

MINUTES OF PLANNING COMMISSION MEETING

July 11, 2022

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 11th day of July, 2022 at 6:30 PM

THE FOLLOWING WERE PRESENT: Chairman Ferris, Commissioner Thompson, Commissioner Tinsley, Commissioner Egler, and Commissioner Johnson

THE FOLLOWING WERE ABSENT: Commissioner Burton and Commissioner Fitch

THE FOLLOWING WERE ALSO PRESENT: City Clerk Linda Rappe, Brad Scheib – HKGi, Tim Ibisch, City Administrator, Tim O’Marro, Dean and Torri Schuette, Donna Behrens, Wayne Nelson, Ralph and Michelle Burtis,

CALL TO ORDER AT 6:30PM

SWEARING IN OF NEW MEMBER – Administrator Ibisch swore in New Commissioner Paul Johnson

MINUTES OF THE PREVIOUS MEETING – June 13, 2022 Motion to Approve made by Commissioner Thompson, second by Commissioner Egler with All Voting Aye

PUBLIC HEARINGS FOR SCHUETTE PROPERTY – ZONING AMENDMENT AND COMP PLAN AMENDMENT – Administrator Ibisch gave background and this would be to rezoning from high density residential to retail commercial in the southeast corner of that property. Planner Brad Scheib stated that this is just for the 4.21 acres and this is not the plat or the site plan this is only the rezoning and the comp plan amendment for the 4.21 acres. This parcel drawing spills over to the Bigelow property to the south. In order for them to develop according to this site plan they will need to plat and purchase the southerly property and annexation.

Dean Schuette – the reason they are spilling over into the Bigelow property is that they were trying to get street access. MnDOT has not allowed the suggested street. Bigelow is willing to annex their property. Mr. Schuette made it known that they did not want to annex the entire 65 acre parcel into the City. Mr. Schuette stated that most of the delays on this property have been out of their control.

Public Hearing Opened

No comments

Public Hearing Closed.

Mr. Scheib stated that we do know that Bigelow will annex and Administrator Ibisch stated that a lot of this has costs and to work with MnDOT and MnDOT has not had fast turnaround. Commissioner Tinsley stated that is appropriate for a commercial use. Commissioner Thompson stated this is a good use of the corridor.

Motion to Recommend Approval of the Zoning Amendment and Comp Plan Amendment made by Commissioner Egler, second by Commissioner Tinsley with All Voting Aye. Administrator Ibisch stated that this will go to City Council Wednesday, July 13.

PUBLIC HEARING – INTERIM USE PERMIT – Administrator Ibisch stated that currently Kasson does not have this type of permit and this would be a good permit to have. Mr. Scheib stated that the State Statute allows both CUP and IUP and the difference is an Interim Use Permit would have a specific timeline that would terminate. Mr. Scheib stated that this is similar to a CUP in that there needs to be a public hearing and notices need to be sent to properties 350 feet from the target property. With A CUP the City would have to prove that the conditions are not being met. A CUP would get recorded with the property and an IUP would not. Staff felt this was appropriate to put this in place with the public hearing that is on the agenda.

Commissioner Thompson asked about a typical timeframe, Mr. Scheib stated that would depend on each specific use and this could be attached to an event or a specific timeline. Mr. Scheib stated that this would be

adding another permit mechanism in addition to the CUP. The IUP would expire when the property is sold or if the applicant moved. Mr. Scheib stated this is used most often with Home Based Business or some Construction.

Public Hearing Opened

No comments

Public Hearing closed

Chairman Ferris stated that he likes another option to use. Commissioner Tinsley asked if the IUP could be transferred. Mr. Scheib stated that we would have to have a process, Ibisch stated that this would trigger a review by the City. .

Motion to Recommend Approval of the Ordinance for an Interim Use Permit made by Commissioner Thompson, second by Commissioner Egger with All Voting Aye..

PUBLIC HEARING – HOME BUSINESS PERMIT REQUEST FROM ROBERT ACKRAPOVIK -

Administrator Ibisch gave an overview of the difference between home occupation and home business. Mr. Scheib stated that they are only proposing to sell firearms, not ammunition. This would be tied to maintaining a FFL from the ATF license. The reason we are seeing this is that the owner wants the people to come to his house. The conditions need to be reasonable and specific to the use. The applicant has agreed to all of the conditions except one. This would be specifically tied to the ATF license. Mr. Scheib went through the conditions on page three of the staff report; firearms be stored in a locked gun case at all times except during the transfer, the premise should be protected at all times by a contracted security service, maintain the FFL and when it is renewed to show to the City, limited the customer to one a day, and by appointment only, operated by the resident no outside employees, no external signage, Mr. Scheib went through the findings. .

Robert Akrapovik, - he stated that he is NOT selling ammo and ATF will be monitoring sales. He stated that he would be lucky if he gets 2 or 3 people a week but hates to guess. Chairman Ferris asked how are you attracting customers, Mr. Alrapovik stated business cards and word of mouth and on line media, Commissioner Johnson asked about stock, Mr. Akrapovik stated that there will not be a stock or display of guns they will be ordered as people want them. Chairman Ferris asked how many guns he expects to have on site at any given time, Mr, Akrapovik stated two or three or so.

Public hearing opened

Wayne Nelson - 1500 5th St NW - has known this family for 18 years and this is a wonderful family. He is convinced that they will follow every single law and condition. He believes in this family.

Rick Klein - 1403 4 ½ Street NW – Mr. Klein stated the mistakes in the public notice and after reading what was on the website this does seem reasonable when the corrections are corrected.

Walt Wytttenbach - 600 14th Ave NW – he is not for or against but would like to have a yearly review of the conditions, Commissioner Johnson asked about the length of an FFL, Mr. Scheib stated that he thought it was three years and if he lost the license the police chief would be notified.

Ralph Curtis - 507 14th Ave NW – he would like to know if there could be a limit on hours of operation, he also asked if the owner of the property signed the application, Scheib stated that the property owner will sign a application, he wanted to know what structure on the property would this be run out of, Scheib stated that it doesn't matter, Mr. Curtis questioned the profitability of this.. Mr. Curtis wanted to know what the police response time would be, Scheib stated the police chief is fine with this. Mr. Curtis wants to know if he changes his use and what if someone brings ammo into the business.

Mary Xavier – 604 15 ½ St NW – Wanted to know if background checks on people buying guns. Chairman Ferris stated that he believes that is a federal mandate but we will check with the poilce chief..

Elizabeth Biela - 703 15 ½ Ave NW– why is it necessary to sell firearms in a family neighborhood when there are empty businesses on main street.

Robert Akrapovik – wanted to address some of the questions. Too expand he would have to get another license through the ATF. Backgrounds checks are done before the purchase can happen. He doesn't have the money to rent or buy a building on main street.

Angela Giese - 606 15th Ave NW – they have a number of children in the neighborhood, and feels this is disregarding their safety. She has a young child who is afraid of the world and doesn't want him to be afraid of the neighbors. The property lies directly on the school bus route. Once they firearm is in the hands of the buyer what do we know they will do with that. She is afraid that someone would get the address mixed up and come into her house.

Krunoslav Akrapovik – father. He is a business owner himself and he has complete faith and support in his son. He is all about safety.

Public Hearing Closed

Mr. Scheib stated that the enforcement side of this is tricky and some cities have a department for code enforcement Kasson actually does this on a complaint basis or if law enforcement is notified. The police will have to respond to what the response time would be. The background checks are a federal law and local law enforcement is also part of this.. And part of our conditions of one customer per day would be a good way of regulating some of these concerns. Ibisch stated that if there were issues that were to arise they would be handled by law enforcement. There are several people in town that have a home business of this nature and there have been no issues. Commissioner Thompson what is the difference if we did a IUP rather than a CUP. Scheib stated that the duration of the permit that be they need to be appropriately licensed by the ATF. There is no review in a CUP and there are a lot more steps and time to revoke a CUP. Chairman Ferris stated that putting conditions on this with a IUP is better than not. We are not in a position to stop it but to be able to regulate is. Adding a condition for hours of operation would be good. . Ferris also stated that one customer per day is quite restrictive, and to require all the firearms to have trigger locks.

Scheib summarized the conditions as: 1) will not disturb the neighbors and normal use of their properties, 2) Firearms shall be stored in a locked gun safe at all times except at the time of sale/transfer with trigger guard locks shall be installed in all guns leaving the premises, 3). The premise shall at all times be protected by a contracted security service, 4) Acquire and show proof of a Federal Firearm License issued by the ATF, 5)The applicant for duration of the permit continues to show FFL, 6) One customer per day on average in a given week, 7)all customers are by appointment only, 8) business shall be conducted by the occupants of the premise, 9) no external signage, 10) permit shall be reviewed on an annual basis. The discussion points would be hours of operation and the trigger guard. Commissioner Thompson recommended 9am to 6pm daily for hours of operation.

Motion to Recommend Approval of the CUP as an IUP and with the conditions as revised, made by Commissioner Thompson, second by Commissioner Johnson with All Voting Aye.

OTHER - Nothing

ADJOURN – 8:00pm

Respectfully Submitted,

Linda Rappe, City Clerk