

**OSSEO PLANNING COMMISSION MINUTES  
REGULAR MEETING  
March 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, March 19, 2018.

2. ROLL CALL

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

Absent: Commission member Neil Lynch.

Others present: Harold E. Johnson, Kathy Goetsch, Scott Draisey, Ray Boeser, Kristine Brown, Eileen Emly, Dean Radzak, Paul Humiston, Jason Quilling, Trevor Gruys, Tonya Simpson, L. Brenny, Eric Hauge, Jennifer McLurcy, Jesse Dickinson, Larry Stelmach, City Planner Nancy Abts.

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES

A. Approve November 20, 2017, Minutes

**A motion was made by Burke, seconded by Webster, to approve the November 20, 2017, minutes. The motion carried 6-0.**

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 Variance and Site Plan Approval for 617 North Oaks Drive

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

Abts stated the property is located in the northeast quadrant of Osseo, east of 6th Avenue Northeast and south of 93rd Avenue/County Road 30. The 617 North Oaks Drive site holds two freestanding apartment buildings and two private garage buildings. Two other parcels, 625 and 624 North Oaks Drive, are under the same ownership and management. Previously known as Countryside Estates, the properties are now collectively called 6th Avenue Apartments. The analysis for granting a variance was reviewed with the Commission in detail.

Abts explained the current 2030 Comprehensive Plan guides this area for Stacked Residential uses. The plan guides the area for apartments two to four stories tall and a density of at least 16 units per acre. It is expected to expand housing options for people interested in living in a walkable environment and increase the local customer base for the downtown area. With 2.2 acres and a total of 40 units, the 617 North Oaks Drive parcel has a density of approximately 18 units per acre. There are no sidewalks along 6th Avenue NE or along the south side of 93rd Avenue near the project site. In this case:

- The variance does not seem to conflict with the Comprehensive Plan guidance for the site. The site density is already above the minimum for the guidance. Updates to the site plan could enhance the property's walkability and further support the guidance.
- Allowing an exception to the requirement to add curb and gutter to the parking area would not seem to conflict with the guidance for the district.

Abts reviewed the site plan for 617 North Oaks Drive and City requirements with the Commission. She stated because this project involves new construction and construction of a parking area, a site plan approval is required. Staff offered the following conditions for approval for the site plan:

1. The improvements shall match the site plan submitted for approval by the City Council;
2. If not included in the City Council Approval, an updated lighting plan shall be submitted and approved by staff prior to issuance of any building or grading permits;
3. If not included in the City Council Approval, an updated landscaping plan shall be submitted and approved by staff and may include two deciduous trees in lieu of the infiltration basin;
4. Any necessary payment for SAC charges must be made prior to issuance of any building permits;
5. The applicant shall obtain all necessary building and sign permits and pay all fees related to the proposed improvements;
6. Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code;
7. All trash shall be stored within a properly-screened enclosure;
8. The site plan will be valid for one year following the date of approval, unless work begins toward completion within one year or the approval is renewed for a period of one year by the City Council.

Olkives asked if the proposed conditions were required for approval. Abts explained staff was recommending all conditions be followed in order for the site plan to be approved. She noted the conditions could be amended by the Planning Commission and the City Council before final approval.

Bonn questioned if there would be any curb and gutter replacement. Abts reported the proposal was that the area would remain as is and the new section of the parking lot would also not have curb and gutter.

Abts summarized comments she received from Tonya Simpson noting she was concerned with rental properties in Osseo. She discussed how housing affordability issues were being addressed by communities throughout the metro area.

Scott Draisey, 616 6<sup>th</sup> Avenue NE, Apartment #207, stated he has been an Osseo resident since 2003. He indicated he moved into an apartment to remain a resident in this community. He expressed concern with the fact he was being forced out of his apartment and requested the Commission to consider if this was morally right.

Harold E. Johnson, 12 6<sup>th</sup> Street NE, addressed the Commission not as a City Councilmember but as a citizen of Osseo since 1958. He expressed concern that a lot of long-time residents of Osseo are moving. He discussed how the community changes when properties turnover. He stated he had a problem with how the rental tenants were notified to vacate their apartments. He explained many had leases that ran through the transfer of ownership. Instead of honoring these leases, all current renters were placed on a month to month. He commented on how difficult it was to displace people in the winter months during the school year. He stated a considerable inconvenience was brought upon these residents. It was his hope the property owner would work with the remaining residents, especially those with children, to allow them to stay through the end of the school year.

Raymond Boeser, 616 6<sup>th</sup> Avenue NE, Apartment #303, stated he had lots of reports and emails regarding this situation. He indicated he had spoken to the Police Chief regarding vacation notices. He feared he would be facing retaliation if the new owner knew he had went to the police. He discussed how the new owner has failed to maintain his building, noting the laundry room did not function at all. He provided further comment on the dishonest people that were managing the building with the new owner and described how this had created an unmaintained and frustrating living environment.

Kristine Brown, 616 6<sup>th</sup> Avenue NE, Apartment #308, requested the Commission take into consideration the comments that are made by the residents. She indicated there were so many people that loved Osseo but believed the new building owner was uncaring. She commented she had a child in the Osseo School District and she requested she be allowed to remain in her apartment until the end of the school year. She encouraged the Commission to look at the new owner's history. She discussed how many people were being hurt by the new property owner and encouraged the Commission to consider providing the current tenants with another option.

Tonya Simpson, 616 6<sup>th</sup> Avenue NE, Apartment #106, explained she moved to Osseo from California in 2012 with her son. She stated she had hoped Osseo would be the community that her son would be raised in. She commented in 2015 she sent an email to the City Council asking for special needs street signs to be installed for her son and two signs were installed. She explained the City of Osseo had come through for her. She noted her son was autistic and has a sensory processing disorder. She explained the person who has purchased her building was not sensitive to this matter. She encouraged the Commission to review his history with the Better Business Bureau. She understood the new owner was an Osseo High School graduate, but did not appreciate the way he was treating the citizens of this community. She understood that in the end, this was a business transaction, but she had to believe there was a better way to manage the situation. She requested she have until June 30<sup>th</sup> or even longer, given the fact she had a special needs child. She discussed how the move would impact her son and explained she currently does not have a home. She reported her income does equate to three times the rent, as is required for those applying to lease at other properties and noted she was not given the option to move into an already renovated apartment. Rather, she was told she could not come back.

Eric Hauge, representative of HOMELine in Minnesota, explained his organization provides a free hotline to advise tenants of their legal rights. He stated the organization has served residents of Osseo for over 25 years and noted he has received numerous calls regarding this complex since August of 2017. He encouraged the City to continue to refer tenants to him.

Olkives asked if Mr. Hauge has had other calls from tenants of this particular property owner in other locations. Mr. Hauge stated he has received calls from tenants in Minneapolis that were dealing with discrimination problems, as well as other tenants in other communities.

Paul Humiston, Paul Meyer Architects, introduced himself to the Commission and noted he drafted the plans before the City for the site plan. He explained the project that is being proposed would house a management office which would address some of the concerns that were expressed this evening. He thanked staff for providing the Commission with a thorough report and noted he supported the additional lighting, sidewalk and landscaping.

Mr. Boeser asked if he could speak again on behalf of his neighbors who were afraid to speak publicly. Plzak stated this would be allowed.

Mr. Boeser commented on the condition of the laundry room. He explained he had to wash his clothes in the bathroom tub or sink because he did not have a working laundry room. He stated this was a sad state of affairs. He expressed frustration that the new owner did not care about anyone but himself. He indicated he felt bad for the owner's daughter and the way she was raised.

Bonn requested Mr. Boeser end his comments at this time as he was attacking family members. Abts encouraged Mr. Boser to keep his comments focused on the property, the variance or the site plan.

Abts reported the Commission was considering zoning and land use matters this evening. She explained the way the City manages its rental licenses was another matter and this would have to be considered in another setting. She requested the Commission turn their attention back to the variance and site plan request.

Olkives stated the request before the Commission was a zoning issue.

Mr. Boser encouraged the Commission to consider how all of the tenants were being treated.

Plzak explained the Commission had no ability to rule over how the new owner ran his business, but rather the Planning Commission was a governing body considering matters related to City Code and Ordinances. Abts thanked the public for bringing voicing their concerns and noted these comments would be heard by the City Council. She reported the City did have resources in place to help with tenant rights and noted the City was planning to take a look at its rental license procedures in the future.

Olkives encouraged the residents in attendance to bring their comments and concerns to the next City Council meeting.

**A motion was made by Webster, seconded by Bonn, to close the public hearing at 6:53 p.m. The motion carried 6-0.**

**A motion was made by Olkives, seconded by Bonn, to recommend approval of the variance request for 617 North Oaks Drive.**

Olkives stated the Planning Commission was being asked to review zoning issues and could not tell a business operator how to run their business. He explained he was very disappointed to hear how the tenants were being treated in the community that he loves. He stated his heart went out to the tenants of this building.

Bonn commented she has been in property management for 35 years with Mortenson Construction. She believed this entire situation was done completely wrong and could have been done one building at a time from top to bottom to eliminate the displacement of these individuals.

**The motion carried 5-1 (Webster opposed).**

**A motion was made by Olkives, seconded by Bonn, to recommend approval of the site-building plan 617 North Oaks Drive, subject to the following conditions:**

- 1. The improvements shall match the site plan submitted for approval by the City Council;**
- 2. If not included in the City Council Approval, an updated lighting plan shall be submitted and approved by staff prior to issuance of any building or grading permits;**
- 3. If not included in the City Council Approval, an updated landscaping plan shall be submitted and approved by staff and may include two deciduous trees in lieu of the infiltration basin;**
- 4. Any necessary payment for SAC charges must be made prior to issuance of any building permits;**
- 5. The applicant shall obtain all necessary building and sign permits and pay all fees related to the proposed improvements;**
- 6. Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code;**
- 7. All trash shall be stored within a properly-screened enclosure;**
- 8. The site plan will be valid for one year following the date of approval, unless work begins toward completion within one year or the approval is renewed for a period of one year by the City Council.**

**The motion carried 5-1 (Webster opposed).**

B. Consider Site Plan Approval for 340 Central Avenue

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

Abts reviewed the site plan for 340 Central Avenue and the City requirements with the Commission. She stated because this project involves new construction and construction of a parking area, a site plan approval is required. She recommended the applicant consider user a chemical striper to clean the exterior of the building instead of sand blasting the aged brick. Staff reviewed the landscaping and stormwater management plan and offered the following conditions for approval for the site plan:

1. The improvements shall match the site plan submitted for approval by the City Council;
2. Any necessary payment for SAC charges must be made prior to issuance of any building permits;
3. The applicant shall obtain all necessary building and sign permits and pay all fees related to the proposed improvements;
4. Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code;
5. All trash shall be stored within a properly-screened enclosure.
6. The site plan will be valid for one year following the date of approval, unless work begins toward completion within one year or the approval is renewed for a period of one year by the City Council.

Webster asked when the applicant would begin work on the building. Jesse Dickinson, applicant, stated he was anxious to get started and anticipated it would take nine months to a year to complete the renovation work.

**A motion was made by Olkives, seconded by Webster, to close the public hearing at 7:12 p.m. The motion carried 6-0.**

**A motion was made by Olkives, seconded by Burke, to recommend approval of the site-building plan for 340 Central Avenue subject to the following conditions:**

1. **The improvements shall match the site plan submitted for approval by the City Council;**
2. **Any necessary payment for SAC charges must be made prior to issuance of any building permits;**
3. **The applicant shall obtain all necessary building and sign permits and pay all fees related to the proposed improvements;**
4. **Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code;**
5. **All trash shall be stored within a properly-screened enclosure.**
6. **The site plan will be valid for one year following the date of approval, unless work begins toward completion within one year or the approval is renewed for a period of one year by the City Council.**

**The motion carried 6-0.**

## 7. OLD BUSINESS

- A. Consider Update to Proposed Sign Ordinance Regarding Feather Banners

Abts explained the most recent staff suggestion for feather banners would have allowed 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. With more information about the time needed to perceive and respond to signs, it might be necessary to increase the spacing.

Abts stated for County Road 81, appropriate spacing might be 150' if drivers are not expected to change lanes or move in response to a feather banner, or 550' if they are. For Central Avenue and Jefferson Highway, 100' might be appropriate if drivers will not change their travel due to a sign. If they are expected to change their driving after reading a sign, limiting the banners to one per block on Central Avenue, or one every 300' on Jefferson Highway, would be reasonable. 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.

Plzak encouraged the City to engineer its codes to allow people to read and respond to the signs. In addition, she supported feather signs having a time limit on Central Avenue.

Corbett commented certain businesses could benefit from feather banners more than others.

Webster supported this item being tabled to a future meeting for further discussion.

**A motion was made by Burke, seconded by Webster, to table action on the proposed restrictions for feather banners to a future Planning Commission meeting. The motion carried 4-2 (Olkives and Bonn opposed).**

## 8. NEW BUSINESS

### A. Consider Landscape Plan Modifications for 108 Broadway Street West

Abts explained the property owner of 108 Broadway Street West has requested the Landscape Bond collected in 2009 be returned. The landscape plan approved in 2009 has not been satisfactorily completed. Instead, the property owner requests approval of a modified landscape plan.

Abts reported the landscape plan submitted with the 2009 application indicated a total of 30 trees on the property: 3 Basswood, 22 Boxelder, 4 Juneberry, and 1 Elm. Landscaping requirements for the Manufacturing District include one tree for every 1,000 square feet of building. The 2009 project required 20 trees, and the plan at that time gave credit for several of the large Boxelders in meeting that requirement. However, Boxelders are among a handful of "prohibited species" that the City Code indicates cannot be used to meet landscaping requirements. In this updated plan, the City may consider whether to include or exclude Boxelders in the final tree calculations.

Abts commented the revised landscaping plan shows a total of 11 added trees: 6 Blue Spruce, 1 Armstrong Maple, 2 Red Maple, 1 Cherry, and 1 Crabapple. With the exception of the Red Maple, the indicated diameters for the Armstrong Maple, Cherry, and Crabapple are smaller than the 2 ½ inches in diameter required by Code. Some of the blue spruce indicated on the updated plan are located in a drainage easement along the northwest side of the driveway. Moving trees out of the easement was discussed during the 2009 approval. The current Public Works Director suggests that the trees be allowed to remain in the easement if the property owner signs an acknowledgement agreeing to be fully responsible for replacing them if work must be done in the easement area in the future. Some areas previously identified as being covered in sod have been replaced with gravel beds. It was noted the

applicant has also provided numerous ornamental shrubs. Staff recommended the following conditions be applied if the proposed modifications were approved:

1. The property owner shall agree to be full responsible for replacing items located in the easement along the west side of the driveway, if those items are affected by future utility work in the easement.
2. Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code.
3. If further modifications to the site plan result in significant alterations, the applicant shall apply for an amended site plan through a public hearing.

Bonn asked if staff supported the new plan. Abts reported there were some areas that required further interpretation which required approval from the Commission and City Council.

Olkives requested staff review the changes within the plan. Abts noted the changes that were made to the plan by the applicant.

Bonn questioned how many trees short the plan would be if the boxelder trees were eliminated from consideration. Abts stated the applicant would be nine trees short.

Bonn inquired if the City would hold onto the landscape bond if it considers the applicant did not follow the City's landscaping requirements. Abts reported this was the case.

Bonn asked if nine trees could be planted in a City park instead of on the applicant's property. Abts commented City Ordinance would allow trees to be located in other locations.

Bonn supported the bond being returned if the applicant were to plant nine trees elsewhere in the community.

**A motion was made by Olkives, seconded by Webster, to recommend approval of the Landscape Plan Modifications, subject to the conditions as follows:**

1. **The property owner shall agree to be full responsible for replacing items located in the easement along the west side of the driveway, if those items are affected by future utility work in the easement.**
2. **Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code.**
3. **If further modifications to the site plan result in significant alterations, the applicant shall apply for an amended site plan through a public hearing.**

**The motion carried 6-0.**

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

Abts explained the City hired a planning intern named Kyler McLachlan. She noted he would be assisting the City this summer while she was taking parental leave.

Abts commented on an upcoming meeting that would be held regarding the Blue Line Extension at the Brooklyn Park Library. She reported two meetings would be held, one on March 20<sup>th</sup> and the second on April 5<sup>th</sup>. She noted these meetings were open to residents of Osseo.

Abts noted a workshop would be held on Sunday, March 25<sup>th</sup> at the Osseo Community Orchard where those attending would be given information on fruit tree pruning. She noted the event would be held from 10:00 a.m. to 11:30 a.m.

Webster congratulated both Osseo and Maple Grove for making it to the Boys State Basketball Tournament.

Corbett reported the Annual Easter Egg Hunt would be held on Saturday, March 24<sup>th</sup> at noon at the Fire Station.

10. ADJOURNMENT

**A motion was made by Bonn, seconded by Webster, to adjourn the meeting at 7:35 pm. The motion carried 6-0.**

Respectfully submitted,

Heidi Guenther  
*TimeSaver Off Site Secretarial, Inc.*