

**MINUTES OF MEETING  
SOUTH ST. PAUL PLANNING COMMISISON  
December 1, 2021**

MEETING CALLED TO ORDER BY CHAIR ROSS AT 7:00 P.M.

Present:     Angela DesMarais  
              Tim Felton  
              Geoff Fournier  
              Matthew Thompson  
              Ruth Krueger  
              John Ross  
              Michael Healy, City Planner

Absent:     Jason Frankot

- 1)     APPROVAL OF AGENDA – Motion to approve as presented– Fournier/Thompson (6-0).
- 2)     APPROVAL OF MINUTES – November 3, 2021 – Motion to approve the minutes as presented – Felton/Fournier (6-0).
- 3)     NEW BUSINESS

None.

- 4)     PUBLIC HEARINGS

A.   Conditional Use Permit for a Shed at 2327 Burma Lane

Mr. Healy presented the staff report. The Applicant is Andrew Gross, the owner of 2327 Burma Lane. The Applicant is requesting a Conditional Use Permit for an accessory structure that is greater than 200 square feet in size. The Applicant would like to replace his existing shed with a 384 square foot shed. The proposed shed meets all other non-size code requirements. Staff recommends approval of the proposed Conditional Use Permit, subject to the conditions listed in the staff report.

Commissioner Felton noted that one of the conditions of approval was that no motor vehicles could be stored in the shed. Commissioner Felton asked Mr. Healy about the types of vehicles that were considered motor vehicles. Mr. Healy explained that cars and trucks were considered motor vehicles and could not be stored in the shed. Commissioner Felton asked if motorcycles could be stored in the shed. Mr. Healy explained that motorcycles likely would not be allowed. Commissioner Felton asked if the City was opposed to allowing a motorcycle to be stored in the shed. Mr. Healy stated that the code is trying to prevent individuals from building a large shed and then driving cars across the grass to access the shed, therein tearing up their yard.

The Applicant, Andrew Gross, was present to speak on the item.

Chair Ross asked Mr. Gross if he was familiar with the conditions of approval listed in the Staff report. Mr. Gross stated he was and that he had no qualms with the conditions.

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Chair Ross asked the Applicant about his anticipated construction start date. Mr. Gross stated that he would have liked to start the project in the fall, but this did not happen. Mr. Gross stated he was planning on pouring the slab soon and would continue construction in the spring.

Commissioner Felton asked the Applicant if he would like to put a motorcycle in the shed. Mr. Gross stated he does not own a motorcycle but does own a four-wheeler that he would like to store in the shed.

Chair Ross opened the public hearing.

Mr. Healy shared an email that had been submitted by Marjorie and John Stewart, 2303 Burma Lane, stating they would like to see the Applicant be able to build the shed he needs.

Staff also received a voicemail from Margaret Demco, 2315 Burma Lane, in favor of the Conditional Use Permit request being granted.

Chair Ross closed the public hearing.

Motion to recommend approval of the Conditional Use Permit for a 384 square foot shed at 2327 Burma Lane, subject to the conditions outlined in the staff report - Felton/DesMarais (6-0).

### B. Parking Variance for a Church in the Serbian Home at 404 3<sup>rd</sup> Avenue South

Mr. Healy shared the staff report. The application was submitted by Gateway Christian Church. The Applicant is requesting a parking variance to allow their church to operate in the Serbian Home. The Serbian Home has been used as an event center, a church, a museum, and most recently a reception hall. In 2020, the Serbian Home received a Conditional Use Permit to be used as a private reception hall. The Conditional Use Permit allows the attendees of a small event (70 or fewer attendees) to park on the street near the Serbian Home. For larger events, the owner must lease an off-site parking lot and operate a shuttle service for attendees. The Serbian Home is currently being leased to Gateway Christian Church. The Applicant is seeking a variance that would allow them to operate with the same parking standards as the reception hall use that was approved in 2020. Staff recommends approval of the parking variance, subject to the conditions listed in the staff report.

Chair Ross shared his concern that by granting this request, any use that moves into the Serbian Home will be given the same variance. Mr. Healy explained that the variance request was a very specific request for a church. The zoning district the building is located in lists churches, single-family homes, and duplexes as permitted uses. Any other use would require a Conditional Use Permit and trigger a review of the parking at the site. Chair Ross shared that his concern stemmed from the comparison of the 'church' use to an 'event space' use. Churches hold events more frequently than event spaces, which will result in parking on the streets. Chair Ross stated that he wanted to ensure that the parking variance would not be transferable to any other use of the site. Mr. Healy stated that a condition could be added stating that the variance may only remain in effect if the property is a church and shall not be applicable to any other use.

Pastor Richard Farrell, 531 12th Avenue South, was present to speak on the item. Pastor Farrell shared that the church had previously been meeting at an AMC theater while they were searching for a more permanent location. The church hosts around 40 people during Sunday services and offers bible study on Thursday nights with about 15 attendees. The building also hosts Cub Scout meetings and music during the week. Pastor Farrell explained that the intention is to make the building a community space. Pastor Farrell shared he had been

inquiring about potential off-site parking locations. Pastor Farrell stated that he wanted to work with the community to make the parking situation work.

Chair Ross asked Pastor Farrell if any provisions had been made for maintaining the Serbian artifacts at the site. Pastor Farrell shared that the artifacts had been moved to a balcony within the church for safe keeping.

Chair Ross opened the public hearing.

No correspondence had been received on the item.

James Huntington, 412 3rd Avenue South, shared his displeasure about the lack of on-street parking availability during the Church's Sunday services.

Chair Ross closed the public hearing.

Commissioner Thompson asked if there was any provision of the Serbian Home's Conditional Use Permit that would oblige the commissioners to recommend approval. Mr. Healy shared that he would not be able to speak to specifics because he was not the City Attorney but advised the commissioners that a recommendation of denial would likely be inconsistent with the Comprehensive Plan and the previous approval.

Chair Ross asked Mr. Healy about the process for handling a violation of the variance in the event that the church regularly had more than 70 attendees and did not offer off-site parking. Mr. Healy explained that if the City became aware of a violation, the City Council could hold a hearing to consider the revocation of the variance. Chair Ross asked if the city had a policy with a timeline for when to reevaluate a variance approval. Mr. Healy stated that it is unusual to set a time limit on a variance.

Chair Ross asked for confirmation that Pastor Farrell was familiar with the conditions of approval. Pastor Farrell acknowledged that he was.

Motion to recommend approval of the parking variance for a church at the Serbian Home – Thompson /Fournier (6-0).

#### C. Interim Use Permit for Temporary Structures at the South St. Paul Rod and Gun Club

Mr. Healy shared the staff report. The South St. Paul Rod and Gun Club was established in 1935. The Gun Club is a non-profit organization run by a volunteer board. Their 81-acre property is used for shotgun, pistol, and rifle shooting and looks and functions like a scout camp. The City has been allowing the open-ended use of temporary structures at the property via short-term Interim Use Permits. This includes the use of shipping containers and semi-trailers for storage and firing structures. The Applicant is requesting a long-term Interim Use Permit that would allow the property to use the storage and firing shed structures as long as the Gun Club occupies the property.

The zoning of the property is very complicated. The property is zoned Industrial. Shooting ranges are not an allowed use in the district but are protected under State Statute as long as the ranges are operated safely in accordance with the National Rifle Association's best practices. Temporary structures and exterior storage are allowed with an Interim Use Permit. Trailers and shipping containers are normally not allowed to be used for storage for more than 14 days a year but the City Attorney directed Staff that the trailers can be allowed with an

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Interim Use Permit because of the Gun Club's special status under State Statute. The property is also located in the Flood Fringe district and is subject to requirements about how and where new structures can be placed. The Industrial zoning district only allows one accessory structure per property, whereas the Gun Club has multiple accessory structures. The Industrial District regulates the exterior building materials of newly constructed structures. None of the existing trailers meet the requirement.

The City Council discussed expectations for the Gun Club's temporary structures at a work session in September. The Gun Club would prefer to maintain the temporary structures indefinitely. The City Council agreed that the Gun Club's use is different than the other uses in the Industrial District and agreed to allow the temporary structures to be maintained long-term. The Council made clear that they would like the Gun Club to periodically check in with the City as a condition of their long-term Interim Use Permit approval. Staff is recommending approval of the Interim Use Permit subject to the conditions listed in the staff report.

Chair Ross asked how the City Council planned to have the Applicant check in with them. Mr. Healy shared that the Gun Club has proposed to bring in noise testing results to the City Council every 5 years. Mr. Healy reminded Chair Ross that if any changes are made to the site, the Gun Club will need to come before the City for additional zoning approvals.

Scott Edgerton, 7455 Addisen Path, Inver Grove Heights, came forward as a representative for the Gun Club. Mr. Edgerton noted that the Department of Natural Resources does offer a manual for best practices for gun clubs. The Department of Natural Resources follows the standards put in place by the National Rifle Association. Mr. Edgerton noted that the site's safety features had been built to meet the standards.

Chair Ross opened the public hearing.

A comment from the Inver Grove Heights Parks Department was included in the packet.

Chair Ross closed the public hearing.

Chair Ross asked if Staff received a lot of noise complaints about the Gun Club. Mr. Healy stated his office had not received any noise complaints. He shared that he was aware of one resident that contacts the Police Department and City Administrator fairly frequently with noise complaints. Mr. Healy attested that from the park adjacent to the Gun Club, the site can be noisy; however, the noise does not exceed the limits allowed by state statute.

Commissioner Thompson commented that 5 years is a long time given the turnover rate of the board.

Commissioner Thompson encouraged the Gun Club to stay involved with the community.

Chair Ross asked Mr. Healy if the Gun Club could be called before the City Council before the 5-year timeline if there was a noise violation. Mr. Healy stated that a safety violation could result in a public hearing for the revocation of the Gun Club's Interim Use Permit.

Mr. Healy shared that he had received feedback from the Department of Natural Resources that the City's current approach of continuously having the Gun Club come in for short-term approvals is uncommon. Most other cities have long term approvals in place for similar uses.

Motion to recommend approval of the Interim Use Permit, subject to the conditions listed in the staff report - Krueger /Fournier (6-0).

5) OTHER BUSINESS

None

6) ADJOURNMENT

Motion to adjourn- DesMarais/Felton (6-0).