

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

OCTOBER 11, 2018

Pursuant to due call and notice thereof a regular meeting of the Planning Commission of Little Canada, Minnesota was held on the 11th day of October, 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 (arrived at 7:45 p.m.) Mr. Eric Thorson Ms. Nicole George Mr. Nick Schwalbach (arrived at 8:03 p.m.) Ms. Taelor Johnson
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ABSENT:	Ms. Dawn Kulousek
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ALSO PRESENT:	Ms. Jessica Jagoe, Assoc. Planner/Code Enf. Ms. Heidi Heller, City Clerk Mr. Kevin Helander, Cable TV
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MINUTES	The September 13, 2018 Planning Commission meeting minutes were approved as submitted.
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AMENDMENT TO THE PUD ZONING DISTRICT TO ALLOW A CHARTER SCHOOL AT 2925 COUNTRY DRIVE; APPLICANT: AFSA	The Associate Planner reported that at the September 12 Council meeting, the City Council made the recommendation to approve the Planned Unit Development Amendment at 2925 Country Drive to allow for a charter school to be permitted in the PUD District. She reviewed the list of conditions that the Council included with their approval. She explained that this motion included direction for city staff to prepare a zoning code amendment establishing a special PUD District.
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SCHOOL, 100 VADNAIS BOULEVARD; PROPERTY OWNER DICK BIAGINI	The Associate Planner explained that modifications to the site plan that were made are the functioning and traffic pattern of the bus pick-up and drop-off, the play area on the north side of the building, and addition of a play area on east side of building. She stated that one other change since the Planning Commission meeting is how the parent pick-up and drop-off activity will occur. She noted that these changes were made by the school in order to address the concerns over vehicles stacking onto Country Drive.
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**MINUTES
PLANNING COMMISSION
OCTOBER 11, 2018**

The Associate Planner stated that based on these modifications and the traffic study submitted by AFSA, the City Council recommended approval. She explained that city staff prepared a proposed ordinance amendment establishing a special Planned Unit Development District G that allows for a charter school at 2925 Country Drive. She noted that the most recently reviewed site plans do not include designation of where the daytime parking of buses or overnight parking of passenger vans will occur so staff is recommending that AFSA submitted a revised site plan to show where the vans will be parked.

The Associate Planner read that an email was received today from resident Amanda Gutierrez at 2921 Condit Street asking for the Planning Commission to require an eight foot high solid privacy fence on the west side in order to block noise and light, a plan to be established to address replacement of trees on the west side that die off, and language added that will require the school to make modifications if they are in violation of the current noise ordinances. The Associate Planner stated that staff does not recommend adding language about noise to this PUD district since there is already language in the City Code about noise levels.

The Associate Planner stated that subject to compliance with the conditions in the staff report, city staff is recommending approval of Ordinance 833 to establish special PUD District G which allows for a charter school at 2925 Country Drive.

Buesing asked if the City Code would allow them to have an eight foot high fence like the resident requested. The Associate Planner stated that an eight foot high fence would be allowed since it is a commercial property. Becky Meyer, Director of AFSA, stated that no cars have lights that are eight feet tall, and that would not block the top lights from the buses, and if they have to keep all of the trees alive and install a more expensive taller fence that blocks more light from the trees, they would ask for some compromise.

David Schwebel, 1059 St. Clair Avenue, stated he works in the building to the north at 2935 Country Drive, and he is here representing the property owner. He noted that he is not against the project, but has some concerns. He stated that they are requesting that the opening between their parking lot and 2925 Country Drive be permanently closed with curb and landscaping in order to prevent traffic from going through on to their property. He stated there was a fence required to be installed on the north side of 2925 but they would prefer that it not be there, but if still goes in, it should be an architectural fence. He noted that this area is where both buildings store snow. He reported that they do not want to have temporary fencing around the playground, and it should be permanent and of an architectural,

**MINUTES
PLANNING COMMISSION
OCTOBER 11, 2018**

professional design. He stated they are concerned with what would be used for the surface of the playground, and do not want play sand, pea gravel, rubber mulch or engineered wood fiber in the play area because it will end up all over the neighborhood and said it should be artificial turf or grass. He noted they also have concerns about the buses running and the diesel fumes and shaking of the ground from the buses that are parked and running.

The Associate Planner stated that she will look into why the opening between the parking lots was originally put there. She stated that the fence on the north side was a condition added by a Council Member who was concerned about balls hitting cars in the adjacent parking lot. She explained that the Council could opt to remove that from the original resolution of approval. She stated that there are no code requirements for what the base should be in playgrounds, so that is not something that would be included in the conditions. She noted that the two buses shown on the site plan would not be running during the day, and they will continue to store buses off site other than allowing two on the site during the day for occasional use or emergencies. Ms. Meyer clarified that these buses would not be continuously running, as they would be used for morning and afternoon transporting, and then only emergencies or occasional transporting of students during the day.

John Grant, 2901 Condit Street, stated that he is also in favor of an eight foot tall fence in order to help with noise from kids and buses. He noted that he wants to keep the trees that are growing well around the generator that is almost nine feet tall, and would be fine with the vans parked along the west side if there is an eight foot fence.

The Associate Planner explained that the play areas will only have temporary fencing until fall 2021 at the latest. She stated that the school wants to determine what their needs for outside play space will really be before installing a permanent playground.

Buesing asked what a typical day is on the site. Ms. Meyer stated that the buses will be dropping students off from 7:45-8:00 a.m., with classes starting at 8:15 a.m. and ending at 2:45 p.m. She stated buses would be back to pick up students about 2:30 p.m., with the first round leaving about 2:50 p.m. and a second round leaving about 3:05 p.m. She explained that recess would occur in the 10:30 a.m. to 12:30 p.m. time frame, with a maximum of about 60-80 kids outside at a time when they reach full capacity. She noted that classes will also go outside from time to time.

Johnson clarified that Mr. Schwebel did not want a fence at all on the north side. Mr. Schwebel stated that they are nervous about the temporary

**MINUTES
PLANNING COMMISSION
OCTOBER 11, 2018**

fencing and asked how long the school was going to be there. Johnson stated that the school will be buying the building. Mr. Schwebel stated they are less concerned then if they will own the building and are making a commitment to stay there. He noted they were then concerned about the noise from kids playing outside.

Ms. Meyer stated there are no other eight foot fences around any of the other schools in Little Canada and she does not feel an eight foot fence is necessary. She pointed out that there will not be 300 kids outside screaming and they do not want this to look like a prison with eight foot fences. She stated that they want this site to look like a welcoming school for the students and the neighborhood.

Johnson recommended approval of Ordinance 833 to establish Planned Unit Development District G which would allow for a charter school at 2925 Country Drive, subject to further review of closing the access between the parking lots at 2925 and 2935 Country Drive, and consider not installing the north side fence.

Motion seconded by Kwapick.
Motion carried 4- 1 (George).

**VARIANCE FOR
FREE-STANDING
SIGNAGE AT ST.
JOHN'S CHURCH,
380 LITTLE
CANADA ROAD;**

The Associate Planner stated that St. Johns Church of Little Canada, at 380 Little Canada Road East, is seeking a variance to allow two freestanding signs on their property. She explained that the sign ordinance was recently amended to allow properties in the public zoning districts to have the same amount of signage as allowed in the commercial districts. She noted that before the amendment, the Public District was not specific to the number of signs that could be installed, but limited the total sign area to 32 square feet. The Associate Planner stated that two freestanding signs exist on the property today and have a combined 40 square feet of sign area. She noted that prior to the code amendment, it was determined that the two freestanding signs are considered to be legal non-conforming signage since they exceed 32 square feet.

The Associate Planner explained that when the amendment was being considered, the Church had begun working with city staff on a sign permit to allow their freestanding sign with the manual reader board to be upgraded. She reported that the upgrade would include replacing the manual reader board with an electronic message center, plus installation of a new cabinet on top. She noted the Church will be using the existing stone monument columns since they are historic to the congregation, but by using these columns, the Church is limited to how many square feet of sign area they can increase. However, given the signs are legal non-conforming this

**MINUTES
PLANNING COMMISSION
OCTOBER 11, 2018**

means they can replace the signs “as is”, but cannot increase the non-conformance. The Associate Planner stated that the Church could upgrade either freestanding sign, but would have to stay at or below a combined total of 40 square feet of sign area between the two signs. She explained that the proposed signage has a slightly smaller message center, but the top cabinet is larger due to visibility concerns. Overall, the sign area is proposed to be approximately five square feet larger.

The Associate Planner stated that the new Public District standards would allow the Church to increase the sign area since commercial districts allow signage up to 15 percent of wall area, but the code now specifies the number of signs. She explained that a corner property is allowed one freestanding sign, plus one wall sign per street frontage. She noted that the code amendment has shifted their legal non-conforming portion to be the number of freestanding signs since the sign area now complies. Therefore, St. Johns Church of Little Canada is seeking a variance to allow two freestanding signs.

The Associate Planner stated that the proposed variance does not create any negative impacts. She explained that it is city staff’s opinion that the special conditions and circumstances were not a result of the actions of the applicant, which supports a finding of fact for a variance to allow St. Johns Church of Little Canada two freestanding signs. She reported that two free standing signs were allowed with the old Public District standards. She noted that the proposed sign is consistent with the City’s Architectural Guidelines and is in character with the mix of residential/commercial uses along Little Canada Road. The Associate Planner stated that planning staff is recommending approval of a variance to allow two freestanding signs based upon a finding that the circumstances were not a result of actions of the applicant and the previous ordinance language for the Public District did not regulate the number of signs allowed. Buesing clarified that the new sign would be 15 inches taller than the existing sign.

Don Kellett, Business Administrator at St. John’s Church, stated that they will be full compliance with the dynamic sign code requirements and feel this sign will be a nice upgrade.

George recommended approval of a variance to allow two freestanding signs based upon a finding of fact that the circumstances were not a result of actions of the applicant and the previous ordinance language for the Public District did not regulate the number of signs allowed.

Motion seconded by Johnson.

Motion carried 6 – 0.

**MINUTES
PLANNING COMMISSION
OCTOBER 11, 2018**

**AMENDMENT TO
CONDITIONAL USE
PERMIT FOR
OUTDOOR STORAGE
& CONDITIONAL USE
PERMIT FOR PROOF
OF PARKING;
ADDRESS: 190 RYAN
LANE; APPLICANT:
ST. PAUL UTILITIES
& EXCAVATING**

Paul Behr, property owner, and Michael Leahy, with St. Paul Utilities located at 190 Ryan Lane are seeking an amendment to the existing Conditional Use Permit to increase the outdoor storage area by approximately 2,700 square feet on the west side. The current Conditional Use Permit was issued in June 1999 and allows for outdoor storage behind the rear line of the building. She noted that they have been in compliance with the current Conditional Use Permit conditions and were issued their outside storage license this year. Mr. Leahy is requesting to add an outdoor storage area along the west side of the building up to the front line of the building. Mr. Leahy is proposing to move the existing chain link fence with slats 90 feet to the front building line. By doing so, they are seeking to continue using the existing fence with the addition of landscaping as an acceptable form of screening. She explained that the screening requirements in the I-1 District have since changed and no longer allows using slats in chain-link fencing as screening, so when seeking an amendment, these types of things should be brought into compliance with the current code, so they are proposing to add shrubs in front of the new fence location. She stated that staff feels they are still in compliance with screening requirements.

The Associate Planner stated that upon review of the 1999 Conditional Use Permit, the site plan shows four parking spaces on the west side of the building. She explained that the applicant has submitted a site plan that shows they can re-establish these spaces on the east side if needed, and stated that when doing previous inspections, this area on the west side has not been needed for parking. She stated that as part of the Conditional Use Permit Amendment, a Conditional Use Permit for proof of parking for four parking spaces is a recommended condition.

The Associate Planner stated that city staff feels the Conditional Use Permit Amendment as requested by Mr. Behr and Mr. Leahy is consistent with the area and complies with the I-1, Light Industrial zoning district regulations. She reported that city staff is recommending approval of a Conditional Use Permit Amendment and Conditional Use Permit for Proof of Parking at 190 Ryan Lane.

Schwalbach recommended approval of a Conditional Use Permit Amendment at 190 Ryan Lane to allow outdoor storage on the west side of the building as shown on the site plan submitted by the applicant, with the condition that the landscaping be installed and the construction dumpster be moved or removed within 15 days of the approval.

Motion seconded by George.
Motion carried 6 – 0.

**MINUTES
PLANNING COMMISSION
OCTOBER 11, 2018**

Kwapick recommended approval of the Conditional Use Permit for Proof of Parking at Ryan Lane.

Motion seconded by Thorson.

Motion carried 6 – 0.

**VARIANCE FOR
FRONT YARD
SETBACK &
ARCHITECTURAL
REVIEW FOR 1,617
SQUARE FOOT
EXPANSION;
ADDRESS: 2350 RICE
STREET; APPLICANT:
ALDI, INC.**

The Associate Planner explained that Aldi, Inc. located at 2350 Rice Street, is seeking approval of a variance for a reduced front yard setback on the west property line, as well as architectural review of the exterior enhancements that are being completed as part of the proposed 1,617 square foot building expansion. She stated that the existing building was constructed in 2003, and as part of Aldi's efforts to refresh their buildings this expansion will create additional internal space between shelving, checkout lanes, and an indoor cart area. In addition to exterior improvements, the applicant has indicated that they will be installing all new mechanical and lighting within the building, plus adding matching brick to the existing pylon sign pole and re-facing the existing signage. She noted that all of the improvements proposed are consistent with the requirements of the Architectural Guidelines.

The Associate Planner explained that the applicant indicated in their narrative that the variance setback they are seeking is 20 feet on the west property line, however, the site plans show the encroachment into the required front yard setback to actually only be four feet on the north half of the west elevation, and about a 13.7 foot encroachment on the south half. She stated the Applicant is seeking a 20 foot variance to allow for some wiggle room during construction, but the actual setback will be what the footprint of the building is.

The Associate Planner stated that Aldi, Inc. is seeking a variance for a reduced front yard setback on the west property line. She explained that they are limited in which direction a building expansion could go. She stated that the north elevation has grade variations between the property line that prohibit expansion; the east elevation has the stormwater pond and loading docks, and the irregularity of the lot also became a challenge for expansion, especially when reviewing the east elevation. She noted that it may appear that the south elevation could be an option for the building expansion, but there are issues with that side also. She explained that a building expansion to the south would reduce the number of parking spaces, and without those spaces abutting the building, the property would not meet the minimum parking requirement.

**MINUTES
PLANNING COMMISSION
OCTOBER 11, 2018**

The Associate Planner explained that the expansion to the south is inhibited due to the impact to the existing north access drive from Rice Street. She stated that this is a shared drive aisle with the Tri-State property at 71 Minnesota Avenue. She reported that the Aldi's parcel, Arby's, and Tri-State properties were all under one ownership when they were originally platted, and these sites were established with shared access drives between all three properties, so any modifications to that drive aisle would impact traffic circulation on this property and the two adjacent parcels. She stated that planning staff has confirmed with Ramsey County that they would not permit a shift in this access drive location given the proximity to the south access drive. She noted that both the loss of parking and access conditions demonstrate that the south elevation is also not feasible for expansion.

The Associate Planner stated that planning staff recommends approval of the architectural review and front setback variance as staff believes that the practical difficulty threshold has been met.

Ryan Anderson, ISG, 7900 International Drive, representing ALDI as the engineer for the project, stated that this expansion is part of a nationwide effort to improve their stores and this location performs well and they want to stay in Little Canada.

Johnson recommended approval of architectural review as submitted by Aldi's, Inc. and subject to review and comments by the City Engineer which includes submission of grading plan.

Motion seconded by George.

Motion carried 6 – 0.

Johnson recommended approval of a Variance from the 40 foot front yard setback to 25 feet on the west elevation based on the findings of fact that a building expansion in a different elevation is not feasible due to circumstances not created by the landowner as reviewed in this report, and the proposed building setback is in character with the area and does not negatively impact surrounding properties.

Motion seconded by Schwalbach.

Motion carried 6 – 0.

**AMENDMENT TO
THE ZONING CODE
ON SIGNAGE FOR R-
1, SINGLE FAMILY
RESIDENTIAL & R-2,
MEDIUM DENSITY
RESIDENTIAL**

The Associate Planner explained that in August, the Planning Commission and City Council recommended an amendment to the sign ordinance which would allow for Public District signage to fall under the commercial district instead of the residential district regulations, and Ordinance 830 was adopted modifying Section 903.110.E. She stated that city staff discovered

**MINUTES
PLANNING COMMISSION
OCTOBER 11, 2018**

the height limitations were inadvertently omitted from the R-1 and R-2, Residential Districts, and one reference to “P” District sign area was not deleted from the residential standards. The Associate Planner stated that an ordinance was prepared that corrects those two items and is recommending adoption of the proposed Ordinance 832 language.

Schwalbach recommended approval of the language as proposed in Ordinance 832.

Motion seconded by George.
Motion carried 6 – 0.

ADJOURN There being no further business, Buesing adjourned the meeting at
8:32 p.m.

Respectfully submitted,

Heidi Heller
City Clerk