

**6.02: Public Hearing: Consider Request for Sketch Plan, Zoning Amendment, and Comprehensive Plan Amendment Related to a Proposed Second School Campus for PACT Charter School on the Property Located at 7633 161<sup>st</sup> Avenue NW (Project No. 22-107); Case of PACT Charter School**

**Public Hearing**

Chairperson Bauer explained how he and Commissioner VanScoy are involved in the Church of Saint Katharine Drexel, which owns the subject property, and therefore both will be abstaining from this discussion and vote.

Commissioner Gengler called the public hearing to order at 7:19 p.m.

**Presentation**

Senior Planner Anderson presented the staff report stating that a sketch plan is intended to provide the Planning Commission an opportunity to review a proposal and provide initial feedback to the applicant before development of more detailed engineering plans which can be very costly. No formal action is required on the sketch plan. If the Planning Commission is supportive of PACT establishing a new school campus on the subject property, then it should recommend that the City Council adopt Resolution #22-050 and Ordinance #22-15. The former would approve a Comprehensive Plan Amendment and direct staff to formally submit an application to the Metropolitan Council to reguide the western 18 acres of the subject property to Public/Institutional. The latter would rezone the western 18 acres to Public/Quasi-Public and be subject to the Comprehensive Plan Amendment approval.

Commissioner Walker asked the residential lot sizes along 161<sup>st</sup> to the north of the subject property.

Senior Planner Anderson replied that those lots range from about one acre to a few acres in size. He stated that east of Variolite Street there are properties roughly one quarter acre in size that are zoned for 80 foot lots with sewer and water. He stated that the lots to the north and south are still larger lots on private septic.

Commissioner Walker stated that he believes 161<sup>st</sup> is scheduled to be resurfaced in 2023 or 2024. He noted that the road would require upgrades in order to support a school and asked who would be responsible for those costs.

Senior Planner Anderson replied that the developer would be responsible for any road improvements needed to support the development.

Commissioner Walker asked how the existing residents would be buffered from this use and sports activity on the property.

Senior Planner Anderson stated that will come with further plan development, should that step of the process be reached. He noted that there is concern from neighboring property owners related

to lighting and noise. He stated that a noise study could be required to determine where a stadium use would fit and inform mitigation strategies.

Commissioner Walker stated that two traffic studies were done related to the Trott Brook development. He asked if there is data on the traffic from the study related to traffic turning from Variolite onto 161<sup>st</sup>. He noted that would have been an opportunity to complete a more holistic study of the corridor rather than completing studies in small areas.

Senior Planner Anderson replied that when the City initiated its traffic study in relation to residential developments north, there were no formal applications to identify what might come forward for this site. He stated that without a specific proposal, it would have been hard to accurately include the parcel in the study.

Commissioner Walker stated that if this project moves forward, he would like to see a traffic study completed by the consultants that completed the City's Trott Brook study in order to have a detailed traffic report on this whole area.

Councilmember Woestehoff stated that when Trott Brook North was reviewed at the last meeting, it did include the most up to date study and there were comments on a school going northbound, but not at that particular intersection. He agreed that the same consultant should be used to analyze the traffic for this proposal.

Community Development Director Hagen stated that the traffic study is a public document that can be shared with the developer.

### **Citizen Input**

Justin Fincher, representing the applicant, stated that PACT has hired his firm as the Development Manager for the project. He stated that he is present to answer any questions related to the proposed development and sketch plan. He stated that PACT is in its 27<sup>th</sup> year of operation and is a public charter school with open enrollment to the public. He stated that there are not additional enrollment fees and enrollment is capped based on the size of the facility. He noted that the school has been in Ramsey for 18 years and considers itself an asset to the community. He stated that of the existing student body, over half the students are Ramsey residents and of those students, over 80 percent live within a three-mile radius of the site. He stated that there is demand for enrollment at the school and this proposed expansion would allow more opportunity. He stated that the school wants to continue to expand within Ramsey to cater to the current student body and its wait list. He recognized that this is in a residential area but would also provide for safety of students and the surrounding community. He commented that they are willing to work with the City on a traffic study. He noted that the peak demand hours for a school happen twice per day when the school opens and closes. He stated that both periods are a 15-to-20-minute window. He recognized that there will be off peak extracurricular activities that will occur. He stated that this site is centrally located for PACT, its current student body, and the extensive wait list. He stated that this is already a tax-exempt property, therefore there would not be an impact to the City's tax roll. He commented that the church has its own plans for development and there have been conversations about a shared parking agreement. He stated that they have facilitated shared parking between charter schools

and churches in the past as the peak hours differ for the uses. He provided details on financing for the project, noting that public charter schools are issued through bonds by the State of Minnesota and not the City of Ramsey, although the City would need to approve the bonds. He clarified that the City of Ramsey would not be providing any financing for the project. He hoped that the Commission considered approval of the actions before it tonight so that PACT can continue to meet the needs of the students and families in Ramsey.

Commissioner Peters asked if there would be enough parking for sporting events. He stated that currently when there are games, people are parked on the side of the roads and in many different places.

Mr. Fincher stated that this is a sketch plan and therefore early in the process, therefore a detailed analysis has not been done for parking needs. He stated that there is a benefit to having a shared parking agreement with the future church development as that would provide additional parking for those events.

Commissioner Anderson asked for more information on other schools in residential areas.

Mr. Fincher provided two examples of charter schools recently constructed within residential settings in Brooklyn Park and White Bear Lake. He stated that he could provide additional examples if desired.

Commissioner Anderson commented that he would be interested in seeing the expanded list. He asked how the noise and lights would be mitigated.

Mr. Fincher commented that they would be interested in pursuing the noise and light studies as mentioned by staff as PACT would like to be a good neighbor. He again noted that this is early in the process, and they will look into buffering and site layout as well.

Gayle Graw, 7930 161<sup>st</sup> Avenue NW, stated that the school has stated that its goal is to address its future waiting list and need for a facility to include more students, yet they are building on every square foot of a lot which would not allow for future expansion. She commented on the traffic implications as well as the problems that will arise from noise and lighting. She stated that this lot would be completely built out from the beginning which would not create opportunity for future expansion.

Danielle Holder, 7826 161<sup>st</sup> Avenue NW, stated that residents were given seven days to prepare for this meeting. She stated that she has heard that PACT wants to be a good neighbor and needs to expand, but it is a disservice to the school and community to not make it clear what can and will happen here. She stated that if built to capacity she would estimate 600 students. She noted that 161<sup>st</sup> is already stressed from the activities of Central Park. She stated that people park along their yards and smoke in the boulevard as there is no smoking in the park. She asked how the road would accommodate the park traffic along with school traffic. She stated that when the bus comes down the road to collect children, traffic speeds up to pass the bus. She believed there would be conflict from student drivers and buses going to PACT. She asked if there would be sidewalks added throughout the neighborhood to provide safety to residents. She stated that there is a

beautiful high school proposed but PACT is not thinking about the impact on the neighbors that already live there. She asked if PACT is aware of the limitations that would be put upon them to ensure they would be a good neighbor. She asked that the City provide PACT with the information and regulations that would be put upon PACT to ensure their proposal could fit on the site. She noted that PACT is proposing to fill every square inch of the site which does not leave room for future expansion needs. She stated that if this rezoning is approved, would the eight existing residents also be afforded a rezoning when they can no longer exist with the traffic from the park and school. She stated that when there are games at the park, the noise carries and impacts the homes. She commented that the neighborhood is already unsafe for children because of the traffic on the road and that would apply the same for the students that would be attending PACT. She stated that zoning is meant to provide gentle transition between uses to ensure everyone can enjoy their property. She urged the Commission to take a step back and ensure that PACT is aware of the actual regulations that would be placed upon the property, such as setbacks, and whether the school could be constructed without creating a nuisance to the neighborhood.

Sarah Schmidt, 5435 144<sup>th</sup> Way NW, commented that she has been a Ramsey resident since 2007 and has three children at PACT. She stated that she would like her kids to stay at PACT and not to have to go to Anoka. She stated that she loves that a residential area was chosen over an industrial area as that provides safety to the children. She stated that there are hundreds of families in the Ramsey area that are interested in PACT. She stated that PACT is a part of the community and has a stake in this.

Leo Eiden, 16068 Uraninite St NW, stated that he is opposed to this request. He commented that traveling northbound on Variolite there is a slope down, therefore having an access road with another intersection at 161<sup>st</sup> could be an issue. He stated that he is interested in the traffic study as to how that could layout. He stated that he is also concerned that the developer could come to the City to request cost-share funding on the road improvements. He did not believe 161<sup>st</sup> currently has a storm sewer and instead uses a ditch. He stated that there is a potential that the road reconstruction could be more expensive than people are thinking about, and the residents should be aware if they would be responsible for any portion of the cost. He asked that the Commission deny the rezoning. He noted that he moved to his home five years ago with the knowledge that the land was a park and he did not anticipate having a high school in his backyard. He believed there is much due diligence to be completed and hoped that is done before the ball rolls downhill.

Ryan Heineman, 16931 Helium Street NW, stated that he is a PACT alumni and his children attend PACT. He stated that he attended the informational session prior to this meeting as well. He stated that 161<sup>st</sup> is scheduled to be repaved and redone as part of the CIP and there would not be a new levy of taxes to pay for the road. He stated that PACT would not be asking for help on the road improvements. He stated that PACT currently has a pollinator garden as its existing location and would have plans to replicate that to some degree at the new location. He commented that there would be a lot of wildlife to the east of the field, which would be a great opportunity to teach students about nature. He stated that PACT is a charter school and therefore the State regulates that a lottery system must be used for enrollment. He noted that there are currently 500 students on the waiting list and the vast majority of those are Ramsey residents. He stated that many of the students would be using buses to access the school. He stated when older students become of driving age, they often drive younger siblings as well, therefore the two campuses should be

somewhat close together. He commented that he grew up off Armstrong and 155<sup>th</sup> and played sports at Central Park. He understands the want to keep the area the same but noted that the pandemic has impacted churches and schools. He noted that this is a situation where the church needs money for its future plans and the school needs land and has available funds, therefore the uses would work together to benefit both nonprofit organizations that benefit the community. He stated that a traffic study was done for Trott Brook North, and they redid the study during school hours, and it was still deemed to be safe. He stated that if the land does not go through, the other option would be for more homes with 80-foot lots. He stated that Central Park already has games in that location with lights and noise, therefore adding this use would not change the characteristic of the neighborhood as this would place a football field next to a football field. He stated that PACT looked at land within The COR and at another parcel but those would not support the needs of the school and meet the regulations of The COR. He commented that this is a great spot for the school. He stated that PACT expanded 18 years ago, therefore it is unrealistic to say the school would want to expand further in five years. He believed that PACT meets the values of the community and has local control on its Board. He commented that while seven days for residents to get their thoughts in order may not seem like a long time, PACT has been working on this with its development team for a long time and has planned accordingly to meet the regulations of the City.

Robert Buchannan, 6738 153<sup>rd</sup> Lane NW, stated that he supports a new PACT location as he has four children at the school and a fifth that will also go to the school. He believed that this is a good location because of the proximity to the existing location. He noted that once his oldest can drive, she would be bringing the younger children to school as well. He did not believe that residents were opposed to a school, or PACT, but concerned about the impact.

Ron Lindenberg, 7600 163<sup>rd</sup> Lane, stated that he believes PACT is a great school with a great reputation but believes this issue is more of placing a square peg in a round hole. He asked if the recently redone sewer for Variolite can support this use. He stated that he has lived on his property for 25 years. He stated that there are six more acres above the land the church would propose to use and what PACT would use and asked what the use would be for that land. He stated that Variolite shrunk a little in its last improvement and was unsure if that road is capable of carrying the capacity for the school and football field. He identified the marsh area, noting that if the hard surface is not controlled, water would flood those homes out if not planned appropriately. He stated that he moved to his property to have acreage for a reason and not to be next to a high school. He stated that the residents in this area have gotten used to the sports activities of the park, but they do not have a stadium with stadium lighting 40 feet from someone's property. He did not believe 40 feet is a realistic buffer from an acreage lot for a school. He stated that his biggest concern is related to traffic. He acknowledged that 161<sup>st</sup> needs to be redone but this would require the road to have a different capacity. He stated that he has accepted the development that has come over the years but did not believe this high school use would fit into this neighborhood area.

Samuel Maeder, 16410 Quartz Street, stated that from his home he can hear the activity from the park on busy nights. He stated that he moved to his home about 18 months ago, noting that in Fridley he lived about the same distance from the middle school and high school. He noted that the roads were much wider and designed for the schools to be there, but there were still traffic problems. He stated that while there is already noise from the park, the noise generated from a

stadium and other school activities such as band practice would generate more noise. He stated that he moved to get away from that noise pollution from the schools. He asked if there is a better location for the school that would not be as intrusive.

Mr. Lindenberg commented that one mile from this proposed location there is 150 acres, undeveloped and listed for sale.

Commissioner Walker noted that the City Council recently approved a development for that parcel.

Mr. Lindenberg commented on the traffic that will be added from the residential development. He stated that site would have been a great location for a school. He hoped that the City does what is best for the surrounding land uses in its decisions.

Mr. Heineman stated that the traffic study that was completed was to support the 150-acre development and was redone during school hours to account for that use. He stated that there have been a lot of studies in this area prior to this point.

Jeff Lubarski, 7826 161<sup>st</sup> Avenue, stated that he has lived on his property for over 20 years and 161<sup>st</sup> has gained in traffic, congestion, and speeding vehicles since that time. He stated that those issues would only increase if a school were added. He stated that 161<sup>st</sup> needs to have a traffic study completed on it as well. He stated that he has well and septic which are running fine. He stated that when games are happening people are parking in his yard and in areas marked no parking. He commented on the speeding activity down the road and within the park area that already occurs. He stated that the school and its amenities would encompass the entire site which would cause overflow parking going into the park and onto the neighborhood roads without consideration for the people that live there. He asked where buffering would occur to keep people off the residential properties and where the protection would be for the residents that their children that live in that neighborhood. He recognized the growth that has occurred in that area over the past 24 years including the park. He stated that there is not salt, and sand put onto the roads and asked the environmental impact that would have as the school use would require those to be used. He also had questions about drainage and the impact that would have to adjacent lands.

Patrick Surma, 151<sup>st</sup> Avenue, commented that 161<sup>st</sup> will deteriorate further before its scheduled improvement. He stated that the park needs to be enhanced to have more parking and a second entrance. He suggested that the City purchase the land to properly expand the park. He stated that he is a supporter of PACT but believes there is a better place for it. He commented that 161<sup>st</sup> is already a deadly road. He stated that the land could also be used for a church cemetery.

Dave Berg, 16210 Uraninite Street, commented that the church was donated 33 acres of land several years ago. He noted that the church would now be selling a good portion of that donated land. He stated that there would also be an easement from Variolite to the school which would cut through the church property. He stated that the remaining 15 acres for the church would be divided up into two parcels and asked what would be planned for the northeast corner and whether the church would only use 6.5 acres. He asked if the school would eventually swallow up the entire 33 acres from the church. He stated that he visited the PACT website and there are a lot of plans

on there for the future. He noted that this proposal would use up the entirety of the proposed site and asked where additional expansion would occur.

Randy Bauer, representing the Church of Saint Katharine Drexel, stated that development fees are based upon the size of the lot developed. He noted that the church only needs 6.5 acres for the future improvements and therefore would propose to split the land in order to avoid payment of development fees on the entire parcel. He stated that the church does not know what the church may wish to do in 50 or 75 years. He stated that the church is in the middle of its capital campaign to move forward with its phase one plan and this land sale would assist in beginning construction in 2023. He noted that even the phase two improvements would fit within the 6.5-acre portion. He stated that the remainder of the land could not be sold, noting that approval has been gained from the archdiocese to sell the 18 acres in discussion tonight. He referenced the suggestion to sell the land to the City, noting that the church was in negotiations with the City for years related to expansion of Central Park and the City decided it did not need additional land. He stated that the church has also looked at selling to a developer, but developers have stated that 80-foot-wide lots would not be economically feasible and smaller lots would be needed to create a successful project. He stated that the church consulted the Council, and it was determined that the City would not support 55-foot-wide lots. He stated that the church never intended to maintain 33 acres and always intended to sell some of the western acreage to support its future needs.

Josh Nyquist, PACT Charter School, thanked the Commission for its time and for the residents that came out to express their views. He stated that PACT is proud to have a waiting list of 500 students, many of which are Ramsey residents. He stated that the school emphasizes academic, character and parent involvement. He stated that parents are welcomed to be involved in classrooms and in the governance of the school. He stated that each year when the lottery is done, there are over 100 kindergarten students that cannot attend, therefore there is a need for expansion. He stated that in their enrollment growth plan they would like to double the attendance over the next four years. He stated that they would want to ensure that they are good neighbors to those that live in Ramsey while serving Ramsey residents. He commented that they viewed multiple sites in their search. He noted that the school is limited in what it can afford because it is not a typical public school and advised that this location also works because of the proximity to the existing campus. He noted that this would allow the school to create the programming and amenities that it would like to provide for its students. He noted that they would be open to the noise, light and traffic studies mentioned.

Jason Patrow, 16209 Sapphire Street, stated that he has nothing against the school but does not believe this is the right area for it because of concerns for the traffic, utilities, and easements. He stated that he is also concerned with drainage to the north side of the property. He stated that wetland runs through his backyard and in the spring the water level creeps close to flooding into his home. He noted that the additional hardcover would cause additional water to flow in that direction as he did not notice a stormwater pond on the site. He stated that he also has concern with traffic flow. He stated that they moved to this area because it is quiet and peaceful with wildlife. He stated that after the Lennar development to the south, traffic has increased dramatically. He noted that the area around the park is extremely congested for events and the game fair and was unsure how that area could handle more traffic. He was extremely concerned

with the impact to the wetland and watershed in that area. He again stated that he supports the school and the need for a school but believes this is the wrong location.

Dean Thiele, 16611 Coquina Street, commented that he believes the City should purchase the property. He noted that the City recently changed the name of the park from Central Park to Delaney Park, noting that the Delaney family donated the park land to the City and therefore believed the City should purchase the additional property. He stated that he notices a football field but asked where other sports would be played. He asked the City to consider purchasing the property to improve the park, noting that the original land was donated. He noted that expansion of the park would ensure adequate parking for the park use.

Mr. Fincher thanked all the residents that have provided input thus far. He commented that this is early in the process, noting that the purpose of tonight is to receive comments and feedback that could be incorporated should this move forward. He stated that there is a development team that would help to evolve the plans, should this move forward. He referenced the concern with traffic, noting that they would work with a traffic engineer and the previous reports to address that concern. He stated that they also have a civil engineer to address drainage and runoff to ensure those are met. He stated that the building footprint size, parking stalls, and needs for track and field, football and soccer were incorporated into this sketch plan. He noted that the water needs would be reviewed by the watershed to gain proper permitting. He stated that the water from this site would be treated and maintained on the site and would not be allowed to pass onto neighboring properties. He stated that they would need to pay fees to connect to storm sewer and sanitary sewer, through both the City and Metropolitan Council. He stated that if this moves forward, they would conduct a photometric plan as required by the City to ensure the regulations within City Code are met for lighting. He stated that the concerns related to noise will need to be worked through and hoped that it could be a collaborative process with residents to ensure the least amount of disruption.

Mr. Patraw (Jason) stated that there is already unsafe drinking water in Ramsey and asked where the water would come from to service the school as the City's water supply and quality is insufficient.

Councilmember Woestehoff commented that the water issue is a priority for the City and a water treatment plant facility has been budgeted for and will break ground this year to address water quality and water pressure issues. He commented on the funding the City has already allocated through water utility funds in order to address the issues. He recognized that Variolite was recently reconstructed and noted that improvement was completed in anticipation of the additional capacity it would serve. He stated that the narrowing was meant to address concerns with speeding. He clarified that the watershed organization is the Lower Rum River Water Management Organization (LRRWMO) and that review process will be extensive. He acknowledged that 161<sup>st</sup> is one of the worst roads in the community in terms of condition. He stated that the Central Park parking lot is scheduled to be repaired at the same time as the road, noting that \$700,000 has been allocated for those projects within the CIP. He appreciated the comments related to stormwater, which is also a question he had. He stated that generically roads are reconstructed to the same state, meaning that is storm sewer is not in place, it is not added. He recognized that but for the school, there

would not be additional improvements, therefore any additional improvements that are needed for the road/infrastructure would need to be funded by the school.

Mr. Patraw asked about impacts to the wetlands on neighboring properties in addition to the wells and septic systems on adjacent properties.

Councilmember Woestehoff stated that he cannot answer that as he is unsure of well depths.

Mr. Patraw replied that to his knowledge the wells do not go down 300 feet. He asked if the well water would be tested and who would be responsible for negative impacts, should that occur.

Motion by Commissioner Walker, seconded by Commissioner Peters, to close the public hearing.

Further discussion: Ryan Flagger, 16510 Yolite Street, asked if there are guidelines on the acreage required for high schools. He noted that when looking online he noticed guidelines of 30 to 40 acres. He believed that this parcel is too small for what PACT will need. Ms. Graw stated that there have been a lot of comments from the school that more details will be forth coming and asked when that would occur. She stated that it is hard to make an informed decision when there is a lot more study to be done before this could continue forward. Senior Planner Anderson commented that this is a conceptual review noting that there are a number of steps in platting property and provided more explanation. He noted that if this moves forward to Preliminary Plat, all those additional details would be provided for the proposed development. He stated that the water management plans and wetland delineations would also be reviewed by the LRRWMO.

A roll call vote was performed:

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| Commissioner Peters   | aye |
| Commissioner Walker   | aye |
| Commissioner Anderson | aye |
| Commissioner Gengler  | aye |

Motion Carried.

Commissioner Gengler closed the public hearing closed at 9:09 p.m.

### **Commission Business**

Councilmember Woestehoff asked staff to provide more explanation on the requested action tonight. He asked if Public/Quasi-Public would allow for a school or whether that would be a conditional use. He also asked for additional details on the next steps.

Senior Planner Anderson stated that no formal action is necessary for the sketch plan, noting that the intent is to provide feedback for the applicant. He stated that there are two proposed actions before the Commission tonight, the first would be related to the requested rezoning from R-1/MUSA-80 to Public/Quasi-Public. He stated that a school would be a permitted use within that zoning district. He stated that the second action would be related to the requested Comprehensive

Plan amendment. He noted that the site is currently zoned for low density residential, and the request would be to reguide the property to public/institutional, which would allow a school to operate on the property. He stated that a Comprehensive Plan amendment would need to go before the City Council for formal action and then to the Metropolitan Council for consideration and approval. He recognized that the process may seem odd but noted that this is the typical process that is followed for development. He noted that these actions tonight would need to occur before the developer undergoes the expense of developing more detailed plans.

Councilmember Woestehoff asked if the City is under a 60-day review period. He asked if the Commission could take no action tonight.

Senior Planner Anderson stated that no formal action is needed on the sketch plan. He stated that there is a 60-day review period for the formal applications related to rezoning request and the Comprehensive Plan amendment. He stated that if there are additional questions and information desired, the Commission could choose to table consideration with direction for what would need to be brought back. He noted that the City would have the ability to extend the review period once by an addition 60 days but then action would need to be taken after that time or approval would automatically be gained.

Commissioner Gengler asked if the rezoning were not allowed, would the project be unable to move forward.

Senior Planner Anderson replied that the action by the Commission tonight does not determine whether the project can move forward. He noted that the recommendations from the Commission would move forward to the City Council for decision. He stated that if the City Council does not adopt the rezoning and/or Comprehensive Plan amendment, the project would be unable to move forward.

Commissioner Walker commented that the Commission received all the letters and emails sent to the City related to this topic. He stated that the letters in support are from parents with children at PACT while the letters of those opposed are not related to PACT. He stated that those that spoke tonight were split in favor or opposed. He noted that there were no residents that spoke in favor of the project that do not have ties to PACT. He stated that he has concerns related to traffic, a buffer for residents, and a desire for more detailed plans. He stated that he also has a concern with water capacity and whether the site could support a high school per the guidance mentioned by a resident. He stated that he is not opposed to PACT expanding and putting in a building but was not convinced that this is the right location for it. He stated that he sides with residents on almost every issue that comes before the Commission and therefore cannot vote to support a Comprehensive Plan amendment or zoning change for this project.

Commissioner Gengler stated that Commissioner Walker did a great job summarizing the internal debate that she has had as she heard the input from residents tonight. She stated that on paper it does make sense to have the school in this location as there are positives for this use on this site. She stated that they also have not heard support from the residents in this area for the project. She felt that compromises could be made and improvements that could be made to 161<sup>st</sup> that would actually benefit the area. She stated that without supporting the project, she would like to see the

process move forward to bring forward more detailed plans and specifics. She stated that the school and residents can speak to determine where compromises can be made.

Commissioner Walker asked what would happen if the rezoning and Comprehensive Plan amendment were not approved tonight. He stated that he is not comfortable moving these actions forward, changing what can happen in the area if a resolution cannot be gained for the list of concerns. He noted that PACT could then back out and the door would be open for other uses that may not be desired.

Senior Planner Anderson stated that the recommendation from the Commission would move forward to the Council for consideration. He stated that the actions of the Council could be made contingent upon formal approval of Site Plan and Final Plat so that those actions only move forward if the PACT plans are ultimately approved. He noted that if PACT were unable to gain the necessary approvals, the rezoning and Comprehensive Plan amendment would become null and void. He noted that the Commission could also include that contingency in its motion.

Commissioner Walker asked what would happen if this is passed and PACT brings something forward that makes the residents uncomfortable in the next steps, which causes the Commission to recommend denial of the plans.

Senior Planner Anderson explained that the Commission would need to review the proposal to determine whether it complies with the City Code and all other regulations. He stated that if those standards are met, legally the City should not be denying the project. He stated that if there are elements that are deficient in terms of Code standards, those could be identified in support of a denial.

Commissioner Walker asked if there were anything in the City Code that would allow for the input of residents and their comfort level.

Senior Planner Anderson stated that when the next step is reached, there is the potential to work with the applicant if there are additional protections or modifications that they would like to see in the proposal, perhaps even above and beyond the minimum standards of the Code. He acknowledged that the applicant would need to be a willing partner in that as it would be above what is required.

Commissioner Walker stated that he cannot get to the point of support until he knows that the residents will be okay with the project.

Commissioner Anderson commented that he does see a path forward, adding the contingency onto these recommendations that the Preliminary Plat must be approved in order for these approvals to become valid. He noted that there would be another public hearing at Preliminary Plat and if the developer does not meet the regulations, that request would be denied. He stated that Preliminary Plat would be the opportunity to review the project as a whole including traffic, water management, etc. He noted a different project that had opposition from residents and stated that input was received, everyone came to agreement, and it moved forward. He stated that although he has reservations about the project, he supports moving to the next step. He stated that the applicant

has heard the comments expressed and they will have to meet the goals in order to receive the necessary approvals.

Motion by Commissioner Anderson, seconded by Commissioner Peters, to recommend that City Council adopt Resolution #22-050 and Ordinance #22-15, approving a Comprehensive Plan Amendment regarding a portion of the subject property to Public/Institutional and approving a rezoning of a portion of the subject property to Public/Quasi-Public with the contingency that these approvals would only be gained upon Preliminary Plat approval.

A roll call vote was performed:

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| Commissioner Peters   | aye |
| Commissioner Walker   | nay |
| Commissioner Anderson | aye |
| Commissioner Gengler  | aye |

Motion Carried.

Councilmember Woestehoff commented that he believes the motion failed with a vote of three to three, as two members abstained. He noted that regardless of whether the motion failed or passed, the item will move forward.

Randy Bauer clarified that an abstention is a non-vote and is not counted as a nay.

Senior Planner Anderson confirmed that staff will verify the vote with the City Attorney. He noted that this is tentatively scheduled to move to the City Council on March 8<sup>th</sup>.

Chairperson Bauer and Commissioner VanScoy rejoined the Commission. He briefly recessed the meeting.

Chairperson Bauer reconvened the meeting.