

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
September 16, 2019**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Plzak at 6:00 pm, Monday, September 16, 2019.

2. OATH OF OFFICE FOR NEW PLANNING COMMISSION MEMBERS

Abts administered the Oath of Office to new Planning Commission Members Dan Penny and Ashlee Thostenson. A round of applause was offered by all in attendance.

3. ROLL CALL

Present: Commission members Dee Bonn, Deanna Burke, Michael Olkives, Dan Penny, Ashlee Thostenson, Alden Webster, and Chair Barbara Plzak

Absent: None.

Others present: James Kelly, Preston Kroska, Harold E. Johnson, and City Planner Nancy Abts.

4. APPROVAL OF AGENDA

A motion was made by Bonn, seconded by Burke, to approve the Agenda as presented. The motion carried 7-0.

5. APPROVAL OF MINUTES

A. Approve August 19, 2019, Minutes

A motion was made by Burke, seconded by Thostenson, to approve the August 19, 2019, minutes. The motion carried 7-0.

6. PUBLIC COMMENTS

Chair Plzak advised this is the time for public comments for items that are not on the agenda for tonight's meeting. There were no comments from the public.

James Kelly, 624 Third Avenue NE, stated when it comes to New Business he asked if the public had opportunity to join in the conversation. Chair Plzak explained this did not typically occur.

Mr. Kelly commented on the preliminary zoning code update information. He expressed concern with the current minimum lot size in the R-1 District and the number of existing nonconforming lots under this requirement.

7. PUBLIC HEARINGS

a. Conditional Use Permit Amendment for Osseo Gun Club at 22 4th Street NW

Abts stated the Osseo Gun Club has asked that the restriction limiting hours of operation be removed from the CUP. City Staff, including representatives from the Osseo Police Department, have reviewed the request and believe it is reasonable. Staff recommend replacing Condition 19 above with the following statement:

19. This permit is subject to the requirements of the City's ordinances and the Applicant is required to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and to obtain such other permits and permissions as may be required. Local and state regulations and ordinances shall include but are not limited to the following:
 - a. Noise arising from the use should not constitute a Public Nuisance Affecting Peace and Safety as defined in Osseo City Code § 93.18.

Olkives asked if the Osseo Gun Club would still have posted regular hours. Abts stated it was her understanding this was their general intent.

A motion was made by Bonn, seconded by Webster, to open the Public Hearing. The motion carried 7-0.

Jeanine Gill, President and Owner of the Osseo Gun Club, thanked the Commission for their consideration. She noted the gun club would be sticking to its regular hours of operation but would appreciate having extended hours for special groups.

Bonn questioned if the Osseo Gun Club had ever received any noise complaints. Ms. Gill reported there have been no noise complaints.

Burke inquired if the change in hours would create parking concerns. Ms. Gill stated this would not be the case because the Osseo Gun Club had its own parking lot.

Webster reported he has walked by the Osseo Gun Club hundreds of times in the last five years and has not heard any noise from the street.

Preston Kroska, 601 Second Avenue NE, commented the City allows roofers and contractors to begin working at 7:00 a.m. He supported allowing the gun club to begin operation at the same time.

Plzak reported when the City first approved this use an abundance of caution was written into the conditions for approval.

A motion was made by Olkives, seconded by Bonn, to close the public hearing at 6:43 p.m. The motion carried 7-0.

A motion was made by Olkives, seconded by Webster, to approve the CUP Amendment request for the property at 22 4th Street NW with the following Conditions of Approval. The motion carried 7-0.

1. **The Developer shall construct the firearms shooting range in accordance with federal, state, and local building codes relating to firing ranges;**

2. The Developer shall include key components in the construction of the firearms shooting range in accordance with federal law enforcement grade firing range standards;
3. The Developer shall construct the building with approved building materials in accordance with Osseo Code §153.053;
4. The Developer shall construct the building using approved construction standards in accordance with Osseo Code §153.055;
5. Windows shall be included along the west façade of the building in an attempt to visually break up overall length of the wall along 1st Avenue NW;
6. A minimum of a four (4) foot green space shall be included along the west façade of the building in an attempt to visually break up the overall length of the wall along 1st Avenue NW;
7. A minimum of eighteen (18) trees shall be included on the project site in accordance with Osseo Code §153.057(1)(a);
8. A minimum of thirty-two (32) off-street, on-site parking stalls shall be included;
9. All parking stalls shall be constructed in accordance with Osseo Code §153.078 for design and maintenance;
10. A storm water mitigation plan shall be submitted to the City for review and subject to the approval of the Osseo City Engineer;
11. A landscape plan shall be submitted to the City for review and subject to the approval of the Osseo City Planner;
12. A final site plan shall be submitted to the City for review and subject to the approval of the Osseo City Planner, Osseo City Engineer, and the Osseo Building Inspector;
13. A fire suppression plan shall be submitted to the City for review and subject to the approval of the Osseo Fire Marshal and the Osseo Building Inspector;
14. All on-site lighting shall be shielded from adjacent properties;
15. The existing decorative light poles along 1st Avenue NW shall remain in place;
16. The Developer shall make every attempt to limit any audible noise as a result of the business and/or any onsite mechanical equipment from the adjacent residential areas;
17. The Developer shall maintain the current public sidewalks along 1st Avenue NW and 4th Street NW, or, as a result of damage during construction, shall construct new five (5) foot wide sidewalks along 1st Avenue NW and 4th Street NW;
18. All firearms not in use in firing range stalls shall be unloaded and properly cased at all times in accordance with Minnesota laws;
19. The hours of operation shall be no earlier than 9 a.m. Monday through Saturday, no earlier than 10 a.m. on Sunday, no later than 9 p.m. Monday through Saturday, and no later than 6 p.m. on Sunday;
20. The facility shall have an adequate security system to prevent theft of guns and ammunition.

B. Variance for Additional Signage at 337 County Road 81

Abts stated the property located at 337 County Road 81 is owned by Jason D MacDonald LLC. The LLC is considered In Good Standing by the Minnesota Secretary of State. The property is currently used by Prime Hail Repair, an automotive dent repair company from Denver, Colorado.

Abts commented under the new sign ordinance, the property is allowed 172 square feet of signage. Under the previous ordinance, the signs allowed for this property would have been a 62 square feet of wall sign (which was used on the property when The Tire Guy occupied the building), and a freestanding monument or pylon sign of up to 75 square feet, for a total of 137 square feet of signage. The new ordinance allows an additional 35 square feet of signage for the property.

Abts reported Prime Hail Repair has requested two wall signs, each 84 square feet for a total of 168 square feet of Class A signage, and a non-moving trailer functioning as an additional 152 square feet Class B of signage. This request would require a variance to allow an additional 47.6 square feet of Class A and 109 square feet of Class B signage, than would otherwise be permitted. Staff reviewed the three-factor test for granting a variance and recommended the Commission deny the variance request.

A motion was made by Olkives, seconded by Burke, to open the Public Hearing. The motion carried 7-0.

Olkives asked if the business was using this property on a temporary basis. Abts reported this was the case. She explained that if a variance were approved, however, it would remain with the property indefinitely.

Olkives stated the property already has a trailer on it with noticeable signage.

Plzak questioned if the trailer would have to be moved if the City were to deny the variance request. Abts reported this would be the case. Councilmember Johnson clarified there was also signage on the building.

A motion was made by Bonn, seconded by Webster, to close the public hearing at 6:24 p.m. The motion carried 7-0.

A motion was made by Olkives, seconded by Webster, to recommend denial of the Variance request with findings of fact as follows. The motion carried 7-0.

1. **The limit on the amount of signage for the property does not prevent the property from the reasonable use (auto dent removal) occurring.**
 2. **Although the property is uniquely small for the district where it is located, the application for a variance indicates additional signage is needed because the property has been vacant. Vacancy is not an inherent property characteristic not caused by the landowner.**
 3. **Because of the property's small size, granting an extra 40 percent of Class A signage and an extra 300 percent Class B signage for a small area would impact the essential character of the surroundings.**
8. OLD BUSINESS – None

9. NEW BUSINESS

A. Review Preliminary Zoning Code Update Information

Abts explained under Minnesota State Statute, a City's zoning ordinance should "carry out the policies and goals of the land use plan" (MN Statute 462.357 Subd. 2). As such, all cities that update their land use plans must then follow up with necessary revisions to the zoning ordinance to bring zoning controls into alignment with the goals and policies of the adopted comprehensive plan. Osseo began this process last month in coordination with planning consultants from WSB & Associates. Staff reviewed the proposed updates that would be made to code further with the Commission.

Bonn requested comment on the small lot size concern that was raised by Mr. Kelly. Abts explained approximately one-third of the residential lots in Osseo were a non-conforming size.

Olkives suggested the minimum lot size standard be reduced if one-third of the homes in the city were on a lot that was smaller than 8,500 square feet.

Further discussion ensued regarding setbacks, minimum lot sizes and what percentage of a lot could be covered with hard surface. The Commission supported exploring future administrative options to increase impervious area on residential lots.

Abts stated staff would like to see the maximum height for R-2 buildings lowered to 55 feet or four stories.

Bonn feared that this may limit future development in Osseo.

Burke and Olkives agreed.

Plzak indicated she would like to see downtown Osseo remain one and two stories in order to maintain the unique characteristics of this historical district.

Thostenson, Bonn, and Penny agreed.

Olkives stated he could support the downtown district building height moving from 35 to 45 feet.

Abts discussed the minimum lot sizes and proposed setbacks with the Commission.

Olkives commented he would also support reducing the minimum square footage for Highway Commercial lots from 15,000 to 7,200.

Plzak indicated she would also support reduced setbacks for all sides of a lot.

Abts discussed the recommendations for the Industrial district.

Plzak questioned why WSB was recommending no warehousing in this district. Abts reported this may have to do with jobs and noted warehousing was not known for creating high paying jobs.

Bonn supported Osseo having more manufacturing than warehousing.

Olkives commented he could support raising building height in the Industrial district.

Burke indicated she did not support limiting manufacturing companies from storing materials onsite.

Plzak agreed with this recommendation and suggested warehousing be allowed as an accessory use to a business, but not be allowed as a standalone use.

Abts commented on a new edge mixed-use zoning district being proposed by staff. The Commission responded favorably to the preliminary information.

Burke questioned where this zoning district would be located. Abts reviewed the parcels being recommended for rezoning to mixed-use.

Plzak asked if the City would ever consider allowing a coffee shop in Celtic Crossing. Abts commented this would be easier for the City to consider if a mixed-use zoning district were created. It may be possible to rezone these properties to the new district.

The Commission supported the new edge mixed-use zoning district concept.

Preston Kroska, 601 Second Avenue NE, asked if the edge mixed-use zoning would be put into effect after a property sold. Plzak commented the Commission was discussing this new zoning district on a very preliminary basis and those things have yet to be determined. Abts commented on the grandfathering process the City has followed in the past for zoning districts that have changed.

Mr. Kroska questioned if any buildings in downtown Osseo had been designated as historical structures. Abts reported there were no locally-designated historic structures, although the 1915 Water Tower is listed on the National Register of Historic Places.

10. REPORTS OR COMMENTS: Staff, Chair & Commission Members

Abts invited the public to attend a Tree Care Open House on Monday, September 23rd from 4:00 p.m. to 6:00 p.m. at the Fire Department Meeting Room.

Olkives congratulated the Osseo Football team on their recent victory over Anoka.

Webster welcomed Thostenson and Penny to the Planning Commission. He invited residents to take in the local Osseo fall sports.

Bonn encouraged residents to attend the last two Osseo Farmer's Markets which would be held on Tuesday, September 17th and Tuesday, September 24th.

11. ADJOURNMENT

A motion was made by Webster, seconded by Thostenson, to adjourn the meeting at 7:23 pm. The motion carried 7-0.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.