

**5.01: Consider Natural Resources Elements for PACT Charter School Site Plan, Preliminary Plat and Final Plat (Project No. 22-107); Case of JB Vang on Behalf of PACT Charter School**

Senior Planner Anderson presented the staff report. He stated that the City has received an application from JB Vang Partners on behalf of PACT Charter School for review of a Site Plan, Preliminary Plat and Final Plat related to a proposed new, second school campus to be located at 7633 161<sup>st</sup> Avenue NW. The subject property is presently owned by The Church of Saint Katharine Drexel. As the EPB will recall, the City previously reviewed a Sketch Plan along with requested Comprehensive Plan Amendment and Zoning Amendment related to the same project. The City Council ultimately approved the Comprehensive Plan Amendment and Zoning Amendment, contingent upon approval of the Preliminary Plat. He noted that several public comments were received related to drainage. He noted that those plans are being reviewed by the engineering department as well as the Lower Rum River Water Management Organization (LRRWMO), which is the Board that would review and approve of the stormwater management plans.

Chairperson Moore invited the applicant to address the Board.

Justin Fincher, JB Vang, spoke in representation of the applicant and stated that they have been working diligently for the past few months to develop more detailed plans for the project and stormwater management. He stated that they did look at relocating a smaller catch basin onsite in terms of stormwater management but was unsure if that needed to be addressed tonight.

Senior Planner Anderson replied that they did not need to review that level of specificity as that is not under the purview of this Board. He noted that the overall level of treatment would not be reduced by shifting the location of the basin.

Chairperson Moore referenced the northern corner and asked if that is a wetland or oak forest.

Senior Planner Anderson replied that area is delineated wetland, which is being reviewed by the LRRWMO. He stated that the oak forest area is to the west of that delineated wetland. He commented that there would be impacts to the oak forest area, but areas within the wetland setback would be protected. He commented that the majority of the trees on the school site would be removed as part of the project.

Chairperson Moore recognized that there has been discussion with the parks department to extend plantings into Central Park and asked for details.

Senior Planner Anderson replied that staff does not release its comments until the agenda for the public hearing is released, which will be later in the week, therefore the applicant has not seen those comments. He stated that he did have a brief discussion with the applicant prior to the meeting but did not want to put the applicant in the position to address comments he has not yet seen.

Chairperson Moore asked if 161<sup>st</sup> would need to be widened.

Senior Planner Anderson replied that the traffic study has been submitted and is being reviewed by City staff. He commented that improvements may be needed, but preliminarily that improvement was not mentioned but it is still being reviewed and staff will provide comments at the Planning Commission meeting.

Board Member Fetterley stated that staff indicated that 444 trees were needed in total and that the applicant was not meeting that threshold. She asked if the applicant were aware they would be under the threshold.

Senior Planner Anderson replied that summary came from the tree preservation plan submitted by the applicant, therefore they are aware of the standards. He stated that it is not uncommon that those calculations need to be adjusted. He stated that this is not an official public hearing, as that will be held on May 26<sup>th</sup> by the Planning Commission. He noted that resident input can still be obtained tonight.

Chairperson Moore invited residents to provide input.

Jason Patrow, 16209 Sapphire Street NW, commented that he has concern with the vegetation being planted around the retention ponds. He commented that there will be steep banks and vegetation will be needed to prevent erosion. He also asked what would prevent water from spilling into the wetland.

Senior Planner Anderson replied that a staff member has made comments to suggest additional plantings on the downslope side to create root structure and stability. He reviewed the stormwater standards that would need to be met by the applicant and noted that engineering would be ensuring the plans and construction meet those requirements.

Ron Lindenberg, 7600 163<sup>rd</sup> Lane NW, commented that he previously spoke about the oak trees on his property which range in age from 75 to 125 years. He was concerned that the construction could impact trees on his property. He stated that he would not want changes to the subject property to impact other properties. He commented that water does travel through the system but was concerned that the removal of the trees on the subject property could negatively impact other properties.

Danielle Holder, 7826 161<sup>st</sup> Avenue, stated that she has a lot of concerns but will focus her comments tonight on the trees. She commented that there are old growth oaks throughout the site and trees replanted will never reach that size. She stated that the wildlife that relies on those trees will leave that area. She stated that 161<sup>st</sup> will most likely need to be widened because it is a narrow road and there will need to be room for buses and the mentioned trail, which will remove more trees.

Matt Boe, 7650 163<sup>rd</sup> Lane, echoed the comments made by the previous residents.

Amanda Patrow, 16209 Sapphire Street, stated that one of the main concerns she has is related to the floodplain area. She stated that she has another concern with noise and asked if a sound study has been completed.

Senior Planner Anderson replied that there will be a PA system.

Ms. Patrow commented that the neighborhood can already hear noise from Central Park and additional trees would help to buffer that noise. She stated that if this is going to go into a residential neighborhood, there should be assurance that this will not impact those homes. She stated that the staff presentation mentioned that Variolite was eliminated for safety reasons but noted that she watched the PACT School Board meeting, and it was said that option was eliminated because of a lack of funding.

Kristy Haight, 7600 163<sup>rd</sup> Lane NW, stated that there has been a large amount of rain in the last week which has filled the ditches. She stated that they have concern that removing the trees and developing the site could cause additional issues with water if the water is not managed appropriately on the site.

Mr. Patrow stated that the oak forest that will be removed to make space for the retention pond will also remove the shade provided by the forest to the wetland. He stated that could change the character of the wetland. He asked for additional details on a prevention system that would ensure that the pond does not overflow into the wetland.

Jeff Lubarski, 7826 161<sup>st</sup> Avenue, stated that he is concerned that all the traffic will now be placed on 161<sup>st</sup> which means the road needs to be widened and trees on adjacent properties will be damaged. He stated that if the road is widened it will also lend itself to commercial vehicles coming down the residential road. He was concerned with the safety of the children in the neighborhood because of the increased traffic.

Board Member Hiatt referenced the photos provided by residents related to rainfall levels and asked how often this situation is occurring.

Mr. Lindenberg replied that those photos are of his property and that typically happens a few times per season, maybe three times. He noted that the current system is not designed to handle much more water and confirmed that he has voiced concerns to the City in the past.

Mr. Fincher commented that funding was one aspect for eliminating Variolite, but it was not the only aspect of that decision. He stated that the way he understood it there are no specific light or noise ordinances that apply to this type of project. He stated that they have addressed the lighting concern with submission of their lighting plan. He stated that in terms of noise, they would be less programmed than Central Park in terms of how their football field would be used for events.

Board Member Hiatt asked the projected seating capacity for the football field.

Mr. Fincher estimated seating for 600, which would have 300 spaces per side. He noted that calculation is not exact but that would be the maximum.

Eric Meyer, Larson Engineering, commented that the stormwater management would be the same for the site, regardless of the type of development. He provided additional details on the LRRWMO stormwater management requirements that have to be met. He stated that with the platting of the property, the school would have the park dedication and dedication of right-of-way. He noted that the improvements to widen the road and add the trail would happen on the school and church properties.

Chairperson Fetterley commented that it does sound like there is frequent filling of yards and wetlands now and asked if there would be a net zero flow or whether more water could even be moved out to help those other properties. She asked what would happen after development if there were issues with water flow.

Mr. Meyer commented that if there are drainage issues along 161<sup>st</sup> it would make sense to make those improvements when the improvements to the road are made.

Mr. Lindenberg commented that he coached at Central Park for ten years and noted that the proposed stadium is further north, near those homes. He stated that Central Park does not have stadium lighting or speakers but is still very bright and very loud. He commented that the football field will be much brighter and louder than the park activity.

Mr. Patro commented that it sounds like the water from the pond would drain to the wetland, which he views as a concern. He commented on the contamination that would be contained in the runoff from the parking lot and fertilized areas on the school property that could damage the wetlands and plant communities.

Senior Planner Anderson asked the focus to come back to the purview of this Board. He noted that the comments related to drainage can be forwarded to the engineering department. He stated that impacts from deicing and fertilizers is not limited to this property and would apply to all residential and commercial properties.

Ms. Patrow asked when the traffic study was completed. She stated that she noticed the study on a Thursday, Friday, Saturday during Easter break therefore kids were only in school one of those days. She believed that in order to be accurate the study should be done on days kids are going to school and parents are going to work.

Ms. Holder commented that the MPCA states that noise pollution is considered anytime noise traffics onto residential property in excess of 60 decibels for more than 50 percent of an hour. She stated that the park activity measured at 70 decibels in her child's room for seven hours. She stated that the MPCA also suggests that the City not place development in areas where it would impact residential properties. She stated that there is no room for a tree buffer to be installed with the development size proposed.

Mr. Fincher commented that the study was completed during three weekdays during peak school hours. He noted that a study was also done on Sunday in order to consider the plans for the church. He stated that information is detailed within the report that will be reviewed at the Planning

Commission meeting. He stated that stadium continues to be mentioned but the school is viewing this as field space for soccer and football and the area will not be programmed to the high level that Central Park is.

Board Member Fetterley commented that there are lots of things happening with the planning of this plot and the school use. She stated that in looking at this from the normal objective of the Board, specific to plantings and trees, she does not love the plan to remove large trees with replacement by small trees and/or restitution. She stated that she would prefer to see more trees preserved or planted on the school site, rather than spreading more onto Central Park.

Board Member Arts agreed with those comments.

Senior Planner Anderson stated that it is not uncommon to see adjustments to the number or quantity of trees on a plan. He stated that the Board could recommend that the required number of plantings be accommodated on site, but there has to be consideration that it would be hard to fit that number of trees without impacting growth characteristics therefore it could be helpful to allow additional planting on Central Park property. He stated that the trees could be strategically placed in attempt to mitigate concerns raised.

Board Member Fetterley stated that the project is working well to meet the guidelines of the City. She stated that they can advocate for trees and the environment the best they can but must consider the rules in place as well.

Board Member Hiatt asked if there is a timeline on the reports from engineering and the LRRWMO, as that watershed issue is a key piece in this discussion.

Senior Planner Anderson replied that the City staff review should be wrapped up later this week to prepare for the public hearing that will be conducted by the Planning Commission. He noted that after that meeting, the case would be sent to the LRRWMO. He stated that the wetland delineation has been submitted to the LRRWMO for review as well.

Board Member Hiatt asked if the City considers stormwater retention an issue in this area currently.

Senior Planner Anderson replied that the stormwater management staff person is out of the office, therefore is he unsure if those photos are common. He stated that he does not doubt the statements of the residents but cannot confirm that either without that staff person.

Board Member Fetterley referenced the comments related to improvements to 161<sup>st</sup> and asked for details on that potential project.

Senior Planner Anderson replied that if this project is the premise to need to widen 161<sup>st</sup>, that would fall as a cost to the developer. He stated that the project is in the CIP for a reconstruction for 2024. He stated that there are discussions to perhaps move that to a 2023 project to better correspond with the timing of this project. He stated that improvements that would be needed because of the project (turn lanes, widening, trails) would be a cost of the developer. He stated

that the developer is dedicating right-of-way on the north side of 161<sup>st</sup>, therefore those improvements, if needed, would go to the north.

Board Member Arts referenced the tree preservation along 161<sup>st</sup> and supports that. He stated that a trail was mentioned that would remove those plantings. He stated that he would recommend not to put the trail in and instead tie in Central Park to Variolite with sidewalks in order to preserve additional trails. He referenced the northeast portion of the property which shows a lot of tree removal. He believed that preservation of some of those trees would assist in providing a buffer as well.

Senior Planner Anderson commented that there are oaks in that area, which is classified as an oak forest, but there are other species of trees in there as well.

Chairperson Moore summarized some of the comments that had been received tonight and recognized that some revisions would be needed to the plan. She stated that the Board would like to see as many of the native plants and trees retained as possible. She recognized that technically speaking the requirements of the City have generally been met by the request.

Senior Planner Anderson recognized the comments of the Board to work with the applicant in an attempt to preserve additional trees in the northeast corner of the site and to maximize the reforestation onsite in strategically placed locations to mitigate resident concerns.

Board Member Hiatt asked if the Board could recommend a percentage of reforestation, such as no more than 50 percent of reforestation could be done monetarily.

Senior Planner Anderson commented that the Board could make that as part of its recommendation, and it would be the decision of the City Council as to whether to incorporate that into their action.

Motion by Board Member Fetterley and seconded by Board Member Little to recommend approval of the Landscape and Tree Preservation Plans, contingent upon compliance with staff review comments, the applicant review the plan to focus on preservation of trees in the northeast portion of the property, and that tree preservation be focused on the property with no more than 50 percent of the reforestation to occur through restitution.

Motion carried. Voting Yes: Chairperson Moore, Board Member Fetterley, Little, Arts, Bernard, and Hiatt. Voting No: None. Absent: None.

Senior Planner Anderson reminded the group that a public hearing will be held by the Planning Commission next week, at which time all staff review should be completed.

Board Member Fetterley thanked all the residents that came to speak tonight and recognized that this development proposal is causing some havoc in that neighborhood.