



**AGENDA – REGULAR MEETING
6:00 p.m., June 21, 2021**

Planning Commission

- 1. CALL TO ORDER**
- 2. ROLL CALL** (Quorum is 4)
- 3. APPROVAL OF AGENDA** (Unanimous additions required)
- 4. APPROVAL OF MINUTES**
 - A. Planning Commission Minutes of May 17, 2021
- 5. PUBLIC COMMENTS**
- 6. PUBLIC HEARINGS**
 - A. Conditional Use Permit Application for 337 County Road 81
- 7. REPORTS OR COMMENTS: Staff, Chair, & Commission Members**
- 8. ANNOUNCEMENTS**
 - A. In Person City Meetings Resume Starting July 1
 - B. July Planning Commission Meeting – July 19, 2021
 - C. Music and Movie in the Park – June 22, 2021
- 9. ADJOURNMENT**

OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
May 17, 2021

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Thostenson at 6:00 pm, Monday, May 17, 2021. Due to the COVID-19 pandemic this meeting was held virtually.

2. ROLL CALL

Present: Commission members Dee Bonn, Kenny Nelson, Michael Olkives, Kerstin Schulz, and Chair Ashlee Thostenson

Absent: Commission member Deanna Burke and Alden Webster.

Others present: Community Management Coordinator Joe Amerman

3. APPROVAL OF AGENDA

A motion was made by Olkives, seconded by Schulz, to approve the Agenda as presented. A roll call vote was taken. The motion carried 5-0.

4. APPROVAL OF MINUTES

- A. Approve March 15, 2021, Minutes
- B. Approve April 19, 2021, Minutes

A motion was made by Schulz, seconded by Olkives, to approve the March 15, 2021, minutes. A roll call vote was taken. The motion carried 5-0.

Amerman stated staff received feedback from a Councilmember requesting a change on Page 4 of the April 19, 2021 minutes, noting both Olkives and Bonn had served on the Comp Plan Committee.

A motion was made by Olkives, seconded by Bonn, to approve the April 19, 2021, minutes.

Nelson questioned how the roll call votes were being taken. Amerman reported staff provided a list of Commissioner names to Chair Thostenson and she was calling the roll calls from this list.

A roll call vote was taken. The motion carried 5-0.

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. There were no comments from the public.

6. PUBLIC HEARINGS – None

7. NEW BUSINESS

A. Discuss Planning Commission Guidelines

Amerman explained at the Planning Commission meeting of April 19, 2021, the Commission debated adopting Roberts Rules of Procedure and determined this was not something there was interest in formally accepting. The Commission directed Staff to return at the May 17, 2021 meeting with a brief set of suggested guidelines for the Planning Commission to discuss and consider using as an informal and limited rule of procedure. Staff has solicited input from each Commission Member and based on that feedback has developed the following list, these primarily deal with motions and debate. While this is not a comprehensive list of every suggestions received; they are the suggestions that were most common. Any Commission Member can suggest additions during discussion. The suggestions were as follows:

1. Motions require a second.
2. Amendments to motions require the consent of the Commission Member who made the motion and the Member who seconded.
3. If there is no consent to amending a motion, the motion requires a vote before moving on.
4. Every Commission Member will be given the opportunity to comment during the discussion period if they choose.
5. Members do not need to stand or be recognized by the Chair to speak or make motions.
6. Changes to the agenda require unanimous approval.
7. Passing a motion requires a simple majority of those present.

Amerman requested the Planning Commission discuss the guidelines listed and either amend, add, or remove guidelines as they see necessary. It was noted staff will record any changes the Planning Commission wants, and when a consensus is reached will request a motion to accept the guidelines as they stand at the end of discussion.

Thostenson stated she supported the list of suggestions provided by staff as it would provide the Commission with general guidelines.

Schulz indicated she supported members being recognized by the Chair prior to speaking, especially during virtual meetings.

Thostenson commented the Commission could try to make sure the floor is available prior to speaking in order to respect all communication styles. She stated she did not want anyone to be missed or unable to speak.

Nelson stated he did not support requiring members to be recognized by the Chair prior to speaking. He indicated he wanted to see the Chair participating in discussions. The Commission supported this change.

Bonn questioned if two members of the Commission could have a dialogue back and forth without speaking to the Chair.

Thostenson believed this made sense and could occur at meetings.

Schulz questioned why the Commission did not want to be recognized by the Chair prior to speaking. She was of the opinion this was helpful, especially during the virtual meetings.

Olkives agreed the Zoom meetings were more difficult. He supported the meetings being more professional and recommended members be recognized by the Chair prior to speaking. He believed this level of consistency was good.

Nelson explained the Planning Commission was an advisory board to the City Council. He believed the job of the Planning Commission was to encourage debate and to get other citizens comments, or to get people to think in new ways. He did not support the meeting being so formal because this may hinder discussion. In addition, he did not support the members having to be recognized by the Chair because this could cause some people to be shut down from speaking.

Thostenson disagreed. She believed that being recognized by the chair reinforces or allows everyone to share. She understood that these meetings were held to allow people to voice their concerns and being recognized allows everyone to be heard. She explained if the Chair of the Planning Commission were abusing the position, another conversation would have to be held. She supported the group having some level of professionalism.

Amerman asked if there were any other guidelines the Commission should consider.

Nelson stated he would like to see members state their vote as “yes” or “no” instead of yea or nay. He believed this would provide greater clarity for the people listening. The Commission supported this recommendation.

Nelson requested the motion on the floor be clarified prior to the Commission taking a vote.

Olkives stated he did not want these meetings to become too formal. He recommended that those unclear about a motion simply ask for the motion to be repeated. However, he did not want it required that the motion always be restated prior to each vote.

Thostenson commented it was her understanding the Commission wanted to maintain an informal meeting. She feared if too many Roberts Rules of Order were considered the meeting would be formal.

Bonn explained she did not have a problem with the Commission clarifying the motion on the floor prior to taking a vote for clarity purposes.

Nelson stated he believed this would provide clarity, especially when a good deal of discussion is held prior to the Commission voting on a matter.

Olkives indicated he was not opposed to it, but did not want the meetings becoming too formal. He noted members are always able to ask for clarification prior to voting on a motion.

Nelson asked if a roll call vote could be requested after virtual meetings are done being held.

Thostenson reported the minutes do record votes noting those members that are against or abstain from votes.

Nelson questioned if there should be a guideline in place to allow the Council to reconsider a motion.

Olkives supported the Commission crossing that bridge if a situation were ever to arise. Amerman agreed noting the City Attorney may have to be brought in to address this matter.

Nelson stated he supported the Planning Commission having a mission statement. He suggested this statement read: The Planning Commission is an advisory commission to the City Council and as such these rules and principles are designed to encourage debate, discussion among Planning Commission members and members of the community at large.

Thostenson commented based on the fact these were informal rules or guidelines, she did not believe a mission statement was necessary.

Bonn indicated the mission statement from Commissioner Nelson was very well stated and may be helpful to new Commissioners.

Nelson questioned if some sort of language should be in put in place to address how these guidelines can be amended.

Schulz did not believe a formal statement was necessary given the fact the guidelines were informal in nature. Amerman agreed stating an informal discussion could be held and the Commission could revisit the guidelines at any time.

Olkives supported the guidelines being amended at any time if a concern were to arise and the matter could be discussed under Old Business. Amerman suggested another guideline be added to read: To amend these guidelines, the Commission can introduce an agenda item under Old Business at the next Planning Commission meeting. The Commission did not support the addition of this guideline.

Nelson asked if these guidelines would be approved within the bylaws.

Olkives commented the intention of staff and the Commission was to have these remain informal rules of procedure and these guidelines would not be approved within the bylaws. He questioned how the Commission should proceed with the guidelines. Amerman recommended the Commission go through each guideline separately to see if there is support for clarity purposes.

Amerman stated the first guideline is:

1. Motions require a second.

The entire commission supported this guideline.

Amerman stated the second guideline is:

2. Amendments to motions require the consent of the Commission Member who made the motion and the Member who seconded.

Commissioners Olkives, Schulz, Bonn and Thostenson supported this guideline. Commissioner Nelson opposed.

Amerman stated the third guideline is:

3. If there is no consent to amending a motion, the motion requires a vote before moving on.

The entire commission supported this guideline.

Amerman stated the fourth guideline is:

4. Every Commission Member will be given the opportunity to comment during the discussion period if they choose, including the Chair.

The entire commission supported this guideline.

Amerman stated the fifth guideline is:

5. Members do not need to stand or be recognized by the Chair to speak or make motions.

Commissioners Nelson and Bonn supported this guideline. Commissioners Olkives, Schulz and Chair Thostenson did not.

Olkives suggested the fifth guideline read: Members do not need to stand but should recognize the Chair before speaking or making a motion.

Schulz explained addressing the Chair or recognizing the Chair by raising your hand makes sure the floor is open prior to speaking.

Thostenson agreed this would provide clarity on who was requesting the floor and to make sure the floor was open.

Nelson suggested this guideline state members shall be respectful of other members speaking versus having to address the Chair.

Bonn suggested the fifth guideline read as follows: Members shall be recognized by the Chair to make motions.

Thostenson supported this recommendation.

Schulz stated if the Commission were to move in this direction, it may be helpful to add the language from Commissioner Nelson regarding the need to be respectful when other members are speaking. Amerman suggested these two sentiments be separated into two

different guidelines. He explained one could be: Members shall be recognized by the Chair to make motions. He commented another guideline could be written to stated: Commissioners shall make every effort to respect the dialogue of others.

Olkives believed generally, each member was respectful. He questioned if staff should be allowed to write the language on this item. Amerman stated he would not be comfortable drafting this without being reviewed and approved by the Commission. He noted he could come back to the Commission in June or July with this new guideline under Old Business.

Nelson suggested the fifth guideline be tabled for further consideration at the June Planning Commission meeting.

Olkives commented he hated to see this item tabled and prolonged. He explained he was not in favor of the fifth guideline as it was suggested right now. He stated he would support the fifth guideline reading as follows: Members should be recognized by the Chair before speaking or making a motion.

Bonn indicated this may stop normal conversation at the meetings.

Thostenson reported when there is back and forth, the Chair would allow conversation to flow at meetings. She reiterated that the Planning Commission meetings were informal and these were guidelines. She did not intend on shutting down conversation at meetings.

Schulz agreed and stated she would like to see a process in place.

Amerman suggested the fifth guideline read as follows: Members need to be recognized by the Chair to initiate debate or make a motion.

Bonn supported this suggestion.

Amerman stated the fifth guideline would now read:

5. Members need to be recognized by the Chair to initiate debate or make a motion.

Commissioner Bonn supported this guideline. Commissioners Nelson, Olkives, Schulz and Chair Thostenson opposed.

Olkives suggested action on the fifth guideline be tabled or that the Commission move onto the sixth, seventh and eighth guidelines in order to keep action on this item moving forward.

A motion was made by Thostenson, seconded by Olkives, to table action on the fifth guideline to the June Planning Commission meeting.

Schulz stated she would like to see the Commission get these guidelines nailed down.

Thostenson indicated she would be willing to withdraw her motion if the Commission had other language to consider for the fifth guideline.

Schulz suggested Commissioner Olkives language be reconsidered for the fifth guideline.

Olkives reiterated that the Commission was trying to set guidelines with professionalism and respect. He noted the fifth guideline would not curtail people from speaking, nor would people be cut off or ridiculed if they forget to address the Chair.

Nelson commented motions to table are not supposed to be debated, however, the Commission does not have a rule in place regarding this. He read the rules in place for most small boards or Planning Commissions around the country.

Thostenson withdrew her motion and recommended the Commission reconsider the language for the fifth guideline as suggested by Commissioner Olkives.

Olkives withdrew his motion to table and recommended the Commission reconsider the language for the fifth guideline.

Amerman stated the fifth guideline would now read:

5. Members should be recognized by the Chair before speaking or making a motion.

Commissioner Bonn, Olkives, Schulz and Chair Thostenson supported this guideline. Commissioner Nelson opposed.

Amerman stated the sixth guideline is:

6. Changes to the agenda require unanimous approval.

The entire commission supported this guideline.

Amerman stated the seventh guideline is:

7. Passing a motion requires a simple majority of those present.

The entire commission supported this guideline.

Amerman stated the eighth guideline is:

8. When voting, a yes or no vote is sufficient.

The entire commission supported this guideline.

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

Amerman discussed the recent guidelines from the State and CDC regarding COVID. He reported he would be speaking with the City Council and City Administrator to see when Planning Commission meetings could be held in person and would update the Commission on this information.

Schulz reported the antique car show and craft fair would be held on Saturday, May 22, 2021 from 10:00 a.m. to 3:00 p.m.

Bonn stated the senior strength class has restarted on Monday and Thursday mornings and classes are held from 11:00 a.m. to 11:45 a.m.

Nelson questioned if the Commission was interested in further discussing mother-in-law suites. He supported the Commission addressing resident's ability to create an apartment in their house.

Thostenson thanked the Commission for working through the guidelines this evening.

9. ANNOUNCEMENTS

Amerman stated the car show would be held on Saturday, May 22, 2021.

Amerman reported the citywide garage sale would be held in Osseo on Thursday, May 20, 2021 through Sunday, May 23, 2021.

Amerman explained the City's youth sports programming began tonight and he was pleased to report the City had over 300 youth involved in sports this summer.

10. ADJOURNMENT

A motion was made by Schulz, seconded by Bonn, to adjourn the meeting at 7:22 pm. A roll call vote was taken. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial



Osseo Planning Commission Meeting Item

Agenda Item: Conditional Use Permit for Used Auto Sales and Repair at 337 County Road 81

Meeting Date: June 21, 2021

Prepared by: Joe Amerman, Community Management Coordinator

Attachments: Osseo Zoning and Site Location Map
Completed Application
Acknowledgement of Responsibility
Applicant Narrative
Public Hearing Notice
Public Hearing Notice Map and Addresses
Draft Resolution

Policy Consideration:

Consider a Conditional Use Permit application from Milton Kyne to conduct an auto sales and repair business at 337 County Road 81. Indoor and outdoor motor vehicle sales are conditional uses at the Highway Commercial South District (C2S). Auto repair is also considered a conditional use.

Background:

Milton Kyne has operated Makona Business and Car Sales, LLC in Ramsey, MN for the past six years. Their customers primarily come from the cities of Osseo, Brooklyn Park, and Brooklyn Center. As business has expanded, they have looked to move closer to their customer base and have identified 337 County Road 81 as an ideal location.

The space is owned by Argishti Melikian and leased to Mr. Kyne, it is neighbored by Koehler Car Wash and Northern Tractor and Equipment.

Standards for Granting Conditional Use Permits:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare;

-It will comply with health and safety regulations imposed by federal, state, and local authorities is generally consistent with other uses in the C2S district;

2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;

-It is generally consistent with other uses in the C2S district;

3. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

-It is generally consistent with other uses in the C2S district and does not conflict with the city's Comprehensive Plan.

4. Adequate utilities, access roads, drainage, and necessary facilities have been or will be provided;

-The use will not require new construction and will take place in existing buildings.

5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and

-Access will be provided by County Road 81 Service Road West, and is found to be acceptable for this property and zoning district.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

-It is generally consistent with other uses in the C2S district;

Proposed Conditions:

After review of the application and attached materials, Staff recommends the 13 conditions of approval, laid out in a draft of Resolution 2021-XX attached.

Options:

The Planning Commission may **make the following recommendation** to the City Council:

1. Approve the Conditional Use Permit request with the conditions of approval listed in the draft resolution;
2. Approve the Conditional Use Permit request with changes;
3. Deny the Conditional Use Permit; or
4. Table action on this item for more information.

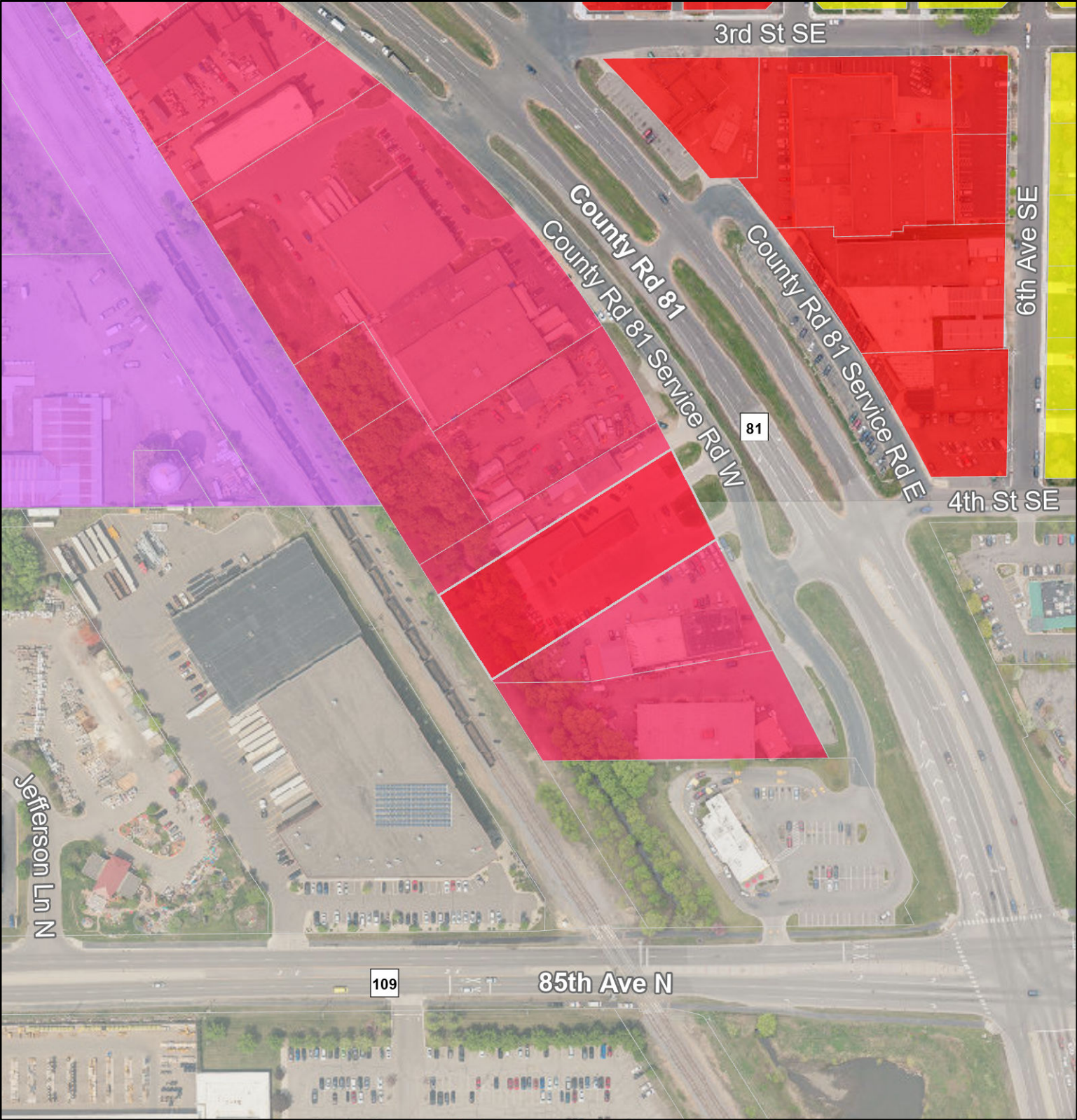
Recommendation/Action Requested:

Staff recommends the Planning Commission make recommendation 1.

Next Step:

If approved, this item will appear before the Osseo City Council at their June 28th meeting.

337 County 81



1 in = 188 ft

Zoning Classification

- Central Business District (CBD)
- Highway Commercial District North (C2N)

- Highway Commercial District South (C2S)
- Manufacturing and Industrial District (M)

- One and Two Family Residential District (R-1)
- Multi-Family Residential District (R-2)
- Public Institution District (PI)

- Edge Mixed Use (EXMU)





Application For:
Conditional Use Permit

415 Central Avenue, Osseo, MN 55369
Phone 763.425.2624
Fax 763.425.1111

Information provided may be considered public data pursuant to data practices law and the City will comply with all applicable laws if the information is subject to a data request.

Property Information:

Site address: 337 County Road 81 Osseo, MN 55369

Property identification number: 18-119-21-33-0007

Property legal description: Lot: _____ Block: _____ Tract/Addition: _____

Property type (check one): Abstract: ☒ Torrens: _____

Description of request: Request a Conditional Use Permit
to sell and repair cars and trucks

Reason for request: We are requesting a Conditional Use
Permit to allow us to sell and repair
cars and trucks at the above location

Applicant Information:

Name: Milton Kyne Daytime phone: 763-670-3585

Address: 337 County Road 81 Email Address: m3kona business@gmail.com
Osseo, MN 55369

Applicant agrees to reimburse the City of all legal and/or engineering costs incurred by the City, provide 15 copies (11x17) of site plan/drawings/survey for submittal, and pay any additional water and/or sewer assessments that may be due pending a check of City records.

Signature:  Date: 4-29-2021

Property Owner Information:

Name: Argishti Melikian Daytime phone: 612-232-8578
Address: 8403 Zanzibar Lane Email Address: argitile@gmail.com

Signature: [Signature] Date: 4-29-2021

*The City of Osseo requires that the Property Owner sign and date all land use applications.
Applications will not be accepted unless the Property Owner has signed the application.*

.....
For City use only:

Receipt number: 392144 Date received: 4-29-21 (\$500 Application Fee)

Any other fees? N/A Received by: JA

Notice to press date: June 3 Press publication date: June 10

Scheduled Planning Commission date: June 21

Scheduled City Council date: June 28





415 Central Avenue
Osseo, MN 55369
Phone 763.425.2624
Fax 763.425.1111

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I further understand that additional fees incurred by the City such as engineering or legal costs will be my responsibility.

I agree to allow access by City personnel to the property for purposes of review of my application and to erect a temporary sign indicating the application proposed.

Date

4-29-2021

Signature of Applicant

Name and Address of Applicant
(Please Print)

Milton Kyne

337 County Road 8)

Osseo, MN 55369

Phone Number

763-670-3585

Email Address

makonabusiness@gmail.com

Name and Address of Contact
(If Other Than Applicant)

Douglas Greven

6926 Pilger Ave NW

Annandale, MN 55302

Phone Number

Cell: 612 859 6647

Email Address

douglasgreven@gmail.com

To whom it may concern:

My name is Milton Kyne. I am the owner of Makona Business and Car Sales, LLC. I have been selling used cars and trucks in the area for 6 years. My current location is in Ramsey, MN. Most of my customers are from Osseo, Brooklyn Park, and Brooklyn Center. Being at this location will allow me to expand my business with car and truck repair, and car and truck sales. I will be much closer to my customer base. This location is just what we have been looking for to have one location for both car/truck repair and car/truck sales. We are currently leasing the property. We plan on saving for a down payment over the next two years so we can purchase the property. Thank you for working on my application for a Conditional Use Permit to sell and repair used cars and trucks at this location.



City of Osseo

415 Central Avenue
Osseo, MN 55369-1195

P 763.425.2624 F 763.425.1111

www.DiscoverOsseo.com

NOTICE

Planning Commission Public Hearing

APPLICANT: Milton Kyne

REQUEST: Conditional Use Permit for automotive sales and repair business.

LOCATION: 337 County Road 81

TIME OF HEARING: Monday, June 21, 2021 at 6:00 p.m. – Virtual Meeting

HOW TO PARTICIPATE:

- 1) You may email your comment to jamerman@ci.osseo.mn.us and it will be read into record during the meeting; or
- 2) You may send a letter before the hearing to the City of Osseo, Planning Department, 415 Central Avenue, Osseo, MN 55369 or fax to 763-425-1111.

If you want your comments to be made part of the public record, your letter, email, or fax must state your first and last name and your address. Thank you in advance for your cooperation.

ANY QUESTIONS: Please contact Community Management Coordinator Joe Amerman at 763-425-1454 with the following information:

Project Name: 337 County Road 81

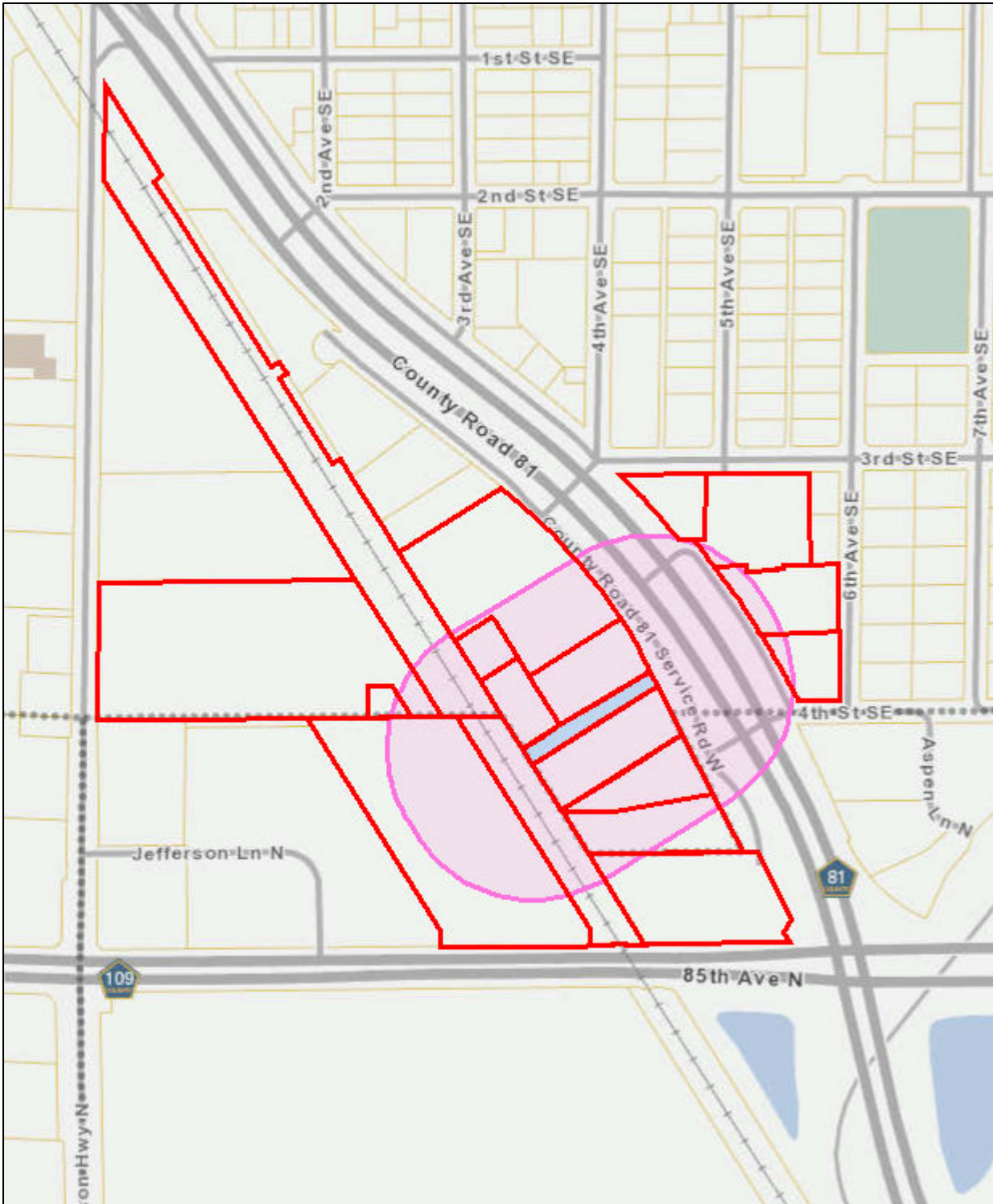
You may visit City Hall (415 Central Avenue) during business hours to discuss the proposal, or visit our website after June 17, 2021 at <http://www.discoverosseo.com/departments/planning-commission/>

Publication Date: The Press (June 10, 2021)



Hennepin County Locate & Notify Map

Date: 3/30/2021



Buffer Size: 350

Map Comments:

0 100 200 400 Feet
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This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

For more information, contact Hennepin County GIS Office
300 6th Street South, Minneapolis, MN 55487 / gis.info@hennepin.us

48 18-119-21 33 0012
EBROS LLC
P O BOX 438
MAPLE GROVE MN 55369

88 18-119-21 33 0035
K L & K L INVESTMENTS
32685 TERRITORIAL RD
LAKE CITY MN 55041

48 18-119-21 33 0016
B N & SANTA FE RR CO
PROPERTY TAX DEPT
PO BOX 961089
FORT WORTH TX 76161

88 18-119-21 34 0003
ROONEY & CURRENT LLC
417 CO RD 81 SERVICE RD
OSSEO MN 55369

48 18-119-21 34 0002
SHAHAB HYDER
HYDER INVESTMENTS
7088 EAST FISH LAKE RD
MAPLE GROVE MN 55311

88 18-119-21 34 0006
SIPE BROS INC
408 3RD ST S E
OSSEO MN 55369

88 18-119-21 32 0078
B N & SANTA FE RR CO
PROPERTY TAX DEPT
PO BOX 961089
FORT WORTH TX 76161

88 18-119-21 34 0039
DANIEL M KOEHLER
16651 TERRITORIAL RD
OSSEO MN 55369

88 18-119-21 33 0004
CITY OF OSSEO
415 CENTRAL AVE
OSSEO MN 55369

88 18-119-21 34 0040
415 COUNTY ROAD 81 LLC
ATTN: ADAM JOHNSON
415 COUNTY ROAD 81
OSSEO MN 55369

88 18-119-21 33 0007
AAG INVESTMENT GROUP INC
337 CO RD NO 81 SVC RD W
OSSEO MN 55369

88 18-119-21 34 0043
R & R PETERS PROPERTIES LLC
334 CO RD 81
OSSEO MN 55369

88 18-119-21 33 0017
CITY OF OSSEO
415 CENTRAL AVE
OSSEO MN 55369

88 18-119-21 34 0044
RICHARD C WELK & FAY M WELK
338 CO RD NO 81 SVC RD E
OSSEO MN 55369

88 18-119-21 33 0020
NORTHERN TRACTOR & EQUIP CO
335 CO RD NO 81 SVC RD W
OSSEO MN 55369

88 18-119-21 34 0045
WILEY ENTERPRISES INC
315 1ST AVE NE
OSSEO MN 55369

88 18-119-21 33 0023
CITY OF OSSEO
415 CENTRAL AVE
OSSEO MN 55369

88 18-119-21 33 0033
BENNIS INVESTMENT PROP LLP
17625 3RD AVENUE
PLYMOUTH FL 55447

Resolution No. 2021-xx

**RESOLUTION GRANTING REQUEST FROM MILTON KYNE FOR
A CONDITIONAL USE PERMIT TO ALLOW FOR
USED AUTO SALES AND MINOR AUTO REPAIR AT 337 COUNTY ROAD 81**

WHEREAS, Milton Kyne has made application for a conditional use permit (“CUP”) to allow for a used auto sales and minor auto repair at 337 County Road 81 (Property Identification Number 18-119-21-33-0007) (“Subject Property”); and

WHEREAS, the Subject Property is zoned C2-S (Highway Commercial District-South), which is intended to accommodate service type business uses primarily oriented to the driving public with needed parking facilities provided on site by the owner; and

WHEREAS, Section 153.038(B)(3)(e) of the City Code of Ordinances indicates that outdoor motor vehicle sales and auto repair is a conditional use in this zoning district; and

WHEREAS, the City has determined the proposed use may be allowed as a conditionally permitted use; and

WHEREAS, in making this determination whether or not the conditional use is to be allowed, the City may consider the nature of the land, the nature of adjoining land or buildings, whether or not a similar use is already in existence and located on the same premises or on other lands immediately close by, the effect upon traffic into and from the premises or on any adjoining roads, and all other or further factors as the City shall deem appropriate for consideration in determining the effect of the use on the general welfare, public health, and safety; and

WHEREAS, a public hearing was held on June 21, 2021, at a regular meeting of the Osseo Planning Commission and all interested persons were invited to speak and were heard by the Planning Commission; and

WHEREAS, notice of said public hearing was published in the official newspaper, surrounding property owners were notified, and notice was duly posted at City Hall; and

WHEREAS, based on a review of the application and input from the public hearing, the Planning Commission recommended approval of the requested conditional use permit at its June 21, 2021, regular meeting by a **X-X** vote; and

WHEREAS, the City Council considered the application and Planning Commission recommendation on June 28, 2021; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Osseo, Hennepin County, Minnesota, that the following determinations are made:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare, because it will comply with health and safety regulations imposed by federal, state, and local authorities and is generally consistent with other uses in the C2-S district;
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood, because it is generally consistent with other uses in the C2-S district;
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district, because it is generally consistent with other uses in the C2-S district and does not conflict with the city's Comprehensive Plan;

4. Adequate utilities, access roads, drainage, and necessary facilities have been or will be provided, because the use will not require new construction and will take place in existing buildings;
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and
6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

BE IT FURTHER RESOLVED as follows:

The Osseo City Council approves this Resolution 2021- ____ granting a CUP to allow for outdoor motor vehicle sales and minor auto repair on the Subject Property, subject to the following conditions:

1. Vehicle Storage. Any vehicle waiting for repairs for longer than 12 hours shall be stored inside an enclosed space or screened from public view;

2. Indoor Operations. Any vehicle repair or maintenance shall take place indoors. Idling of vehicles for diagnostic or repair purposes is allowed outdoors;

3. 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) Vehicles on the property shall be licensed for operation, shall not be kept for scrapping, and shall meet other requirements of Osseo City Code § 93.20.
- c) Any waste tires shall 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).
- d) Any trash enclosure shall be screened from public view (Osseo City Code § 153.057).
- e) 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).
- 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.

4. Test Drives. Vehicles for sale, or undergoing repair or maintenance at the property may not be driven through residential districts;

5. Employee Parking. Parking by employees shall be restricted to the back of the property, or farthest away from the main entrance, when available, to allow for all other parking for customers;

6. Customer Parking. A minimum of 6 customer-only parking stalls shall be located on the property at all times (Osseo City Code Chapter 153 Appendix B), closest to the main entrance of the business;

7. Sale and Repair Parking. A maximum of 12 outdoor for sale and repair parking stalls shall be located on the property at all times. No vehicle for sale or under repair may be parked outside of a clearly marked parking stall.

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, when accompanied by Applicant, for inspection to determine compliance with the stated conditions of approval.

9. Recording Requirement. The City of Osseo shall memorialize the conditional use permit by adopting a resolution that the applicant shall record in the office of the County Registrar of Titles withing 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.

Adopted by the Osseo City Council this 28th day of June, 2021.

The motion for the adoption of the foregoing resolution was made by _____, seconded by _____, and upon vote being duly taken thereon, the following voted in favor thereof:

and the following voted against the same: _____,

and the following was absent: _____,

whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS.
CITY OF OSSEO)

We, the undersigned, being the duly qualified Mayor and Clerk of the City of Osseo, Hennepin County, Minnesota, a Minnesota municipal corporation, hereby certify that the above and foregoing - Resolution No. 2021-XX is a true and correct copy of the Resolution as adopted by the City Council the 28th day of June, 2021.

Duane E. Poppe, Mayor

LeAnn Larson, City Clerk

The Raptor Center



The Croods: A New Age



Tuesday, June 22 at 7 pm & Dusk

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