

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 5, 2012 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Chair Bartholomew called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Tom Bartholomew
Armando Lissarrague
Paul Hark
Victoria Elsmore
Tony Scales
Harold Gooch
Dennis Wippermann
Annette Maggi

Commissioners Absent: Pat Simon (excused)

Others Present: Tom Link, Community Development Director
Allan Hunting, City Planner
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the May 15, 2012 meeting were approved as submitted.

STEVE AND COLENE WOOG – CASE NO. 12-15V

Reading of Notice

Commissioner Hark read the public hearing notice to consider the request for a variance to construct an accessory structure larger than the 1,600 square foot maximum allowed, for the property located at 2927 – 96th Street. 6 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the subject property is zoned E-1. City Code allows properties 2.5 to 5 acres in size one detached accessory building up to 1,600 square feet in size. The applicant's property is 2.5 acres and they would like to construct an accessory building 2,016 square feet in size. The building would be constructed with vinyl siding matching the house. She advised that City Council revised the accessory structure size requirements in 2006. Prior to 2006 all lots less than five acres were allowed a maximum 1,000 square foot accessory building. Staff recommends denial of the request due to lack of practical difficulties, the fact that size standards would not preclude the homeowner from reasonable use of their property, and that granting a variance could set a precedent.

Opening of Public Hearing

The applicant, Colene Woog, 2927 – 96th Street East, submitted a letter of support signed by five of the six adjacent property owners; she was unable to contact the sixth neighbor. She stated the requested 36' x 56' structure would house their recreational vehicles and lawn equipment and would allow them enough room to maneuver their vehicles as well as the ability to leave their trailer attached to their SUV while parked. She stated the structure would keep their vehicles protected from the elements, be aesthetically pleasing to the neighbors, and would have minimum visibility from 96th Street.

Planning Commission Discussion

Chair Bartholomew stated that while he supported allowing larger buildings on E-1 lots, it would be difficult for him to support the request as the requested size did not meet the City's variance criteria.

Commissioner Lissarrague asked what precipitated the ordinance change in 2006.

Mr. Botten replied it was in response to multiple requests for variances from maximum allowed accessory structure size on larger lots in the Agricultural and E-1 zoning districts.

Commissioner Lissarrague stated he would not have an issue supporting the request, especially since the building would be difficult to see from the road.

Commissioner Elsmore stated she would have a hard time supporting the request without a practical difficulty and was concerned about setting a precedent.

Commissioner Hark stated that whether or not the neighbors were in favor of the request, approval of the variance would set a precedent.

Commissioner Wippermann stated he would be voting against the request because it did not meet the variance criteria.

Commissioner Gooch stated the applicants could meet the City Code requirements and still accommodate their needs by adjusting the building size (i.e. removing six feet from the proposed width).

Commissioner Lissarrague asked if the applicant planned to build an accessory structure even if the variance was denied.

Ms. Woog replied in the affirmative, stating they would build the structure as large as they were allowed.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Elsmore, to deny the request for a variance to construct an accessory structure larger than the maximum allowed for the property located at 2927 – 96th Street, with the reasons for denial as listed in the staff report.

Motion carried (8/0). This item goes to the City Council on June 25, 2012.

INVER GROVE HEIGHTS 2001 LLC (CUB FOODS) – CASE NO. 12-16PDA

Reading of Notice

Commissioner Hark read the public hearing notice to consider the request for a Planned Unit Development Amendment to amend the site plan, elevation, and sign plan to add a drive-up window for the pharmacy along the north side of the Cub Foods building, for the property located at 7850 Cahill Avenue. 49 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Cub Foods is proposing to add a drive-through window with a canopy on the north side of their building. The existing parking area would be reconfigured to allow the drive through lane to be alongside the building and the row of parking would be relocated outward on the edge of the lane. There are

also some signage changes proposed to update the pharmacy signage and provide some directional arrows. Because this PUD was approved with a specific site plan and signage plan, any changes to that require a PUD amendment. Staff recommends approval of the request.

Chair Bartholomew asked if the proposed change would raise any issues since it is in the Shoreland Overlay District.

Mr. Hunting replied it would not have any impact since no additional impervious surface is being added.

Opening of Public Hearing

The applicant, Ann Thies, Supervalu, advised she was available to answer any questions.

Chair Bartholomew asked if the applicant was agreeable with the conditions listed in the report.

Ms. Thies replied in the affirmative.

Commissioner Hark asked for clarification of a statement in the report that the applicants would comply with the Board of Pharmacy requirements in regards to the intercom system, and questioned whether there would be any potential noise concerns for the neighbors.

Rachael Wentworth, Cub Pharmacy, replied that pharmacy staff would comply with the HIPA patient privacy guidelines by having quiet conversations between patients and pharmacy staff. She advised she did not anticipate any noise concerns for neighboring property owners.

Planning Commission Discussion

Chair Bartholomew stated he supported the request.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Wippermann, to approve the request for the Planned Unit Development Amendment to amend the site plan, elevation, and sign plan to add a drive-up window for the pharmacy along the north side of the Cub Foods building, for the property located at 7850 Cahill Avenue, with the two conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on June 25, 2012.

VLADIMIR SIVRIVER – CASE NO. 12-14VAC

Reading of Notice

Commissioner Hark read the public hearing notice to consider a request for a vacation of an unimproved road right-of-way along the northwestern half of 49th Street between Boyd Avenue and Brent Avenue. 4 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicants are requesting to vacate the north half of the unimproved road right-of-way of 49th Street, between Boyd Avenue and Brent Avenue, to create a larger lot size for the property to the north, making it easier to construct a home on the property. Engineering has determined the need to utilize this right-of-way area for possible future street, trail, or drainage and utility purposes. However, they support the vacation request provided easements are granted to the City. The City would like to retain the existing footprint of 49th Street right-of-way as public easement plus an additional ten foot easement abutting the 30 foot easement, totaling 40 feet. Additionally

engineering is requesting a 10 foot drainage and utility easement on the front property line along Boyd Avenue and a five foot drainage and utility easement along the northerly side yard property line. No building or structure improvements would be allowed in the easement area. If approved, the property owner would have a 54 foot buildable area versus the existing 34 feet. Staff recommends approval of the request with the conditions listed in Alternative A.

Chair Bartholomew questioned why the City was requesting such a large easement if they were fairly certain that 49th Street would not go through.

Ms. Botten noted there were several vacant properties in the area and therefore engineering would like to protect the area in case there was future need for a water/sewer line, or possibly a road.

Commissioner Wippermann asked who owned the property being requested to be vacated.

Ms. Botten replied it was owned by the City.

Commissioner Wippermann questioned why the City would not want to put 49th Street through to Boyd Avenue.

Ms. Botten replied they still could, however, the steep topography would make it difficult.

Commissioner Elsmore asked if a future home built on the property could remain even if the City extended 49th through to Boyd.

Ms. Botten replied in the affirmative.

Chair Bartholomew asked if this were approved, would the homeowner have full use of the right-of-way property other than not being able to place a permanent structure on it.

Ms. Botten replied in the affirmative.

Opening of Public Hearing

The applicant, Vladimir Sivriver, proposed that the easement be decreased from 40 feet to the originally proposed 30 foot right-of-way from the centerline of the road to the south property line of the private property line. He stated that would be enough land to protect the City if they found it necessary to put in utilities. He stated the City would require a 10 foot setback on the north property line so therefore there would not be enough room to construct the 60 foot wide home they were planning to build. If they could subtract the extra 10 foot easement being proposed, however, they would have enough room to build their home.

Chair Bartholomew asked staff to clarify whether there was a five foot or 10 foot setback on the north.

Ms. Botten replied if the garage was on the north it would be a five foot setback; if the principle structure was on the north it would be a ten foot setback. Staff assumed the applicants would put the garage to the north to maximize the buildable area.

Chair Bartholomew asked for the reasoning for the additional 10 feet requested by Engineering.

Ms. Botten replied that without that easement a structure could be built right up to the setback line. Staff is requesting an extra 10 feet to maintain a separation in case a water main or sewer line was to be built right to the edge of the easement.

Chair Bartholomew questioned whether a five foot easement would be sufficient.

Mr. Hunting advised that any lot platted today would have a 10 foot perimeter easement along the street. Engineering is trying to protect the 30 foot right-of-way area for possible future use as well as an additional standard 10 foot perimeter easement.

Commissioner Elsmore asked if the applicant planned to build the garage on the north side of the property to minimize the required setback.

Mr. Sivriver replied they were planning to build the home with the three-car garage to the south.

Michelle Seliga, 4904 Boyd Avenue, advised that she lives just south of the subject property. Two years ago she and her husband requested a street vacation of both the 30 foot easement being requested tonight, as well as the southern 30 feet of the 49th Street right-of-way. She questioned the fairness issue, why only half of the right-of-way was being requested at this time, and whether the southern 30 feet could be vacated as well.

Ms. Botten explained that two years ago the Seligas made application for a street vacation; however, the request was withdrawn before going forward to the public hearing process. At that time the Engineering Department was recommending denial of the request as they wanted to retain the easement for possible future improvements. Ms. Botten stated the reason the current request is being considered by Engineering is because the property owners agreed to let the City retain its 30 foot easement, plus the City is requesting an additional 10 foot perimeter easement. She advised that if the Seligas would like to vacate their half of the right-of-way they would have to make formal application and bring it through the public notice and public hearing process. .

Planning Commission Discussion

Commissioner Wippermann questioned why the additional 10 feet would be necessary if it was unlikely that 49th Street would go through.

Mr. Hunting replied that Engineering stated they would support the vacation if they could get the same perimeter easements on this lot as any other lot in the City.

Commissioner Elsmore asked if the other half of the public right-of-way was 30 feet wide as well.

Ms. Botten replied in the affirmative.

Commissioner Maggi asked if it was realistic that the right-of-way would be used for utilities given the steep topography.

Ms. Botten stated that with current technology they could perhaps bring utilities through the area. She stated it is unknown at this time if it will be needed, but the City would like to protect the right-of-way just in case.

Commissioner Gooch questioned why the City would need additional easements if they had 30 feet from the applicant and 30 feet from the property owner to the south.

Ms. Botten replied that if a utility were constructed in the northern part of the right-of-way the 10 foot perimeter easement would ensure there were no structures directly abutting it.

Chair Bartholomew asked if anyone was paying taxes on the 60 foot right-of-way.

Mr. Hunting replied they were not.

Commissioner Gooch suggested the City work with the applicant and the property owner to the south in regards to a potential vacation of the entire 60 foot road right-of-way.

Mr. Hunting stated the property owner to the south would have to make formal application for a street vacation. He advised that Engineering would likely recommend support of the request with the same stipulations as the current request, including the 10 foot perimeter easement.

Mr. Sivriver stated the reason staff is recommending approval of the request is because they met with the City and proposed a 30 foot easement over the street right-of-way. He stated to request an additional 10 foot easement, however, was excessive.

Ms. Botten noted that the additional 10 foot perimeter easement was not discussed at the original plan review meeting. The applicant was notified via email of the engineering recommendations prior to the planning report being written.

Commissioner Elsmore advised she supported staff's recommendation, stating the property owner was benefitting quite a bit from the City and the 10 foot perimeter easement was a reasonable request and would be expected on any other lot in the City.

Chair Bartholomew agreed that the property owner was benefitting from the 30 feet of additional property; however, he felt five feet would be a good compromise rather than ten.

Commissioner Maggi asked if the property owner to the south were to request a vacation, would staff likely request a 10 foot perimeter easement as well, resulting in a 60 foot right-of-way plus two 10 foot perimeter easements.

Ms. Botten replied that was her assumption. She noted that the applicants would be gaining approximately 4,000 square feet of property if the vacation request was granted.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Elsmore, to approve the request for a vacation of an unimproved right-of-way along the northwestern half of 49th Street between Boyd Avenue and Brent Avenue, with the four conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on June 25, 2012.

VANCE GRANNIS JR. – CASE NO. 12-18ZA

Reading of Notice

Commissioner Hark read the public hearing notice to consider a request for an ordinance amendment to Title 10 of the City Code (Zoning Ordinance) to conditionally allow an outdoor gun range associated solely with the MnDNR Firearms Safety Program. No notices were mailed.

Presentation of Request

Mr. Hunting explained the request as detailed in the report. He advised that Mr. Grannis was approached by the DNR about the possibility of allowing a gun safety training program on his property. Mr. Grannis then contacted the City and has made application to amend the ordinance to allow a DNR gun safety training program with an outdoor shooting range to be a permitted use in the E-1 zoning district. Staff reviewed the request and has some concerns in regard to limits to the number of events that could be held each year, potential noise from discharge of the firearm, site logistics, and the fact that outdoor ranges have never been allowed in the City's zoning code.

Because of these concerns staff would recommend that if this type of use is found acceptable, the use should be allowed either as a conditional use permit (CUP) or an interim use permit (IUP). In either of these cases an application for the specific location would be required; a notice would be mailed to surrounding property owners, followed by a public hearing and review by Council. Staff recommends approval by interim use permit. This would give neighbors a chance to comment if there were any impacts to their property and it would essentially put this type of use on a trial basis and after so many years the City would know the impacts, if any, created by the use and could then determine if the use should be allowed on a permanent basis or be eliminated.

Chair Bartholomew questioned why the City would recommend a CUP or IUP since the acreage requirement essentially precluded this use from being any place else in the City.

Mr. Hunting replied that since this is something that has never been in the City since the adoption of the first zoning code, staff thinks there should be some type of notification to the neighbors. Allowing the outdoor shooting range by permitted use would require no neighbor notification.

Commissioner Maggi asked if the recommended minimum distance of a gun safety range from a non-owner residence would be a quarter mile from the residence or from the property line.

Mr. Hunting replied a residence.

Commissioner Maggi asked what the firing distance was of the rifles that would be used in the DNR program.

Mr. Hunting replied that the DNR representative could best respond to that question.

Opening of Public Hearing

Vance Grannis Jr, 9249 Barnes Avenue, stated his goal was to preserve and protect 250 acres of land and develop an outdoor skills and environmental education center, with the gun safety program being one small part of that. Recently the West End Gun Club contacted him and asked if they could use the property for their field experience in the safe handling of firearms and hunter responsibility portion of their gun safety program. Mr. Grannis advised he was agreeable, but noted that City ordinances prohibit the firing of guns. They then went to the DNR to get their course approved and the DNR suggested they try to get approval for the shooting portion of the course as well. He advised he has no issues with the recommended conditions and would be agreeable with additional language restricting them to six events a year unless authorized by the Chief of Police. He stated he was strongly opposed to allowing this by conditional or interim use because of the notice requirements which would entail doing a costly title search. He stated that language would be in place giving the Chief of Police the authority to shut down the program should he consider it necessary. He suggested perhaps using a 2" x 6" backstop that would catch the bullets. He noted that only non-lead bullets would be allowed.

Commissioner Wippermann asked staff to clarify the need for a title search.

Mr. Hunting replied that a standard condition is an abstractor's certificate with a list of names and addresses of the property owners within a certain distance from the property under consideration.

Mr. Grannis stated this was a unique situation in that the shooting would occur in the middle of a 250 acre parcel.

Commissioner Lissarrague asked for clarification as to whether a notice would be needed for a permitted use, as is being requested by Mr. Grannis.

Mr. Hunting replied that the Planning Commission has three options before them, to approve by conditional use permit, by interim use permit, or as a permitted use, which requires no neighbor notification.

Lt. Alex Gutierrez, a representative from the DNR, stated that in regards to a backstop, scraping the first 2-3 inches from the natural berm would remove all bullets. He advised that the bullets have the potential to travel about a mile, however the force they have over 200 yards is minimal. He explained how the target practice took place, stating it was a controlled environment and if someone were to trespass onto the property the range master would see them and all shooting would cease.

Chair Bartholomew asked for clarification of where the students would be shooting.

Lt. Gutierrez stated there was a one hundred foot elevation difference from the proposed gun range to the top of the hill in the direction they would be shooting.

Commissioner Lissarrague asked how far back the backstop would be from the targets.

Lt. Gutierrez replied approximately five yards.

Commissioner Lissarrague asked if it was correct to assume that no bullets should reach that far if Mr. Grannis were to utilize the wood backstop he proposed earlier.

Lt. Gutierrez replied in the affirmative. He stated he does not recommend a wood backstop, however, as it is more costly and creates more noise when a bullet hits the backstop as opposed to dirt.

Commissioner Lissarrague asked how safe the program would be.

Lt. Gutierrez replied that he did not recall any accidents ever occurring at their safety programs.

Heidi Leonard, 1613 Lacota Lane, Burnsville, a firearms safety instructor for the DNR and coordinator at the West End Gun Club, displayed a dummy 12 gauge shotgun shell and .22 shell to show the Commission how small .22's were in comparison. She explained their gun safety program, stating that students go through six weeks of training prior to going out for field day at which time there is one volunteer for each student, plus the range master.

Commissioner Wippermann noted that the proposed ordinance stipulated that only .22 shorts could be used, and he asked if there was a noise difference between longs and shorts.

Lt. Gutierrez replied that they used .22 long rifles and he recommended that the word 'short' be removed from the ordinance to allow only .22 caliber rifles. He stated the sound difference between longs and shorts was minimal. He noted that because of the elevation and the surrounding trees noise would likely not be an issue.

Commissioner Wippermann asked if they used mostly single shot rifles.

Lt. Gutierrez replied in the affirmative.

Ms. Leonard explained that upon entering the site students are inspected to ensure they have no ammunition on them. They then carry either unloaded or simulated firearms for most of the day. They are only given ammunition at the particular moment that they are going to shoot.

Commissioner Hark stated he preferred approval by interim use rather than as a permitted use as he was not convinced that noise would not be an issue. This would ensure that all neighbors would receive notice and have a chance to bring forward any concerns.

Commissioner Lissarrague asked how long the actual shooting would typically last.

Ms. Leonard replied that they typically have a four hour field day, with the range portion being the last 40 minutes.

Commissioner Lissarrague stated the noise factor should be minimal in that the shooting only took place six times a year for 40 minutes each session.

Lt. Gutierrez showed a video which demonstrated the noise difference between a .22 caliber rifle, a 12 gauge shotgun, and a .308 caliber rifle

Chair Bartholomew asked if he was using a .22 short or long in the video.

Lt. Gutierrez replied a .22 caliber long.

Chair Bartholomew questioned why the ordinance specified short whereas the instructor recommended long.

Commissioner Lissarrague asked if certification in firearm safety resulted in hunting accident decline.

Lt. Gutierrez replied in the affirmative.

Commissioner Lissarrague asked if firearm safety certification was mandatory for hunting.

Ms. Leonard replied that anyone born after 1979 was required to take the course. Anyone born previous to that was grandfathered in.

Commissioner Elsmore asked how soon the DNR could hold its first class if the ordinance was approved by City Council.

Lt. Gutierrez stated they would have to post notice 30 days prior to the class. He noted that he was disappointed that they were limited to six classes per year.

Commissioner Elsmore explained that there was the potential for more classes if approved by the Chief of Police.

Jerry Bretoi, 8365 Courthouse Blvd Ct, stated he lived directly north of the target area and supported the request and had no noise concerns.

Joe Boehmer, 9320 Barnes Avenue, stated he supported the request and noted that the classes focused on safety.

Ed Valenti, 9047 Barnes Avenue, stated a .22 would make minimal noise.

Tom Boehmer, stated he was a neighbor of Mr. Grannis and had no issue with the request provided it was limited to .22 caliber ammunition.

Ann Valenti, 9047 Barnes Avenue, stated she supported the request and had no noise concerns.

Liz Nienioja, 8658 Applegate Way, stated she hoped the gun safety program worked out but she was concerned about potential noise and would like the neighboring property owners to receive notice.

Mr. Bretoi stated he felt the hillside behind the targets would make a better backstop than one made of 2" x 6"s.

Chair Bartholomew asked what the ratio was of students to instructor.

Lt. Gutierrez stated the minimum required is one instructor per five students plus a range safety instructor. Ms. Leonard's classes, however, have one coach/evaluator behind each student.

Chair Bartholomew asked who had command of the field of fire.

Lt. Gutierrez replied the range instructor. He advised that all students are given commands and shoot at the same time. Everyone is instructed to yell cease fire if they see something unsafe, including if they see someone wander onto the property.

Mr. Grannis suggesting having a sound demonstration to alleviate people's concerns regarding noise. He stated that sending out notices could be quite expensive.

Commissioner Lissarrague asked Mr. Grannis to show on the map where Ms. Nienioja's house was in relation to the shooting site.

Mr. Grannis pointed out her property, stating it was between a quarter and half mile of the site.

Commissioner Maggi noted that Lt. Gutierrez stated earlier that a .22's range is a mile.

Mr. Grannis stated in this case there is a hill behind the target which would stop any bullets. The mile range for a .22 would be if it were on level land. If somebody were to intentionally shoot up in the air the range would be much less. He advised this site was specifically selected for its safety by people that understand firearms.

Ms. Nienioji stated that notification is important and she feels there should be a mechanism in place for people to state later if they have a problem with this.

Grant Pylkas, 1885 – 96th Street East, stated he was a neighbor of Mr. Grannis and supported the request. He stated the noise from a .22 would be less than that of a hammer strike or nailing gun.

Lt. Gutierrez stated the program is so safe that they are doing two pilot programs within the MN State Recreational National Wildlife Refuge and Fort Snelling State Park, and are likely going to do a program at William O'Brien State Park as well.

Commissioner Hark questioned the logistics of a sound demonstration, stating if he was convinced that sound would not travel he would support the request.

Mr. Grannis suggested that the demonstration be given by the Chief of Police or one of his officers, and that they post people at various distances on the property or have neighbors stay in their homes to see if noise would be an issue. They could also have people posted at the property entrance to ensure no one wandered in.

Commissioner Elsmore clarified that the question before the Commission was whether they wanted

to recommend denial of the request or approval of an ordinance amendment to allow a DNR gun safety program as a permitted use, a conditional use, or an interim use. A permitted use would require no Planning Commission or City Council review and neighbors would not be notified.

Chair Bartholomew asked what the notice procedure would be for a CUP or IUP if the event was six times per year.

Mr. Hunting replied that the DNR or Mr. Grannis would have to come back and make application for a CUP or IUP to have the safety sessions and range on the property. A one-time notice would then be mailed to all property owners within 1,000 feet of the property. A notice would not be mailed each time a gun safety class was held. With a CUP the use would run with the land and would continue forever unless it ceased operation for a couple of years. An IUP would be a one-time approval for a set period of time.

Chair Bartholomew asked if the applicant could gather the neighboring property owner information on his own from tax records rather than hiring an abstract company.

Mr. Hunting replied in the affirmative.

Mr. Grannis stated the purpose of a CUP is to notify neighbors in case they want to put additional conditions on a request. He stated in this case they are putting all the conditions in the ordinance to begin with and no one has suggested additional standards. An additional protection is the ability for the Chief of Police to impose any conditions or restrictions that he deems necessary. He stated the application states the property owner should get a list from an abstract company. He advised that the cost of getting that information could be thousands of dollars. Because of this, he urged the Commission not to require a conditional or interim use permit. He advised that Mr. Kuntz was trying to come up with a way to do this without requiring an interim use permit.

Chair Bartholomew asked if there was a reason to move this along quickly rather than waiting to see what Mr. Kuntz might come up with.

Mr. Grannis stated he would be agreeable to tabling the request to allow time to do a noise demonstration.

Mr. Pylkas stated he did not want his tax money or Mr. Grannis's money to go toward paying for a title search. He recommended the gun safety range be allowed as a permitted use.

Commissioner Wippermann asked if there was any way they could make an exception and notify just the 59 property owners within the half mile circle of the proposed site.

Mr. Hunting replied that would be a legal determination.

Commissioner Wippermann asked if the noise would be compounded since all students were firing at the same time.

Lt. Gutierrez stated if the test was granted he could bring out a firearm that could shoot simultaneous rounds.

Ms. Leonard stated that in her experience typically the shots were staggered a bit.

Planning Discussion

Chair Bartholomew stated he supported allowing this as a permitted use, and would like the Chief of Police to coordinate a noise demonstration in order to alleviate any noise concerns.

Commissioner Hark recommended that a noise demonstration be performed as well. He stated he lived in the area and would like to be informed of the demonstration times so he could see how loud it was from his property.

Commissioner Scales stated a neighbor's motorcycle would likely be louder than a .22 and he did not believe noise would be an issue.

Mr. Link stated that level of noise was subjective and it would be unfair to ask the Chief of Police to determine whether the .22's made too much noise. He advised that staff believes notification would be appropriate in regards to allowing firearm discharge.

Mr. Grannis clarified that he was not suggesting that the Police Chief make the determination as to whether the noise was bothersome; he just wanted him or a licensed peace officer to perform the test to make it legal in regards to discharge of a firearm in the City.

Commissioner Elsmore stated she would have a hard time recommending this as a permitted use tonight because she believed the people in that area had a right to be notified. She suggested they table the request, send out notices to the homeowners within a half mile radius, and then bring it back for discussion.

Commissioner Lissarrague asked if the Chief of Police could stop the program if necessary.

Mr. Hunting replied that he believed so.

Commissioner Lissarrague recommended approval of this program by permitted use. He asked if the DNR would be agreeable to sending out information to the neighbors prior to the first shoot.

Lt. Gutierrez replied they would not make that kind of notification. They would, however, post the classes on their website. He clarified that this is not a gun range, but rather a DNR gun safety program that includes the discharge of firearms.

Chair Bartholomew stated he supported a permitted use. He suggested that City Council determine whether to modify the condition regarding .22 caliber shorts to .22 calibers.

Commissioner Gooch recommended this be allowed per permitted use, stating noise would not be an issue.

Commissioner Hark asked if Commissioner Gooch would be opposed to a noise test.

Commissioner Gooch replied he felt it was unnecessary, but would not be opposed to a noise demonstration.

Planning Commission Recommendation

Motion by Chair Bartholomew, second by Commissioner Lissarrague, to approve an ordinance amendment to allow a DNR gun safety program with outdoor shooting range as a permitted use with the standards as listed.

Commissioner Hark asked if the motioners would accept an amendment that the Chief of Police conduct a noise demonstration.

Chair Bartholomew stated he was agreeable to the amendment.

Commissioner Lissarrague asked who would make the determination of whether the noise was problematic.

Chair Bartholomew replied the neighbors, City Council, or whoever wanted to be there could make their own determination on whether noise was an issue.

Commissioner Lissarrague advised he was agreeable to the amendment to do a noise demonstration. He asked Lt. Gutierrez if he thought the verbiage regarding .22 shorts should be addressed at this time.

Lt. Gutierrez suggested the word 'short' be removed from the standards language. He advised that the only difference between a short and long was the casing and trajectory and that most classes were done with long rifles.

Commissioner Elsmore questioned how the noise demonstration would be performed.

Chair Bartholomew stated it was not for them to design the demonstration; just to recommend that it be done.

Lt. Gutierrez stated instead of a noise test, anyone interested could go to the gun range for a demonstration.

Ms. Nienioja stated she was not familiar with guns and would therefore like to be assured by a demonstration that noise would not be an issue.

Mr. Grannis suggested that verbiage limiting this to no more than six sessions per calendar year unless approved by the Chief of Police be added to the approval. He noted that this language was included in the CUP and IUP amendments, but not the permitted use amendment.

Chair Bartholomew restated his motion to approve an ordinance amendment to allow a DNR gun safety program with outdoor shooting range as a permitted use with the removal of wording on type of .22 calibers round, and an added condition limiting use to six occurrences per year. He also recommended that a noise demonstration take place with details to be determined by the City Council and the Chief of Police.

Commissioner Lissarrague agreed with the restated motion.

Motion carried (5/3 – Elsmore, Wippermann, Maggi). This item goes to the City Council on June 11, 2012.

Chair Bartholomew requested that the Planning Commission be invited to attend the noise demonstration.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 10:13 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary