

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
March 16, 2020**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Thostenson at 6:00 pm, Monday, March 16, 2020.

2. ROLL CALL

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

Absent: Commission member Michael Olkives.

Others present: Howard Hornibrook, Vitaly Nagoryanksy, Anna Snow, Chad Snow, Chris Rains, Tom Best, Eddie Drag, Larry Stelmach, and City Planner Nancy Abts

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES

A. Approve February 18, 2020, Minutes

A motion was made by Penny, seconded by Webster, to approve the February 18, 2020, minutes. The motion carried 6-0.

5. PUBLIC COMMENTS

Chair Thostenson advised this is the time for public comments for items that are not on the agenda for tonight's meeting.

Tom Best, 400 Second Street SE, stated he was responding to a notice he received for the property at 332 South Second Street SE regarding a permit for a potential landscaping business. He explained he was not too pleased with the idea of this residential home becoming a business use. He commented on the number of children walking to and from the apartment complex and stated he was concerned about their safety. In addition, he feared his property value would be adversely impacted by the proposed business.

Eddie Drag, 325 Second Street SE, explained he neighbored the property at 332 South Second Street SE. He discussed how he had been working to improve his home in hopes of increasing the property value. He stated he had concerns with how a landscaping business directly across the street from his would impact his property value. He reported he owned a landscaping company and did not recommend the City allow this use in a residential neighborhood. He anticipated the chemicals that would be stored on the property could be hazardous to the neighborhood if not properly contained and disposed of. He recommended the Commission deny the landscaping CUP request.

- A. Recognize Barb Plzak for 15 Years of Service on the Planning Commission

This item was not addressed by the Planning Commission.

6. PUBLIC HEARINGS

- A. Conditional Use Permit for Major Automotive Repair and Sales at 108 Broadway Street West

Abts stated Vitaly Nagoryanksy, who formerly operated Auto Star, Inc. located in Maple Grove just across the border from Osseo, has made an application to the City to move his business to a tenant space located at 108 Broadway Street West. The proposed business will be located in an existing structure.

Abts reported the property located at 108 Broadway Street West is located in M zone (Manufacturing and Industrial) and is owned by M C Ryan Et AL. The applicant proposes to lease the space to operate his business at this location. The proposal calls for the applicant to use roughly 3,094 square feet of space in existing building, as well as outdoor storage space. The property currently holds a CUP for Minor Automotive Repair and Tire Sales and prohibiting Automotive Wrecking and Junk. She discussed how City Code defines types of Automotive Repair and Junk. Staff commented further on the request and recommended approval of the CUP with conditions.

Penny commented he visited the site and noted there were 12 parking spaces out front. He anticipated this would meet the City's parking requirements. He understood the property owner was happy to have this new business moving into the building. He reported unless vehicles were in working order, they could not be stored on site. He noted used tires could not be stored on the property either.

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

Vitaly Nagoryanksy, the applicant, thanked the Commission for their consideration. He explained the cars parked behind the building were not his. He explained he has spoken to the property owner and this area would be cleaned.

Abts reviewed several comments staff received from the public regarding the CUP request. It was noted the Hennepin County Transportation staff have noted access to Highway 81 will be removed in the future and recommended right-of-way dedication be required.

Nelson asked if this was a reasonable request. Abts stated staff believes this was a reasonable request for this CUP.

Nelson questioned if the property owner was aware of the right-of-way situation. Howard Hornibrook, property owner, stated he was not aware of this recommendation from Hennepin County. He indicated he would like to know more about the future plans for Highway 81.

Webster asked if the applicant would be completing auto body painting onsite. Mr. Nagoryankys reported this work would not be completed onsite but would be subcontracted to another business.

A motion was made by Nelson, seconded by Bonn, to close the public hearing at 6:21 p.m. The motion carried 6-0.

Nelson stated his only concern with this request was with the number of cars parked in the driveway because this would block fire access to the property. He recommended parking only be allowed on one side of the driveway for safety purposes. Mr. Hornibrook discussed the vehicles that were parked on the property and noted the site always had access. Abts explained the Commission could recommend that parking only occur in spaces identified on an approved Site Plan for the property.

Nelson indicated he supported the CUP moving forward with two extra conditions, the first addressing the right-of-way issue and the other addressing parking.

A motion was made by Nelson, seconded by Webster, to recommend the City Council approve the CUP for Major Automotive Repair and Sales at 108 Broadway Street West, subject to the thirteen (13) conditions listed below:

- 1) **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) A valid Minnesota Vehicle Dealer License is required for Automotive Sales;
 - b) No auto wrecking, junk, and salvage or inoperable cars shall be stored on the property without obtaining a separate Conditional Use Permit for said storage, per Osseo City Code § 153.039 (C) (5) (b);
 - c) Any waste tires must be stored inside an enclosed space or screened from public view and protected from the elements so as not to provide habitat to rodents or insects, per Osseo City Code § 93.18;
 - d) Any trash enclosure must be properly screened from public view, per Osseo City Code § 153.057 (B) (3) (b) (4);
 - e) The building appearance shall be maintained so that it adheres to Osseo City Code § 153.053; and
 - f) Signage relating to the use, including temporary signage, shall adhere to Osseo City Code § 153.090;
 - g) The facility shall follow the Minnesota Pollution Control Agency's requirements for storage and transportation of waste tires; and
 - h) 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;
- 2) **Indoor Activities.** Any vehicle repair or maintenance shall take place indoors.
- 3) **Customer Parking.** A minimum of 8 customer parking stalls for the use shall be located on the property at all times, close to the main entrance of the business, and these spaces shall be clearly designated with signage and permanent pavement markings. All of the area utilized for parking space and driveways shall be surfaced with an impervious material to control dust and drainage. These parking spaces shall be in

- addition to spaces for “for sale” vehicles. Additional parking spaces may be required by Osseo City Code and must be provided;
- 4) **Vehicle Sales.** Parking spaces for “for sale” vehicles shall be provided indoors and in addition to customer parking. Occupancy of the property for vehicle sales shall be consistent with the plans included as Exhibit B. Occupancy of additional tenant bays or portions of the property for the Conditional Use shall require an amendment of this Conditional Use Permit.
 - 5) **Vehicle Storage.** Any vehicle awaiting repairs for longer than 12 hours must be stored inside an enclosed space or properly screened from public view;
 - 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 for inspection to determine compliance with the stated conditionals of approval.
 - 7) **Recording Requirement.** The City of Osseo will memorialize 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.
 - 12) **The property owner shall provide right-of-way as required for Hennepin County’s planned reconstruction of County Road 81.**
 - 13) **Parking shall occur in spaces identified on an approved Site Plan for the property.**

The motion carried 6-0.

B. Conditional Use Permit for Landscaping Business at 332 2nd Street SE

Abts stated Chad and Anna Wolfe currently operate Twin Cities Property Preservation from a location in Maple Grove. The Wolfes have made an application to move their business to a tenant space located at 332 2nd Street Southeast. The proposed business will be located on a property owned by Chris Rains. The property is home to two single-family residential structures and three garages and is located in the C2N Highway Commercial District North. The applicant proposes to lease the space to operate their business at this location. They will live in the single family structure and use two accessory buildings and outdoor parking space for their business. The City of Maple Grove notes that they do not have any land use complaints from the current location. It was noted the Wolfe’s would be the only

employees onsite. Staff commented further on the request and recommended approval of the CUP with conditions.

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

Anna Wolfe, 7565 Orchid Lane North in Maple Grove, reported her business was not a full-scale landscaping company. She stated her business provides exterior maintenance to vacant properties, which included lawn care and snow removal. She explained she was the business owner and ran this business with her husband, Chad. She noted she had several subcontractors which kept the equipment on their own property. She indicated she would not be posting any signs in her yard for the business. She commented the only signs for the business would be attached to her truck and would be removed at night.

Bonn stated the only business equipment stored on the site would be the trucks used for lawn maintenance or snow removal. Ms. Wolfe reported this was the case. She commented she would not be selling or stockpiling any landscaping materials from this property.

Bonn questioned if the applicant would consider installing a fence between the apartment and her property. Ms. Wolfe commented she could discuss this with the property owner.

Nelson reported there was a healthy vegetation wall already in place. He inquired if gravel driveway would be paved. Ms. Wolfe stated she could discuss this with the property owner but noted the gravel surface would be kept in neat order.

Nelson asked how much gasoline was stored onsite for the lawn equipment. Ms. Wolfe stated she had a five gallon gas tank that was used for lawn equipment. This gas tank would be stored in the garage.

Webster commented there was a big difference between landscaping and lawn care businesses.

Bonn inquired if the business would operate prior to 7:00 a.m. Ms. Wolfe indicated she would have to operate within City Ordinance and work could not begin prior to 7:00 a.m.

Penny questioned how many pickups would be stored onsite. Ms. Wolfe stated she would have four pickups on the property. She noted some of the trucks were used as plow trucks and the others are used to pull trailers. She explained two of the trucks would be stored inside the two-stall garage.

Thostenson asked if any other chemicals would be used or stored onsite. Ms. Wolfe reported she was not licensed and would not be storing any chemicals onsite.

Nelson questioned if the trailer with the mulcher would be dumped prior to being parked on the property. Ms. Wolfe reported this would occur at the end of each work day.

Mr. Best inquired if the applicant would have any activity in the winter months. Ms. Wolfe reported should have snow plows working in the winter months.

Chris Rains, 10303 Major Drive in Brooklyn Park, explained he was the property owner. He commented he used to have more vehicles and trailers on the site when he lived in the home. He reported this home was zoned commercial and not residential. He believed the proposed use was a good happy medium.

Nelson questioned what the plans were for the second house. Mr. Rains stated the second house would be rented to another tenant.

Mr. Drag asked if the parking surfaces had to be hard surfaces such as pavement. Abts explained Class 5 gravel was considered a hard surface by the Osseo Police Department.

Mr. Drag commented the size of the company could change over time. He indicated his company has grown over the years and this may impact the times vehicles were coming and going from the property. He inquired how the City would be checking on this site. Abts reported a specific area has been defined for outdoor storage on this property. She commented all trailers, plows and/or yard maintenance equipment would have to be located in this space or within the garage.

Mr. Rains explained he has a one year lease with the applicant and if any problems with the City were to arise, he could readdress the lease every May.

Nelson questioned how long the leaf trailer was. Chad Wolfe, applicant, stated the trailer was 14 feet long.

Penny encouraged the property owner to take into consideration the concerns that have been voiced by the neighbors. He indicated he would like to see the applicants taking into consideration the requirements within the CUP. Mr. Wolfe understood these concerns and stated he would be storing the plows in the garage during the summer months. He indicated he would not be leaving his law equipment all over the yard. He noted he had a 12 year old son and was sympathetic to concerns about child safety.

Nelson requested further information regarding the security system that would be installed. Mr. Wolfe explained he would be installing six security cameras on the property.

A motion was made by Burke, seconded by Nelson, to close the public hearing at 6:51 p.m. The motion carried 6-0.

A motion was made by Bonn, seconded by Webster, to recommend the City Council approve the CUP for a Landscaping Business at 332 2nd Street SE, subject to the eight (8) conditions listed below:

- 1) 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. Domestic power equipment, excluding snow removal equipment, shall be operated only between the hours of hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday in accordance with Osseo Code § 93.18 (V) (2);**

- b. No inoperable vehicles shall be kept outdoors, per Osseo City Code § 93.20;
 - c. Any trash enclosure must be properly screened from public view, per Osseo City Code § 153.057 (B) (1) (d);
 - d. The building appearance shall be maintained so that it adheres to Osseo City Code § 153.053; and
 - e. Signage relating to the use, including temporary signage, shall adhere to Osseo City Code § 153.090;
- 2) **Open to inspection.** During any hours at which the use is active, the property 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 conditionals of approval;
 - 3) **Parking.** The applicant must provide on-site parking as required by Osseo City Code 153.079. The parking spaces shall be continuously maintained in a clear and visible manner in compliance with the approved site plan.
 - 4) **Occupancy.** Occupancy of the property for the conditional use shall be consistent with the plans included as Exhibit B. Occupancy of additional portions of the property for the Conditional Use shall require an amendment of this Conditional Use Permit.
 - 5) **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.
 - 6) **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.
 - 7) **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.
 - 8) **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.

Nelson commented he did not have too many concerns regarding this request given the fact it was located on a commercial property and was a lawn maintenance business versus a landscaping company.

The motion carried 6-0.

- 7. OLD BUSINESS – None
- 8. NEW BUSINESS – None
- 9. REPORTS OR COMMENTS: Staff, Chair & Commission Members

Nelson explained his thoughts were with the Brooklyn Park Police Department and the officers that were involved in the Wal-Mart event. He stated he was thankful for the community he lived in and for the volunteers that were stepping up to take care of others.

Thostenson reported there was a group of resident volunteers that was collecting contact information to assist those in need during the COVID-19 crisis. She stated further information regarding this group was available on the Osseo Neighbors Facebook page.

Nelson encouraged everyone to stay safe and be healthy.

Abts stated as part of the efforts to stay safe and be healthy the City of Osseo has closed the Community Center. She explained information regarding COVID-19 was available on the City's website.

Abts encouraged residents to take time in the coming weeks to complete the 2020 census.

Bonn welcomed the two new businesses discussed this evening to the City of Osseo.

10. ADJOURNMENT

A motion was made by Webster, seconded by Bonn, to adjourn the meeting at 7:01 pm. The motion carried 6-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial