



**AGENDA – REGULAR MEETING  
6:00 p.m., Sept 16, 2024**

**Planning Commission**

- 1. CALL TO ORDER**
- 2. ROLL CALL** (Quorum is 4)
- 3. ELECTION OF OFFICERS**
- 4. APPROVAL OF AGENDA** (Unanimous additions required)
- 5. APPROVAL OF MINUTES**
  - A. Planning Commission Minutes 08-21-2023
- 6. PUBLIC COMMENTS**
- 7. PUBLIC HEARINGS**
  - A. Discuss Cannabis Dispensary Zoning
- 8. REPORTS OR COMMENTS: Staff, Chair, & Commission Members**
- 9. ANNOUNCEMENTS**
- 10. ADJOURNMENT**



## Osseo Planning Commission Meeting Item

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**Agenda Item:** Election of Officers

**Meeting Date:** September 16<sup>th</sup>, 2024

**Prepared by:** Shane Mikkelson, Police Chief/Interim City Administrator

**Attachments:** ( none)

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**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 2024, the officers were:

Chair: Vacant

Vice-Chair: Kirsten Schulz

There are no requirements regarding who fills the officer rolls.

**Recommendation/Action Requested:**

Staff recommends the Planning Commission elect officers for 2024. 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  
August 21, 2023**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Olkives at 6:00 pm, Monday, August 21, 2023.

2. ROLL CALL

Present: Commission members Dee Bonn, Chris Carrigan, James Hultgren, Michael Olkives, KC Robinson, Ralph Schroeder, and Kerstin Schulz

Absent: None.

Others present: City Administrator Riley Grams

3. APPROVAL OF AGENDA

**A motion was made by Schulz, seconded by Hultgren, to approve the Agenda as presented. The motion carried 7-0.**

4. APPROVAL OF MINUTES

A. Approve June 20, 2023, Minutes

**A motion was made by Carrigan, seconded by Schulz, to approve the June 20, 2023, minutes. The motion carried 7-0.**

5. PUBLIC COMMENTS

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. Site and Building Plan Application and Preliminary Plat for 300 2<sup>nd</sup> Street SE

Grams stated Chris Rains, the property owner, is proposing to remove the existing residence and garage and construct one 6-unit townhome building at 300 2nd Street SE. As part of the application, each unit will be constructed on a newly created lot. Therefore, plat approval and site and building plan approval are required.

Kim Lindquist, WSB & Associates, explained the property is zoned Edge Mixed Use (EMX) (20-40 units per acre). Multi-family residential is a permitted use. Properties to the south and east are also zoned EMX. Properties to the north are zoned R-1 One- and Two-Family Residential District, and to the west is the Highway Commercial District North designation. Immediately to the east and south are apartment buildings and across 3rd Street, to the east, is a commercial use. The architecture and building materials were reviewed, along

with the proposed parking that would be provided onsite. She commented further on the request and recommended approval with conditions.

Chris Rains, the applicant, explained he has owned this property since 2010 and had always planned to redevelop the site. He stated he has been waiting for the right time to bring this project forward and believed now was the right time. He thanked the Commission for their consideration and noted he was available for questions or comments.

**A motion was made by Carrigan, seconded by Schulz, to open the Public Hearing at 6:15 p.m. The motion carried 7-0.**

There were no comments from the public.

**A motion was made by Bonn, seconded by Carrigan, to close the public hearing at 6:16 p.m. The motion carried 7-0.**

Bonn stated she understood each townhome would be owner-occupied. She asked what would keep the homeowners from stockpiling items outside their garage for additional storage space. Mr. Rains indicated there would be a homeowner's association (HOA) in place for these townhomes and outdoor storage would not be allowed per the HOA.

Bonn questioned if there would be a sidewalk along the front of these units. Grams stated the City Council looks at sidewalk options when part of a street reconstruction project. He did not recall that there was a sidewalk in front of this property now, which meant there was not a requirement to include sidewalk.

Bonn inquired if there would be a door to exit the property from the rear for emergency purposes. Mr. Rains stated the units were designed to meet fire code. He noted there was no place to put a door on the rear of the units.

Schroeder noted residents would be able to exit to the rear through the garage door. Mr. Rains reported this was the case.

Schroeder asked if the front yard setback was zero (0) feet. Mr. Rains stated this was correct.

Schroeder suggested additional landscaping be considered because the proposed grasses would be dormant in the winter months.

Hultgren noted there would be no street parking on the west end of the building along 3<sup>rd</sup> Avenue SE. He questioned how much room was available for parking on the driveways. Mr. Rains stated this ranged from 18 to 21 feet.

Hultgren expressed concern with the size of the driveways noting a full size pickup truck could not fit in the driveway without hanging out in the street. Mr. Rains indicated this would be addressed within the HOA and residents would be encouraged to park within their garage or on the street. He reported the garages were designed to hold a truck and car internally.

Hultgren anticipated there would be concerns in the winter months when the plows come through as the amount of space on the driveways would be even less. Grams commented on the off street and public parking options within the City.

Schulz stated she had neighbors that had to park cars in public places during snow events. She reported the request before the Commission meets all City Ordinances and parking requirements.

Olkives questioned if more trees would be planted on this property. Mr. Rains stated he would be proposing to plant trees in a public place.

Carrigan expressed concern with the fact the townhomes would be front loaded. He asked why the units could not have parking in the rear or behind the building. He recommended the driveways on the front of the units be removed. He suggested the units then be shifted on the site to provide more space for landscaping, trees and sidewalks out front. He supported sidewalks being installed as part of the development as this would be pedestrian friendly. He believed the units would be more welcoming with the driveways to the rear. He indicated this change would also allow for on-street parking out front if these driveways were removed.

Bonn stated based on this suggestion, she supported the entire building being shifted five feet forward to lengthen the rear driveway.

Schulz believed having the option to have two garage doors was nice as this would allow residents to pull forward or back out from the property.

Mr. Rains stated if the city required him to remove the front driveways he probably would not move forward with this project. He explained he has been a realtor for the past 20 years and he understood residents appreciated the double loading garages.

Carrigan commented that it would be cheaper to build the units with only one driveway versus the two proposed driveway access points. Mr. Rains stated he understood this point but noted the resale value would not be where it needs to be for this project to succeed.

**A motion was made by Carrigan, seconded by Schroeder, to recommend approval of the Site and Building Plan and Preliminary Plat for the property at 300 2<sup>nd</sup> Street SE to the City Council, subject to the ten (10) conditions listed below and the recommendation the front driveways be removed in order to accommodate additional landscaping and sidewalks.**

- 1) Any necessary payment for SAC charges must be made prior to issuance of any building permits.**
- 2) The applicant shall obtain all necessary building, and sign permits and pay all fees related to the proposed improvements.**
- 3) Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code.**
- 4) The applicant shall revise the landscape plan to bring the plan into compliance with the zoning ordinance by increasing the number of trees on the site or on public property to a total of twelve and replacing the junipers with a shrub that would be more salt and snow tolerant while maintaining headlight screening.**

- 5) **The applicant shall revise their plans to comply with the City Engineer comments dated August 15, 2023, and City regulations.**
- 6) **The site plan will be valid for three years following the date of approval unless work begins toward completion within the three-year period. The approval can be renewed upon application and Council approval for one additional year.**
- 7) **The applicant provides necessary documents to address cross-access and maintenance of the eastern parking lot and landscape areas by all property owners of Lots 1-7 Block 1. These documents must be reviewed and approved by the City prior to release of the final plat for recording.**
- 8) **The final plat should not be filed with the County until the applicant has submitted final construction documents for the approved Townhome site plan.**
- 9) **The property owner must obtain a demolition permit for the existing residence and garage.**
- 10) **The applicant should submit a final lighting plan that meets ordinance criteria.**

Schulz stated she likes the project as designed with the two garage doors and noted she would not support this motion moving forward.

**The motion failed 2-5 (Bonn, Schulz, Hultgren, Robinson and Chair Olkives opposed).**

**A motion was made by Schulz, seconded by Bonn, to recommend approval of the Site and Building Plan and Preliminary Plat for the property at 300 2<sup>nd</sup> Street SE to the City Council, subject to the ten (10) conditions listed below.**

- 1) **Any necessary payment for SAC charges must be made prior to issuance of any building permits.**
- 2) **The applicant shall obtain all necessary building and sign permits and pay all fees related to the proposed improvements.**
- 3) **Weeds and other vegetation shall be maintained at all times in accordance with Chapter 93.38 of the City Code.**
- 4) **The applicant shall revise the landscape plan to bring the plan into compliance with the zoning ordinance by increasing the number of trees on the site or on public property to a total of twelve and replacing the junipers with a shrub that would be more salt and snow tolerant while maintaining headlight screening.**
- 5) **The applicant shall revise their plans to comply with the City Engineer comments dated August 15, 2023, and City regulations.**
- 6) **The site plan will be valid for three years following the date of approval unless work begins toward completion within the three-year period. The approval can be renewed upon application and Council approval for one additional year.**
- 7) **The applicant provides necessary documents to address cross-access and maintenance of the eastern parking lot and landscape areas by all property owners of Lots 1-7 Block 1. These documents must be reviewed and approved by the City prior to release of the final plat for recording.**
- 8) **The final plat should not be filed with the County until the applicant has submitted final construction documents for the approved Townhome site plan.**
- 9) **The property owner must obtain a demolition permit for the existing residence and garage.**
- 10) **The applicant should submit a final lighting plan that meets ordinance criteria.**

Carrigan asked if it was reasonable to allow the applicant three years to complete this project. Ms. Lindquist stated she believed this was reasonable given the construction market and weather in Minnesota. Mr. Rains reported there was a lack of utilities in the area that would add a significant amount of time and money to the project.

Olkives questioned if these units would become rental at any point in the future. Mr. Rains stated this would depend on the economy.

**The motion carried 6-1 (Carrigan opposed).**

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

Hultgren encouraged residents to get outside and clean up the cracks in their curbs and gutters.

Olkives noted school would be starting soon and he encouraged residents to get out and support Osseo sports.

8. ADJOURNMENT

**A motion was made by Bonn, seconded by Schulz, to adjourn the meeting at 6:49 pm. The motion carried 7-0.**

Respectfully submitted,

Heidi Guenther  
*Minute Maker Secretarial*



## City of Osseo Planning Commission Meeting Item

|                      |   |
|----------------------|---|
| <b>Agenda Item:</b>  | <b>Discuss Cannabis Dispensary Zoning Regulations</b>       |
| <b>Meeting Date:</b> | September 16 <sup>th</sup> , 2024                           |
| <b>Prepared by:</b>  | Shane Mikkelson, Chief of Police/Interim City Administrator |
| <b>Attachments:</b>  | Ordinance/Zoning maps                                       |

### **Policy Consideration:**

Discuss zoning issues connected to Cannabis Dispensaries.

### **Background:**

In September 2023, the City of Osseo adopted an ordinance which included a moratorium on Cannabis Businesses operating in Osseo. This moratorium is in effect until January 1<sup>st</sup> 2025. During the last year, the Office of Cannabis Management has outlined its licensing and operations procedure for a Cannabis Business in Minnesota. In late August, our City Attorney Mary Tietjen updated the Council and I with a memo outlining the decisions needed by the city in relation to cannabis sales. I will use excerpts from this memo below to explain the information needed as we move forward.

## **I. ZONING DECISIONS – GENERALLY**

Under the Cannabis Act, cities generally maintain their ability to enact zoning regulations with two primary limitations: (1) the City may not prohibit the establishment or operation of a cannabis or hemp business licensed by the OCM; and (2) the Legislature has established a maximum buffer from certain uses. Cities will retain the ability to enact zoning ordinances even if it consents to have the county issue registrations, as discussed in Section IV.

## **II. ZONING DECISIONS – DESIGNATING ZONING DISTRICTS**

The City can amend its zoning code to specifically allow each business type in a particular district or it can choose to simply allow cannabis businesses in zones with similar uses (e.g., retailers in commercial zones with other retail). The following table includes each type of licensed cannabis business, a high-level description of the business's operations, and an example zoning use designation.

Question 1: Does the City want to designate zoning districts where cannabis businesses can be located or rely on each businesses underlying use?

| <u>License Type</u>              | <u>Main Function</u>                       | <u>Use Type(s)</u> |
|----------------------------------|--|--------------------|
| <i>Cannabis Retailer</i>         | Sales to the customers                     | Commercial         |
| <i>Medical Cannabis Retailer</i> | Sales to registered patients               | Commercial         |
| <i>Cannabis Delivery Service</i> | Delivery of products directly to customers | Commercial         |



|  |   |   |
|--|---|---|
| <b><i>Lower Potency Hemp Retailer</i></b>            | Sale of hemp products directly to customers                                     | Commercial  |
| <b><i>Cannabis Cultivator</i></b>                    | Growing and tending to cannabis and hemp plants                                 | Indoor: Industrial, Commercial, Production<br>Outdoor: Agricultural |
| <b><i>Medical Cannabis Cultivator</i></b>            | Growing cannabis plants   | Industrial/Agricultural/<br>Commercial                              |
| <b><i>Cannabis Event Organizer</i></b>               | Coordinate cannabis events  | Office/Commercial   |
| <b><i>Cannabis Manufacturer</i></b>                  | Create cannabis products that are sold to retailers                             | Industrial  |
| <b><i>Medical Cannabis Manufacturer</i></b>          | Creating cannabis products that are sold to medical retailers                   | Industrial  |
| <b><i>Lower-Potency Hemp Edible Manufacturer</i></b> | Creating lower-potency hemp products that are sold to retailers                 | Industrial  |
| <b><i>Cannabis Testing</i></b>                       | Testing cannabis and hemp products  | Industrial  |
| <b><i>Cannabis Wholesaler</i></b>                    | Warehousing and Storage   | Industrial  |
| <b><i>Cannabis Transporter</i></b>                   | Transport products from one license type to another.                            | Industrial/Commercial   |
| <b><i>Medical Cannabis Combination Business</i></b>  | Cultivation, Manufacturing, and Retail to both the public and medical patients. | Cultivation, Manufacturing, & limited Retail                        |
| <b><i>Cannabis Mezzobusiness</i></b>                 | Cultivation, Manufacturing, and Retail  | Cultivation, Manufacturing, and Retail                              |
| <b><i>Cannabis Microbusiness</i></b>                 | Cultivation, Manufacturing, and Retail  | Cultivation, Manufacturing, and Retail                              |

### III. ZONING DECISIONS – BUFFERS

#### A. Cannabis Business Buffers from Certain Uses

A local unit of government may prohibit the operation of a cannabis business within:

- 1) 1,000 feet of a school; or
- 2) 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

The terms school, day care, residential treatment facility, and attraction within a public park that is regularly used by minors, including a playground or athletic field are not further defined in statute or administrative rule, so the city has

some discretion in defining these terms. The OCM Guide includes some definitions that were drafted for the OCM's model ordinance (which is different than the administrative rules).

Question 2: Is the City interested in adopting buffers for cannabis businesses?

The City can also impose distance requirements for hemp businesses. State law does not impose the same limits on buffers for hemp businesses. Cities can differentiate between hemp businesses selling for on-site consumption and those selling products for off-site consumption.

Question 3: Is the City interested in adopting buffers for hemp businesses?

***B. Buffers from Other Cannabis Businesses***

While not explicitly listed in statute, the OCM proposes that cities could adopt requirements that cannabis businesses must be located a certain distance from each other.

Question 4: Is the City interested in adopting buffers between cannabis businesses?

I have attached some zoning maps with different distances from schools, parks and daycares.

**City Goals Met By This Action:**

Update City Code.

**Next Step:**

With direction, staff will bring this to the Osseo City Council.

**CITY OF OSSEO  
HENNEPIN COUNTY, MINNESOTA  
STATE OF MINNESOTA**

**ORDINANCE NO. 2023-05**

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND  
IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS  
BUSINESSES WITHIN THE CITY OF OSSEO**

**THE CITY COUNCIL OF THE CITY OF OSSEO, MINNESOTA ORDAINS AS FOLLOWS:**

**Section 1. Legislative Findings and Authority**

- A. The Minnesota Legislature recently enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (the “Act”), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (“OCM”), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of Edible Cannabinoid Products.
- B. The Act provides local units of government certain authority related to Cannabis Businesses, including the authority to (i) require local registration of certain Cannabis Businesses operating retail establishments, (ii) adopt reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, provided that such restrictions do not prohibit the establishment or operation of a Cannabis Business, (iii) limit the number of certain Cannabis Businesses based on the population of the community, and (iv) prohibit the operation of a Cannabis Business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- C. The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of Cannabis Businesses. It is anticipated that the city of Osseo (the “City”) will benefit from reviewing and analyzing the OCM’s model ordinances, rules and regulations before making any decisions related to the regulation of Cannabis Businesses in the City.

- D. The Act (Minnesota Statutes, section 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025.
- E. Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City desires to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.
- F. The City desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses as well as the other regulations local units of government may adopt under the Act.
- G. On July 24, 2023, after providing at least 10 days published notice, the City Council held a public hearing regarding the consideration and adoption of an interim ordinance prohibiting the operation of Cannabis Businesses within the City until January 1, 2025.

**Section 2. Definitions.** For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- A. "Act" means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).
- B. "Cannabis Business" has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14.
- C. "City" means the city of Osseo, a Minnesota municipal corporation.
- D. "Edible Cannabinoid Product" has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- E. "OCM" means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.

- F. "Ordinance" means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e).

**Section 3. Study Authorized.** The City Council hereby authorizes and directs City staff to conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as other potential local regulations allowed under the Act, and report to the City Council on the potential regulation of Cannabis Businesses. The study may include a review of any model ordinances that OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine are relevant to the City Council's consideration of this matter. The report may also include City staff's recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations.

**Section 4. Moratorium.** A moratorium is hereby imposed on the operation of any Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. Accordingly, during the period that this Ordinance is in effect, the City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the City.

**Section 5. Exceptions.** The moratorium imposed by this Ordinance does not apply to: (i) the continued operation of a duly established business as part of the Medical Cannabis Program administered by the Minnesota Department of Health that was lawfully operating within the City prior to the effective date of this Ordinance; or (ii) the sale of Edible Cannabinoid Products under Minnesota Statutes, Section 151.72, provided, however, that nothing in this Ordinance exempts a business, person, or entity from complying with all other requirements and prohibitions of applicable laws and ordinances related to such exceptions. For example, the sale of Edible Cannabinoid Products will require a City-issued license.

**Section 6. Enforcement.** Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City's general penalties prescribed in the city code and may further result in the City reporting violations to the OCM, if relevant to OCM licensing. The City Council hereby authorizes City staff and consultants to initiate any legal action deemed necessary to secure compliance with this Ordinance.

**Section 7. Severability.** Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part. If any section, provision, or part of this Ordinance

is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

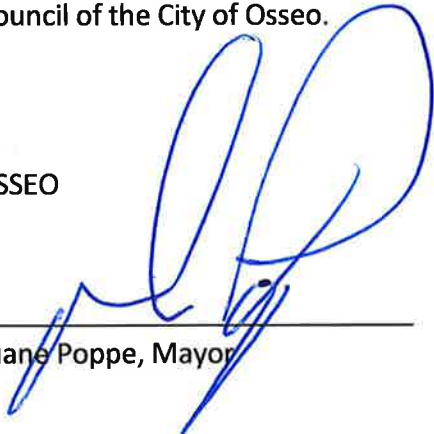
**Section 8. Effective Date And Term.** This Ordinance is effective upon adoption and publication in the City’s official newspaper. This Ordinance shall remain in effect until January 1, 2025, or until the City Council expressly repeals it, whichever occurs first.

*Passed in regular session of the City Council of the City of Osseo, Minnesota held on the 11<sup>th</sup> day of September 2023.*

ADOPTED this 11<sup>th</sup> day of September 2023 by the City Council of the City of Osseo.

CITY OF OSSEO

By: \_\_\_\_\_  
Duane Poppe, Mayor

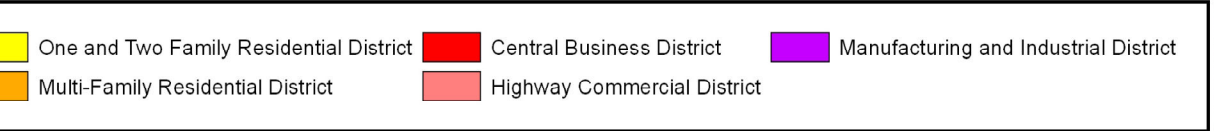
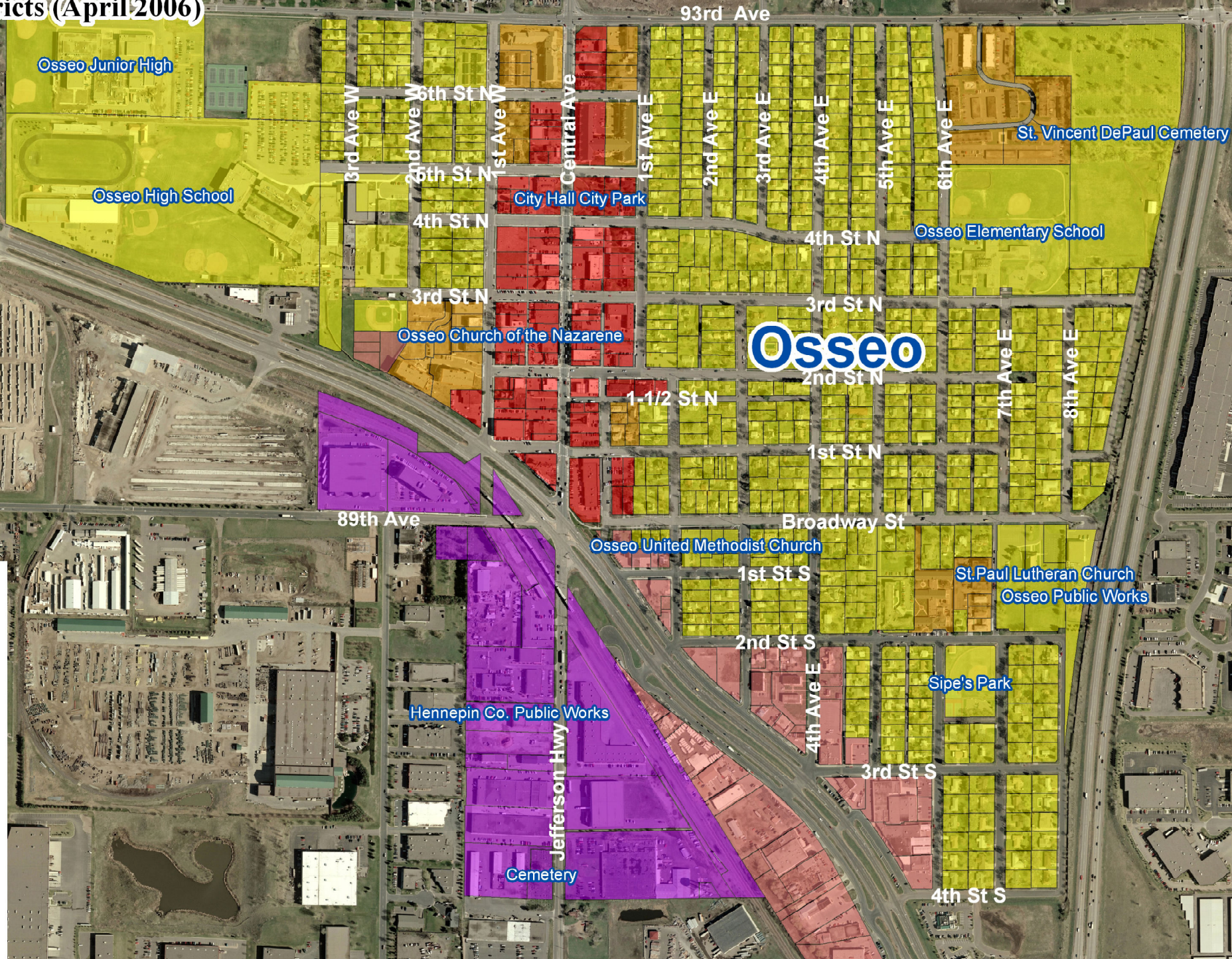


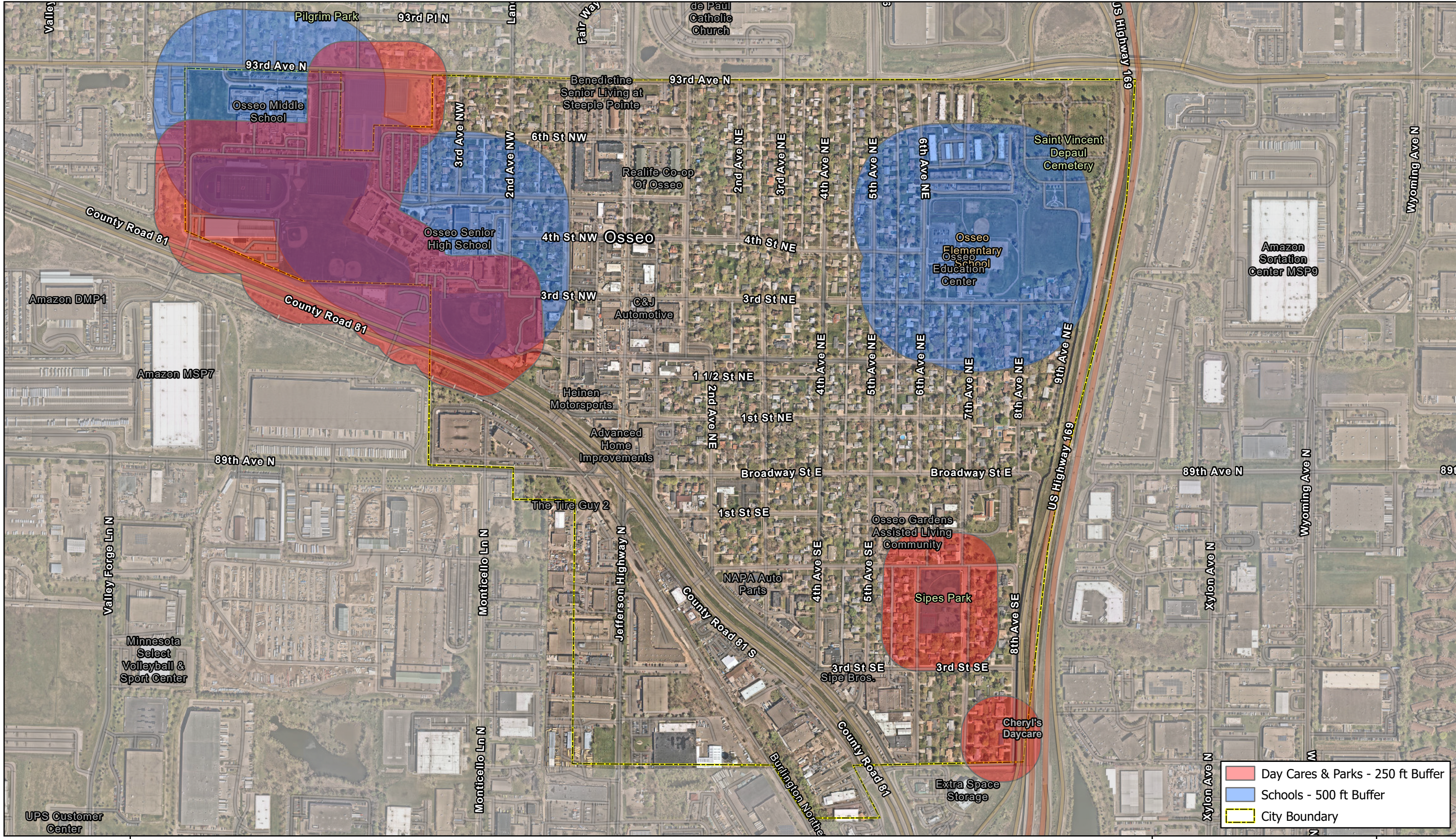
ATTEST:

By: \_\_\_\_\_  
Katrina Jones, City Clerk

First Reading: August 28, 2023  
Second Reading & Adoption: September 11, 2023  
Published: September 21, 2023, *Osseo-Maple Grove Press*

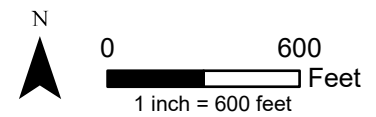
# Planning Districts (April 2006)



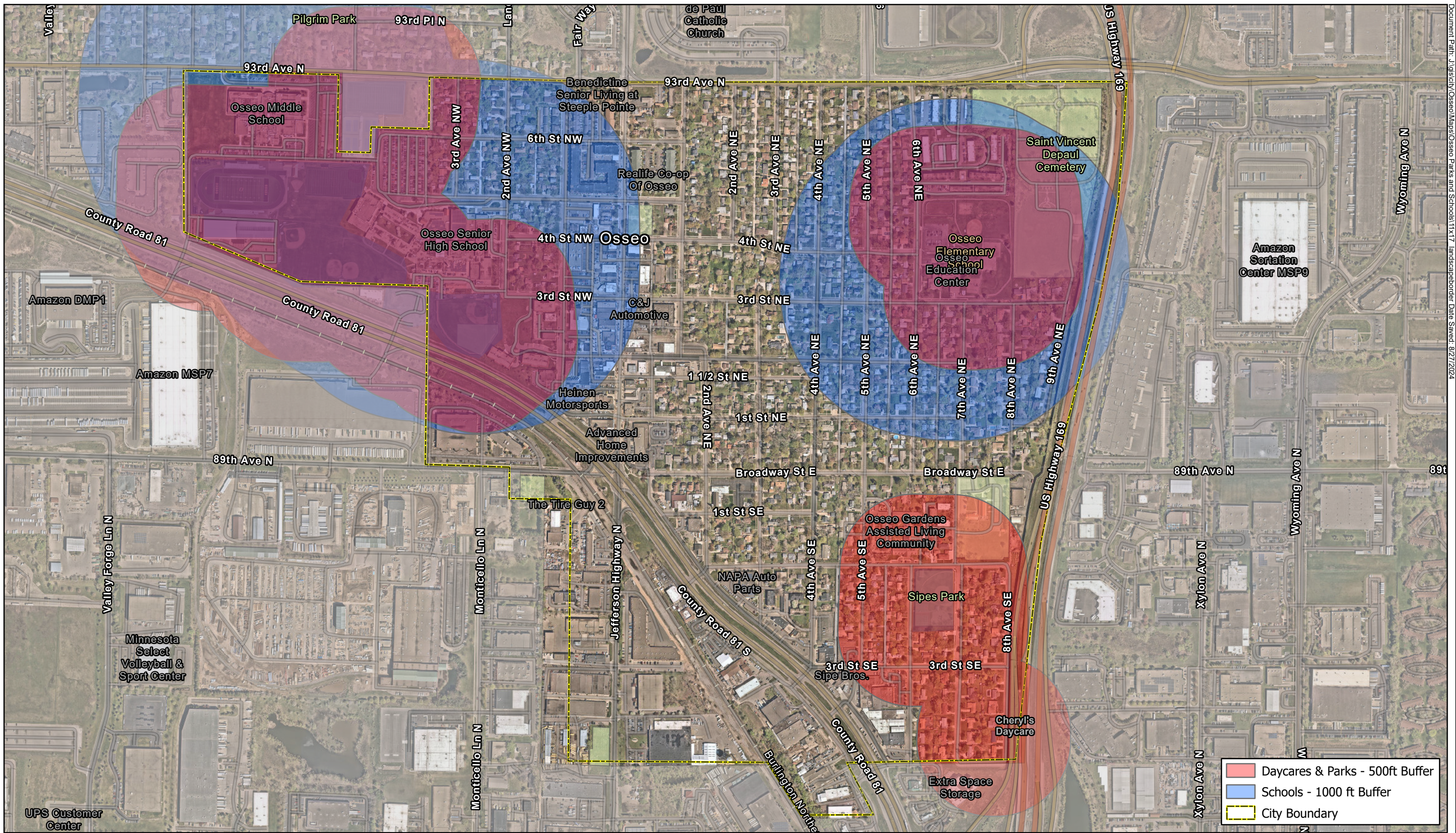


### Schools & Parks

Buffered Distances from Schools, Parks, and Daycares  
Osseo, MN







### Schools & Parks

Buffered Distances from Schools, Parks, and Daycares  
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