

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
7:00 pm.
DECEMBER 20, 2010**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Susan Hanson at 7:00 pm., Monday, December 20, 2010.

2. ROLL CALL

Present: Commission members Melanie Larsen Sinouthasy, RJ Wiley, Chair Susan Hanson, John Cochran, Dorothy Clarke and Larry Menzel.

Absent: Barbra Plzak.

Others present: Jeffrey Dahl, City Administrator, Allan Hartkopf, Alan Lindquist, Joe Woodbury, Don Ingman, Gerald Kiffmeyer, Georgie Kiffmeyer, Kate McGuire, Margo Kleven, Clair Coughlin, Alden Webster, Dale Carlstrom, Shaune Younkers, Kim Riesgraf, James Hill, Ron Barger, Ken Schreiber, Tim Paske, Sandy Danks, Jim B., Dan Spanier, Judah Dueck, Tim Polich, Stacy Polich, Terry McNeil, Lindsay Brown, Ryan Brown, Becky Weidenbach, Carol Emmans, Paulette Harff, Jeffrey Vavra, Cyndi Castle, John Hall, Laura Bothenfield.

3. APPROVAL OF AGENDA

A motion was made by Cochran, seconded by Larsen Sinouthasy, to add. Item 4.a. Approval of the July Minutes to the Agenda. The motion carried 6-0.

A motion was made by Cochran, seconded by Menzel, to approve the amended Agenda. The motion carried 6-0.

4. APPROVAL OF MINUTES

a. Approve July 19, 2010 Minutes

A motion was made by Wiley, seconded by Clarke, to approve the July 19, 2010 minutes. The motion carried 6-0.

5. PUBLIC COMMENTS

Chair Hanson advised this is the time for public comments for items that are not on the agenda for tonight's meeting.

Shaune Yonkers indicated that she was a long time resident and one of the big reasons she moved to Osseo was that her kids could walk to all schools. She has since reinvested in her home rather than moving to more prosperous areas. She stated that Osseo property values have decreased the most within the school district of any city or township. While the OALC

is a great program, she asked the Planning Commission to recommend denial of the CUP as the OALC was not consistent with the City's long term goals and plans.

Georgie Kiffmeyer stated that her home is located right across the street from the elementary school which her kids attended. While she preferred an elementary school, she does not oppose the OALC.

6. PUBLIC HEARINGS

a. **Consider CUP Request to allow Pawn Shop at 409 County Road 81 – Osseo Pawn, LLC.**

A motion was made by Cochran, seconded by Menzel, to open the public hearing. The motion carried 6-0

Dahl stated Ryan Brown, owner of Osseo Pawn, LLC, has submitted an application for a Conditional Use Permit (CUP) to allow a pawnshop at 409 County Road 81. The property is owned by Patch Properties, LLC, is zoned C-2, Highway Commercial District, and is guided as "Office" in the Land Use Plan.

Pawn brokers are not specifically referenced as a permitted or conditionally permitted use in the C-2 Zoning District. Staff has determined the use, given its commercial yet high-regulated nature (firearms dealer), to be allowed through a CUP.

The existing uses are mixed with a car wash and industrial to north and west, commercial (another industrial) welding shop and fast foot restaurant to the south, to the east across County Road 81 are traditional strip retail type commercial uses, including Osseo Meats, and two restaurants (within the City of Brooklyn Park) and single family residential 600 feet to the northeast.

The original building was built in 1930. More many years, the site was occupied by an auto parts store until most recently in 2005, the facade was upgraded and the building was subdivided into three retail spaces. The most recent owners in 2005 received a CUP to allow for a rental car facility at 413 County Road 81 and a parking variance.

The current site consists of a 12,500 sq. ft building on a "pie-shaped" .83-acre lot. The proposal is to use the last vacant space in the existing building (2,700 square feet) as the Pawn Shop.

Dahl advised of staff findings on the few issues:

Parking and Access: Based on the proposed and existing uses, the property requires 43 spaces, but received a variance in 2005 to operation with 41 spaces. It should be noted that there are three (3) additional spaces adjacent to the property but on public right-of-way.

While staff feels comfortable with the amount of parking on the entire property, these are concerns with the amount of parking available directly in front of the store, especially with the six spaces that are allocated for the rental car business in the adjacent space. In order to keep the spaces available for customer traffic for all tenants of the building, staff recommends adding a condition of approval requiring employees of pawn shop to park

either on the side of the building (east side next to County Road 81) or on the far west side of the property near the drainage ditch.

The parking lot drive aisle along the County Road 81 right-of-way adjacent to the east side of the building should also be marked accordingly with one-way signage prohibiting southbound traffic as the drive aisle width does not accommodate two-way traffic.

Licensing and Operations: the other major issue has to do with the licensing requirements--- Chapter 115 in the City Code. The applicant goes through a very detailed highly regulated background check, as all transaction receipts of a pawn shop, (pawned or purchased) are given to the Police Department to confirm if they have been used in a crime. There is partnership with the Police that will be created as a result of this business.

Dahl stated staff does recommend approval based upon the seven (7) conditions listed in the staff report. The applicant, Ryan Brown, owner is present for any questions.

Cochran asked for clarification with the parking on the south side and that it will not affect RW Welding. Dahl stated the employee parking is on the property of the applicant.

Chair Hanson stated no there were no public safety concerns noted. Dahl stated there was discussion, but overall did not have any recommendations for additional conditions to be considered. Larsen Sinouthasy asked Dahl if he had heard from neighboring businesses. Dahl stated he did not hear from any business.

Menzel inquired where his other business is located. Brown stated it is in Oakdale and added that they have a very good relationship with the City of Oakdale and its Police Department.

Cochran asked if they would be making upgrades to the building or taking building as is. Brown stated they will be taking the building as is with one possible upgrade of adding a window to the front which would look more inviting and provide for better lighting.

Chair Hanson asked for any other questions or comments.

Younkers indicated her concern with a gun dealer located so close to Osseo schools. Dahl indicated that he wasn't aware of any restrictions on how close a firearms dealer could be to schools.

Brown commented that the gun business is heavily regulated. Guns are controlled and regulated by the ATF in cooperation with the federal background check system that is done by the FBI. You must be 18 years old to buy a gun, to buy a pistol you have to be 21 and must get a permit from your local police department. Any mistake by the person selling the gun is actually a felony to them. They are many large gun dealers also such as Wal-Mart and Gander Mountain.

Menzel added that as a K-Mart manager for the past 35 years, K-Mart sold guns as well. There are many regulations and includes a logbook which is audited to keep track of the gun.

Terry McNeil indicated that he is uncomfortable with additional guns being sold in Osseo and believes that a pawn shop brings an "image" into Osseo that has some negative

implications could hamper future redevelopment in the area. He also mentioned that the elementary school was an asset and referred to in the City's long range plans for good reason. He would like to see every consideration made possible before approving to adjust the school. Not just for today, but for the next 20 years to attract young families and retain our community.

Tim Paske stated the campaign speeches from the recent election included the subject of bringing in new businesses and willing to listen to the citizens. He asked, what good is the Pawn Shop and what will it do for the City of Osseo? What other types of businesses will this use attract?

Dan Spanier stated that he is on the Public Safety Advisory Committee and he was personally concerned regarding the sale of firearms. He would like to see conditions of approval added regarding hours of operation and limits on outdoor vehicle sales. Lastly, he said that a pawn shop wouldn't be a positive for the City.

Larsen Sinouthasy asked if Brown would keep or replace the Oakdale business. Brown stated this would be an expansion and have 2 locations. Brown reiterated his close relationship with Oakdale Police. He added that many people have negative perceptions of pawn shops but this was unfair.

Cochran asked what some of the neighboring businesses are in Oakdale. Brown stated they are in strip mall and are in the location of an old video store. Within close proximity of the store, there is a deli, Subway, Liberty Tax, and a Chinese buffet. Directly behind them is a Super America gas station, Walgreen's, and a McDonald's.

Larsen Sinouthasy asked what percentage of sales are the guns. Brown stated about 10% - mostly hunting guns and people wanting to upgrade, as well as collectible, vintage guns.

Larsen Sinouthasy asked Dahl if Osseo or the surrounding communities have other businesses that sell firearms in the city limits. Dahl stated there is a similar type of business in a strip mall in Champlin as well as some of the big box stores in the area. Chair Hanson stated that Fleet Farm also sells guns.

Cochran asked if Chief Hartkopf has any specific comments. Chief Hartkopf indicated that he has done some research and checked with two police departments. In Champlin a detective stated they spend approximately 8 hours a week on the paperwork. He also stated they charge \$13,500 annually plus the APS, computer system out of MPLS, charges \$1.00 per transaction and the city charges pawn shop \$3 per transaction. Have had some citations issued to them. Detective Wayne Hager in the Oakdale Police Department, indicated that Twin Cities Pawn screens people very well and has had minimal problems. He spends 3 to 4 hours a week relating to administration, APS runs, and communicating with the National Crime Information Center.

Brown stated that all guns are locked in secure room at the end of the night. All employees have a panic button for security along with an advanced camera system. All jewelry is kept in safes as well.

Al Lindquist stated it just doesn't feel right to have a pawn shop on Cty Road 81 – based on the personality of our little community.

A motion was made by Larsen Sinouthasy, seconded by Cochran to close the public hearing. Motion carried 6-0.

Dahl provided the Planning Commission with its options: The commission could approve the CUP as is, approve the CUP with conditions as recommended or amended conditions, deny the CUP, or table the CUP to the next meeting on January 18, 2011. If that was the case, the council would then consider at their next meeting on Monday, January 24. In order to adhere to the 120-requirement, the City must take action on the application by March 3, 2011.

Clarke agrees we need new businesses but believes we need to take time to listen to the concerns, gather additional information and work together. Chair Hanson agreed that additional time would allow time to look at the request and the zoning code.

A motion was made to Menzel, seconded by Clarke, to table action on the CUP application by Osseo Pawn, LLC to allow a pawn shop and secondhand goods business to the January 18, 2011 Planning Commission meeting in order to consider additional information. The motion carried 5- 0. Cochran abstained.

Dahl asked what type of additional information is being requested. Chair Hanson mentioned the need to review how this use fits with in with the City's Comprehensive Plan. Larsen Sinouthasy stated concern regarding safety and additional information as to what is happening in our surrounding areas with this type of business.

b. Consider CUP Request to allow Alternative Learning Center and Daycare Facility at 324 6th Avenue NE – ISD 279.

A motion was made by Menzel, seconded by Wiley, to open the public hearing. The motion carried 6-0.

Dahl stated the Osseo Independent School District (ISD) 279, has submitted an application for a Conditional Use Permit (CUP) to allow for Osseo Area Learning Center (OALC), an alternative high school and daycare facility at 324 6th Avenue NE. The property is under the ownership of ISD 279, is zoned R-1, One and Two Family Residential District, and is guided as "Institutional" in the Land Use Plan.

Per Section 153.035 (A) of the Osseo Zoning Ordinance, the intent of the R-1 Zoning District is to recognize fully or partially developed one-and two-family residential areas including supporting public and semi-public facilities, to provide for future development of a similar nature, and to protect the desired low intensity living environment from encroachment by conflicting land use. It is mentioned in the zoning code as a conditional allowed use.

Existing uses are generally compatible with zoning with single family to the south and west, multi-family to the north and cemetery to the east.

The building on the current site was constructed in 1953 as the home of Osseo Elementary and has been renovated/expanded on several occasions. In 2005, ISD 279 was granted a CUP by the City to "officially" allow the elementary school and expansion thereof.

However, the ISD 279 closed the school in June of 2008. Most recently, the City revoked the previously issued CUP in February 2010 as the school was abandoned for more than one year per Section 153.151 (E)(1) of the Osseo Zoning Ordinance.

The current site consists of a 47,500 sq. ft. school building on 9.79 acres. The remainder of the “grounds” includes:

- two playground areas on the south side of lot or southeast of the building;
- an area of impervious (bituminous) and pervious (sand) for recreational activities east of the building;
- a parking lot with 80 stalls; and
- one baseball field and hockey rink.

The proposal includes utilizing the existing building primarily as a alternative high school for 200 students and 40-student child care facility. Childcare is listed as a permitted use in the R-1 Zone District. The only improvement involved in this application is a drop-off and an additional 13 parking spaces added on the north side of the building.

Staff findings include the following concerns:

Proposed site improvements - A rainwater garden and dry well has been added east of the drop off area to capture the additional storm water run-off as a result of the new drive/parking area. The City Engineer has reviewed the parking proposal and requested soil borings. .

Parking – There should be limited or no on-street parking allowed with this use. The proposal provides for 93 off-street parking stalls to handle 1,800 square feet of daycare space and 45,500 square feet of high school space. Based on the City Code, the use requires 83 stalls, which is based on the building at full capacity which is 364 students.

Increased Traffic – Traffic in the area will undoubtedly increase as a result of the use due to the addition of approximately 200 students (who travel by bus, foot and personal vehicles), school staff, and citizens who utilize the daycare facility. Staff has requested that the applicant complete a traffic study to gauge the impact on the neighborhood and its streets. Dahl did receive the traffic study on Friday, but has not had a chance to provide it to the appropriate consultants for review. If there are any measurable negative impacts identified in the study, ISD 279 will need to specifically address those impacts.

Public Safety – The Public Safety Advisory Committee (PSAC) discussed the CUP request at its November 22 meeting. In addition to traffic concerns, the PSAC recommended that the ISD 279 shall fund a full-time Osseo police liaison officer at the OALC. Also the PSAC asked staff to look into the Joint Cooperative Agreement for Recreation Facilities on the subject property between the City and ISD 279.

Staff did review the Joint Cooperative Agreement for Recreational Facilities between ISD 279 and the City regarding the recreational areas that are on the site. The agreement is specifically for the warming house, skating rink, baseball diamonds, football/soccer fields, etc. on the north side of the property. The proposed use does not impact this area of the property, thus the previously approved agreements will remain intact.

The other primary concern is what has been mentioned in terms of the City's long range planning documents---the 2009 Comprehensive Plan and the 2007 Redevelopment Master Plan. The Zoning Code has not been updated to reflect the changes in the Comprehensive Plan.

However, based on the existing Zoning Code, which the Planning Commission should go by, staff recommends approval of the CUP request with the following nine conditions of approval:

1. The OALC and ISD 279 shall employ one full-time police liaison at the facility for the first school year. ISD 279 and the City shall evaluate the position at the end of the school year;
2. Operation of the facility shall be limited to 7:00 am to 10:00 pm Monday through Friday and 9:00 am to 9:00 pm Saturday and Sunday; (based on nuisance ordinance)
3. There shall be no loitering on public right-of-way as a result of the proposed use;
4. The applicant shall submit a traffic impact study that either; indicates no negative impacts to the existing residential streets; OR addresses any negative impacts to the satisfaction of the City. (report received – not yet analyzed)
5. Bus traffic shall only access the site utilizing 6th Avenue NE via 93rd Avenue North/County Rd 30; (help in keeping traffic off residential streets)
6. Vehicular traffic of students and employees shall only access the site utilizing 6th Avenue NE via 93rd Avenue North/County Road 30;
7. The applicant shall address engineering concerns in memo from City Engineer Sarah Rippe, dated December 14, 2010;
8. The applicant shall obtain all necessary grading; building; and sign permits related to the proposed use; and
9. Violation of any condition shall result in revocation of the CUP in accordance with the provisions of the Zoning Ordinance.

Dahl noted that he received a letter from a concerned resident regarding the CUP request and distributed it to all Planning Commission members.

Kim Riesgraf, Assistant Superintendent of ISD indicated that approximately 40 of the 93 parking stalls would be utilized by staff. Students who drive must have a parking permit. Currently, approximately 25 – 30 permits are issued to students. The other students arrive by bus.

Cochran stated the City and its committees have received a number of letters in the past and many may be voicing comments tonight. It is his understanding regarding the state law that governs the city, city council and the planning commission, that if our zoning code states something is allowed, we cannot deny it because we have listed it as a conditional use. We have the ability to define what conditions the school must meet to get the permit, but if the City were to deny the a request by a use that is conditionally allowed, the school district could then take the city to court and sue us for violating our own law. Chair Hanson asked Dahl if this is correct. Dahl indicated that he was generally correct but stated that the City does have the ability to amend the Zoning Code in order to reflect its Comprehensive Plan.

Cochran indicated if there is something we need to state in these conditions to make sure it does fit within the zoning district/neighborhood, the City is able to add appropriate conditions.

Larsen Sinouthasy asked if the Comprehensive Plan, Redevelopment Master Plan and Zoning Ordinance are valid legal documents. Dahl stated these are legal documents with very detailed information. Dahl stated the Comprehensive Plan is the blueprint for the Zoning Ordinance.

Cochran asked if the Comprehensive Plan guides the subject property as a school or elementary school. Dahl replied that the Comprehensive Plan guides the property more generally as “Institutional.” Larsen Sinouthasy read from Page 3.3 of the Comprehensive Plan Update under #8, “Osseo is home to many families with kids as well as local schools that serves students of all grade levels, including Osseo Elementary, Osseo Junior High and Osseo Senior High. The continued presence of these schools is crucial for attracting redevelopment in the community.”

Other issues that were addressed are as follows:

Chair Hanson made reference to the “closed campus”, yet other documents state there is an “open hour”. James Hill, Principal indicated that open hour is only for PSEO classes or half-day schedule (i.e. 4 period day), as well as a work experience program and other group chaperone field trips. Other than that, there is no open hour. If students leave, they are truant.

Chair Hanson asked if students there are enrolled for disciplinary reasons. Riesgraf stated the application process and how the student is selected is no different than any other traditional school. It is simply a measuring stick – each student has an individualized planning (different levels of need). The School District is one big network helping to meet the needs of every student and required to provide for all students. Edgewood in Brooklyn Park is provides education for students with discipline issues.

Larsen Sinouthasy asked about a document that mentions 30% of the ALC students come from Osseo High School. Riesgraf stated that almost 30% come from each of the three high schools within the district. Some also open enroll from other areas such as Rogers and Otsego.

Chair Hanson asked for public comments.

Younkers added that many people are not here tonight because it is the Monday night before Christmas. As resident, property owner and parent, she asked the commission to table this to allow time to review all items (community feedback as well as traffic study). There will be new council members as well as new school board members this next year. Allow time to have the City look at what is best for the city of Osseo.

John Hall indicated that he was in full support of the proposed OALC and didn’t believe there was a need for a full time liaison at the property. The ISD is currently paying rent for an industrial building for the OALC. The proposal will allow the district to consolidate space and save money for the district’s tax payers.

Claire Coughlin stated that despite the efforts of the community, ISD 279 closed Osseo Elementary in 2008. The times have changed in the world today and we need to recognize that we will not have an elementary school in Osseo. He does not agree that the OALC in Osseo is negative and some of the potential problems associated with the OALC are not fair. He asked the Planning Commission not to deny the CUP and suggested that the City and

school district worked together on conditions. He added that that the school district and the school board is charged to do what is best for the students in the district, not what is best for Osseo.

Ken Schreiber indicated that he generally opposed OALC and at a minimum recognized the need to approve it with conditions especially because residential was on all sides. He wondered how the City would be able to enforce the conditions of approval with limited staff.

Tim Paske referenced a letter he sent to commission members. He indicated that he does not have a problem with the OALC program as a long time employee of ISD 279. However as a resident, he opposes the CUP request due to additional traffic at all hours and fear of decreased property values as a result of another high school across the street. He asked ISD 279 to look at other underutilized space.

Sandy Danks indicated that she believes the OALC program is good, but asked if there is a need for another high school in our town when we already have one.

Al Lindquist indicated he tried to keep Osseo Elementary open. More recently, he toured the existing OALC site and was impressed. He indicated that the OALC would help the economy of the City and traffic impacts would be no different than the elementary school. That, with addition of the money the school district would be saving as a result of the consolidation of spaces, is reason for the City to endorse and support the proposed use.

Cochran indicated that he agreed that traffic shouldn't be much worse than the elementary school.

John Hall stated that he thought the staff recommended conditions were not warranted. He asked if the school district adhered to these conditions. Dahl said the conditions were drafted in order to make the request, based on the details of the proposal, meet the requirements of the Zoning District. Chair Hanson indicated that the conditions will be further discussed and finalized prior to being presented to the City Council.

Cochran referenced that the proposal that includes operation of a daycare and removal of the playground to construct a new parking and drop-off site. Riesgraf stated the initial plan has changed from what was initially proposed. Plans changed after working with City staff. As a result there will be only a small amount of equipment that would need to be moved. Reisgraf stated that there is a proposed gated fence playground on the 3rd Street side of the facility for the younger children in daycare.

Dale Carlstrom, Director of Operations for the School District indicated that the playground equipment would either be moved or replaced on-site. All equipment would be re-certified.

Becky Weidenbach asked the Planning Commission not to rush its recommendation and table action on the item.

A motion was made by Larsen Sinouthasy, seconded by Wiley, to close the public hearing. The motion carried 6-0.

Cochran indicated that he would to hear more comments from community members and like to see ISD 279 comments on the staff recommended conditions of approval. ict can review and agree to the conditions.

Larsen Sinouthasy stated she supported tabling action on the item in order to receive an analysis from City Attorney Loren Magsam on the ramifications of denying the CUP. Chair Hanson noted she wanted more time to review the traffic study.

A motion was made by Cochran, seconded by Clarke, to table the action on the item to the next meeting in order review additional information regarding: results of the traffic study, legal ramifications of denying the CUP and/or inconsistencies between Comprehensive Plan and Redevelopment Master Plan, and to receive ISD 279 comments on staff recommended conditions of approval. The motion is carried 6-0.

7. OLD BUSINESS
8. NEW BUSINESS
9. DEVELOPMENT UPDATE
10. OTHER BUSINESS

a. Future Agenda Items – Dahl stated that two Planning Commission terms, Chair Hanson and Commissioner Wiley are expiring at the end of this year. He added that the City is now accepting letters of interest which should be sent to the Mayor and can be dropped off at City Hall.

b. Commissioner Report – None.

11. ADJOURNEMENT

A motion was made by Cochran, seconded by Menzel, to adjourn the meeting at 9:45 pm. The motion carried 6-0.

Respectfully submitted,

Dawn Tessman
Recording Secretary