Corrick reported that his on-the-spot calculations seemed to indicate that parking had not gone up in proportion to the increase in number of units. Ed Bell asked how many 2-bedroom units would be included. There seemed to be some confusion in the answer, with a review of the submittal book indicating that perhaps 13 2-bedroom units were proposed. Chad asked why the developer had elected to go to more units. Troy Mathwig stated that the city requirement to move the building forward afforded the opportunity to increase the size of the development. Jack added that a new type of construction, recently approved for use in the city, permitted more stories in less height. He also stated that an additional parking space could be squeezed on to the property, bringing visitor parking in line with what CIDNA had previously agreed to. Ed objected that the demand for parking places would increase, because the increase in the number of 1 bedroom apartments that included dens and mezzanines would increase the likelihood of occupancy in those units by two people, bringing with them two cars for each of those units. The absolute number of parking spaces has increased in the new proposal, and Jack stated that the additional units made the addition of a 2<sup>nd</sup> level to the ramp economically feasible. Ed stated his personal preference for fewer and larger units, and asked why they would like the bridge section to be higher. Jack said that their hope was to include a mezzanine in these bridge units. At this point he also noted that the vertical towers housing mechanical equipment encroach on the allowed setback for the zoning. Ed repeated that the parking situation made him uncomfortable. Ruth Jones spoke up to say that she thought the developer's approach amounted to a bait and switch tactic. Jack

disagreed, saying that they were involved in a process with the neighborhood. Tom requested and got confirmation that individual units would include patios and terraces. Ken asked for clarification on the rooftop plans. Jack indicated that the only changes proposed, but not yet submitted to the city, were raising the bridge section, and adding the rooftop deck. Ken related that noise problems from similar facilities at the Calhoun Beach Club were significant annoyances to its neighbors. Chad repeated his opposition to a roof deck.

Ed noted that the detailed floor plans called for interior bedrooms with no windows, which might tend to make the units less attractive for long-term habitation, and asked where bikes would be stored, since the units appeared to be fairly small. Jack answered that each unit would have a 4 by 9 foot storage space in the garage, which could be used for bikes. Tom asked if the deck was intended to help sales of the units, and asked for more details about its size. Jack responded that the size would be about one third of the size of the meeting room where this board meeting was taking place. Chad expressed surprise that after having gone through a process with CIDNA, that they submitted to the city something very different to the project represented in the agreement with CIDNA. He said that this project simply looks larger, more unpleasantly massive; to propose all this plus the deck, to which CIDNA had previously expressed opposition, seems odd. Jack responded that the project is practically a no variance project and that they have learned things as they went through their submission to the city, and as they set prices for the building. Ed expressed confusion about the height of ceilings, with concern that they might be too low to make the units attractive. Jack stated that the ceilings would be 9 feet high. Troy offered that the Greenway stepbacks were examples of their commitment to answer neighborhood concerns, and that where 105 units were proposed in their original presentations, 130 now seems reasonable. Addressing the issue of optimum pricing, Ed said that the cost per square foot would likely be constant, and that they could make as much from building and selling larger and fewer units than the current proposal. Troy said that they acted to increase the number of units and change their type on the advice of their real-estate agent.

Tom Buck asked how much time the board had to consider this request. Jack said that the process with the city would only take about 6 weeks, and said that they hoped for feedback and a position statement from CIDNA as soon as possible, preferably before the end of this board meeting. Tom expressed the feeling that we didn't have the capacity to absorb the new information right now. Jackie Cherryholmes stood up to summarize what she had heard so far in the discussion: the board opposes higher height and the rooftop deck, is surprised by more units, and worried about adequate parking.

Chad said that if we could not vote or establish a consensus tonight, we would not be able to take a position in time before the planning commission would move on the project. Jack said that they would not pursue the roof deck and greater height, but would like a motion from the board, possibly including conditions for approval of their proposal, and added that the only differences would be the increased number of units, and the ratio of parking spaces to units.

Ed Bell moved that the board approve a resolution that would oppose the rooftop deck, oppose a bridge higher than 60 feet, and support no more than 114 units, with 1.5 parking spaces per unit. Judy Berge seconded the motion. In discussion, Bob said that we liked the parking situation before because the project had so many visitor parking spaces relative to the total. The current proposal with only 25 spots for visitors, out of 196 total stalls, is significantly different. Troy replied that a traffic consultant had told them that this plan was adequate. Bob observed that even the Calhoun Ambassador Condominiums have a better ratio, although they were built many years ago. Jackie Cherryholmes said that one developer can't be held to a higher standard, and noted that the city, in fact, wants to push the ratio of parking spaces to dwelling units down to one-to-one. Jack added that the project remains significantly above what the city requires. Ed shared that he had sold 30 1 bedroom and den units recently, and that they were typically occupied by 2 people, who tended to have 1 car each. Jack said that we're arguing about the difference between a ratio of 1.3 and 1.5 parking spaces per dwelling unit. Carla suggested that indeed, the argument was over a difference between 25 and 28 parking spaces, and that this would not matter that much. At either figure all that it would take to push visitors to seek parking off the property would be a couple of simultaneous parties.

Chad again expressed concern over the increase in density. Carla expressed surprise at the addition, and would have preferred more green space; she agreed with Ed that the city mandated 1 parking space per unit is unrealistically low. As a counter-example Tom offered that he lives in a 3-bedroom house with 1 car. Ken Moritz noted that in 27 years at Lake Point he had never observed a problem with parking. Judy Berge pointed out that in her opinion 1 bedroom units were likely to sell slowly, and questioned whether the advice that the developer had received was sound. Chad observed that the change in design to make more units possible made the project look less attractive.

David Shirley moved that the plan submitted by the developer be approved. Tom Buck seconded the motion. Discussion reiterated concerns with the quality of the units and impact of the density on the neighborhood. The motion carried with 7 ayes and 4 nays.

Ken Moritz moved that the board adjourn at 8:30 pm.