

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
November 20, 2017**

4 A

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Vice Chair Webster at 6:00 pm, Monday, November 20, 2017.

2. ROLL CALL

Present: Commission members Dee Bonn, Deanna Burke, Michael Corbett, Neil Lynch, Michael Olkives, and Alden Webster

Absent: Chair Barbara Plzak.

Others present: Harold E. Johnson, Jeff Hafferman, Jesse Myhre, Matthew Feehan, Timothy LaCroix, Dan LaRouche, Breanne Rothstein, Olivia Dorow-Hovland, City Planner Nancy Abts

3. APPROVAL OF AGENDA

A motion was made by Bonn, seconded by Burke, to approve the Agenda as presented. The motion carried 6-0.

4. APPROVAL OF MINUTES

A. Approve October 16, 2017, Minutes

A motion was made by Olkives, seconded by Bonn, to approve the October 16, 2017, minutes. The motion carried 6-0.

5. PUBLIC COMMENTS

Vice Chair Webster 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 Amendment for 401 County Road 81

Abts stated Jesse Myhre has operated JM Automotive in Osseo since 2015. Their business has grown and transitioned from 'primarily auto sales with some repairs' to solely a repair shop. The business specializes in Subaru vehicles. The property is located on County Road 81 Service Road West. Adjacent businesses are Twin Cities Pawn, Avis Car Rental, and Pioneer Midwest located in the building to the southeast, and All Metro Excavating located in the building to the northwest. The property is owned by Dan Koehler, and is also home to a self-serve car wash.

Abts explained for an automotive repair garage space and two repair bays, the minimum number of customer parking per the Osseo off-street parking ordinance is 8 spaces. (The minimum number of parking spaces includes a base number of 4, plus 2 spaces for each service bay.) The plans for the property show a total of 16 parking spots, with two required

for the self-serve car wash business (calculated as an industrial use). Staff recommends that the 8 customer parking spaces for the business be placed close to the office/customer waiting area inside the existing building.

Abts reported for businesses with auto sales, all vehicle repair and maintenance must take place within a completely enclosed building. (The City Code does not place this same requirement on general auto repair. However, the CUP can address it as outside activities affect nearby properties.) Repaired vehicles or vehicles waiting to be repaired shall be considered storage and must be within a screened or an enclosed area, per Osseo City Code. The proposed conditions state that any repairs or maintenance will be conducted inside, completely enclosed, and vehicles on site for longer than 12 hours awaiting repairs will be stored inside or screened from public view. Other facets of this proposal have been reviewed by City Staff and found to be acceptable for this property and zoning district. Staff provided further comment on the request and recommended approval with conditions.

Lynch asked if the test drive condition should be omitted. Abts stated the condition was drafted in order to keep this CUP consistent with other CUP's in the City.

Olkives questioned how the City would be able to enforce this condition. He indicated he opposed the City creating conditions that would be difficult to enforce. He supported the Commission eliminating Condition 2.

Lynch recommended Condition 5F be removed as it was onerous. Abts reported Condition 5 and the letters that followed referred to applicable provisions, which included State, County and local requirements.

A motion was made by Lynch, seconded by Bonn, to open the Public Hearing. The motion carried 6-0.

Lynch asked if the applicant opposed any of the conditions within the amended CUP. Jesse Myhre, 9931 Ives Lane North in Maple Grove, stated his only concern was with the parking requirements. He explained that at times vehicles required to be parked on the lot for more than 12 hours. He indicated he did not oppose provisions 5A through 5F. He understood the benefit to the City of being able to consider some requirements as part of a CUP, rather than a fine or other penalty which may be imposed by other agencies.

Webster inquired how long vehicles could be parked on his property. Mr. Myhre explained vehicles could be parked anywhere from 24 hours to one week depending on the type of machine work that was required. He reported he does his best to turn cars around quickly but some require specialty work.

Abts questioned if the parking area could be screened with a fence. Mr. Myhre reported he has had several break-ins and for this reason his parking lot was now well lit with cameras. He stated he had discussed adding a fence with the property owner.

Corbett asked why the City had a 12-hour timeline for vehicles. Abts explained after 12 hours a parked car was deemed to be vehicle storage per the draft CUP.

Corbett commented it would be in the applicant's best interest to deter against theft. He questioned how many cars could be parked indoors. Mr. Myhre stated he could park four to six vehicles in the shop. He provided further comment on the new lighting and cameras that had been installed on his property.

Bonn questioned how the Commission should address the 12-hour parking concern. Abts stated City Code does not define time periods for outdoor storage and for this reason a change could be made to the time period within the CUP. Mr. Myhre requested the Commission allow for a small number of parking spaces to be used for longer parking for customer cars.

Lynch supported the City make the parking period longer or removing Condition 1 altogether. Mr. Myhre suggested only vehicles with all exterior panels be allowed to be parked outdoors.

Olkives appreciated the fact that Mr. Myhre was not parking junk cars on his lot.

Lynch questioned if the applicant supported Condition 2. Mr. Myhre stated he did support this condition and noted test drives were not completed in residential neighborhoods.

A motion was made by Lynch, seconded by Olkives, to close the public hearing at 6:25 p.m. The motion carried 6-0.

A motion was made by Lynch, seconded by Burke, to recommend the City Council approve the CUP request to allow minor auto repair at 401 County Road 81, subject to the conditions listed below.

- 1) Vehicle Storage. Any vehicle awaiting repairs for longer than 30 days must be stored inside an enclosed space or screened from public view;**
- 2) Test Drives. Vehicles undergoing repair or maintenance at the property may not be driven through residential districts.**
- 3) Indoor Operations. Any vehicle repair or maintenance shall take place indoors.**
- 4) Parking. At least four clearly marked parking spaces, plus two additional parking spaces for each service stall, shall be provided at all times (Osseo City Code Chapter 153 Appendix B). No parking or idling of vehicles is allowed outside of clearly marked parking spaces.**
- 5) 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, and salvage shall be stored on properties in the C2-S District, per Osseo City Code;**
 - b) Any waste tires must be stored inside an enclosed space or 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);**

- c) **Any trash enclosure must be screened from public view (Osseo City Code § 153.057);**
- d) **Modifications to the building 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);**
- e) **Signage relating to the use shall adhere to Osseo City Code § 153.090 - § 153.098;**
- f) **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;**
- 6) **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, when accompanied by Applicant, for inspection to determine compliance with the stated conditions of approval.**
- 7) **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.**
- 8) **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.**
- 9) **Prior Permits. The conditional use permit issued in 2015 (Resolution 2015-6) and any other conditional use permits issued for the property are hereby revoked and are replaced by this current conditional use permit. The City Council will memorialize the revocation of the previous CUP by adopting a resolution that will be recorded in the office of the County Registrar or Titles, which will serve as additional notice of such revocation.**
- 10) **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.**
- 11) **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.**
- 12) **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.**

The motion carried 6-0.

B. Consider Conditional Use Permit for 8725 Jefferson Highway

Abts stated According to their website, American Auto Body had been in operation since 1979. The business relocated from North Minneapolis to Osseo in 1980. Later, it moved just south of Osseo to 8208 Lakeland Avenue North in Brooklyn Park in 1994. The business is growing and intends to use the property at 8725 Jefferson Highway for overflow work and storage. They will keep their primary location in Brooklyn Park.

Abts explained the subject property is located on Jefferson Highway. Adjacent businesses are Spotless & Seamless Exteriors Inc. to the west. A Hennepin County Department of Transportation facility is to the north. A multi-tenant light industrial property managed by Wiley Enterprises is to the south. The property is being purchased by American Auto Body. Prior to the sale it was the location for Zimmerman Brothers Trucking. The property to the west is a “landlocked” parcel with no direct access to public roads. There is a partial easement across 8725 Jefferson Highway to provide a connection to the road. However, as shown on the survey, there are some issues with the easement. The property owner is addressing these matters. Staff discussed the request in further detail and recommended approval with conditions.

Lynch asked if the conditions for this CUP differed from the conditions considered for Item 6A. Abts reported this property was located in a different zoning district which allowed for auto wrecking and salvage as a possible future Conditional Use. Other than that, all remaining conditions were similar.

A motion was made by Olkives, seconded by Bonn, to open the Public Hearing. The motion carried 6-0.

Olkives requested further information regarding the easement issue. Matthew Feehan, 1036 Etna Avenue NE in Monticello, discussed his existing plan and noted the two buildings on the two properties were aligned with one another. He stated if he were to restrict the building behind him he would not be able to get into his own building. He explained his parking lot was in poor condition. He stated he would be correcting this next spring, which would improve the site.

Tim LaCroix, attorney for Matthew Feehan, reported there was an issue with the legal description for the easement. He reported there was a minor gap between the properties and a correction to the legal description has been made.

Olkives asked if the applicant had any concerns with the conditions within the CUP. Mr. Feehan stated he had no issues with the conditions. He indicated he was excited to moving his business back to Osseo. He provided further comment on the work he would be completing at this site.

Corbett questioned how many employees this facility would have. Mr. Feehan anticipated he would have about four employees in this location.

Bonn inquired if neighboring properties would be impacted by the paint booth ventilation. Mr. Feehan explained the paint booth would have a specific filtration system to ensure neighboring properties were not impacted.

A motion was made by Corbett, seconded by Burke, to close the public hearing at 6:41 p.m. The motion carried 6-0.

A motion was made by Lynch, seconded by Olkives, to recommend the City Council approve the CUP request to allow for the storage and repair of vehicles at 8725 Jefferson Highway, subject to the conditions listed below.

- 1) Vehicle Storage. Any vehicle awaiting repairs for longer than 30 days must be stored inside an enclosed space or properly screened from public view;**
- 2) Test Drives. Vehicles undergoing repair or maintenance at the property may not be driven through residential districts.**
- 3) Indoor Operations. Any vehicle repair or maintenance shall take place indoors.**
- 4) Parking. At least four clearly marked parking spaces, plus two additional parking spaces for each service stall, shall be provided at all times (Osseo City Code Chapter 153 Appendix B). No parking or idling of vehicles is allowed outside of clearly marked parking spaces.**
- 5) 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, and salvage shall be stored without a Conditional Use Permit approving this use (Osseo City Code § 153.059);**
 - b) 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);**
 - c) Any trash enclosure must be screened from public view (Osseo City Code § 153.057);**
 - d) Modifications to the building 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);**
 - e) Signage relating to the use shall adhere to Osseo City Code § 153.090 - § 153.098;**
 - f) 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;**
- 6) 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, when accompanied by Applicant, for inspection to determine compliance with the stated conditions of approval.**
- 7) 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.**
- 8) 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.**

- 9) **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.
- 10) **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.
- 11) **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.

Lynch recommended the Planning Commission remain consistent with the parking restrictions in Condition 1. The Commission was in agreement.

The motion carried 6-0.

C. Consider 2040 Comprehensive Plan

Abts stated each community in the 7-county Metro region must update its Comprehensive Plan every 10 years. Osseo is on track complete its update by early 2018 to meet the Met Council's deadlines. These deadlines are required for grant funding the city has received. As the name suggests, the Comprehensive Plan addresses many topics. The Plan guides future development and helps the community get from 'where we are' to 'where we want to be'. The plan covers topics including:

- Land use
- Redevelopment
- Housing quality
- Park and recreation systems
- Community facilities
- Commercial and economic development
- Community infrastructure systems
- Surface water management, and
- Transit and transportation.

Abts reported the Comprehensive Plan serves as the framework for many city policies. This includes the city's including zoning and land use as well as other priorities. This update to the plan also highlights components that influence public health. These parts of the plan were funded through a grant from the Minnesota Department of Health, administered through Active Living Hennepin County.

Breanne Rothstein, WSB, provided the Commission with a presentation on the executive summary for the Comprehensive Plan. The six vision themes for the Comprehensive Plan were discussed. She reported Osseo would work to be accommodating, to have community

vitality, be business friendly, to promote safety and wellbeing, provide housing diversity, and remain connected. She asked for comments or questions from the Commission.

Olkives explained he served on the Comprehensive Plan task force. He stated he appreciated the efforts of staff and the committee members. He asked what steps would need to be taken in order to approve the Comprehensive Plan. Ms. Rothstein reported the City Council would need to grant preliminary approval. The document would then be submitted to the Met Council and a six-month adjacent and affected community review process would occur. She indicated comments from Met Council and neighboring communities would then be incorporated into the document and the document would be brought back to the Council for final approval. She stated final approval of the Comprehensive Plan was due by December 31, 2018.

A motion was made by Olkives, seconded by Webster, to open the Public Hearing. The motion carried 6-0.

Dan LaRouche, Osseo EDA member, stated he moved to Osseo two years ago from Michigan. He explained he had no intention of winding up in Minneapolis, but here he was. He discussed his work background with Chrysler and commented on how important it was for the City to plan ahead. He stated he appreciated how comprehensive the document was but believed it was missing future possibilities. He encouraged the City to consider what storms it may weather. He provided the Commission with a handout on concerns that could be considered.

A motion was made by Lynch, seconded by Olkives, to close the public hearing at 7:17 p.m. The motion carried 6-0.

Olkives thanked Mr. LaRouche for bringing his comments and concerns to the Planning Commission.

A motion was made by Olkives, seconded by Bonn, to approve the draft Comprehensive Plan Update as presented. The motion carried 5-1 (Lynch opposed).

7. OLD BUSINESS

A. Consider Updates to Proposed Sign Ordinance Regarding Feather Banners

Abts explained the Planning Commission considered proposed amendments to the city's Sign Ordinance on July 17, 2017. Following a public hearing, the commission recommended the City Council approve the proposed amendments. The City Council discussed the proposed ordinance at their July 24 meeting and again at a work session held on December 30. At that work session, the Council proposed allowing Feather Banners, in addition to other changes to the ordinance.

Abts commented other changes suggested by the City Council include changes to the requirements for existing types of signs, including allowing Electronic Message Display centers in the Central Business District, allowing overhang signs in all districts, and allowing small flashing or animated signs (for example, "Open" signs).

Abts stated Feather Banners would generally be restricted under a prohibition on signs that “moves or rotates”. However, they can be granted an exception, like other types of signs. For example, Sandwich Board signs are allowed to be placed in the sidewalk right-of-way under certain conditions.

Abts reported the current suggestion for feather banners would allow them up to 28 square feet (e.g., 4’ x 7’) and up to the maximum height for signs in the district (i.e., 8’ in the CBD and 15’ in C2 and M districts). They would be allowed at a rate of one per property or one per 100 linear feet of front foot, whichever is greater. Some cities also choose regulate the hours or number of days that these signs can be displayed. Osseo could consider these types of restrictions as well.

Lynch commented on the flags that were posted by the Meditation Center. He explained he was not offended by them and asked how the proposed spacing was determined. Abts discussed how the sign spacing and front footage numbers was determined by staff. She reported staff was simply making a recommendation to the Commission and noted the City Council would have the final say.

Corbett questioned if feather signs had to be installed in grass. Abts commented these signs could also be supported by a freestanding base and did not have to be planted in the ground.

Olkives stated he did not want to see the signs restricted completely. Abts did not recommend signs be freely allowed in the right-of-way for safety purposes. She provided further comment on how the City may manage banner signs. She reported the signs would have to remain in good condition.

Lynch asked if a study had been completed on how many banner signs it would take to deem a property distracting. He anticipated that a study of this sort had not been conducted. He stated he was struggling with the fact the local government was going to arbitrate what number of banner signs would be allowed. He supported the number of signs allowed be increased. Abts explained there have been a number of studies completed on moving and electric signs. She stated she could complete further research to see if any studies had been completed specifically on feather banners. She commented on the multiple goals within a Sign Ordinance as being traffic safety, aesthetics and the visual environment of the City.

Corbett stated feather banners have become quite popular with real estate and open houses. He explained he did not want to see a large number of feather banners in downtown Osseo. He commented on how Main Street would be impacted if there were feather banners every 100 feet.

Olkives indicated he did not know what the correct number of banners should be. He stated he did not want the banners being placed in public walk ways but supported them being allowed in Osseo.

A motion was made by Olkives to approve the proposed restrictions for Feather Banners as presented. The motion failed for lack of a second.

A motion was made by Lynch, seconded by Burke, to table action on the proposed restrictions for Feather Banners directing staff to gather further information. The motion carried 6-0.

Further discussion ensued regarding the difference between flags and feather banners. The commission did not present any further questions to be addressed at a future meeting.

8. NEW BUSINESS

None.

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

Burke wished everyone a Happy Thanksgiving.

Corbett encouraged the City to plan for the changing trends in housing while also still making room for young families with children.

Lynch suggested those grocery shopping for Thanksgiving visit the Cub in order to support the Osseo Baseball team as they would be bagging groceries this week.

Webster encouraged the public to offer their thanks to the City's police officers and fireman.

10. ADJOURNMENT

A motion was made by Bonn, seconded by Lynch, to adjourn the meeting at 7:42 pm. The motion carried 6-0.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.