

**DRAFT** – MAPLE GROVE  
PLANNING COMMISSION  
December 12, 2022

CALL TO ORDER

A meeting of the Maple Grove Planning Commission was held at 7:00 p.m. on December 12, 2022 at the Maple Grove City Hall, Hennepin County, Minnesota. Vice Chair Ayika called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Planning Commission members present were Vice Chair Chris Ayika, Lorie Klein, Susan Lindeman, Chuck Lenthe, Michael Ostaffe, and Joe Picket. Absent was Chair Craig Lamothe. Present also were Karen Jaeger, City Council Liaison; Jesse Corrow, Associate Planner; Brett Angell, Assistant Community and Economic Development Director; and Scott Landsman, City Attorney.

ITEMS TO BE REMOVED FROM THE AGENDA

None.

CONSENT ITEMS

The following Consent Items were presented for the Commission’s approval:

- A. Regular Meeting – November 14, 2022
- B. Arbor Lakes 10<sup>th</sup> Addition **TABLED** to Monday, January 9, 2023 Planning Commission meeting.  
12575 Elm Creek LLC  
12575 Elm Creek Boulevard  
PUD development stage plan to construct 5,800 square foot retail building.

**Motion by Commissioner Ostaffe, seconded by Commissioner Lenthe, to approve the Consent Items as presented. Upon call of the motion by Vice Chair Ayika, there were six ayes and no nays. Motion carried.**

CONSIDERATION OF ITEMS PULLED FROM CONSENT

None.

## AGENDA

### REVIEW OF THE CITY COUNCIL MINUTES FROM THEIR REGULAR MEETING OF DECEMBER 5, 2022

Mr. Angell reviewed with the Commission what items the City Council approved that was given direction at the Planning Commission level.

### OLD BUSINESS

No items to present.

### NEW BUSINESS

### PUBLIC HEARING

#### EAGLE POINT

#### BOZIDAR DJURANOVIC

16650 BASS LAKE  
ROAD

Mr. Corrow stated the applicant is proposing a planned unit development, concept stage plan, development stage plan, rezoning, and final plat for the purpose of splitting the 2.72-acre property into two lots. The existing home would remain on a 1.27-acre lot and a new 1.45-acre lot will be created on the north end of the property. The property is to be rezoned from R-A to R-1 PUD and the submitted plans are consistent with the R-1 zoning district. Staff discussed the plans in further detail and made the following recommendation.

#### **STAFF RECOMMENDATION:**

Motion to recommend that the City Council direct the City Attorney to draft a resolution and a Planned Unit Development agreement approving Eagle Point Planned Unit Development concept stage plan, development stage plan and final plat subject to:

1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:
  - a. Hennepin County, dated November 22, 2022
  - b. The Parks & Recreation Department, dated December 6, 2022

#### PUD CONCEPT STAGE PLAN, DEVELOPMENT STAGE PLAN, REZONING AND FINAL PLAT FOR TWO LOT SINGLE FAMILY DEVELOPMENTS

Motion to recommend that the City Council direct the City Attorney to draft an ordinance approving the rezoning from RA, Single-Family Agricultural to R1 PUD, Single-Family Residential Planned Unit Development.

The applicant shall acknowledge that Park Dedication

requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

*Discussion*

*Commissioner Lindeman asked if there was an opportunity to further subdivide this property at a future date. Mr. Corrow explained there would be no additional access to Bass Lake Road. He indicated with the R-1 guidelines and given the grade of the property, he did not believe any other lots could be subdivided.*

*Commissioner Lenthe inquired if City vehicles would continue to use Comstock Lane. He asked if the lack of a turnaround was discussed between staff and the applicant. Mr. Corrow indicated the turnaround or hammerhead was not a requirement for a driveway that serves less than three homes. He stated a third home would require a turnaround.*

*Commissioner Ostaffe explained he believed a hammerhead should have been installed when this house was constructed. He questioned if Hennepin County could require that there be no additional traffic added to Bass Lake Road. Mr. Corrow explained the City was trying to respect the wishes of Hennepin County. He noted the proposed additional lot would not be accessed from Bass Lake Road.*

The applicant was at the meeting to answer questions.

Bozidar Djuranovic, 16650 Bass Lake Road, thanked the Commission for considering his request and thanked staff for all of their assistance with this matter. He discussed how the topography of the property would not allow for any additional lots.

Vice Chair Ayika opened the public hearing at 7:14 p.m.

The public was asked by Vice Chair Ayika if they had any comments to make regarding this application.

Mary Grover, 16620 73<sup>rd</sup> Avenue North, explained she was not opposed to the plan. She asked what commitment she has from the City that there will not be a repeat of 2008 when the City started developing The Timbers of Elm Creek behind her home, and there were silt and sewer concerns. She reported her basement ended up full of sewer and she did not want to go through this experience

again. She requested the City be proactive to ensure this does not occur again.

Mr. Corrow commented on how the new property would be stubbed for water and sewer lines. He noted the engineering staff would be reaching out to Ms. Grover to discuss this project further.

**Motion by Vice Chair Ayika, seconded by Commissioner Picket, to close the public hearing at 7:18 p.m. Upon call of the motion by Vice Chair Ayika, there were six ayes and no nays. Motion carried.**

**Motion by Commissioner Lindeman, seconded by Commissioner Picket, to recommend that the City Council direct the City Attorney to draft a resolution and a Planned Unit Development agreement approving Eagle Point Planned Unit Development concept stage plan, development stage plan and final plat subject to:**

- 1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:
  - a. Hennepin County, dated November 22, 2022**
  - b. The Parks & Recreation Department, dated December 6, 2022****

**Upon call of the motion by Vice Chair Ayika, there were six ayes and no nays. Motion carried.**

**Motion by Commissioner Lindeman, seconded by Commissioner Picket, to recommend that the City Council direct the City Attorney to draft an ordinance approving the rezoning from RA, Single-Family Agricultural to R1 PUD, Single-Family Residential Planned Unit Development.**

**The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.**

**Upon call of the motion by Vice Chair Ayika, there were six ayes and no nays. Motion carried.**

MAPLE GROVE  
PET HOSPITAL  
12575 ELM CREEK  
BOULEVARD  
PUD  
DEVELOPMENT  
STAGE PLAN TO  
CONSTRUCT A  
5,400 SQUARE  
FOOT ANIMAL  
HOSPITAL

Mr. Corrow stated the applicant is requesting a development stage plan approval for the purpose of constructing a 5,400 square foot veterinary clinic on a recently created outlot at the former AMC Theater property. The proposal follows the guidance of the comprehensive plan and is consistent with the concept plan approved in 2021. Staff discussed the plans in further detail and made the following recommendation.

**STAFF RECOMMENDATION:**

Motion to recommend that the City Council direct the City Attorney to draft a resolution and a Planned Unit Development agreement approving the Maple Grove Pet Hospital PUD development stage plan subject to:

1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:
  - a. The Community & Economic Development Department dated November 28, 2022
  - b. The Engineering Department dated December 12, 2022
  - c. The Fire Department dated November 18, 2022
  - d. The Parks & Recreation Department, dated November 30, 2022

The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

*Discussion*

*Commissioner Picket asked if this use was allowed within the Shoppes at Arbor Lakes. Mr. Corrow reported the pet hospital has been in discussions with the Shoppes at Arbor Lakes and noted this use would be allowed.*

*Commissioner Picket questioned how pet waste and pet noise would be managed. Mr. Corrow deferred this question to the applicant.*

*Commissioner Klein inquired if this was a new location for the pet hospital with new employees. Mr. Corrow stated this was his understanding.*

*Commissioner Klein asked if this would serve as a 24 hour emergency hospital. Mr. Corrow explained the pet hospital would not operate 24 hours, but rather would have regular business hours and would close at 7:00 p.m.*

*Commissioner Ostaffe questioned if pets would be allowed to stay overnight while recovering and inquired if the property had an outdoor pet space. Mr. Corrow stated the property did not have an outdoor pet space and noted a kennel license would be required if the pet hospital housed animals overnight.*

*Commissioner Klein indicated there was a strong need for emergency pet services in this area and asked if a Comprehensive Plan Amendment would be discouraged for this area of Maple Grove. Mr. Corrow stated no change would be needed for the Comprehensive Plan, but rather a change would have to be made to the concept plan if the applicant would like to operate 24 hours a day. Mr. Angell reported there were only four or five emergency vets in the entire metro area. He indicated staff has been exploring this use for other sites in Maple Grove.*

*Vice Chair Ayika asked if the surrounding intersections could support the additional traffic that would be generated by this use. Mr. Corrow discussed the number of trips that would be generated by this use and noted the surrounding intersections could support the proposed traffic. Mr. Angell stated the north and east outlots, which were slated for restaurants/fast food, could potentially trigger improvements for the intersection.*

The applicant was at the meeting to answer questions.

Ken Just, Ardamy Design Build, thanked the Commission for considering his request. He explained this would be a pet hospital and the site would not be used for boarding. He indicated the property would have a small relief yard and commented he would not have pets playing outdoors. He did not anticipate the property would be receiving noise complaints.

Commissioner Lindeman asked if a kennel license were granted for this property to allow for boarding, would restrictions be placed on the number of dogs that could be onsite overnight. Mr. Corrow reported a kennel license would allow for up to three dogs to stay overnight.

Commissioner Lindeman stated she believed this would be a great addition to this area of Maple Grove.

**Motion by Commissioner Lenthe, seconded by Commissioner Klein, to recommend that the City Council direct the City Attorney to draft a resolution and a Planned Unit Development agreement approving the Maple Grove Pet Hospital PUD development stage plan subject to:**

- 1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:**
  - a. The Community & Economic Development Department dated November 28, 2022**
  - b. The Engineering Department dated December 12, 2022**
  - c. The Fire Department dated November 18, 2022**
  - d. The Parks & Recreation Department, dated November 30, 2022**

**The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.**

**Upon call of the motion by Vice Chair Ayika, there were six ayes and no nays. Motion carried.**

**PUBLIC HEARING**

**ZOTA –  
DONATION  
COLLECTION  
BINS**

**CITY OF MAPLE  
GROVE**

**ZONING  
ORDINANCE  
AMENDMENT FOR**

Mr. Corrow explained a donation collection bin is typically a large enclosed steel container with built in drop slot used to accept donated or unwanted items. This proposed ordinance amendment comes in response to complaints received about the general appearance of these containers in high traffic areas, generally placed in the parking lots of popular retail centers. These containers are often unsightly and items that do not fit in the drop slot may be left to collect next to the containers causing a visual blight.

Mr. Corrow stated additionally, misleading advertising on the containers give the impression that the managing company is a charitable organization, whereas donated goods are actually sold

THE PURPOSE OF  
AMENDING CITY  
CODE ARTICLE VI  
– INDUSTRIAL  
DISTRICT AND  
SECTION 26 –  
SOLID WASTE  
MANAGEMENT  
REGARDING  
DONATION  
COLLECTION  
BINS

for profit. Current city code does not regulate the placement of donation collection bins. The proposed zoning ordinance text amendment would limit these types of containers to Industrial zoned districts only with additional requirements including setbacks, general placement and maintenance standards, as well as written consent from the property owner provided to the city. In addition to the language added to the Industrial District regulations, this ordinance text amendment will include a definition of donation collection bins and other reference language added to Section 26 regarding Solid Waste Management. The proposed changes to the ordinance are indicated below with underlined text and within the attached redlined ordinance sections. Staff discussed the plans in further detail and made the following recommendation.

**STAFF RECOMMENDATION:**

Motion to recommend that the City Council direct the City Attorney to draft an ordinance approving the zoning ordinance text amendment amending City Code Article VI regarding Industrial District and Section 26 – Solid Waste Management regarding donation collection bins.

*Discussion*

*Commissioner Picket asked how many of these bins were located in the City at this time. Mr. Corrow stated the City did not have any donation collection bins at this time. He discussed how staff worked diligently with management companies to have several bins removed from the City over the summer. Mr. Angell commented some management companies are placing donation bins without permission and this Ordinance would address this concern.*

*Commissioner Lindeman explained she supported the proposed zoning ordinance amendment.*

*Commissioner Picket recommended there be some rules or regulations as to what can be stored onsite, to ensure residents are not illegally dumping at these bins.*

*Commissioner Ostaffe commented large bulky items are concerns surrounding these donation bins as this was not sightly. He recommended the donation bins be clearly labeled as to what*



*organization would benefit from the donations.*

*Commissioner Klein supported the bins having clear labels on where items could be placed. City Attorney Templin reported City staff decisions could be appealed to the City Council, which meant there would be oversight.*

*Commissioner Ostaffe suggested an approval process be considered for the placement of the donation bins. He stated if dumping became a big concern, holding the property manager financially accountable with fines for creating an eyesore would be another way to address this concern. Mr. Corrow stated the written consent from the property owner, pushes a lot of the responsibility back to the property owner when it comes to property maintenance matters. He reiterated that property owners would be subject to code enforcement.*

*Commissioner Lenthe understood staff has had a lot of discussion regarding this matter. He questioned if the City could prohibit this use versus having language that speaks to how it shall be addressed. Mr. Corrow stated this was a possibility, but noted there were people who used these donation bins. He commented because there was a demand, staff was working to properly regulate their use.*

*Commissioner Lenthe explained another option for residents was to make drop offs at the existing non-profits in the community.*

*Commissioner Picket reported there was a problem with dumping occurring in the community. He agreed that putting the onus on the property owner was the best way to address the donation collection bins. He suggested video monitoring be put in place on properties that have collection bins in order to assist with managing illegal dumping.*

*Commissioner Klein inquired if staff looked at what other communities were doing to address this concern. Mr. Corrow stated he had investigated how other communities were regulating these bins. He explained some cities require permits or licenses. He commented further on how the City was proposing to regulate the bins through violations and fines if the proposed regulations were not followed.*

*Vice Chair Ayika asked if the Commission supported this matter moving forward or does the language require additional*

*modifications.*

*Commissioner Ostaffe reported the City business licenses for businesses to operate. He indicated these collection bins were a business and questioned if they should be required to have a business license. Mr. Corrow explained staff had considered this, but believed requiring a license would not be necessary.*

*Vice Chair Ayika supported the City not requiring a license because the collection bins would be sitting on a property. He explained these the property owners would have to sign off on the placement of these bins, which meant they were assuming some responsibility for the bins.*

*Commissioner Picket supported staff revising this language based on the comments received from the Planning Commission and reporting back at a future meeting.*

*Commissioner Klein stated with respect to this matter, she would defer to staff on how to best manage the collection bins. She explained if problems were to arise the Commission and City Council could revisit this topic.*

*Commissioner Ostaffe did not want these bins to become an eyesore for residents. He indicated he would be able to support this ZOTA because it was limiting the placement to industrial areas in the community.*

*Commissioner Picket stated he had no problem with supporting this either, but suggested the language be clarified with respect to limiting each property to one collection bin or the amount of space that would be covered by collection bins.*

*Commissioner Ostaffe believed this was a good recommendation. Mr. Corrow stated staff could omit the bin number requirement and noted bins must be placed in an appropriate location along with receiving the Community Development Directors approval.*

Vice Chair Ayika opened the public hearing at 8:07 p.m.

The public was asked by Vice Chair Ayika if they had any comments to make regarding this application.

No one wished to address the Commission.

**Motion by Vice Chair Ayika, seconded by Commissioner Ostaffe, to close the public hearing at 8:08 p.m. Upon call of the motion by Vice Chair Ayika, there were six ayes and no nays. Motion carried.**

**Motion by Commissioner Piket, seconded by Commissioner Ostaffe, to recommend that the City Council direct the City Attorney to draft an ordinance approving the zoning ordinance text amendment amending City Code Article VI regarding Industrial District and Section 26 – Solid Waste Management regarding donation collection bins, amending Item 2 under Accessory Uses removing the language stating: each lot is limited to one collection bin and should now read, each collection bin shall be placed on a paved or finished surface.**

Commissioner Lenthe stated he was not convinced these types of bins should be regulated, but rather should be prohibited.

**Upon call of the motion by Vice Chair Ayika, there were five ayes and one nay (Commissioner Lenthe opposed). Motion carried.**

## PUBLIC HEARING

ZOTA – INTERIM  
USE PERMIT –  
FIREARM SALES

CITY OF MAPLE  
GROVE

ZONING  
ORDINANCE  
AMENDMENT FOR  
THE PURPOSE OF  
AMENDING CITY  
CODE SECTION  
36-483 TO  
INCLUDE  
FIREARM SALES  
AS AN INTERIM

Mr. Angell stated over the course of the past few months, city staff have received inquiries from potential businesses whom primary sales are of new and/or used firearms. Per the existing zoning code, the retail sale of firearms is an allowed use within the B-Business zoned districts within the city. Upon review of the zoning code related to this item. After comparison to and review of other cities throughout the metro, it is recommended that firearm sales be included in the business types which require an interim use permit (IUP). The proposed ordinance amendment would require an interim use permit for any firearm sales business seeking to locate within the city. The proposed ordinance would not prohibit this use within the city but ensure that it meets certain criteria as defined in the ordinance. Proposed criteria include a distancing requirement of being at least 1,000 feet from any public or private primary or secondary school, user being in full compliance any state and federal laws and regulations, and the user having the proper insurance. Staff recommend this item be an IUP rather than a conditional use permit so that the approvals as granted are specific to each individual business rather than the property. Should a retail sales business permanently close, the interim use permit would no

USE IN THE B  
BUSINESS  
DISTRICT UNDER  
CERTAIN  
CONDITIONS AND  
TO ADD SECTION  
16-454 TO DEFINE  
INSURANCE  
REQUIREMENTS  
FOR FIREARMS  
SALES USERS

longer be valid. Staff discussed the plans in further detail and made the following recommendation.

**STAFF RECOMMENDATION:**

Motion to recommend that the City Council approve Ordinance No. 22-23 amending City Code 36-483 to include retail firearm sales as an interim use in the B Business district under certain conditions and to add Section 16-454 to define insurance requirements for firearm sales uses.

*Discussion*

*Commissioner Ostaffe asked how many primary and secondary schools were located in Maple Grove. Mr. Angell stated he was not certain of that exact number. He reported from a commercial building standpoint, there were five existing buildings that would fall within this, two that were near the middle school.*

*Commissioner Ostaffe questioned how many property owners would be impacted by this ordinance. Mr. Angell stated he was uncertain as to how many property owners would be impacted.*

*Commissioner Ostaffe inquired if the property owners that would be impacted, or not allowed to rent to these types of users, have spoken with staff. Mr. Angell explained he has not heard any comments from these property owners.*

*Commissioner Ostaffe asked where staff came up with the 1000 foot limit for properties surrounding schools. Mr. Angell indicated he looked at numerous cities throughout the metro area for their distancing requirements.*

*Commissioner Ostaffe questioned if a charter school could open up near a firearms business that was already established. Mr. Angell stated should a firearms business already have an IUP in place, they would be allowed to continue operations.*

*Commissioner Ostaffe inquired if this ordinance would impact FFL dealers that work out of their home. Mr. Angell reported this ordinance would apply strictly to retail sales.*

*Commissioner Picket asked if there were any state or federal laws that govern how close firearm sales could occur to primary and secondary schools. Mr. Angell stated to the best of his*

*knowledge, there were no state or federal regulations in place.*

*Vice Chair Ayika inquired if the City had any other IUP's for businesses in Maple Grove. Mr. Angell explained IUP's were not widely used in Maple Grove. He commented on the types of uses that worked best for IUP's, such as mining.*

*Vice Chair Ayika questioned if this IUP would be strictly for the sale of a firearm. Mr. Angell reported this was the case. He explained a gun range would not be allowed to be opened in Maple Grove at this time.*

*Commissioner Ostaffe asked if the 1000 feet was measured from the commercial building or the property line. Mr. Angell stated he would like direction from the Commission on this matter.*

*Commissioner Ostaffe explained there was no supporting data that shows 1000 feet was the property distance for firearms dealers in communities and for this reason, he could not support the proposed ordinance. He stated he would like to see facts that support the proposed distance. In addition, he was concerned with the fact the commercial buildings that would be impacted by this ordinance had not been contacted by the City to make them aware of the proposed firearm sales ordinance.*

*Commissioner Klein questioned what other businesses have specific insurance requirements in Maple Grove. Mr. Angell explained the City had 18 different use types that require insurance, 11 that would require \$1 million in insurance.*

*Commissioner Klein inquired if staff spoke with other communities regarding insurance requirements. Mr. Angell stated he did not.*

*Commissioner Lindeman asked how many legal retail entities the City had selling guns at this time. Mr. Angell reported Maple Grove currently had zero entities selling firearms within the City.*

*Commissioner Picket questioned if firearm sales could occur in the freeway frontage district. Mr. Angell explained limited sales could occur in this district, but not a full retail store.*

*Vice Chair Ayika stated if the Commission wants to change the distance a new distance should be proposed for the Council to consider. He believed some distance from schools should be set.*

*Commissioner Klein inquired if there were rules or regulations regarding carrying a firearm within 1000 feet of a school. Mr. Angell stated he was uncertain of the state's carrying requirements.*

*Commissioner Ostaffe reported with a carrying permit a person can carry onto school grounds and this weapon can then be locked into a trunk properly prior to entering the school building.*

*Commissioner Klein explained she would like to know more about why the 1000 foot requirement was in place.*

*Further discussion ensued regarding the states conceal and carry permitting process.*

*Vice Chair Ayika stated he supported setting a limitation for the proximity of firearm sales with respect to schools. He did not believe this would cause the five properties a hardship. He believed the 1000 foot limit showed the City was putting some thought into the ordinance.*

*Commissioner Picket commented he believed the distance requirement was arbitrary but rather was a feel good move. He feared property owners rights were being infringed upon and suggested the 1000 feet not be put into the City's ordinance.*

*Commissioner Lenthe asked if the city posted written notice regarding this ordinance. Mr. Angell reported this item was printed in the Osseo Maple Grove Press, but no direct emails were sent to the property owners.*

*Commissioner Lindeman suggested the Commission table action on this item in order to allow staff to further investigate why 1000 feet was necessary.*

*Vice Chair Ayika explained staff could further investigate this topic. He stated he supported some distance be put in place.*

*Commissioner Picket inquired if there were other outstanding matters that staff should be addressing regarding the proposed ordinance.*

*Commissioner Klein stated she was satisfied with the response she received from staff regarding the insurance requirements. She was of the opinion the \$1 million limit was too low, but she understood*

*this was better than nothing.*

*Commissioner Ostaffe feared that the proposed ordinance was a taking and he would like to see the five properties that would be impacted by the proposed ordinance to be notified of this taking, with respect to their property rights.*

*Commissioner Picket stated there were all kinds of businesses that had restrictions near schools and this was just one more.*

*Vice Chair Ayika reported this was the case, noting the City did regulate certain uses around schools.*

*Commissioner Klein asked if there were any other businesses that were restricted to 1000 feet from schools. Mr. Angell explained buffers were fairly common for cities. He noted the City of Maple currently did not have any in place for liquor or tobacco. He indicated adult oriented uses currently have a buffer in place in Maple Grove.*

*Commissioner Klein questioned what additional information staff could provide the Commission regarding the 1000 foot requirement. She did not believe there would be a benefit to delaying the vote on this item.*

*Commissioner Lindeman supported staff conducting more research on this topic prior to the Commission making a recommendation to the City Council.*

*Vice Chair Ayika stated buffers were not new to the community, because they were in place for adult uses. He supported the Commission taking action on this item at this meeting.*

The applicant was at the meeting to answer questions.

Vice Chair Ayika opened the public hearing at 8:48 p.m.

The public was asked by Vice Chair Ayika if they had any comments to make regarding this application.

Travis Mitchell, 9209 Upland Lane, stated 1000 feet usually references a three block distance from schools. He commented most cities in Minnesota, especially small towns have a one block limit. He noted this would break down in 315 feet. He explained an adjacent community had a gun club one block from a school. He

indicated the goal would be to have good gun ownership and protection of children. He reported Osseo has limited the hours of gun range activities and suggested Maple Grove considering taking this same action for gun sales. He stated he did not mind guns being sold in Maple Grove, especially with proper regulations and controls were in place. He explained he did not want his child to look out of his school and see a vape shop, gun shop or adult store.

Vice Chair Ayika asked if the gun shop would allow for testing. Mr. Angell indicated this would not be allowed at a retail firearms shop.

Commissioner Klein questioned if it would make more sense to open a gun shop in Osseo in conjunction with the gun range where the firearms could be tested, versus opening a retail store in Maple Grove. Mr. Angell stated if this were allowed this would allow for gun sales and testing.

Commissioner Ostaffe inquired if staff was aware of any concerns or issues that have arisen from the gun range in Osseo being one block from a school. Mr. Angell stated he was not aware of any issues, but noted the Osseo Police Department would have this information.

Vice Chair Ayika questioned if the proposed ordinance was reviewed by the police department. Mr. Angell reported the Police Chief had reviewed the ordinance and noted he supported the City having an IUP permitting process in place. He indicated the Police Chief did not voice any negative comments towards the 1000 foot requirement.

Commissioner Lenthe stated he believed it made sense to have a buffer in place for this type of use, to ensure it was not adjacent to a school. He supported this distance being more than 500 feet and believed 1000 feet should be the minimum.

**Motion by Vice Chair Ayika, seconded by Commissioner Klein, to close the public hearing at 8:57 p.m. Upon call of the motion by Vice Chair Ayika, there were six ayes and no nays. Motion carried.**

**Motion by Commissioner Klein, seconded by Commissioner Lenthe, to recommend that the City Council approve Ordinance No. 22-23 amending City Code 36-483 to include retail firearm sales as an interim use in the B Business district**



**under certain conditions and to add Section 16-454 to define insurance requirements for firearm sales uses.**

Commissioner Picket stated he could support this ordinance if the 1000 foot requirement were removed.

Commissioner Ostaffe expressed concern with the fact the City had not reached out to the effected business owners given the fact their property rights would be impacted.

**Amendment to the motion by Commissioner Picket, seconded by Commissioner Ostaffe, to remove Item B – No firearm sales may occur within 1000 foot of any public or private primary or secondary school.**

Commissioner Lindeman did not believe the 1000 foot restriction should be removed without putting some other distance in place. She explained she could not support the amendment as stated.

Commissioner Picket called the question.

**Upon call of the amendment to the motion by Vice Chair Ayika, there were two ayes and four nays (Commissioners Klein, Lenthe, Lindeman and Vice Chair Ayika opposed). Motion failed.**

Vice Chair Ayika called the question on the original motion.

**Upon call of the motion by Vice Chair Ayika, there were four ayes and two nays (Commissioners Ostaffe and Picket opposed). Motion carried.**

Mr. Angell reported staff would reach out to the affected property owners prior to the City Council meeting to make them aware of the proposed ordinance. Vice Chair Ayika thanked staff for taking on this task.

## DISCUSSION ITEMS

The Commission thanked Commissioner Lindeman for her service on the Planning Commission. The Commission also recognized Councilmember Jaeger for her many years of service to Maple Grove on the City Council.

**Motion by Commissioner Ostaffe, seconded by Commissioner Klein, to publicly recognize Commissioner Susan Lindeman and Councilmember Karen Jaeger for their dedicated service**

**to the City of Maple Grove. Upon call of the motion by Vice Chair Ayika, there were six ayes and no nays. Motion carried.**

**ADJOURNMENT**

**Motion by Commissioner Ostaffe, seconded by Commissioner Picket, to adjourn the Planning Commission meeting. Upon call of the motion by Vice Chair Ayika, there were six ayes and no nays. Motion carried.**

Vice Chair Ayika adjourned the meeting at 9:04 p.m. to the next regularly scheduled meeting of the Planning Commission scheduled for January 9, 2023.