

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Dunaway, Bauer, Brauer, Field, and Van Scoy. Voting No: None. Absent: Commissioner Schiller.

NOTE CITY COUNCIL MINUTES

The Council minutes were noted.

PUBLIC HEARINGS/COMMISSION BUSINESS

Case #1: Public Hearing – Request for an Interim Use Permit to Allow for the Operation of a Church in the B-1 Business District on the Property Located at 5900 167th Avenue NW; Case of Rum River Retail Ventures, LLC

Public Hearing

Chairperson Levine called the public hearing to order at 7:04 p.m.

Presentation

Associate Planner/Environmental Coordinator Anderson presented the Staff Report.

Citizen Input

Phillip Johnson, Architect for the building owner, stated the letter from the owner states his concerns; it is a very expensive request to try to put in a fire sprinkler system at this time, water is not available nearby. The State does give the Building Official and/or the Fire Chief the option to waive the requirement. The church has been looking for solutions; however, their option is to stay where they are.

Commissioner Van Scoy asked if the building were to be built today would it have to have fire suppression no matter what the use.

Fire Marshal Kohner stated yes it would be required if it were built today unless the size of the building was under 2,500 square feet.

Commissioner Brauer asked Mr. Kohner's interpretation of the law and if there was any flexibility given to the City; does the City have to do what it says or are there exceptions and what exceptions can we use or give for not following?

Fire Marshal Kohner stated the State Fire and Building Codes are referred to as a mini/max law where the local authority cannot be more or less stringent than the State Code. He then read the section of code.

Associate Planner/Environmental Coordinator Anderson stated the current permit was granted for three years to allow time to install the fire suppression. Discussion ensued regarding the term length of the interim use permit.

Discussion ensued regarding the water supply available to the building.

Mr. Johnson stated there is adequate space for safely escaping the building and adequate space for fire trucks to drive around the building. The building has concrete block walls and a steel roof. There is no one in the building causing a hazardous use, except for possibly the pizza ovens and they are protected too. He thinks the code is overly broad.

Associate Planner Environmental Coordinator Anderson stated that this discussion took place three years ago and there was an understanding at that time that fire suppression would be required with any extension or renewal of the permit. Private wells can and have been used for fire suppression systems. He continued that as outlined in the State Building Code there are only two authorities that can waive fire suppression and they are the Fire Chief and Building Official, and both have to come to an agreement.

Commissioner Brauer stated that the Commission doesn't have the authority to overrule the Fire Marshal. We are talking about safety and people's lives and whether or not an economic hardship trumps people's lives. In his opinion it does not.

Motion by Commissioner Bauer, seconded by Commissioner Van Scoy, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Van Scoy, Brauer, Dunaway, and Field. Voting No: None. Absent: Commissioner Schiller.

Chairperson Levine closed the public hearing at 8:45 p.m.

Commission Business

Discussion ensued regarding the timeline for the interim use permit.

Mr. Johnson presented the hardships for the building owner to install fire suppression.

Discussion ensued regarding the costs of bringing water to the building.

Motion by Commissioner Brauer, seconded by Commissioner Van Scoy to recommend that City Council adopt findings of fact relating to the request for an Interim Use Permit to allow for a church operation in the H-1 Highway 10 Business District.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Brauer, Van Scoy, Bauer, Dunaway, and Field. Voting No: None. Absent: Commissioner Schiller.

Motion by Commissioner Brauer, seconded by Commissioner Bauer to recommend that City Council adopt a resolution approving the request for an Interim Use Permit for a term of nine (9) months and declaring the terms as proposed with the addition "That the future application fee for

renewal or extension of the Interim Use Permit be waived if the applicant complies with the terms of the Interim Use Permit”.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Brauer, Bauer, Dunaway, Field, and Van Scoy. Voting No: None. Absent: Commissioner Schiller.

Case #2: Consider Amendments to the Development Review Process

Presentation

Associate Planner Gladhill presented the Staff Report.

Commissioners provided feedback on the Staff Report.

Motion by Commissioner Dunaway, seconded by Commissioner Van Scoy to recommend that the City Council adopt the attached recommendations related to the development review process.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Dunaway, Van Scoy, Bauer, Brauer, and Field. Voting No: None. Absent: Commissioner Schiller.

Case #3: Staff Update

The Staff Update was noted.

Case #4: Zoning Bulletins

The Zoning Bulletins were noted.

COMMISSION/STAFF INPUT

ADJOURNMENT

Motion by Commissioner Bauer, seconded by Commissioner Dunaway, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners, Bauer, Dunaway, Brauer, Field, and Van Scoy. Voting No: None. Absent: Commissioner Schiller.

The regular meeting of the Planning Commission adjourned at 8:45 p.m.

Respectfully submitted,

Tim Gladhill
Senior Planner