

EAST BETHEL PLANNING COMMISSION MEETING

February 23, 2010

The East Bethel Planning Commission met on February 23, 2010 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Eldon Holmes Heidi Moegerle Lori Pierson Glenn Terry
Julie Moline Lorraine Bonin

MEMBERS ABSENT: Tim Landborg

ALSO PRESENT: Stephanie Hanson, City Planner

Adopt Agenda The February 23, 2010 meeting was called to order by Chairperson Holmes at 7:00 PM.

Holmes made a motion to adopt the February 23, 2010 agenda. Pierson seconded; all in favor, motion carries.

Public Hearing/Interim Use Permit Home Occupation Property Owner(s)/Applicant(s):
Terry and Mary Hartin
2110 Deerwood Lane NE
East Bethel, MN 55092
Pine Grove Estates, Lot 9, Block 2
PIN 33-33-23-34-0034

The property owners/applicants are requesting an IUP for a home occupation that would allow handgun safety, National Rifle Association (NRA), and Permit to Carry classes to be conducted from the existing 24 foot by 40-foot workshop located on the property. Mr. Hartin currently instructs classes at the property, as he was unaware that an IUP was required. As part of the home occupation, Mr. Hartin has applied for a Federal Firearms License in which he plans to purchase firearms and associated supplies at wholesale, and retailing to students primarily.

Mr. Hartin schedules two (2) classes per month; typically on the 2nd and 4th Saturdays. Ideal class size is 12 students; however, typical class size is 1 to 8 students. The class schedule varies because of holidays, conflicts in the range use at Beaverbrook Tri-County Sportsmens Club, and vacations. Proposed classroom hours at 8:00 AM – 4:30 PM. Mr. Hartin has the 2010 schedule available on his website. As part of the Federal Firearms License, Mr. Hartin is required to have business hours. He is proposing the following hours of operation:

Monday, Wednesday, & Friday: 3:00 P.M. – 7:00 P.M.
Saturday: 4:30 P.M – 7:00 P.M.
Tuesday, Thursday, & Sunday: BY APPOINTMENT ONLY

City staff did conduct a site inspection on the property. There are no issues with parking accommodations since there is a concrete driveway and parking between the house and the

shop that can accommodate student and customer parking.

Mr. Martin, the Building Official, conducted a site visit to ensure the building is suitable for classes. Mr. Martin provided staff with a list of what is required for Mr. Hartin to instruct classes in the building. The items will need to be satisfied prior to the issuance of the IUP. The applicant stated they have all been taken care of today, and we will just have the Building Official reinstatement.

Home occupations are a permitted use in the R1-Single family Residential District as long as the Applicant can meet the requirements of the City Code and complies with the conditions of the IUP. The proposed home occupation will meet requirements of the ordinance so long as the IUP conditions are met. In the event the conditions are not being met, the IUP would be revoked.

Staff requests Planning Commission recommend approval to City Council for an IUP for a home occupation known as Hartin Services, Inc., located at 2110 Deerwood Lane NE, Pine Grove Estates, Lot 9, Block 2, PIN 33-33-23-34-0034 with the recommended conditions.

Hanson stated Mr. Hartin is here to answer any questions.

The public hearing was opened at 7:05 p.m.

Mr. Hartin stated he has been teaching this class for two and one-half years. He has been teaching other classes for over eight years. Bonin questioned if gun handling was done at his location but the shooting is done at other locations. Mr. Hartin said he uses Beaverbrook and also a location in Circle Pines. Moline asked when he would know when he would have his Federal Firearms License. Mr. Hartin stated he would know in six to eight weeks.

Mr. Drummond stated he was a dealer for many years. When he relocated to Minnesota, he also applied for a Federal Firearms License and is a co-instructor with Mr. Hartin.

Moline asked if there is handling of any weapons in the class. Mr. Hartin stated there is no live ammunition in the class, but they do handle the weapons. All weapons that are brought to qualify are left in the car unloaded.

Holmes stated this applications looks like you are going to sell firearms. Mr. Hartin stated he is looking to sell items to his students for a reasonable price. They aren't going to maintain a large amount of firearms.

Moegerle stated along the same lines, her question is, are you going to sell things up to and including assault weapons. Mr. Hartin stated he wouldn't be selling anything that is an assault weapon. There are things that look like assault weapons. We won't be dealing with things such as military types of weapons or police weapons. Mr. Hartin stated their license would not be for selling anything automatic and they would be a Class 1 dealer. Mr. Hartin stated they have a lot of requests for the sale of weapons and accessories, including lock boxes.

Mr. Hartin said he has had 260 students and of those 75 didn't have a gun, they will qualify with his guns and then he goes with them to purchase a gun. He will go to the range with his students until they are comfortable with the guns. Moegerle said she is not anti-guns. Holmes asked if the classes you have already had, are they full. Mr. Hartin said his largest class was 18. He doesn't require persons to prepay, so sometimes people don't show up. He has done classes that are just one student. He always provides a full lunch for the students. He is fine with his class size being limited to 12 and has only had three classes over 12.

Public hearing closed at 7:20.

Terry made a motion to recommend approval to City Council for an IUP for a home occupation known as Hartin Services, Inc., located at 2110 Deerwood Lane NE, Pine Grove Estates, Lot 9, Block 2, PIN 33-33-23-34-0034 with the following conditions:

- 1. Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:**
 - a. No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.**
 - b. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.**
 - c. Any sign associated with the home occupation shall be in compliance with the East Bethel City Code Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).**
 - d. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.**
 - e. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.**
 - f. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.**
 - g. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.**
 - h. Parking needs generated by the home occupation shall be provided on-site.**
 - i. A home occupation shall occupy no more than fifty (50) percent of the floor area of the structure. This shall include offices of professionals, home beauty shops, and other such occupations that by custom are an accessory use.**
 - j. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.**
 - k. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.**
- 2. Mr. Hartin must supply staff with a yearly schedule of classes, no later than March 1st of each year.**
- 3. Class size is limited to twelve (12) persons.**
- 4. Class schedule is limited to two (2) weekend days per month, from 8:00 AM –**

4:30 PM.

- 5. **Changes to hours of operation or class schedules must be approved by staff.**
- 6. **Hours of operation is limited to the following:**
 - Monday, Wednesday, & Friday: 3:00 P.M. – 7:00 P.M.**
 - Saturday: 4:30 P.M – 7:00 P.M.**
 - Tuesday, Thursday, & Sunday: BY APPOINTMENT ONLY**
- 7. **Violation of conditions and City Codes shall result in the revocation of the IUP.**
- 8. **All conditions must be met no later than April 17, 2010. An IUP Agreement shall be signed and executed no later than April 17, 2010. Failure to execute the IUP Agreement will result in the null and void of the IUP. All conditions must be met no later than April 17, 2010. An IUP Agreement shall be signed and executed no later than April 17, 2010. Failure to execute the IUP Agreement will result in the null and void of the IUP.**

Pierson seconded; all in favor, motion carries.

Approve
January 26,
2010
Planning
Commission
Meeting
Minutes

Holmes stated there was one change on page one in the Adopt Agenda section. Chairperson Holmes should be Chairperson Terry. Moegerle stated on page 6 of 8, last paragraph, Number 10, should be Section 30.

Holmes motioned to approve the January 26, 2010 minutes with said changes. Terry seconded; all in favor, motion carries.

Adjourn

Pierson made a motion to adjourn the meeting at 7:35 PM. Moegerle seconded; all in favor, motion carries.

Submitted by:
Jill Teetzel
Recording Secretary