



**AGENDA – REGULAR MEETING
6:00 p.m., March 20, 2023**

Planning Commission

- 1. CALL TO ORDER**
- 2. WELCOME TO COMMISSIONERS HULTGREN AND SCHROEDER**
- 3. ROLL CALL** (Quorum is 4)
- 4. ELECTION OF OFFICERS**
- 5. APPROVAL OF AGENDA** (Unanimous additions required)
- 6. APPROVAL OF MINUTES**
 - A. Planning Commission Minutes of November 21, 2022
- 7. PUBLIC COMMENTS**
- 8. PUBLIC HEARINGS**
 - A. 116 County Rd 81 Conditional Use Permit Application
- 9. REPORTS OR COMMENTS: Staff, Chair, & Commission Members**
- 10. ADJOURNMENT**



Osseo Planning Commission Meeting Item

Agenda Item: Election of Officers

Meeting Date: March 20, 2023

Prepared by: Joe Amerman, Community Management Coordinator

Attachments:

Background:

Officers for the Planning Commission include the Chair, who runs the meetings, and the Vice Chair, who runs meetings when the chair is not in attendance. Both officers also have an opportunity to help set agendas for upcoming meetings.

In 2022, the officers were:

Chair: Ashlee Thostenson

Vice-Chair: Michael Olkives

There are no requirements regarding who fills the officer rolls.

Recommendation/Action Requested:

Staff recommends the Planning Commission elect officers for 2023. This can be done through a joint motion and vote covering both positions, or by an individual motion and vote on the officer for each position. Anyone may make the motion.

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
November 21, 2022**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Acting Chair Olkives at 6:00 pm, Monday, November 21, 2022.

2. ROLL CALL

Present: Commission members Dee Bonn, Deanna Burke, Chris Carrigan, Michael Olkives, Kerstin Schulz

Absent: Chair Ashlee Mueller and Commission member Kenny Nelson

Others present: Community Management Coordinator Joe Amerman

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES

A. Approve September 19, 2022 Minutes

A motion was made by Carrigan, seconded by Burke, to approve the September 19, 2022, minutes. The motion carried 5-0.

5. PUBLIC COMMENTS

Acting Chair Olkives 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. 305 1st Street NE Variance Application

Amerman stated 305 1st St NE is located in the R-1 One- and Two-Family Residential District of the city, several blocks east of the Central Business District. According to Hennepin County records this property was built in 1941. At issue is the distance between the existing garage and the northern boundary of the property, which is 1' 6". At the time the home and garage were built Osseo had not yet adopted current setback requirements, which did not occur until the 1990's. This code established the setbacks for each of the city's zoning districts. Any homes, garages, accessory structures, or other buildings which already existed at that time, but would no longer be allowed, were immediately considered 'legal non-conforming'. Now the applicants would like to expand their garage, as illustrated in the included building plans. However, §153.150 (B) (5) states that "no non-conforming

structure or use shall be enlarged, increased, or extended to occupy a greater area than was occupied when the use became non-conforming. . .”.

Amerman explained this prevents the applicants from expanding the garage as it currently exists. While the applicants acknowledge they could technically build an accessory structure such as a shed, the applicants argue that given the setback requirements (5 feet from the side/rear yards, 25 feet from the front, and no less than 5 feet from the principal structure) it simply isn't feasible, and so a variance is needed. Staff commented further on the request and recommended approval.

A motion was made by Schulz, seconded by Carrigan, to open the Public Hearing at 6:14 p.m. The motion carried 5-0.

Donald Sietz, 305 1st Street NE, thanked the Commission for considering his request. He explained his boat, snowblower and hunting equipment was currently being stored off site and he would like to have access to all of his equipment on his property. He commented further on the proposed design for the garage.

Carrigan questioned when the shed was constructed. Mr. Sietz stated the shed was constructed five to ten years ago.

Amerman read for the record comments he received from the public prior to this meeting. The comments were from Kathy Kannuck at 116 3rd Avenue NE who supported the request, Vanessa Vest who supported the request, Cliff and Sue Gates at 309 1st Avenue NE who supported the request, Dan Phenow at 109 3rd Avenue NE who supported the request, Lorie Crohnaberger who supported the request, Adam Michelesik at 33 3rd Avenue NE who supported the request and from an anonymous neighbor who supported the request.

Amerman read a comment from Planning Commission member Kenny Nelson stating Commissioner Nelson was disappointed he could not participate in this meeting. He reported Commissioner Nelson typically supported variance requests given the fact the City had an older housing stock. However, with this request he wanted to be assured the garage could not turn into a two or three story building. In addition, he did not want to see the garage built too close to the garage on the property to the east. It was Mr. Nelson's understanding that this was not occurring and for this reason, he supported the proposed variance request.

A motion was made by Schulz, seconded by Bonn, to close the public hearing at 6:24 p.m. The motion carried 5-0.

Carrigan asked if the existing shed met setback requirements. Amerman stated the existing shed was 130 square feet and met the accessory structure zoning code requirements when it was constructed.

Bonn stated this was one of the finest properties in Osseo. She explained she loved walking by this property and seeing the side art. She anticipated the new garage structure would enhance the property.

A motion was made by Carrigan, seconded by Schulz, to approve the Variance at 305 1st Street NE. The motion carried 5-0.

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

Amerman wished everyone a Happy Thanksgiving.

Schulz encouraged all residents to get out and support the small businesses in Osseo on Small Business Saturday from 10:00 a.m. to 4:00 p.m.

8. ADJOURNMENT

A motion was made by Schulz, seconded by Carrigan, to adjourn the meeting at 6:32 pm. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial

Unapproved



Osseo Planning Commission Meeting Item

Agenda Item: Conditional Use Permit for Used Auto Repair at 116 County Road 81

Meeting Date: March 20, 2023

Prepared by: Joe Amerman, Community Management Coordinator

Attachments: Site Plan
Location Aerial
Application Packet
Public Hearing Notice
Public Hearing Notice Map and Addresses
Draft Resolution

Policy Consideration:

Consider a Conditional Use Permit application from Aaron Stith of Champlin Auto Care to conduct an auto repair business at 116 County Road 81. Auto Repair is considered a conditional use in the Highway Commercial North District (C2N).

Background:

Champlin Auto Care has operated in Champlin, MN since 1994. Aaron Stith has been with the company for the last 18 years, becoming the owner four years ago. Due to a change in ownership of the building they currently occupy at 12130 Champlin Dr, they are now looking for a new space to occupy and have identified the building at 116 County Rd 81 as an ideal location.

The building is owned by John P. Rohach of County 81 Holdings, LLC. The owner is fully supportive of this application. Formerly the home of Osseo Powersports, a recreational vehicle sales and repair business, the parcel is the subject of a Conditional Use Permit approved in 2012 which will be rescinded as part of this application.

The parcel is bordered by properties zoned Edge Mixed Use to the North, R-1 Residential to the East, Commercial District North to the South, and County Rd 81 to the West.

Previous Action or Consideration:

In 2012 the Osseo City Council passed Resolution 12-36, a Conditional Use Permit which allowed for recreational vehicle and motorcycle sales, repair, parts, and accessories at 116 County Rd 81. The business which applied for and used that CUP is no longer in operation and the current applicant will not be servicing or selling recreational vehicles. Rescinding that resolution is at the city's instigation.

Standards for Granting Conditional Use Permits:

As with all CUP's, this application must be strictly evaluated in regard to whether it meets the six criteria laid out in city code. These are as follows:

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 C2N 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 C2N 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 C2N 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 East, 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, it is also generally consistent with previous uses at this location;

Proposed Conditions:

After review of the application and attached materials, Staff recommends the conditions of approval laid out in a draft of Resolution 2023-XX attached. These are common to CUP's for this use in this district.

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.

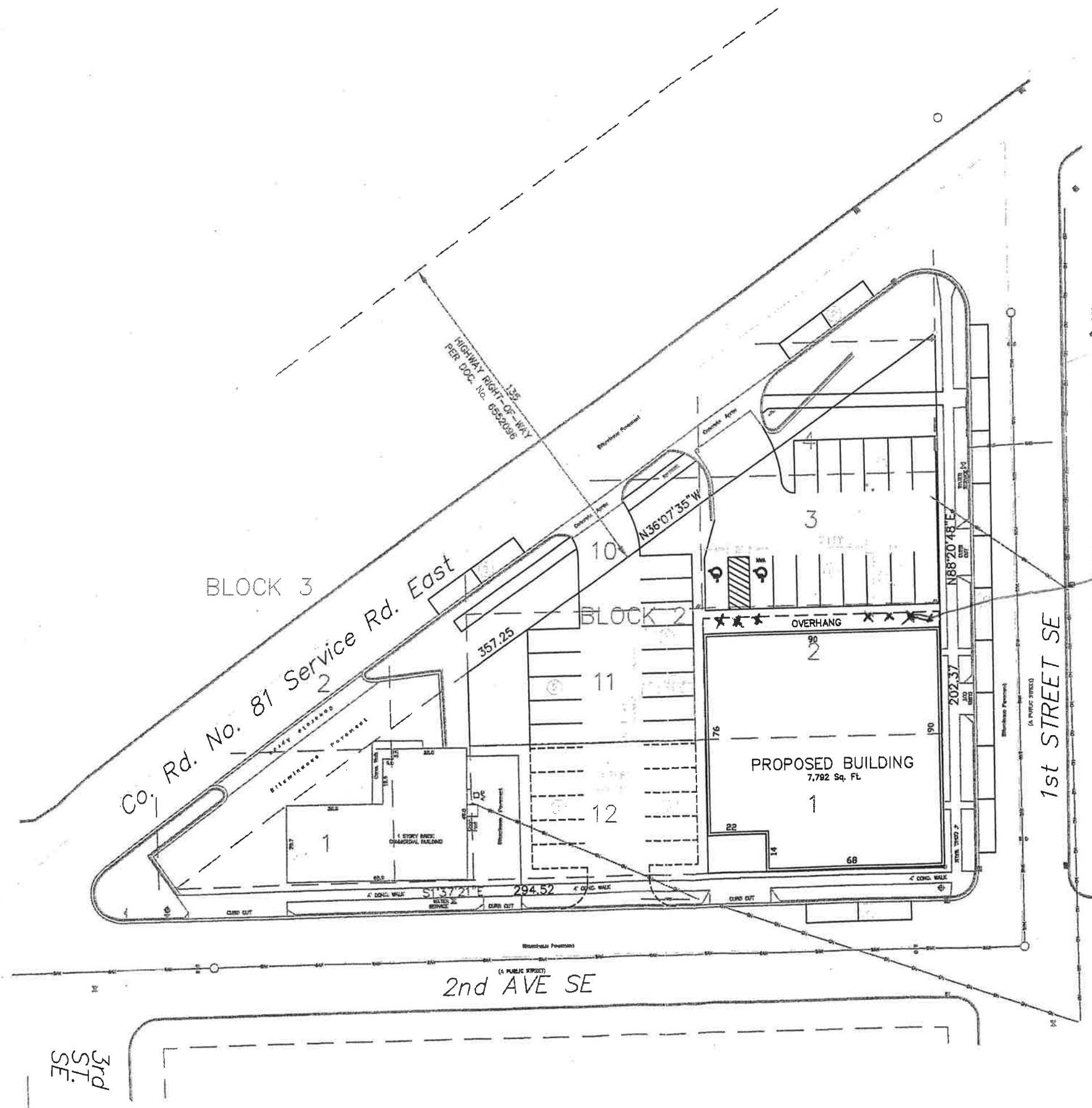
Recommendation/Action Requested:

Staff recommends the Planning Commission make recommendation 1.

Next Step:

If approved, this item will appear before the Osseo City Council at their March 27th meeting.

TM2



outside display

CALICO BARK CITY OF MINNESOTA

MCCOY ARCHITECTS
 1944 CEDAR LAKE PARKWAY
 MINNEAPOLIS, MINNESOTA 55416
 (612) 927-8546

PROJECT: [Illegible]

DATE: [Illegible]

SCALE: [Illegible]

LEGEND:

- 1-1 EXISTING BUILDING
- 1-2 PROPOSED BUILDING
- 1-3 OVERHANG
- 1-4 DRIVEWAY
- 1-5 SIDEWALK
- 1-6 CONCRETE WALK
- 1-7 LANDSCAPE PLAN

I hereby certify that the plan, specifications or report are prepared by me or under my direct supervision and that I am a duly registered Professional Engineer under the laws of the State of Minnesota.

DATE: [Illegible] **REVISION:** [Illegible]

QUALITY MANAGEMENT SYSTEM:

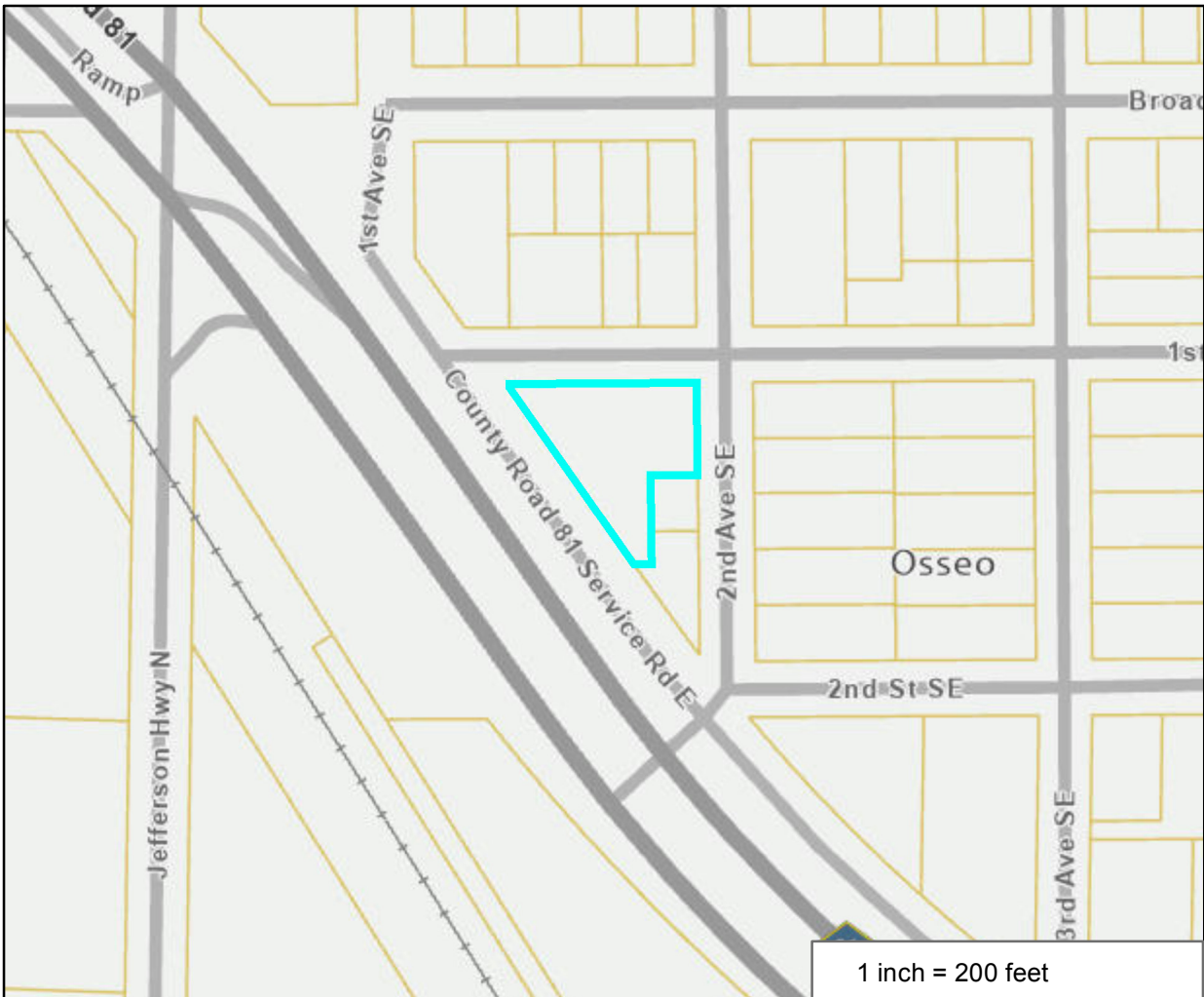
ASSOCIATES

Specialty • Civil Engineering • Land Surveying
 Landscape Architecture • Environmental • Archeology
 100 North 1st Ave, Suite 200, Minneapolis, Minnesota 55401-2001
 Telephone (612) 927-8546 Fax (612) 927-8547
 © 2000 M.A. McCoy Architects



Hennepin County Property Map

Date: 3/16/2023



PARCEL ID: 1811921320102

OWNER NAME: County 81 Holdings Llc

PARCEL ADDRESS: 116 Co Rd No 81 Svc Rd E,Osseo MN 55369

PARCEL AREA: 0.5 acres, 21,642 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATE:

SALE CODE:

ASSESSED 2022, PAYABLE 2023

PROPERTY TYPE: Commercial-Preferred

HOMESTEAD: Non-Homestead

MARKET VALUE: \$563,000

TAX TOTAL: \$17,659.08

ASSESSED 2023, PAYABLE 2024

PROPERTY TYPE: Commercial

HOMESTEAD: Non-Homestead

MARKET VALUE: \$630,000

Comments:

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.

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CITY OF OSSEO
415 Central Avenue, Osseo, MN 55369
Phone 763.425.2624
Fax 763.425.1111

Application for:
Conditional Use Permit

Property Information:

Address 116 COUNTY ROAD 81 SVC Rd. E

Property identification number 1811921320102



Legal description: Lot _____, Block 002, Tract/Addition HECTMAN RATBUKS CITY OF ATTRACTION

Property Type: Abstract _____ or Torrens No. _____ Location _____

Description of request CUP TO ALLOW AUTO REPAIR AT PROPERTY ABOVE.

Reason for request I'M LOSING MY CURRENT LEASE IN CHAMPLIN OF 28 YEARS AND WANT TO REMAIN CLOSE TO THE CURRENT COMMUNITY. NAME OF CURRENT BUSINESS CHAMPLIN AUTO CARE

Applicant information:

Name AARON STITH Address 10631 BLUEBIRD ST NW COON RAPIDS, MN 55433

Daytime phone 763-421-4905 W. 763-742-2871 C.

Applicant must provide 15 copies of sketches, drawings, and surveys. Also, applicant agrees to reimburse the City of all legal and/or engineering costs incurred by the City.

If request is granted, applicant agrees to proceed with the actual construction in accordance with the plans herewith submitted within six months from date of filing this appeal; will complete the work within one (1) year from said date; and is able from a financial, legal, and physical basis to do so.

Signature and date [Signature] 2/9/23

Property owner information:

Name John P. Pahl Address 21202 54. France Blvd.

Andover, MN 55303 Daytime phone 612 834 1275

Signature and date [Signature] 2/9/2023

*****plans*****

For City use only:

Receipt # 174391 Date 2.10.23 \$500 Conditional use permit fee

Scheduled Planning Commission date 3.20.23 City Council date 3.27.23

CITY OF OSSEO

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

02/09/2023

Signature of Applicant



Name and address of Applicant

AARON STITH

(Please Print)

10631 BLUEBIRD ST NW

COON RAPIDS, MN 55433

Phone Number

W 763-421-4905 (763-742-2871)

Name and address of Contact
(If other than applicant)

Phone Number

My name is Aaron Stith and I am the owner of Champlin Auto Care in Champlin, MN. Champlin Auto Care has been in business since 1994. I have been the owner for almost four years and have worked there a total of eighteen years. We are adored by the community for our honesty and quality work with a small town feel.

We are looking for a new place to do business due to a bigger auto repair company moving into town. TGK automotive purchased the building I lease in January of 2022 and because of an old lease without a rate increase cap have almost tripled my current lease rate. This was done to drive me from Champlin. I have tried unsuccessfully to find a new place to operate in the City of Champlin with little success. The building at 116 County Road 81 would be a great fit for my business and I think we would be a great fit in your community.

Thank you for your time.

Aaron Stith

Champlin Auto Care



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

You are receiving this email because your home, business, or property is located within 350 feet of a parcel being considered for a Conditional Use Permit.

- APPLICANT:** Aaron Stith, on behalf of Champlin Auto Care
- REQUEST:** Conditional Use Permit for Auto Repair.
- LOCATION:** 116 County Rd 81 Service Rd East (PID 1811921320102)
- TIME OF HEARING:** Monday, March 20, 2023, at 6:00 p.m. – Osseo City Hall
- HOW TO PARTICIPATE:**
- 1) You may attend the meeting and speak during the public hearing portion of this agenda item. Please step to the microphone, state your name and address, and limit your comments to under 3 minutes.
 - 2) You may email your comment to jamerman@ci.osseo.mn.us and it will be read into record during the meeting; or
 - 3) 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 mailed 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: 116 County Road 81 CUP

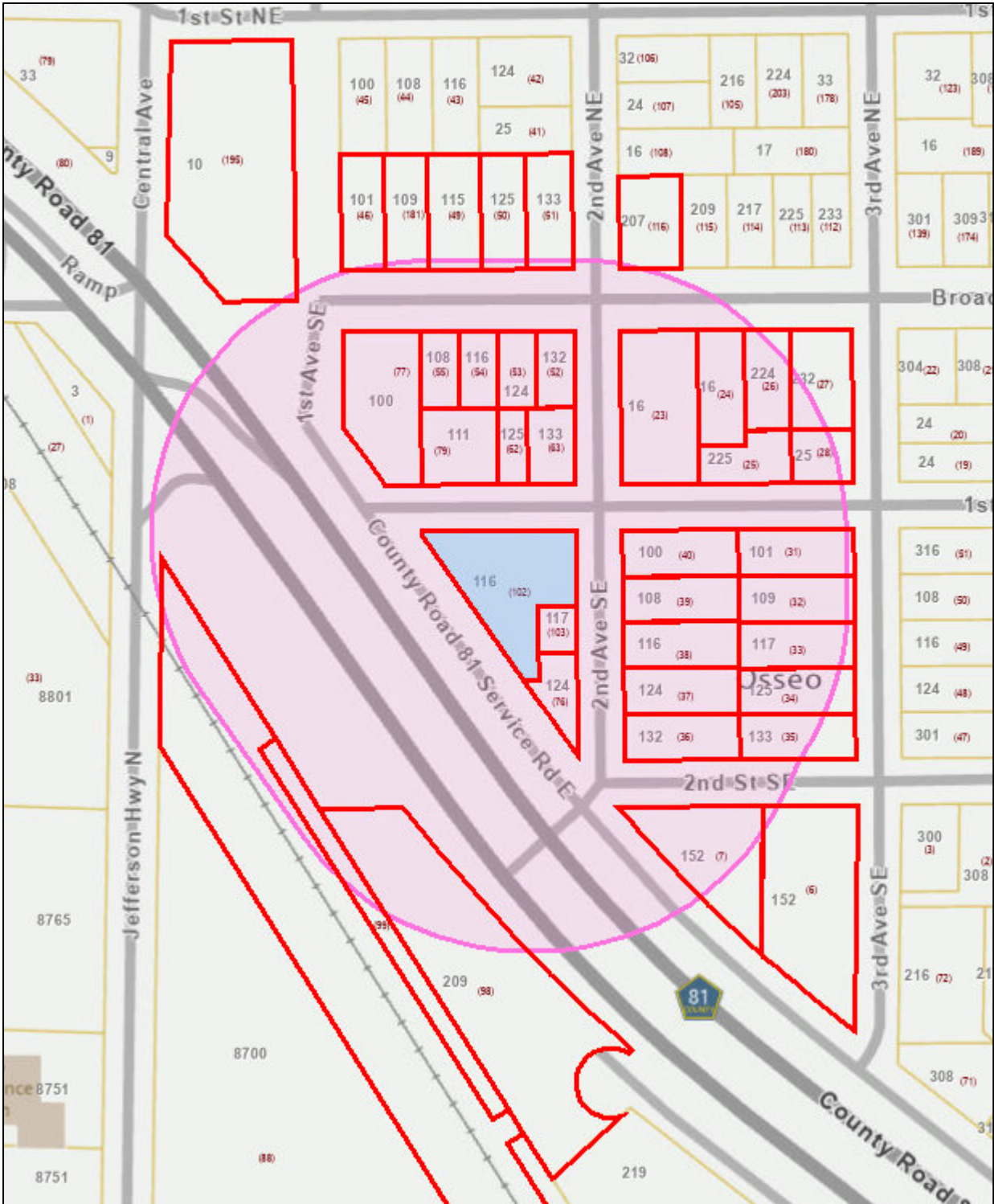
You may visit City Hall (415 Central Avenue) during business hours to discuss the proposal, or visit our website after March 16, 2023, at <http://www.discoverosseo.com/departments/planning-commission/>

Publication Date: *The Press (March 9, 2023)*



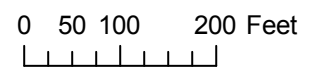
Hennepin County Locate & Notify Map

Date: 3/1/2023



Buffer Size: 350

Map Comments:



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

88 18-119-21 23 0046
WILEY PROPERTIES LLC
315 FIRST AVE NE
OSSEO MN 55369

88 18-119-21 32 0024
OSSEO UNITED METHODIST CH
P O BOX 162
OSSEO MN 55369

88 18-119-21 32 0036
THOMAS L SPANIER
10580 CAIN RD
CORCORAN MN 55374

88 18-119-21 23 0049
BRENDA C MALDONADO
CARLOS CHAVEZ
115 BROADWAY ST E
OSSEO MN 55369

88 18-119-21 32 0025
OSSEO UNITED METH CHURCH
16 2ND AVE S E
OSSEO MN 55369

88 18-119-21 32 0037
GREGORY LEON BROWN
124 2ND AVE S E
OSSEO MN 55369

88 18-119-21 23 0050
STEVEN M ERNENWEIN
ERICA L GRUBER
125 BROADWAY ST E
OSSEO MN 55369

88 18-119-21 32 0026
OSSEO UNITED METHODIST CRCH
16 2ND AVE S E
OSSEO MN 55369

88 18-119-21 32 0038
RUTH E FISCHBACH
116 2ND AVE S E
OSSEO MN 55369

88 18-119-21 23 0051
WILLIAM A FOY & PEGGY D FOY
133 BROADWAY ST E
OSSEO MN 55369

88 18-119-21 32 0027
OSSEO UNITED METHODIST CHUR
16 2ND AVE S E
OSSEO MN 55369

88 18-119-21 32 0039
JAMES R HULTGREN
108 2ND AVE S E
OSSEO MN 55369

88 18-119-21 23 0116
EDWARD W HAWTHORNE
LESHAING M HAWTHORNE
207 BROADWAY ST E
OSSEO MN 55369

88 18-119-21 32 0028
DUANE M & KAREN A LANGSTON
25 3RD AVE S E
OSSEO MN 55369

88 18-119-21 32 0040
MICHAEL J LONEY
100 2ND AVE S E
OSSEO MN 55369

88 18-119-21 23 0181
WILEY ENTERPRISES INC
315 1ST AVE N E
OSSEO MN 55369

88 18-119-21 32 0031
ARLETTE M VEIT
101 3RD AVE S E
OSSEO MN 55369

88 18-119-21 32 0052
JERRY RAY PETERSON
BETH KAY PETERSON
132 BROADWAY ST E
OSSEO MN 55369

88 18-119-21 23 0195
WILEY PROPERTIES LLC
315 1ST AVE N E
OSSEO MN 55369

88 18-119-21 32 0032
KEITH J HOCHSTEDLER
109 3RD AVE S E
OSSEO MN 55369

88 18-119-21 32 0053
STEPHEN M ROSS
124 BROADWAY ST E
OSSEO MN 55369

88 18-119-21 32 0006
CAS PROPERTIES LLC
733 E RIVER RD
ANOKA MN 55303

88 18-119-21 32 0033
DAVID A BIALKE
117 3RD AVE S E
OSSEO MN 55369

88 18-119-21 32 0054
KATHRYN A THOEMKE
116 BROADWAY ST E
OSSEO MN 55369

88 18-119-21 32 0007
CAS PROPERTIES LLC
733 E RIVER RD
ANOKA MN 55303

88 18-119-21 32 0034
STEVEN W PARKS
125 3RD AVE S E
OSSEO MN 55369

88 18-119-21 32 0055
CHAD W RIVERS
108 BROADWAY ST E
OSSEO MN 55369

88 18-119-21 32 0023
OSSEO UNITED METHODIST CH
P O BOX 162
OSSEO MN 55369

88 18-119-21 32 0035
SHANE PARKER
CALLEN GOBERNATZ
133 3RD AVE S E
OSSEO MN 55369

88 18-119-21 32 0062
JEFF VICK
2745 SCOTT AVE
GOLDEN VALLEY MN 55422

88 18-119-21 32 0063
M L & J E SERVAIS
133 1ST ST S E
OSSEO MN 55369

88 18-119-21 32 0076
124 COUNTY ROAD 81 LLC
124 COUNTY RD 81
OSSEO MN 55369

88 18-119-21 32 0077
JEROME CAIN/DEVAINÉ CAIN/
DORI TROSSEN/DEREK KLATT
308 BROADWAY ST 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 32 0079
SCENE CLEAN INC
111 1ST ST S E STE 2
OSSEO MN 55369

88 18-119-21 32 0098
LYNDE CAFE LLC
201 CO RD NO 81 SVC RD W
OSSEO MN 55369

88 18-119-21 32 0099
COUNTY OF HENNEPIN
REGIONAL RR AUTH
701 4TH AVE S STE 700
MINNEAPOLIS MN 55415

88 18-119-21 32 0102
COUNTY 81 HOLDINGS LLC
21202 ST FRANCIS BLVD
ANOKA MN 55303

88 18-119-21 32 0103
ALL AMERICAN HOLDINGS LLC
21202 ST FRANCIS BLVD
ANOKA MN 55303

Resolution No. 2023-xx

**RESOLUTION GRANTING REQUEST FROM AARON STITH FOR
A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR
USED AUTO REPAIR AT 116 COUNTY ROAD 81**

WHEREAS, Aaron Stith has made application for a conditional use permit (“CUP”) amendment to allow for a used auto repair at 116 County Road 81 (Property Identification Number 18-119-21-32-0102) (“Subject Property”); and as legally described in attached Exhibit A made part hereof by this reference; and

WHEREAS, the Subject Property is zoned C2-N (Highway Commercial District-North), 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(A)(3)(e) of the City Code of Ordinances indicates that outdoor motor vehicle sales 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, the Osseo City Council has previously taken action on conditional uses on the Subject Property, including the following:

- On April 23, 2012, the Council approved Resolution 2012-36 granting a CUP to allow for a sales, parts, accessories, and service of recreational vehicles and motorcycles.

WHEREAS, the business which applied for and operated under the 2012 CUP is no longer in operation, and

WHEREAS, the city will rescind the approving Resolution 2012-36 as part of this resolution; and

WHEREAS, a public hearing was held on March 20, 2023, 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 March 20, 2023, regular meeting by a **X-X** vote; and

WHEREAS, the City Council considered the application and Planning Commission recommendation on March 27, 2023; 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-N 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-N 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-N 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:

1. Resolution 2012-36 approving the CUP allowing for the sale, accessories, parts, and service of recreational vehicles on the Subject Property be rescinded; and
2. The Osseo City Council approves this Resolution 2023-XX granting a CUP to allow for motor vehicle 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-N 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 27th day of March, 2023.

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. 2023-XX is a true and correct copy of the Resolution as adopted by the City Council the 27th day of March, 2023.

Duane E. Poppe, Mayor

Katrina Jones, City Clerk

Exhibit A

Lots 1 through 4, inclusive, and Lots 10 and 11, and the North 9 feet of Lot 12, all in Block 2, Hechtman Rearrangement of Blocks 11 and 14, City of Attraction, according to the recorded plat thereof, Hennepin County, Minnesota

(116 County Road 81 Service Road East, Osseo, Minnesota)

(PID 18-119-21-32-0102)