



**Planning Commission Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Minutes – Wednesday, December 5, 2018 – 6:30 p.m.**

**1. Call to Order**

Chair Murphy called to order the regular meeting of the Planning Commission meeting at approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.

**2. Roll Call**

At the request of Chair Murphy, City Planner Thomas Paschke called the Roll.

**Members Present:** Chair Robert Murphy; Vice Chair James Bull; and Commissioners, James Daire, Chuck Gitzen, Wayne Groff, and Peter Sparby

**Members Absent:** Commissioner Julie Kimble (excused)

**Staff Present:** City Planner Thomas Paschke

**3. Approve Agenda**

**MOTION**

Member Daire requested moving Item 6c before Item 6b.

**Member Daire moved, seconded by Member Bull, to move Item 6c before Item 6b on the agenda.**

**Ayes: 6**

**Nays: 0**

**Motion carried.**

**Member Bull moved, seconded by Member Groff, to approve the agenda as amended.**

**Ayes: 6**

**Nays: 0**

**Motion carried.**

**4. Review of Minutes**

**a. November 7, 2018 Planning Commission Regular Meeting**

Member Bull indicated he had one correction on line 331. He stated the word “fluent” should be “affluent”.

**MOTION**

**Member Gitzen moved, seconded by Member Sparby, to approve the November 7, 2018 meeting minutes as amended.**

**Ayes: 6**

**Nays: 0**

**Motion carried.**

**5. Communications and Recognitions:**

- a. From the Public:** *Public comment pertaining to general land use issues not on this agenda, including the 2040 Comprehensive Plan Update.*

None.

- b. From the Commission or Staff:** *Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process.*

None.

**6. Public Hearing**

- a. Request for Approval of a Preliminary Plat to Subdivide the Property at 2600 Hamline Avenue into Two Lots and a Subdivision Variance to City Code Section 1004.8(B) “Dimensional Standards” to Allow for the Creation of a Lot with a Depth of Less than 110 Feet (PF18-022).**

Chair Murphy opened the public hearing for PF17-019 at approximately 6:38 p.m. and reported on the purpose and process of a public hearing. He advised this item will be before the City Council on January 7, 2019.

City Planner Paschke summarized the request as detailed in the staff report dated December 5, 2018.

Member Groff asked if there were any comments from neighbors.

Mr. Paschke indicated staff did not receive any emails or phone calls related to this item. He noted the only conversation he had in regard to this item was with Member Gitzen.

Member Gitzen stated when looking at the site plan (3 of 3), it shows a 1.2-foot encroachment by the garage to the south. On the preliminary plat of Simonson Estates, it looks like the line is moved and he wanted staff to make sure that was the case and that there is not an encroachment.

Mr. Paschke noted the applicant is at the meeting to answer questions, but he agreed there should be a verification of that before it gets too far along in the process and is dealt with if needed.

### **Applicant Representatives**

- **Adam Parker, Engineer and applicant assistant**
- **Kevin Hart, representing the applicant, who is his grandmother**

Member Gitzen stated on the plan, 3.3 shows a 1.2-foot encroachment and on the preliminary plat it appears the line has been moved. He asked which one is correct.

Mr. Parker stated the correct location is on the preliminary plat. He thought the site plan document that was sent was before the boundary survey was completed and the preliminary plat has been updated to show what is on the boundary survey. He noted both plans match.

Member Sparby asked if there has been any communication with the property owner to the south about the boundary.

Mr. Hart indicated he had not had any discussions with the property owner to the south and assumed the property owner received the same notice he received for this meeting where the property owner could voice their concerns if any.

Chair Murphy asked the applicants if there was anything additional the Planning Commission should know about this item.

Mr. Parker indicated everything in the packet is up to date with the exception of the engineering plans but have since been updated.

### **Public Comment**

No one came forward to speak for or against this request.

### **Commission Deliberation**

#### **MOTION**

**Member Gitzen moved, seconded by Member Groff, to recommend to the City Council approval of the proposed subdivision variance and preliminary Simonsen Estates plat of the residential property at 2600 Hamline, based on the content of this RPCA, public input, and Planning Commission deliberation, with the condition that 16.5 feet of additional Hamline Avenue right-of-way be dedicated pursuant to Ramsey County's Major Street Plan.**

**Ayes: 6**

**Nays: 0**

**Motion carried.**

**c. Consider a Request by New Life Presbyterian Church for an Interim Use to Operate as Emergency Overnight Shelter for Month of April Each Year (PF18-026)**

Chair Murphy opened the public hearing for PF18-026 at approximately 6:51 p.m. and reported on the purpose and process of a public hearing. He advised this item will be before the City Council on January 7, 2019

City Planner Paschke summarized the request as detailed in the staff report dated December 5, 2018.

Member Bull asked if the Interim Use Permit for the shelters in church's is required based on an administrative decision.

Mr. Paschke stated he stated last summer the Fire Department and Building Official went out to one or both of the churches for inspection and was determined at that time through discussions it was determined that churches are not designed for overnight stays. He stated the churches are not built for or meet fire or building codes for overnight stays. In order to be allowed to have overnight stays without making the needed improvements the church can either do the Interim Use process or the church can submit plans to remodel to accommodate lodging rooms or those types of things in order to become compliant with the code because this is not a traditional, historical or common use of a church and its facilities. The way the City supports it through the zoning would be an Interim Use in order to allow the church to continue to do this.

Member Bull begged to differ that it is not a traditional use of a church. Many churches he knows have done this and he feels like it is almost an underhanded move to question sanctuary cities and sanctuary churches with this action without broader community involvement.

Mr. Paschke indicated Member Bull was free to have that opinion regarding the Planning Divisions interpretation of Place of Assembly and indicates that the Church can appeal the staff interpretation/determination to the City Council. He also stated he would disagree with the opinion staff was underhanded in requiring the IU process for the temporary overnight homeless shelter and thought many on staff would also disagree.

Member Bull agreed the City Council is the place to bring that up. As a Planning Commission the members are here to rule on what is before them as a request, but it is good to have a grounding as to how this requirement came about. He felt like it puts a burden on the finances of the churches. He stated this has been happening for many years and the churches have other programs such as lock-downs. He stated he has visited with Roseville Lutheran for their Open House on this matter and he saw their housing facilities. He stated he did not know the fire code or what would need to be amended. For the temporary purpose the church is looking for he thought it is a very good facility. He stated he was supportive of the effort and he was open to

hearing the views of the community and Commissioners to make a decision at the end of this.

Member Sparby asked if staff had a list of what improvements need to be made as required by the fire and building code.

Mr. Paschke indicated he did not have that information with him. He stated there is not an area in the church that is designed for housing. It is a different type of code that needs to be met in order to have living facilities, overnight stay, versus having it designed as open sanctuary areas and other things. He stated the building code looks at those things much differently as does the fire code. He noted there are exiting issues and other things that need to be taken into consideration.

Member Sparby indicated there was not an idea of cost to make the improvements.

Mr. Paschke indicated there was not. He stated when this was brought to him, he was not aware this type of use was being utilized in either of the 2 churches, regardless of how long it has been there.

Member Sparby stated the Commission received a brief rundown of the fees and the letter but that was not part of the actual record received. He wondered if staff had a rundown of what those fees are and is that only applicable once for the five-year Interim Use.

Mr. Paschke stated in order to go through the Interim Use process, it is treated differently than some of the other processes the City has. He stated the City is required to conduct an open house which has a specific fee and escrow required as a part of it because there is an expanded notification process. The fee needs to be paid and if the City has a much larger notification, then the City might utilize a portion of the escrow paid. He stated in this case the escrow was not used so the church has to pay the fee and escrow was returned. He stated there is also an application fee for an Interim Use and in this case both churches applied under the former application, so the fee was much less than the current application fee on the books.

Member Sparby stated he sees the open house fee of \$1,100 and the escrow is \$500, and the application fee was \$675 with escrow being returned.

Member Daire asked if it has been staff's determination that this operation is unsafe and there fore the health, safety and welfare of the community is in danger.

Mr. Paschke stated he would not say it is unsafe. He indicated he did not know if it was unsafe or safe for that matter. He thought there were life safety issues with having people staying overnight in facilities that are not appropriate for them. In order to address that the improvement would either need to be done to support that or there is a process that the applicant needs to go through, Interim Use, in order to continue that type of effort, whatever it is.

Member Daire asked if Mr. Paschke considered this to be an unsafe situation in either event.

Mr. Paschke stated he would not know any differently.

Member Daire stated the powers that the City operates under, the police powers of the City, protecting the health, safety and welfare of the residents, and if this is unsafe then he thought it is the City's obligation to say it is and if it is unsafe then he thought the Commission needed to know what is needed to make it safe.

Mr. Paschke stated he has not been told it is not unsafe. He stated the Fire Department has not communicated to him, but the project has been discussed with staff and the Building Department. The use has been discussed and the Fire Department has concerns about it, but he did not hear the term that it is unsafe. There are issues related to with what is going on and the Fire Department can work with it under the Interim Use knowing what is known today versus what was known years ago. He stated only under the Interim Use permit will the Fire Department support this.

Member Daire stated the point he was getting at, is this a use the City is not familiar with attached to a church. Or does this actually threaten the health, safety and welfare of people in the community or the people that use it. He thought if it is demonstrated that it is a threat to the health, safety and welfare, then the City has a leg to stand on. If the only reason is that the City is not used to having churches do this kind of thing, then he thought the City was on pretty shaky ground. He stated if it is unsafe, then there needs to be a plan to make it safe. If it is solely the use which is not under the police powers, then there are other questions that need to be answered.

Member Groff asked if there were any other solutions other than Interim Use with this proposal other than doing the changes and repairs to the physical structure.

Mr. Paschke indicated he did not believe so. Realistically from a Planning/Zoning perspective, utilizing a church for this use is prohibited and the only way around that under the Zoning context is going through the Interim Use process to allow it. This is no different from the other Interim Uses the City supports. He stated this is not a use the City would consider to be typical or historical or traditional of a church and warrants greater scrutiny because of the type of activity that it is. He stated he got involved because the Fire Department and Building Official got involved in their inspection and concerns over it.

Member Groff asked if the City Council was able to waive any of the fees.

Mr. Paschke assumed the City Council would have the ability to waive fees if chosen to do so. Staff does not have the ability nor does the Planning Commission, only recommendations can be made by the Planning Commission.

Member Groff understood that and thought there was a bigger question going on right here but to make it difficult for churches to function and do something that the church and people feel is their duty and is a big thing for the City to step in and make difficult for them. He understood Mr. Paschke is approaching this just from a statute.

Mr. Paschke thought this was broader than that. He did not think the City was trying to step on any toes with what the church is doing. He thought the City was open to it but with everything, there is a process. To be perfectly honest, he was not certain it was a good thing to have buildings designed one way and to be utilizing them in a much different manner because there are issues with that.

Member Groff stated the City just finished the Comprehensive Plan and there was a lot of discussion regarding housing and this is the very basic part of housing, the homeless. He stated the Commission can look at based on statute and he thought the Commission probably needed to go this route, but he did not think it should be the end of this conversation because he thought this was an onerous thing to put on the churches.

Member Bull stated going forward with the Interim Use Permit, he did not understand how that provides any additional health or safety to the community. All it does is put the burden of the church registering and paying almost two thousand dollars in fees that could be utilized for other uses in the community. He stated staff recommendation does not include any conditions asking the church to do or fix. He stated he was at a loss as to why the City is requiring this. He asked if there was an ordinance regulating temporary housing in non-residential buildings.

Mr. Paschke stated the City did not have anything that he was aware of.

Member Bull stated the Roseville Review just published an article on St. Paul passing an Ordinance on temporary housing on this same matter to provide churches and schools to be able to provide shelters. He stated the other question is Roseville Statutes versus Minnesota Statutes, Minnesota Statutes permit emergency shelters and includes institutions such as schools and churches and inclement weather is defined as an emergency along with other hardships. He noted there is one section on adults and families and another one is on youths. He feels like the City is trying to supersede what the State is putting out there as far as churches being eligible to be emergency shelters which is the intention that is being brought forward as their use. He stated he was not understanding the need for it and that will be something the church will need to take up with the City Council.

Member Sparby stated he did see a gap between what the Fire Code recommended improvements were and the Interim Use. If the City was pulling some of the improvements into the Interim Use and providing something constructive that the church could grasp onto and therefore there was a broader thrust of the Interim Use, he would be able to take a closer look at it. But it almost seems like the church is going through the process for no reason because the City is not pulling in anything

that was part of the Fire Code improvement. He felt there was something amiss of where the City started and the process the City is taking.

### **Applicant Representative**

- **Mary Fran Moen, Church Administrator for United Life Presbyterian Church**

Ms. Moen stated her understanding is Project Home requested United Life Presbyterian Church to inform the Fire Department that people were staying at the church and where in the church the families were staying so the Fire Department would be aware of any safety issues. She thought the term shelter was more applicable as opposed to housing because the church does not cook. Cold snacks are provided in the evening for the families along with cold breakfast and snacks as the families leave for different programs. The families wash up at the programs center. The church is strictly a relaxing and sleeping area for the families. She stated five years ago Project Home asked the church to inform the Fire Department of the shelter and every year she has been with the church the Fire Department has come in and inspected the building. One of the comments that Mr. O'Neil made were the number of exists that were in the church and indicating it was more than what was required. She showed on a layout where the exists are located in the church.

Ms. Moen stated Mr. O'Neil made the comment along the lines that he was very happy to see how open it was and more than enough ways out in case of an emergency. Her understanding from what was said is the safety of the church is surpassed. She also invited the Fire Department to tour the entire building and check it for fire safety to make sure everything was up to code. She noted the church has complied with everything the Fire Department has asked for because safety of the church guest is important. She stated she sees this as a very historic and traditional use of the church with having some sanctuary issues and to show Christ's love. This is a very tangible way that United Life is promoting what the church is seeing as their vision and mission and has always been part of this church's mission as far as showing Christ's love in this community.

Ms. Moen stated homelessness is a huge problem in society right now and this is a chance for Roseville to also take part in a homelessness initiative.

- **Sarah Legal, Director of Project Home at Interfaith Action of Greater St. Paul**

Ms. Legal stated she has been running project home since 2001.

- **Pastor Riz Prakasim, Pastor of New Life Presbyterian Church**

Pastor Prakasim stated he has been leading the faith community in Roseville for the last five years. He echoed what Ms. Moen and Ms. Legal have stated. He stated 2.5 years ago the church had the pleasure of inviting Chief Mathwig to their faith



community for the adult education forum and one of the things he stated is this is a joint effort to make the communities more robust, safe, and cooperative. He stated there were three things the church could do from their perspective to decrease crime and strife in the community. One of things is to provide transportation for people to get to work and help people to find jobs. Help people with child care systems and the third thing he said is this is people with housing and is certainly something the church has been trying to do in concert with Project Home. This is one of the basic tenants of their faith as described in the Holy Canon. Matthew 25 explicitly says that if you see someone in need you are obligated as a Christian to do so. That is one of the things the church has been trying to do in the community, trying to help out with the deficits where the church sees them to make this a safer community for all.

Member Groff asked what other solutions other cities have found because this is not a new process.

Ms. Legal stated the City of St. Paul, which the majority of their faith communities are in, Project Home has been running under what St. Paul considers to be a similar use permit and made Project Home go in front of the City Council, but St. Paul never made Project Home pay for the permit or anything and at the time St. Paul asked Project Home to give PED a list of the congregations that were within the City limits and did not make any of the congregations pay any fees at all. Because of it's size the City of St. Paul gets some ESG (Emergency Solutions Grant) funding and St. Paul financially supports Project Home within the City of St. Paul.

Ms. Legal stated the City of Maplewood has a similar process and she thought she did ask Woodland Hills Church to change something about their air ducts. She stated there was not additional fees.

Ms. Legal stated Project Home serves all of Ramsey County. She stated Project Home serves mostly children with their parents and the families are local, the children go to Roseville schools.

Member Sparby asked what are the improvements that need to be made to the church to make the building compliant.

Ms. Moen stated Chief O'Neil told her nothing, when the Fire Chief and his crew came in and toured the building, they thought it had wonderful access and did not suggest any improvements. She stated she offered to go through and have a safety inspection.

Member Sparby asked why the City of Roseville is going through the Interim Use Process if the building is compliant for that use. He thought that information needed to be provided before the Commission could make a decision as to why the City would be moving forward with an Interim Use.

Pastor Prakasim, stated the Interim Fire Chief is a member of the church and has raised no objection as to what the church is doing.

Member Bull stated the MN Statutes and the way it is worded reads “The temporary housing can be provided for up to thirty consecutive days, up to sixty days cumulative per year”. He wondered if the church would be open to something like that so the City can be consistent with MN Statutes should the Commission recommend that.

Ms. Moen stated April has thirty days and for Roseville Lutheran, February has even fewer days.

Chair Murphy invited the public to comment on the proposal.

### **Public Comment**

#### **Mr. John Shardlow, President Roseville Lutheran Church Council**

Mr. Shardlow recognized his item is coming up next on the agenda but thought he would address the Commission because it is the same sort of issue. He stated he is a City planning consultant by profession, but he was at the meeting as a representative of the church. He indicated his church had no objection to communicating with the City of Roseville regarding what the church is doing. He thought it was in their mutual best interest that the City is aware of what the church is doing. He stated the Church did not object to having some sort of review and approval and thought it was important that a shelter is being discussed and not lodging.

Mr. Shardlow stated volunteers are always onsite when people are there. Volunteers are at the shelter to feed people and is a supervised activity. The \$2,000 could be used other ways and he hoped the church and City can discuss this. He thought the Interim Use Permit for five years is a good thing. He thought there could be discussion of automatic renewal of the Interim Use Permit if there are no issues or problems connected to it because he did not think problem is going to go away. As a church, as a congregation the focus is on Roseville as a community. He stated this is an ongoing thing and felt is a really important part of being a community. He stated the church is strong supporters of the City Government and want to be partners.

#### **Cheryl Fairbanks, Member of New Life and Volunteer for Project Home event**

Ms. Fairbanks stated Project Homes is what seems to be bringing this issue forward, but she believed it was Commissioner Bull that brought the conversation forward earlier that the underlying thing is anybody staying overnight. She did not hear an answer for that and if the church is doing youth lock-in's or confirmation or things that the church has historically always done which are overnights that it too would be impacted by what the Commission is talking about and she would like clarification on that point.

Mr. Paschke stated he thought the issue was the extended stay time that the shelter has that becomes more concerning than a weekend.

#### **Ron Moen, husband of Mary Fran Moen**

Mr. Moen stated he is not a member of either church but as the Finance Director and Controller of the Public Housing Agency in St. Paul, housing is very near and dear to his heart. He indicated St. Paul has approximately 22,000 people the City provides or subsidizes housing for. Public housing is not housing of last resort, it requires waiting lists and a waiting time of what can be a few months to several years. Homelessness is a huge problem throughout the Nation. Programs such as this are needful because Public Housing cannot do it all. These types of programs are very necessary for the communities. He thought as Mary Fran stated this is Roseville's opportunity to assist with a program that will benefit people in the Metro area.

Warren Wolf, Member of New Life

Mr. Wolf stated he has been a member of the community for the last twenty years. He appreciated the tone he is hearing from the Commission. He thought everyone in the room agreed that this is an important area where the City could really be supporting people in Roseville and the State in dealing with housing problems. He stated part of his letter to the City Council will suggest that maybe the City Council could be supportive by making a two thousand donation to this effort to help alleviate problems with housing.

Mari Herbyashi, Member of New Life and volunteer for Project Home

Ms. Herbyashi stated this project has been going on for over a decade at this point and at no point have there been any safety incidents or concerns. She noted when a mailing went out for notification of this project happening the only people who showed up were ones in support of this program. She stated it has been said that this is not a common use of a church and she wanted to push back on that statement and say there are twenty plus sites across the Twin Cities that participate in Project Home and many more across the State and many are churches, schools and synagogues. She stated the community sees this as a fundamental mission of the church.

Chair Murphy closed the public hearing at 7:32 p.m.; as no one else appeared to speak for or against.

**Commission Deliberation**

Member Daire commented that last month he was not able to attend the meeting because he was hunting up near the North Shore where he was not prepared with clothing to be able to withstand the temperature for more than a couple of hours. It seems to him that there are a number of homeless people who are facing the same situation; inadequately clothed, very little place to stay, with almost no help, and it strikes him that he spent thirty-seven years in planning as a professional, thirty-three of which was with the City of Minneapolis and he came to regard his role as being the guardian of the public good and took that seriously. He stated the City has almost just come through the Comprehensive Plan process of updating the 2030 plan to 2040 and the City was strongly urged by the Metropolitan Council to look to equity rather than equality as an element of the Comprehensive Plan and to work it in. Equity means that everybody gets a fair shake. He stated there are some people that cannot do that, many of those are called homeless people. He stated he was not on a crusade,

but it strikes him that in just the last month, he and his wife have received requests for funding from The Franklin Graham Program and Samaritan's Purse who are collecting money for heart operations for kids who have heart defects. He wondered if that was a traditional endeavor for the church to take. He thought the community had the capability and maybe the responsibility to address some of these things.

Member Daire stated he spent a lot of time over this proposal, lost some sleep over it, and also did some praying over it. He was reminded of the Scripture verse in James 4, Chapter 17 "He who knows to do good and doesn't do it to him it is sin." He thought it speaks directly to the kind of thing the City is involved in. He stated when he was on the planning staff with Minneapolis, he felt like everything had to be regulated, that the City couldn't have an inch of ground that was not under some sort of land use plan or some kind of policy statement in terms of how the City was to address that because the City is a guardian of the public good. He stated he did not feel that way anymore and felt he was arrogant in that. He would like to approach this somewhat differently. He thought the City's intent to regulate programs within churches is a slippery slope. Once the City Officials allow this to be regulated then what is next? He did not think it is a place where faith communities belong, nor does he think it is a place the City ought to put faith communities. He appreciated the letter sent out by Ms. Moen and thought there are a lot of better ways to spend \$1,770 than balancing the City's budget. He would not be at all opposed to contributing to this process and thought it was essential. He wished more churches were standing up and doing what these two churches are doing. He stated if it were up to him, he would ask the churches to keep him informed and tell them to go for it. But that is not the course that was chosen by staff and it puts him in opposition to staff in this matter.

#### **MOTION**

**Member Gitzen moved, seconded by Member Groff, to recommend to the City Council approval of a 5-year INTERIM USE for New Life Presbyterian Church, 965 Larpenteur Avenue, for an emergency overnight shelter during the month of April each year in conjunction with Project Home, an Interfaith Action of Greater St. Paul, based on the information contained in this report, community and neighborhood comments, and Planning Commission input.**

Member Gitzen stated he agreed with everything stated at the meeting, but he did not think the City is against the churches providing this. This is a process and should probably be a better way of doing this or a fee waived but he thought what the Planning Commission is charged with is to vote on the Interim Use Permit or not vote on it and the Interim Use Permit actually supports the church using their building for a shelter. He agreed that the City was opening a can of worms doing this. He did not think it is the Commission's job to determine to waive a fee or make the building safe. He thought the Commission's job is to either support this or not support this.

Member Groff agreed and the issue is process. The last thing he wants to see is this Interim Use not going through and the church not being able to have a shelter in April

because the City has to address this somehow. He thought the church needs to talk to the City Council and make it known that the fee should be addressed.

Member Bull stated he was in favor of recommending this to the City Council for approval although he believed the motion that has been made as recommended is more restrictive than the City should have. He would like to enter a motion to amend the motion striking the portion of line 66 that states “during the month of April each year in conjunction with Project Home, an Interfaith Action of Greater St. Paul” and replace that with wording “for up to thirty consecutive days and up to a cumulative sixty days per year”.

**Member Bull moved, seconded by Member Daire, to amend the motion to strike the wording “during the month of April each year in conjunction with Project Home, an Interfaith Action of Greater St. Paul” and replace with “for up to thirty consecutive days and up to a cumulative sixty days per year.”**

Member Bull stated the reason for the amended motion is this Interim Use is for five years and Project Home could morph into something different. He did not want to see the church go through this process again just because it is replaced by a different program or if it becomes appropriate for the church to do this during the month of March because some other church that is doing March now can't do it but could do April which changes the schedule. He would like to leave that in the hands of the church and the program administrators to make this happen. The Commission can still recommend granting the Interim Use Permit and still have some restrictions on the number of days to keep it a temporary situation.

Member Daire stated the amendment was good with him but he questioned whether the City should regulate a church program. He stated he would rather see no amendment at all but if this is the best the Commission can come up with, he trusted the City Council to be able to make a good decision on that.

Chair Murphy asked Ms. Moen if the proposed amendment was congruent with her group's intent.

Ms. Moen stated she appreciated the amendment and saw it as broadening the application and greatly appreciated the Commission's foresight on this. She did see this as congruent with what the church is asking.

Chair Murphy asked Mr. Paschke if he saw any incongruencies.

Mr. Paschke indicated he did not have any issues with the amendment.

Member Bull stated he picked the thirty and sixty days because that is specified in MN State Statutes for shelters.

Member Sparby stated he could support this but thought it was odd that the Commission was talking about a Statute not in front of the members. He stated he

did not like to insert the Commission's judgement for that of the church. The Church asked for April and the Commission is changing it to thirty consecutive days, up to sixty, which is broadening this. He was fine with that, but wanted to make sure the Commission captures what the church wants at this point in time and not blow it up into a bigger debate about the parameters set on it. To the extent that the City can keep it narrow to what the church wants, he thought it has a better chance of success. If the Commission muddies it up too much, he thinks it is harder for people to get their heads around it.

Chair Murphy stated he was also in favor of the amendment and checking with the requester for the Interim Use, he believed the Commission is not blowing up the mission but perhaps giving the church more flexibility, as Member Bull stated, to accommodate future needs without having to go through the process or additional cost. He guessed this would be addressed by the City Council within five years.

**Ayes: 6**

**Nays: 0**

**Amendment motion carried.**

Chair Murphy stated because the amendment motion was approved, the Commission needs to vote on the main motion to recommend approval for a 5-year INTERIM USE with the time frame as amended. He asked for additional discussion.

Member Sparby stated the biggest issue with this is the City cites Section 1009.03 with three specific criteria that must be satisfied in order to approve a proposed Interim Use. Criteria one is the proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future. Criteria two is the proposed use will not create an excessive burden on parks, streets, and other public facilities and Criteria three is the proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.

Member Sparby stated the Commission is talking about uses that might not be consistent with the land use designation and/or failed to meet all of the Zoning Standards established for the district within which being proposed. He stated the staff has not articulated on either of those grounds as to why this fails to meet that. All he sees in this memo is that this is non-typical of a church use and what he has heard tonight is this is very typical of a church use for the center. On top of that, he has not heard any improvements that need to be made to actually get the church compliant. What he has heard is the church is compliant and the church needs to go through this process because it is non-typical and is written in the staff report without any backing whatsoever so making the church go through the Interim Use process does not make any sense. Additionally, the City is limiting this to a 5-year Interim Use so the church will have to come back in five years unless the City Council does something drastically different. He thought the Commission needed to do a better job as to why the church is going through the Interim Use process. He thought it was a good idea to get this sent up to the City Council to make a determination on it. He indicated he

would be supporting the motion even though he did not agree with the avenue of the Interim Use.

Member Bull agreed and indicated in spending some time looking through this, the Comp Plan references churches in Institutional Districts but nowhere in the City Code is church defined. He stated what is typical of a church is never spelled out. He stated looking at City Code 1001.05, has Institutional Zone but that refers to churches as places of assembly and nothing beyond that. The property standards that are put forward for places of assembly is that it has some kind of an egress onto a connector type street. He stated the Code does not address this at all and he thought their mission is to act on this before them but he was glad the City Council typically watches the Planning Commission meeting so the Council can get the temperament of what the Commission is trying to portray.

Chair Murphy thanked the Commission for insightful comments. He stated when he received the packet and read it, he thought this was pretty much of a no brainer and that the City and Commission staff should support institutions doing this. But the Commission seems to be stuck in a bit of administrative mud trying to figure out if an Interim Use is needed and what is the best way to do it. Rather than see the tentacles of City government reach inside the church, he sees a Fire Department and Community Development Department trying to do their jobs with lack of specificity addressing this issue in City Code and some level of Code tweaking and fee schedule tweaking to recognize the times we live in are appropriate. Otherwise, he had to strongly agree with Member Gitzen that the Commission's job is to recommend approval or denial tonight. He stated he will also be in favor of the motion.

**Ayes: 6**

**Nays: 0**

**Motion carried.**

**b. Consider a Request by Roseville Lutheran Church for an Interim Use to Operate as Emergency Overnight Shelter for Month of February Each Year (PF18-025)**

Chair Murphy opened the public hearing for PF18-025 at approximately 7:53 p.m. and reported on the purpose and process of a public hearing. He advised this item will be before the City Council on January 7, 2019

City Planner Paschke summarized the request as detailed in the staff report dated December 5, 2018. He suggested the motion to be made should reflect the motion from the previous item to be consistent.

**Applicant Representative**

- **John Shardlow, President Roseville Lutheran Church Council**

Mr. Shardlow stated Roseville Lutheran Church would welcome the opportunity to work with the City to try and figure out how to do this better. He appreciated the conversation.

Chair Murphy asked if the change in wording for the motion to thirty days consecutive and up to a cumulative sixty days per year was agreeable to them.

Mr. Shardlow stated the church is grateful for the flexibility and over time, the church may try to make some additional improvements to try and make this a better accommodation over time. He thought this was something the church would like to continue to work with the community on and are happy to be a part of that discussion.

Member Bull stated he visited and toured the facilities at Roseville Lutheran, and believed the set up at the church is a little different than the previous one the Commission saw. The previous one was using a great room of sorts as the shelter and Roseville Lutheran has individual rooms for the families and each room is equipped with smoke and carbon monoxide detectors and appear to him to be as safe as what he has in his home.

Mr. Shardlow stated the church does appreciate the fact that the church does have the opportunity for the families to have some privacy and that is one of the important parts of the experience the church tries to support. He stated the church did just go through the expense of having their kitchen licensed as a commercial facility so the church can provide food in a meaningful way as well.

### **Public Comment**

#### **Ms. Cheryl Fairbanks, Member of New Life Presbyterian**

Ms. Fairbanks stated she would like to speak in support of their fellow church, Roseville Lutheran but she would like to propose to the Council to not make each church individually or institutional organization have to address this. But rather to come up with a common way for people to go through this process whether it is once a year to apply with details and have an inspection but have only one process and one form and not make every organization have a separate proposal. That would make it easier and much more efficient.

Chair Murphy closed the public hearing at 7:58 p.m.; as no one else appeared to speak for or against.

### **Commission Deliberation**

#### **MOTION**

**Member Bull moved, seconded by Member Sparby, to recommend to the City Council approval of a 5-year INTERIM USE for Roseville Lutheran Church, 1215 Roselawn Avenue, for an emergency overnight shelter for up to thirty consecutive days and up to a cumulative sixty days per year, based on the**



**information contained in this report, community and neighborhood comments, and Planning Commissioner Input.**

**Ayes: 6**  
**Nays: 0**  
**Motion carried.**

Chair Murphy stated he neglected to mention to Commissioners during Communications and Recognitions that the City Council voted to release the draft 2040 Comp Plan to the Met Council for review and eventual approval and that was with the changes received by the Planning Commission.

Chair Murphy reminded the audience that the scheduled meeting date for January will be January 9, 2019. He congratulated Member Groff on his election to the City Council and thanked him for his service on the Planning Commission.

**7. Adjourn**

**MOTION**  
**Member Groff, seconded by Member Gitzen, to adjourn the meeting at 8:02 p.m.**

**Ayes: 6**  
**Nays: 0**  
**Motion carried.**