

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
November 19, 2018**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Plzak at 6:00 pm, Monday, November 19, 2018.

2. ROLL CALL

Present: Commission members Dee Bonn, Michael Corbett, Michael Olkives, Alden Webster, and Chair Barbara Plzak

Absent: Commission members Deanna Burke and Neil Lynch

Others present: City Administrator Riley Grams, Harold E. Johnson, and Larry Stelmach

3. APPROVAL OF AGENDA

A motion was made by Bonn, seconded by Webster, to approve the Agenda as presented. The motion carried 5-0.

4. APPROVAL OF MINUTES

A. Approve October 15, 2018, Minutes

A motion was made by Olkives, seconded by Bonn, to approve the October 15, 2018, minutes. The motion carried 5-0.

5. 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.

6. PUBLIC HEARINGS

A. Consider Conditional Use Permit for a Bus Company at 8603 Jefferson Highway

Grams stated Pride Transportation Bus Services operates school busses. They serve several charter schools and Head Start programs in the Twin Cities metro. The company would like to open a new center of operations in Osseo, to be nearer to their homes and some of the schools they serve. (Depending on contracts in the east metro, they may keep their current St. Paul location in addition to Osseo. Or, they may consolidate to only use the Osseo location.)

Grams explained the subject property is located on Jefferson Highway. A multi-tenant light industrial building, owned and leased by Wiley Properties, is located to the north. The properties to the west and south are located in the City of Maple Grove. The previously-mentioned cemetery is located to the east. Following the 2016 lot split, the 8603 Jefferson Highway property no longer has direct access to the highway. The business plans to access the site via the property to the south. (This property is actually in the City of Maple Grove.)

To ensure access into the future, the Conditional Use Permit proposes a Cross Access Easement be prepared with the property to the south.

Grams reported the provided site plan does show the business making use of some property located in Maple Grove. (The Maple Grove-Osseo border is located approximately at the south end of the longest of the 3 buildings.) However, all the necessary parking and other site improvements can be accommodated on the Osseo portion of the property. Additionally, Maple Grove's Community Development and Engineering staff have reviewed the proposal. They did not note any concerns about the business. Staff provided additional comment regarding the request and recommended approval with conditions.

Muhamed Ali, the applicant, explained this would be his family's second bus yard. He noted he serviced Noble Academy and Nompeng Academy. He reported his company has been in operation since 2000 and reported he currently had 32 vehicles, which included 22 school busses and 10 vans or smaller vehicles.

Plzak asked how many full-time employees Mr. Ali had. Mr. Ali reported he had 32 full-time employees and noted 22 would be operating out of Osseo.

Plzak questioned how the applicant would store 40 vehicles on the Osseo property. Mr. Ali reported 40 was his former goal but noted this number has been reduced to 32.

Bonn inquired if the fuel tank would be above ground. Mr. Ali stated this was the case.

Olkives asked if this property had access to Jefferson Highway. Mr. Ali indicated he would have access to Jefferson Highway. Plzak commented this access point was addressed in the CUP pending City approval.

Olkives expressed concern with the fact the application had not been signed. Grams recommended the Commission approve the request pending receipt of an application form signed by the current property owner.

Olkives questioned if the applicant had any concerns with the staff recommendation and conditions for approval. Mr. Ali stated all items meet his approval.

Bonn commented she drove through the property and understood one of the current tenant companies was a landscaping company doing some yard work. She asked if this area would be cleaned up. Mr. Ali stated this was the case.

Webster inquired if all of the busses would be leaving from the Osseo site at the same time. Mr. Ali reported 80% of the busses would be leaving around 5:30 a.m. and would return sometime between 9:00 a.m. and 10:00 a.m. He indicated others would not return until 6:00 p.m. after the afternoon drop offs.

A motion was made by Bonn, seconded by Webster, to open the Public Hearing. The motion carried 5-0.

Bob Drag, owner of Deneb Four LLC, explained he owns the property just south of the subject property's driveway. He expressed concern with how an above ground gas tank would impact the adjacent wells. He questioned how busses would be turning out of the driveway and out onto Jefferson Highway. He encouraged the City to study this. He commented on the accidents that have occurred along Jefferson Highway and feared how the additional busses and vans would impact traffic safety. He expressed concern with how the school busses and vans would backup traffic given the number of railroad crossings in this area of Osseo. He stated while he was pro-business, he was of the opinion this was not the best location for a bus depot.

Tom Bennis, 8600 Jefferson Highway, commented on his business operation in Osseo and noted he has a tremendous amount of contractor and subcontractor traffic throughout the day. He expressed concern with how the additional bus and van traffic would slow traffic surrounding his business due to the railroad crossings.

Mike Wiley, Wiley Properties, stated he owned the property to the north of the subject property. He offered his support to the proposed CUP and was pleased this property would be cleaned up. He explained he had some concerns regarding traffic but he anticipated this would resolve itself over time.

Hudson Brothen, Cushman Wakefield, stated as of January his client will own the three buildings on the subject property, along with the two properties to the south in Maple Grove.

Bonn questioned when the Bus Company would be moving into this facility. Mr. Brothen stated the Bus Company would like to do this in the first quarter of 2019.

Larry Stelmach, 417 Fourth Avenue NE, asked if a turn to go south could be made out of the subject property. Mr. Ali indicated a bus may cross the center line in order to make a turn to the south. Grams reported surrounding properties have large trucks and semis making deliveries to their property and would have to complete the same turning movement onto Jefferson Highway.

Mr. Drag commented adding more busses and vans to Jefferson Highway will not help traffic in this area of Osseo.

Bonn requested further information regarding the cross-access easement with the property to the south, located in the City of Maple Grove. Mr. Brothen explained he was working with the property owner to complete the cross-access easement for the subject property.

Bonn recommended the property owner consider making a wider driveway for the subject property. Mr. Brothen indicated he could not widen the driveway to the north given the close proximity of the cemetery. He stated he could investigate the curb cut to the south to see if this was a possibility.

A motion was made by Webster, seconded by Bonn, to close the public hearing at 6:37 p.m. The motion carried 5-0.

A motion was made by Olkives, seconded by Corbett, to approve the Conditional Use Permit for a Bus Company at 8603 Jefferson Highway pending receipt of an application form signed by the current property owner to the City Council, subject to the thirteen (13) conditions listed below.

- 1) Employee parking. In accordance with the documentation provided as part of the CUP application, at least 30 clearly marked employee parking spaces shall be provided at all times (Osseo City Code Chapter 153 Appendix B). The number of required parking spots may be updated in accordance with a revised Site Plan approved by and on file with the City. No parking or idling of vehicles is allowed outside of clearly marked parking spaces.**
- 2) Bus parking. Bus parking spaces shall likewise be clearly marked and indicated as bus parking. Bus parking shall be distinct from employee parking. No parking or idling of vehicles is allowed outside of clearly marked parking spaces.**
- 3) Vehicle Storage. Any inoperable or unlicensed vehicle awaiting repairs for longer than 12 hours must be stored inside an enclosed space or properly screened from public view;**
- 4) Test Drives. Vehicles undergoing repair or maintenance at the property may not be driven through residential districts.**
- 5) Indoor Operations. All vehicle repair, washing, and maintenance shall take place indoors.**
- 6) Access to Jefferson Highway. The Applicant shall record a Declaration of Cross Access Easement with the property to the south to preserve access to the bus storage site from Jefferson Highway. The Applicant shall provide a copy of the recorded document to the City.**
- 7) Applicable Provisions. 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) No auto wrecking, junk, or salvage shall be stored anywhere on the property without a Conditional Use Permit or amendment approving this use (Osseo City Code § 153.059). This includes keeping unlicensed or inoperable motor vehicles or the remains thereof for dismantling, sale of parts, or sale as scrap;**
 - b) No auto sales, service, or repairs are to be offered to the public without a Conditional Use Permit or amendment approving the use of the property as a public garage.**
 - c) Any waste tires must be stored inside an enclosed space or properly screened from public view (Osseo City Code § 153.054) and protected from the elements so as not to provide habitat to rodents or insects (Osseo City Code § 93.18);**
 - d) Any trash enclosure must be screened from public view (Osseo City Code § 153.057);**

- e) **Modifications to the building and site shall be in accordance with Osseo City Code and the approved site and building plan on file with the City (Osseo City Code § 153.153);**
 - f) **Signage relating to the use shall adhere to Osseo City Code § 153.090 - § 153.098;**
 - g) **If the facility generates any hazardous waste as defined by Hennepin County or the State of Minnesota, the facility shall at all times meet all requirements imposed by Hennepin County or the State of Minnesota;**
 - h) **Unguarded vehicles and machinery shall not be so situated on private property so as to pose a nuisance (Osseo City Code § 93.18 (N)).**
 - i) **No dirt or sediment may be tracked on to public rights of way as a result of operations (Osseo City Code § 93.18 (T)).**
- 8) **Open to Inspection. During any hours at which the business is open, the business shall be open to any State or County official and to any City official or police officer for inspection to determine compliance with the stated conditions of approval.**
 - 9) **Recording Requirement. The City of Osseo will memorialize the conditional use permit by adopting a resolution that the applicant will record in the office of the County Registrar of Titles within 60 days of its adoption by the City.**
 - 10) **No Waiver. Failure by the City to take action with respect to any violation of any condition, covenant, or term of this permit shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term.**
 - 11) **Revocation. The violation of any terms or conditions of this permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The Applicant shall be given written notice of any violation and reasonable time, as determined by the City, to cure the violation before a revocation of the permit may occur.**
 - 12) **Binding Effect. This permit and its conditions are binding on the Owner and Applicant, their successors and assigns, and shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership, until the permit is terminated or revoked as provided herein. The obligations of the Applicant under this permit shall also be the obligations of the current and any subsequent owners of the Property.**
 - 13) **Acceptance of Conditions. Utilization of the Property for any of the uses allowed by this permit shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the permit without qualification, reservation, or exception.**

Olkives stated he was concerned about putting additional traffic onto Jefferson Highway in this area of Osseo. He understood the concerns that were voiced this evening, but noted he would be supporting the new business.

Webster questioned if this matter should be tabled to allow the Commission to learn more about traffic and the driveways coming onto Jefferson Highway. Grams stated he was uncertain of the approval deadline and encouraged the Commission to take action on this item.

The motion carried 4-1 (Webster opposed).

7. OLD BUSINESS

A. Update on Comprehensive Plan Process – Erin Perdu, WSB & Associates

Grams stated comments from the Three Rivers Park District and Watershed Management Organizations, as well as preliminary feedback from the Metropolitan Council, were received. These comments are reflected in some relatively small changes to the draft plan. A link to the revised draft plan is available at www.discoverosseo.com/comp-plan. Comments received on the draft plan at the Public Hearing suggested the value of undergoing additional types of planning exercises. These suggestions can be pursued in the years following the Comprehensive Plan adoption.

Grams reported strategic or scenario planning may be a helpful exercise for the City Council to undertake in the decade between Comprehensive Plan updates. The City Council is currently preparing for a strategic planning session early in 2019. It was noted the City is now ready to proceed with a formal submission to the Metropolitan Council, in advance of the December 31 deadline. The Met Council will have up to 120 days to formally review the plan. Following a recommendation from the Council’s Community Development Committee, the plan will be presented for formal approval by the entire Metropolitan Council. Once the plan is approved by the Metropolitan Council, it will also need to be officially adopted by the City of Osseo.

Erin Perdu, WSB & Associates, provided the Commission with an update on the Comprehensive Plan. She commented on the feedback received from the Met Council, Three Rivers, and Watershed Management Organization, and discussed the next steps for this document. She recapped the Community Engagement efforts the City pursued over the past two years.

Olkives asked if the Local Surface Water Management Plan (LSWMP) has to be reviewed by the Met Council. Ms. Perdu reported Osseo’s LSWMP has been updated and will be reviewed by the Met Council.

A motion was made by Olkives, seconded by Webster, to recommend the City Council approve the revised draft of the Comprehensive Plan Update as presented. The motion carried 5-0.

8. NEW BUSINESS – None

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

Grams thanked the Commission for their patience tonight while he filled in for City Planner Abts. He then thanked the Commissioners for their service to the City.

Webster asked when the Commission would meet next.

Plzak explained the next Commission meeting was yet to be determined.

Plzak wished everyone a Happy Thanksgiving.

10. ADJOURNMENT

A motion was made by Webster, seconded by Corbett, to adjourn the meeting at 6:55 pm. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.