

**MINUTES OF THE REGULAR MEETING
PLANNING COMMISSION
LITTLE CANADA, MINNESOTA**

AUGUST 9, 2018

Pursuant to due call and notice thereof a regular meeting of the Planning Commission of Little Canada, Minnesota was held on the 9th day of August, 2018 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Chair Bill Buesing called the meeting to order at 7:30 p.m. and the following members of the Planning Commission were present at roll call:

PLANNING COMMISSION: Mr. Bill Buesing
 Mr. Chris Kwapick
 Mr. Eric Thorson
 Ms. Dawn Kulousek
 Ms. Nicole George
 Mr. Nick Schwalbach
 Ms. Taelor Johnson

ALSO PRESENT: Mr. Steve Grittman, City Planner
 Ms. Heidi Heller, City Clerk
 Mr. Kevin Helander, Cable TV

MINUTES The July 12, 2018, Planning Commission meeting minutes were approved as submitted.

**PUD AMENDMENT
AT 2925 COUNTRY
DRIVE & TEXT
AMENDMENT;
APPLICANT: AFSA
SCHOOL, 100
VADNAIS
BOULEVARD;
PROPERTY OWNER
DICK BIAGINI** The City Planner reported that property owner, Dick Biagini, and The Academy for Sciences & Agriculture (AFSA) have applied for a Planned Unit Development Amendment at 2925 County Drive that would allow for a charter school to be a permitted use within this district. He explained that this building was constructed for commercial office use and schools are not a permitted use under the property's current Planned Unit Development (PUD) zoning classification. He stated that schools are only permitted uses in the Public District. He reported that the applicants are requesting a text amendment to the PUD District to either allow charter schools as a permitted use or by special PUD District designation that would be specific to this parcel.

The City Planner explained that AFSA plans to use the building mostly as-is, with minor modifications to the parking lot to accommodate traffic and bus flow and add an outside play area, along with interior remodeling. He noted that when the Council wrote the zoning code for PUD Districts, it

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was done specifically to not allow schools or other public uses in PUD Districts due to the property tax implications since there is already a significant amount of property in the city that is off the tax rolls.

The City Planner explained that AFSA is currently operating out of two locations, and both are at maximum capacity. They own a location in Vadnais Heights which is used for grades 7-12, and they are renting temporary space at a church in Maplewood for grades 5-6. The City Planner stated that AFSA was approved for expansion and will be adding grades PreK-4 and this has caused the school to look for alternate locations. He reported that AFSA feels the location at 2925 Country Drive meets their needs because of the proximity to their Vadnais Heights location, and the capacity of the building to accommodate their projected enrollment of 312 students in grades Pre-K – 8. He noted the school anticipates 35-40 staff members working in this building.

The City Planner stated that there are a couple of discussion points in relation to this request. First, is whether or not a charter school is an appropriate use, and the operational aspects on the site; second, would be a zoning code text amendment if the Planning Commission does feel a school is a compatible use in a PUD District. He explained that if this were the case, City Staff recommends establishing a specific PUD District that allows public uses.

Buesing clarified that the Planning Commission is not discussing the tax implications of a school use, and that is only for Council discussion as part of a development agreement. He asked if parking and storing buses on the site would be allowed. The City Planner stated that these PUD District regulations would state what is allowed for vehicle parking and storage.

Becky Meyer, Executive Director of AFSA, stated that they expect to have about 150 students the first year, and anticipate reaching their maximum capacity of 312 students within a few years. She explained that this new location would house grades Pre-K – 8th-grade, although they are unsure if they will include the Pre-K level at this point. Buesing asked if they would buy the building. Ms. Meyer stated that charter schools are prohibited from owning property, therefore the non-profit AFSA Building Company would own the property.

Schwalbach asked how the flow for drop-off and pick-up traffic other than buses would be since there is so much truck traffic during the rush hour times on this road. Ms. Meyer stated that they are doing a traffic study and may modify their exterior plan based on those findings. She noted they do not plan to have any vehicle stacking out on to Country Drive. She

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explained that they have no problems at their Vadnais Heights location with 315 students with less parking available and only one entrance.

Johnson asked if they have experience with no fencing for the play area. Ms. Meyer stated that they have not had any K-4th-grade children so far. She reported they do not plan to put a fence up until they have figured out the best traffic flow on the site, and then they will install a permanent play area. Buesing asked if they planned to put a fence behind their building to designate the school property from the homes. Ms. Meyer stated that they would be willing to do that.

Schwalbach asked if their plan is to store buses on this site. Ms. Meyer stated the goal would be to store five buses at this location in order to save the rental money, but they would prefer to be able to keep at least a couple of buses on site at all times in case of an emergency during the day.

Marcel Zoch, 2945 Condit Street, stated that the biggest problem is that only a couple of cars can get through the light at Little Canada Road and Country Drive. Ms. Meyer stated that there were over 200 people working in this building when it was being used as an office, so there was always traffic coming from this site. Mr. Zoch stated that his property values will go down with a school there.

John Grant, 2901 Condit Street, which is right across the street from this building. He agrees that there should be some balance between the neighborhood and the property owner's right to develop the property. He questioned why the buses would be stored on the west side of the building since that is facing his front window. He is concerned what time the buses would be started in the mornings. He feels this is too big of a step from an office building to a 300 student school, and a school should not be shoved into a residential neighborhood. He stated that when the property was developed 17 years ago, there was never a plan to jam a grade school there. He noted that his house would now be in a federal school zone.

Roger Seeger, 266 Twin Lake Trail, stated that he is a bus driver for AFSA and he has met some of the best kids who attend the school and feels they would fit well into the neighborhood. He stated that they could store the buses somewhere else if needed.

Teresa Munson, 2691 Barclay Street, Maplewood, school board treasurer and a parent representative, stated that the AFSA middle school is now in a church right down the street from her house, and the school has made the church property look better and are giving back to the community. She noted that not all of the kids would be outside at the same time. She hopes that the benefits of this school can be seen.

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Amanda Gutierrez, 2921 Condit Street, stated that she lives across the street from this site, and has concerns as to whether this is really a good location for the school. She noted that a lot of the trees across from her would have to be removed in order for them to put up a privacy fence, and she does like the trees. She stated that there are no sidewalks on Country Drive, and there is no green space on this site. She was drawn to her house because the neighborhood was quiet with offices across the street. She asked how the diesel buses would be handled during the winter. Ms. Meyer stated that they always have buses that are no more than five years old so they start much better in the winter, but they also plug them in, so they are not idling overnight.

Johnson asked if there was an alternative plan if they are not allowed to keep the buses on site overnight. Ms. Meyer affirmed there was. Schwalbach asked if there is a plan to prevent students from getting picked up in the neighborhood rather than at the school in order to prevent getting caught up in the traffic. Ms. Meyer stated that they addressed these concerns when the Vadnais Heights location was built. She explained that they have rules on where their driving students can park, such as not on Vadnais Boulevard or in the mobile home park next door, and they have always immediately addressed any concerns from the neighbors. She noted that this location would not have driving students.

Mr. Zoch asked if there was security in place to help prevent school shootings. Ms. Meyer noted they do have a lot of security in place, such as motion detectors, cameras at entrances and security systems.

Schwalbach asked what the hours were that students would be playing outside. Ms. Meyer stated between 10:30am to 12:30pm, depending on the final lunch schedules. Schwalbach asked what time the buses would leave in the mornings. Ms. Meyer stated that they would be leaving at 5:30-5:45am and return to drop students off at 7:30-7:50am, then pick up students at 2:45-3:00pm.

Elaine Zoch, 2945 Condit Street, stated that no one wanted any development when this area was first developed many years ago. She noted that many trucks use Condit Street due to the traffic and can the school prevent their buses from using Condit Street. Bill, an AFSA staff member, stated that he is in charge of transportation and can prevent the AFSA buses from using Condit Street. Ms. Zoch stated that she is concerned about what this school will do to her property value.

Ryan Hunter, 190 Yorkton Ridge, stated that he thinks if more people knew about this proposal, they would be here tonight. The City Planner

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explained that the law requires notices to be mailed to properties within 350 feet of the property under discussion.

Johnson asked the City Planner if he had any information about property values that are next to a school, and how any Federal laws relating to the 1,000-foot school zones affect adjacent properties. The City Planner stated that typically public schools increase property values and attract development but did not have data on the effect of charter schools.

Mr. Grant was concerned about individuals who may have legally obtained a permit to carry a firearm and if they are carrying a firearm and go out to get their mail, they have now just walked into a school zone and the implications are great when you violate school zone laws. Ms. Meyer explained that technically the property would be owned by a non-profit so the school zone laws would not apply in this situation. Schwalbach noted that he just looked this issue up online and found that if the person has been issued a conceal and carry permit from the state they live in, they are ok going to get their mail.

Ms. Gutierrez clarified the grade levels that would be in this building. Ms. Meyer stated that this location would be K-8 grades. Ms. Gutierrez asked if the school ever needed to consolidate, would older kids be moved to this location. The City Planner explained that the new PUD District regulations could limit the grades that are allowed here. Ms. Gutierrez stated that she has heard that charter schools often attract students who are maybe not allowed to attend other schools.

There were no further comments.

The City Planner explained that there should be two motions; one for an amendment to the zoning district and one for the PUD permit request for the particular use of this property. He noted that this would be considered a concept PUD permit at this point until after receiving more information such as the traffic study, and the applicant would then come back to the Planning Commission and City Council with a final site plan and ordinance for the zoning code amendment.

Schwalbach asked if the Planning Commission did not want to change the PUD zoning to allow a school, should they consider the PUD Permit independently so that if the City Council disagrees with the Planning Commission and decides to approve it, they have the Commission's comments on the specific site details like bus storage and playground fencing. The City Planner stated that would be appropriate.

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Schwalbach recommended approving a Planned Unit Development Amendment to allow a charter school at 2925 Country Drive, with the condition that there be no outside storage of buses overnight with the exception that one would be allowed to be kept on-site during the daytime; allowing a privacy fence along the rear of the property, and install some type of fencing, temporary or permanent, around the play area, pending a traffic study recommendations and submit traffic flow plans that City Staff considers satisfactory.

Kwapick clarified that if he were to vote yes for this motion, he is agreeing with these conditions if this were to move forward, even if he disagrees with this location. The City Planner stated that is correct, and this would be contingent on the next motion of amending the Zoning Code.

Buesing stated that he will be abstaining from the vote due to his volunteer involvement with the AFSA school in their current church location.

Motion seconded by Johnson.

Motion carried 5– 1. Thorson Nay. Buesing abstained.

George recommended approving the potential code amendment to allow the public use of a school in a Planned Unit Development District.

Motion seconded by Schwalbach.

Kulousek stated that she thinks the school is great but does not feel this is the right location for a school. Kwapick stated that he agrees this is a good school but does not feel this is the right location. He noted he has concerns about safety and noise.

Motion failed 6– 0. (Buesing abstained).

George stated that a school in a residential district is completely appropriate and this is a great school, but feels this is not the best location from a transportation standpoint and the proximity to the existing industrial uses. Thorson stated he is concerned with this location and what is stopping them from bringing older students to this location. Kwapick stated the concerns from the neighborhood must be considered. Johnson noted that there is no green space for students on this property, and all of the students would have to be taken off-site in order to do any outside agricultural studies.

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PROPOSED CODE AMENDMENT FOR ZONING CODE SECTION 903.110, SIGNAGE IN PUBLIC DISTRICTS The City Planner explained that the City has recently received requests from the fire departments and a couple of schools to install additional signage on their property. He noted that in each instance, the property had two frontages and was already at the maximum signage amount allowed under the Public District regulations, and therefore unable to proceed with their plans for additional signage. He reported that in all of the cases, the signage being requested is well below what would be allowed on a commercial property with the same frontage, however, staff believes that public entities like schools and churches do not necessarily need the same extent of advertising as a commercial property. He noted that staff feels it would be appropriate to consider increasing the square footage of signage allowed to an amount somewhere in between.

Buesing asked if the code amendment could have a condition that the size still be limited to a wall-size percentage. The City Planner stated that it could be a square footage number or 15 percent, whichever is less. Schwalbach suggested just having the same amount of signage allowed for everyone to keep it simple. He noted that most of the other cities surveyed do not limit public building signage. He noted that none of the public buildings have asked for anywhere near what a commercial property is allowed, so why differentiate between the districts. Johnson noted that public institutions face the same marketing challenges that commercial properties do, so why should we limit them so much more.

Johnson recommended amending Zoning Code Section 903.110, Section 1 to mirror the commercial property signage allowances, and do not amend the R-1 and R-2 Residential District sign allowances.

Motion seconded by Buesing.
Motion carried 7-0.

ADJOURN There being no further business, Buesing adjourned the meeting at 9:16 p.m.

Respectfully submitted,

Heidi Heller
City Clerk