

6.04: Public Hearing: Consider Site Plan, Preliminary Plat, and Variance Request for a New PACT Charter School 6-12 Grade Campus at 7633 161st Avenue NW (Project No. 22-107): Case of JB Vang

Public Hearing

Chairperson Bauer noted that he and Commissioner VanScoy have involved with the Church of Saint Katharine Drexel and therefore would have a conflict and will be recusing themselves from this discussion.

Acting Chairperson Gengler called the public hearing to order at 7:44 p.m.

Presentation

Senior Planner Anderson presented the staff report stating that staff recommends approval of the variance, site plan and preliminary plat contingent upon compliance with staff review comments and providing an analysis of projected noise related to the athletic field activities.

Commissioner Anderson asked why the Variolite entrance was removed.

Senior Planner Anderson replied that the applicant could best address that question.

Commissioner Walker referenced the two retention ponds and asked if staff knows the size of those ponds.

Senior Planner Anderson replied that the project team could best address that as well.

Citizen Input

Justin Fincher, JB Vang, spoke in representation of the applicant and stated that there was concern expressed in a previous public hearing related to sightline access at Variolite and noted that was one reason to remove that entrance. He stated that they initially believed that entrance would be needed to alleviate traffic concerns, but upon completion of the traffic study they learned that would not be necessary.

Commissioner Anderson stated that he would prefer to have a separate entrance for buses to separate the bus and student driver traffic.

Mr. Fincher commented that they could look to reintroduce that entrance. He stated that there is a separate entry point and queuing area versus the parent pick-up/drop-off and student driver traffic.

Commissioner Anderson stated that he would prefer to have the Variolite access.

Commissioner Walker agreed noting that if nothing else, he would like to see a one way only exit for the buses to exit from the school to make a right hand turn onto Variolite. He asked for details on the retention ponds.

Eric Meyer, Larson Engineering, provided details on the infiltration basins and ponding and how they would function.

Commissioner Walker commented that he is curious as to how they can make the majority of the site concrete and treat the runoff in the small basins and not impact the wetlands.

Mr. Meyer commented that the water is piped into the basin which is meant to infiltration water and then they will control the rate to ensure that the discharge does not exceed the current rates. He confirmed that their plans meet all the requirements of the LRRWMO and the State.

Commissioner Walker commented that he lives along Variolite and observes the water held in the ditches after a rain event, therefore he has concern that this development would add to that issue. He asked who would be responsible if there were issues caused to neighboring property owners.

Mr. Meyer commented that they are meeting the requirements.

Commissioner Walker commented that if more water comes off this property, which currently soaks up water, he has concern for the residents if the retention ponds are not functioning as intended.

Mr. Meyer commented that they will also have a maintenance agreement for the pond to ensure it continues to function.

Commissioner Walker commented that this is a very wet area already and asked what would be done if there is water in basements after this is built.

Mr. Fincher stated that there is a separate process for the review and approval of the stormwater design that is currently underway with the LRRWMO. He commented that there would be a detailed analysis to ensure that there would not be negative impacts. He stated that perhaps those concerns could be passed to the LRRWMO in its review as that is a separate process. He stated that there was a recommendation to complete a noise analysis. He stated that his company has represented many Charter Schools and has never had that required in the past. He noted that they would be willing to work with City staff to complete that. He commented that this is next to Central Park that has multiple fields. He stated that the school is proposing a football/soccer field with track improvements. He commented that typically there are 10 to 12 games in a football season, split between home and away games, therefore that activity would be controlled. He commented that they welcome the recommendations of the EPB and will work to preserve as many mature trees as possible and recognized that could help to mitigate the noise and impacts to residential properties.

Debra Musgrove, 15247 Fluorine St NW, stated that she is the Chair of the LRRWMO Board and provided details on the process that group follows for permit review. She noted that all applications are reviewed by an engineering to ensure the rules are being met.

Jason Patrow, 16209 Sapphire Street, commented that he is an engineering project manager with 15 years of experience. He commented that the noise study is not just related to the stadium, field, and other items of note and believed that the rooftop mechanical equipment should also be included in the study. He commented that the field lights are 80 feet tall but noted that the field is also eight to ten feet higher than the properties to the north. He stated that recessing the field into the ground creates an amphitheater effect. He commented that removal of the trees will have an impact on the light and sound spilling onto neighboring properties. He did not believe there is adequate spacing for all the buses to que. He did not believe the retention pond was designed appropriately and provided his supporting information on his opinion. He commented that there are too many things being squeezed into a site. He commented that removal of the trees around the wetland would also change the dynamic of the wetland as shaded areas would then be exposed to sun. He commented that if there is an overflow the polluted water from the basin would enter the wetland and cause damage. He stated that the flooding in the area is already a concern but is manageable by the residents. He commented that discharging the water from the retention pond would not occur at the same rate as it would discharging through the soil. He stated that the elevated water from this site would compromise the drain field of the septic system for the neighbor to the north and could also impact the drinking water. He commented that the traffic study was completed for one day prior to Easter break, which is not accurate. He stated that he does have a concern with one access from 161st and the congestion that would bring to the residents in that area.

Danielle Holder, 7826 161st Avenue NW, stated that she has submitted written comments. She stated that this plan is overdone for the site. She noted that everything is being designed to minimum standards. She stated that the noise study was advised at the last meeting and has not been done yet. She asked how far the other schools of this nature are to residential homes. She stated that the trees are being removed and there will not be much to buffer that sound. She asked that the Commission table the request to meet higher standards. She noted that this site is already designed to the fullest capacity using minimum standards. She mentioned the cross easement with the church and stated that perhaps the pickup and drop off occur in the church parking lot to prevent stacking on 161st. She asked the Commission to hold the request until the noise study and other elements can be completed to ensure that the residents will be protected.

Jeffrey Lubarski, 7826 161st Avenue NW, asked the Commission to table the request tonight until the plat is completed and does not have contingencies. He believed that the neighborhood should have the ability to comment on the final plat before this moves forward. He commented that the school proposes one entrance and exit on 161st, which is a narrow residential street. He believed that there should be a secondary or primary exit/entrance on Variolite. He stated that if only one entrance/exit is proposed on 161st, his property is no longer viable as a residential property, and he should be allowed to covert it to commercial property.

Amanda Patrow, 16209 Sapphire Street NW, commented that she has had concerns from the beginning and does not feel the project should move forward due to water runoff, noise, light and traffic. She commented that the traffic study was completed only one day when school was in session. She did not believe the study should be used and should be redone. She commented that the numbers provided in the staff report equate to a total of 489 vehicles that would all use Variolite, Armstrong, and 161st Avenue. She stated that her neighborhood only has one road to get in and out, which is Variolite. She asked what would happen if emergency vehicles needed to

get down the road. She stated that they also have concern with the noise impacts from the PA system. She commented that the applicant has had plenty of time to get the sound study done but has not yet done so and noted that the rooftop equipment should be included. She stated that if everything cannot fit on the property, the school should look for a bigger lot rather than looking to use park or church space. She commented that Central Park is already used by many sports groups, and it would seem the school would want to connect to Central Park and use that space as well. She commented that the park is a public place where people should spend with their families, and it should not be allowed to be used by PACT. She stated that with the rising interest rates, PACT needed to make a decision as to whether to add more students or make the school smaller. He stated that they added more students which would compare to the attendance of Brookside, which has a much larger parcel on a County road. She asked that this continued to be reviewed by the Commission at a later date.

Mr. Patrow clarified that the dashed line is on the east side of the property and would connect Central Park to the school parking lot. He referenced the square footage of the school and noted that he used his software and the school plans and determined that the usable square footage of the space. He believed that the occupancy should be reviewed as his calculations show that being in excess of what would be allowed based on the usable space.

Mr. Fincher commented that instead of referring to a project manager in the neighborhood, he will refer to his team that are all licensed in their areas. He commented that they are not attempting to simply meet minimum standards, but to design what is needed for the school. He stated that rounding up, the square footage within the proposed plans would be 115,000 square feet. He stated that the traffic consultant could not attend tonight but clarified that they attempt to put the cameras up as quickly as possible following the solicitation process that PACT has to follow. He recognized that there was one day when the school was in session and the study was put into draft form, using the comments received before finalizing the report. He noted that the Trott Brook Crossing EAW was also cross-referenced and the findings within the draft report were consistent with those findings. He stated that the levels of service at the intersections they were required to review would not be impacted by the development. He noted that the intersections range from A, B and C ratings with the exception of one intersection that is already at a failing level currently. He stated that the dashed line was a recommendation from staff for PACT to consider at a potential in the future and therefore it was shown as potential in the future. He stated that there are building codes and standards in place regarding size and occupancy that they will meet. He stated that they did go through a separate Minnesota Department of Education (MDE) approval process where the plans from PACT were reviewed and approved by that entity. He stated that this is a public charter school and therefore is not sized or funded the same as a district school. He commented that they are not skirting anything under the rug and are going through all the necessary approvals.

Councilmember Woestehoff asked if the MDE report and comments could be shared.

Mr. Fincher commented that is public information that has been published and could be shared.

Commissioner Walker stated that after the first public hearing, the applicant assured the Commission that they would work with residents to address their concerns. He asked if anyone on the applicant's team has reached out to the neighbors to address their concerns.

Mr. Fincher commented that they have not specifically reached out to residents but believe they are addressing the concerns to the extent possible through this process. He would welcome further conversation if that were necessary. He commented that part of the Variolite access removal was budget related and in attempt to address resident concerns related to that access. He recognized that they will never make all parties happy.

Commissioner Walker commented that it is obvious there are a few residents spearheading the opposition and recommended that the applicant work with those residents to address their concerns.

Jason Tossey, 14417 Bowers Drive NW, stated that he is a Board member of PACT and also a social studies teacher. He stated that he would like to address information that was brought up that is not as accurate as it was portrayed. He stated that they may need to expand some students because of higher bond rates, but that would be spread over the two campuses. He stated that this is a much larger facility with more space than the existing facility. He stated that the plans have been changed and altered to address the concerns of the residents. He stated that the comment today to add the Variolite entrance back in is frustrating as the change was made to address concerns related to the sightline in that area from residents. He commented that they are doing everything they can to ensure the concerns of residents are met while also meeting all applicable standards from the City, State, and watershed. He stated that they will be working with the LRRWMO to ensure there will not be issues with flooding.

Mike Stuedmann, 1478 159th Avenue in Andover, and trustee of the Church of Saint Katharine Drexel stated that he would like to clarify comments that were made earlier. He stated that a written comment referenced how much the church gained by entering into the deal. He stated that the resident stated that the church “gained only \$400,000 versus what could have been gained through other options”. He stated that the church explored many other options, and this was the option that could move forward. He stated that PACT approached the church many years ago and therefore this is not a kneejerk reaction. He commented that the email also states that the church “would be willing to do anything to make this happen and sacrifice the wellbeing at any cost”. He stated that could not be further from the truth as the church is a good steward. He stated that the shared parking agreement was a suggestion of the church in order to result in a win/win situation where the entities could partner.

Ms. Holder commented that she has a copy of the letter from MDE which basically states that the financial information provided means that it would be fiscally responsible to move forward and that the school would need to comply with all other entities and their rules. She stated that the plans have not been reviewed and approved completed. She stated that she does not recall a statement from residents requesting that the Variolite access be removed. She suggested that the Commission watch the School Board video to hear that discussion themselves.

Mr. Patrow commented that the reason people were opposed to the Variolite access was that it was proposed to be a parent pick-up/drop-off access that would be used in both directions. He believed that it would be appropriate to have that access be bus access only.

Josh Nyquist, 14852 Peridot Street NW, and Executive Director of Building Operations at PACT asked that the Commission give them a chance to meet the requirements from the LRRWMO and related to traffic. He stated that they would meet the building requirements and recognized that MDE does not review to that level, but more as to whether the site would work for a school and whether it could be done financially. He stated that they want to be good neighbors and address concerns of those that live nearby, which is why they are these public meetings to gain that input. He stated that they can review field scheduling and the types of systems in order to mitigate noise and light. He stated that the school wants to be a good presence. He noted that the students often clean up the park nearby the existing location and would hope they could do those things at the new location as well. He commented that they currently have a shared parking agreement with Northgate Church that works well. He stated that there is traffic two times per day and school is in session 154 days per year, therefore that is important when thinking about the impact of traffic.

Commissioner Peters commented that he does not believe that everyone is 100 percent against the school. He stated that if all the things were addressed, the school would be supported. He stated that a school going into a neighborhood adjacent to a park is a good fit. He commented that he also likes that there will be a secondary school coming to Ramsey. He believes that PACT should work with the residents and acknowledged that they are trying. He stated that he has been blessed to have the experience of living in different states and frequenting different schools for his kids. He stated that they will figure this out as a community. He believes that it makes sense to have a school in this location and if they all work together to figure it out, it should work. He encouraged PACT to work with these residents as they continue to come forward. He believed that this will be worked out but there needs to be more collaboration between the community and PACT.

Community Development Dir/Deputy City Admin Brian Hagen stated that if the Commission desires to continue this review, it should not close the public hearing but instead should continue it to the next meeting.

Commissioner Anderson asked for details on the review timeline.

Community Development Dir/Deputy City Admin Brian Hagen replied that they are still within the first 60-day review period and would have the ability to extend that by another 60 days. He stated that if the desire is to continue, it should be formally done through motion to a specific date.

Senior Planner Anderson commented that the City would need to issue a 60-day extension as the first 60-day period would expire before it reached the City Council.

Acting Chairperson Gengler commented that there would then be an option to continue the public hearing which would then not require a table or any action on the applications.

Senior Planner Anderson confirmed that to be true but asked that if that route is chosen, specific information is provided on what the Commission would desire before the next meeting.

Community Development Dir/Deputy City Admin Brian Hagen stated that he would also want input from the applicant on their timeline to respond as well.

Mr. Fincher stated that he is unsure of the logistics of extending the 60-day review period. He reiterated the timeline of PACT which was to begin construction later summer, or early fall. He stated that he fears that if this is pushed too far down the road, it could become not feasible to begin construction this year. He stated that if there is a recommendation to work with the residents, they would do so and asked if that could be done in the time before the City Council meeting noting that they could also work with City staff during that time.

Community Development Dir/Deputy City Admin Brian Hagen stated that the desired open date for PACT is fall of 2023 and recognized the sizeable construction. He stated that ultimately the City has a process to follow as well. He stated that if the Commission feels that it has seen enough information to make a recommendation to the Council that could be done. He noted that the Commission could also request to see more information on the plans and provide another opportunity for residents to provide input. He recognized that this could delay the project by a minimum of one month. He stated that the applicant could also request a special meeting of the Commission, although that could be tricky with including a public hearing. He asked if the public hearing could be closed and whether a second public hearing could be noticed for a special meeting.

Senior Planner Anderson replied that could be done as long as the proper noticing timelines would be met. He stated that if the meeting were tabled to the next Commission meeting, it would be June 23rd, which would then follow to City Council on July 12th.

Mr. Fincher commented that following the City Council meeting there would be another 30-day period for the rezoning, which is tied to their entitlements.

Senior Planner Anderson confirmed that to be correct. He stated that the City Council approvals for the zoning and Comprehensive Plan amendment were contingent upon approval of the preliminary plat. He stated that once the preliminary plat is approved, the ordinance would be published and there would be a 30-day period before the ordinance goes into effect.

Randy Bauer, 14942 Quintana Street NW, commented that there have been preliminary plats with questions on numerous occasions that are addressed through conditions and contingencies. He stated that in those instances the preliminary plat is approved contingent upon the staff recommendations being met.

Councilmember Woestehoff referenced the small parcel of parkland that would be deeded back to the City and asked if that would be a better opportunity for stormwater management and what the alternative would be for park dedication.

Senior Planner Anderson commented that the Park Commission took action in the last month to reiterate a previous decision and formalize their interest in having that northwest corner dedicated as parkland for expansion of a flex field use there. He stated that the potential to use that as additional retention pond area would involve park staff and the Park and Recreation Commission. He stated that a potential alternative would be to continue to encourage the church and school to work together to determine if there is additional opportunity to provide additional treatment on the church site.

Councilmember Woestehoff stated that he understands the potential for the church to take on additional mitigation but sees this as a separate project. He stated that he did not recall seeing the park dedication request on the Council and it was confirmed that would come forward with the application.

Mr. Bauer commented that the church has talked about shared retention ponding as both sites would benefit and therefore the church would be open to exploring additional stormwater treatment on the site. He stated that the church has no plans to use the northern outlot and could use that for treatment.

Mr. Fincher commented that they have begun to space plan for that potential and confirmed that there have been discussions with the church on that concept. He stated that his firm finished a project in Brooklyn Park that used a shared agreement to address shared parking and retention ponding.

Commissioner Anderson asked for clarity on the concept of continuing the public hearing or forwarding the recommendation with conditions.

Community Development Dir/Deputy City Admin Brian Hagen stated that if the public hearing is continued or closed with a recommendation tabled, the Commission should give direction on anything specific it would like to see.

Commissioner Anderson stated that if the Commission requested the studies to be completed and the entrance to be reviewed, he did not believe a second public hearing would be needed.

Community Development Dir/Deputy City Admin Brian Hagen confirmed that the requirement for a public hearing has been held and the case could be tabled with direction. He stated that the noise analysis may not be able to be completed as of yet because the equipment is not yet known and therefore that provision could be added to the development agreement.

Commissioner Anderson commented that he feels that there has been sufficient input from residents.

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

Motion Carried. Voting Yes: Acting Chairperson Gengler, Commissioners Anderson, Walker, Hunt, and Peters. Voting No: None. Absent: Chairperson Bauer and Commissioner VanScoy.

Acting Chairperson Gengler closed the public hearing closed at 9:31 p.m.

Commission Business

Motion by Commissioner Anderson, seconded by Commissioner Peters, to table the requested action, directing the applicant to research a one-way bus only access from Variolite, provide more information on a noise study, and provide more information on stormwater plans.

Further discussion

Gary VanScoy, 5851 147th Lane NW, stated that there has been a lot of discussion about an entrance from Variolite. He commented that there is about three feet of right of way on the west side of Variolite and therefore does not see how a right-in/right-out entrance could be provided. He commented that in that area there is also an eight to ten feet drop therefore there would be significant difficulties in that option. Commissioner Anderson stated that he would only request that to be a right-in access. Commissioner Walker commented that in that scenario the buses would still use 161st to exit the site. Commissioner Walker commented that he would support a right-in/right-out. Commissioner Anderson commented that he is unsure there is room for that, but he would also support that. Councilmember Woestehoff stated that he understands the desire for a right-in/right-out, there would not be buses coming from the north, most would come from the south. He stated that he did not like the idea of an access on Variolite but also does not like it without the Variolite access. He commented that Brookside is a good example of where buses and vehicle traffic go but recognized that there will always be backups. He stated that the Commission should continue to find the best ways to mitigate those issues. He commented that neither are good solutions and therefore would rely on engineers to make those decisions. Commissioner Walker asked if anyone could tell him the plans for 161st. City Engineer Westby stated that they have collected topography of the corridor and are processing that data to develop their plans with a trail and determine if trees could be saved. He noted that staff will be bringing those plans to the City Council to determine if the project should be moved forward one year. Commissioner Walker stated that if the road is going to be widened, it should occur to the north and not impact the neighbors on the south side. City Engineer Westby replied that typically streets are centered in the right-of-way. He noted that the trail will be on the north side and therefore it may be difficult to take the trail and all road width from that side, but staff will look into that option. Councilmember Woestehoff asked if the Council would have the data on the proposed road improvements before final plat, as it would seem that widening would only be required if the school is developed. City Engineer Westby replied that he is unsure when the final plat would be but believed that good data would be available in the next month or so. Senior Planner Anderson stated that based on the current motion there would be enough time. He stated that perhaps the Commission would want to discuss the variance portion of the request to determine if both actions are going to be tabled or whether the variance would move forward. He commented that it would be helpful to include a date continued to within the motion. Commissioner Anderson clarified that the case would be tabled to the next meeting.

Motion Carried. Voting Yes: Acting Chairperson Gengler, Commissioners Anderson, Peters, Hunt, and Walker. Voting No: None. Absent: Chairperson Bauer and Commissioner VanScoy.

Motion by Commissioner Anderson, seconded by Commissioner Hunt, to approve the Variance to the Parking/Maneuvering Area Setback from Residentially Zoned Land.

Motion Carried. Voting Yes: Acting Chairperson Gengler, Commissioners Anderson, Hunt, and Peters. Voting No: Commissioner Walker. Absent: Chairperson Bauer and Commissioner VanScoy.

Chairperson Bauer and Commissioner VanScoy rejoined the Commission.

DRAFT