

**OSSEO PLANNING COMMISSION MINUTES**  
**REGULAR MEETING**  
**7:00 pm.**  
**JANUARY 18, 2011**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Susan Hanson at 7:00 pm., Tuesday, January 18, 2011.

2. ROLL CALL

Present: Commission members Larry Menzel, Melanie Larsen Sinouthasy, Barbra Plzak, RJ Wiley, and Chair Susan Hanson.

Absent: John Cochran and Dorothy Clarke.

Others present: City Administrator Jeffrey Dahl, Police Officer Mike Smith, James Hill, Kate MaGuire, Kim Riesgraf, Dale Carlstrom, Ron Barger, Alden Webster, Sandy Danks, Becky Weidenbach, Alan Lindquist, Allan Hartkopf, and Jim Burgett.

3. APPROVAL OF AGENDA

**A motion was made by Plzak, seconded by Larsen Sinouthasy, to approve the Agenda. The motion carried 5-0.**

4. APPROVAL OF MINUTES

Dahl stated that the December minutes will be on the next meeting's agenda.

5. PUBLIC COMMENTS – None.

6. PUBLIC HEARINGS

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

Dahl stated the Planning Commission tabled action on the Conditional Use Permit (CUP) request from Osseo Pawn, LLC, to allow for a pawn shop at 409 County Road 81. The Planning Commission indicated it desire more time for:

- Staff to provide Planning Commission additional information regarding public safety concerns with existing pawn shops in other communities, and
- More consideration of general potential implications of allowing such use and how it fits into the City's overall Land Use Plan.

The zoning for the proposed pawn shop is commercial, which allows for general retail. The Land Use plan suggests this could include multi-story office with limited retail, but more office oriented.

Staff has spoken with other cities where pawn shops are located and has determined that each city typically regulates them differently, from a zoning perspective. For example, Crystal does not regulate pawn shops through its zoning ordinance, rather restrictions on use are mandated as part of the licensing process. Champlin recently allowed a pawn shop, as it was not defined in its zoning ordinance. Shortly thereafter, it revised its zoning ordinance to restrict pawn shops to one commercial district and amended its licensing requirements to only permit one pawn shop within the city.

In summary, cities cannot completely restrict pawn shops through zoning. However, cities can regulate operations and only allow them in certain areas/districts. Regulation occurs through zoning (site plan, location, use—related issues) and licensing (operational issues).

Mike Smith, Osseo Police Department, indicated that he visited the Oakdale location as a recommendation from the city to get a public safety perspective on the way the business operates. It seemed to be neat, organized and focused heavily on security. They have several web-based cameras and large safes. All guns were secured behind glass or locked behind the counter and then at night moved to secure location within the building. All electronics are up-to-date which allows individual labeling and easily readable. There have been only two problems; one, an accident in the parking lot and the second, someone tried to break-in, but never gained entry into the business.

Chair Hanson discussed how guns were to be locked and stored. Officer Smith indicated that the guns would be secure in order to prohibit theft.

Plzak question whether the license fee was enough to compensate for total staff time and resources. Officer Smith indicated that he thought it was sufficient.

Dahl added that one condition could be added that Section 115 would be reviewed and amended as necessary. Chair Hanson stated this could be adjusted so that the one time fee would cover both staff time and whatever cost is to be assessed from the city from Minneapolis. Dahl confirmed.

Chair Hanson asked about specifically addressing additional conditions on the storage of the guns. Menzel advised with his prior experience in retail and requirements for securing firearms, that he was okay with it as is. Plzak agreed with Menzel.

Dahl stated condition #9 should read “may,” not “shall”.

**A motion was made to Plzak, seconded by Menzel, to recommend approval of the CUP application by Osseo Pawn, LLC to allow a pawn shop and secondhand goods business at 409 County Road 81, subject to the following nine conditions:**

- 1. Automobile sales shall not be allowed at any time;**
- 2. There shall be not outside sales or storage of recreational vehicles;**
- 3. There shall be no bars on windows;**
- 4. City Code, Chapter 115 and Fee Schedule shall be amended with all applicable updates prior to issuance of license, including utilizing APS System or equivalent;**
- 5. The applicant shall adhere to all regulations set for in City Code, Chapter 115, Pawnbrokers and Secondhand Goods Dealers;**

- 6. Employee parking shall be restricted to either the east or west side of the building—employee parking shall not be allowed along the front (north) side of the building;**
- 7. The drive aisle on public right-of-way on the east side of the building shall be clearly marked as “one way”;**
- 8. The applicant shall obtain all necessary building and sign permits related to the proposed use; and**
- 9. Violation of any condition may result in possible revocation of the CUP in accordance with the provisions of the Zoning Ordinance.**

**The motion carried 4-1. Larsen Sinouthasy opposed.**

**b. Consider CUP Request to allow Alternative Learning Center and Daycare Facility at 324 6<sup>th</sup> Avenue NE – Osseo Independent School District (ISD 279)**

Dahl stated the Planning Commission had tabled action on the Conditional Use Permit (CUP) request from ISD 279 to allow for Osseo Area Learning Center (OALC), an alternative high school and daycare facility at 324 6<sup>th</sup> Avenue NE. The Planning Commission desired more time for staff to provide the following information:

1. Results of traffic study conducted by ISD 279;
2. Feedback from ISD 279 regarding conditions of approval in the December 20, 2010 staff report;
3. Analysis from Loren Magsam, City Attorney, on any legal ramifications if City were to deny the CUP application or pass an interim ordinance (moratorium).

Dahl indicated that the applicant has completed a traffic study of the proposed use per the request of the staff. The study was completed by SRF and reviewed by Sarah Rippke, Osseo City Engineer. While there were some original comments by Ms. Rippke, the applicant appears to have met all traffic concerns associated with the application. City staff is still concerned about potential negative impacts to the neighborhood of allowing on-street drop off/pick up areas.

Staff met with Kim Riesgraf and Dale Carlstrom of ISD 279 regarding the recommended conditions of approval in the December 20 staff report. Since then, ISD 279 has issued an “official” response and submitted to the Planning Commission in staff report.

City Attorney Loren Magsam has provided legal analysis of two potential recommendations—denial of CUP application and enacting a land use moratorium.

Dahl has drafted amended conditions of approval if the commission. At the January 10, 2011 City Council Meeting, council directed staff to arrange a joint work session with the Osseo Council and the School Board.

Chair Hanson stated the public hearing was closed at the last meeting but commissioners stated they will accept additional public comment at this time.

Shaune Younkens, 201 3<sup>rd</sup> Avenue NE stated that she believes in a fair process and believes the City and School Board need to work together before any kind of approval is given.

Chair Hanson reminded the Commission that it is only a recommendatory body.

Larsen Sinouthasy asked Dahl to clarify the dates regarding the 60-day rule. Dahl stated the first 60-days passed in mid-December, however it was extended before that time to allow for further consideration because of the holidays and more review time. As a result, that deadline was extended another 60 days. The only way the deadline could be extended again was if the ISD 279 officially requested another extension.

Dahl reviewed a revised list of conditions which had not yet been viewed prior to the commission meeting. Chair Hanson stated that the revisions addressed many of the issues of concern. Discussion was held as to whether the playground equipment would still be available for the community to use. Riesgraf affirmed that it would.

Dahl asked if the Planning Commission wanted to show any encouragement for the joint work session with the City Council and ISD 279 and add it as a condition. After a short discussion, it was decided it will be indicated in the minutes that the commission strongly supported the idea of holding a joint work session.

**A motion was made by Menzel, seconded by Wiley, to recommend approval of the CUP application from ISD 279 to allow an alternative learning center and daycare facility at 324 6<sup>th</sup> Avenue NE, subject to the following ten conditions. The motion carried 3-1 (Nay-Plzak, Larsen Sinouthasy-Abstain).**

- 1. The OALC and ISD 279 shall provide 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 2011-2012 school year;**
  - 2. Primary operations of the facility shall be limited from 7:00 am to 10:00 pm Monday through Friday and 9:00 am to 9:00 pm Saturday and Sunday;**
  - 3. There shall be no loitering on public right-of-way as a result of the proposed use;**
  - 4. There shall be limited on-street parking and loading associated with the new use. ISD 279 and the city shall evaluate on-street parking and loading at the end of the 2011-2012 school year and make any further restrictions as needed;**
  - 5. Bus traffic shall primarily access the site utilizing 6<sup>th</sup> Avenue NE via 93<sup>rd</sup> Avenue No/County Road 30;**
  - 6. Vehicular traffic of students and employees shall be directed by ISD 279 to access the site utilizing 6<sup>th</sup> Avenue NE via 93<sup>rd</sup> Avenue No/County Road 30;**
  - 7. The applicant shall address engineering concerns in memo from City Engineer Sarah Rippke, dated December 14, 2010;**
  - 8. The applicant shall replace and/or relocate any playground equipment affected by site improvements within the existing property;**
  - 9. The applicant shall obtain all necessary grading, building, and sign permits related to the proposed use; and**
  - 10. Violation of any condition may result in revocation of the CUP in accordance with the provisions of the Zoning Ordinance.**
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7. OLD BUSINESS – None.
  8. NEW BUSINESS – None.
  9. DEVELOPMENT UPDATE – None.
  10. OTHER BUSINESS

**a. Future Agenda Items** – None.

**b. Commissioner Report** – None.

Dahl stated the City Council will make citizen appointments at its next meeting.

11. ADJOURNMENT

**A motion was made by Plzak, seconded by Larsen Sinouthasy, to adjourn at 7:59 pm.  
The motion carried 5-0.**

Respectfully submitted,

Dawn Tessman  
Recording Secretary