

OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
7:00 p.m
Monday, April 20, 2009

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Susan Hanson at 7:00 p.m., Monday, April 20, 2009.

2. ROLL CALL

Present: Commission members Dorothy Clarke, Barbora Plzak, Melanie Larsen Sinouthasy, Brad Hansen, John Cochran, RJ Wiley and Chair Susan Hanson.

Others present: Jeffrey Dahl, City Planner; Ron Barger, Kevin Nordeen, Jim Comfort, Rollie and Sharon Jones, Mike Fair, Anthony Healy, Darrell J. Healy, Vinay Mehta.

3. APPROVAL OF AGENDA

A motion was made by Plzak, seconded by RJ Wiley, to approve the Agenda. The motion carried 7-0.

4. APPROVAL OF MINUTES

a. Approve March 16, 2009 Minutes

A motion was made by RJ Wiley, seconded by B Hansen, to approve the March 16, 2009 minutes. The motion carried 7-0.

5. PUBLIC COMMENTS – None.

6. PUBLIC HEARINGS

a. Amended Conditional Use Permit Request from Kevin Nordeen for on-sale intoxicating liquor sales and expansion of a café and wine bar at 204 Central Avenue

A motion was made by Cochran, seconded by Larsen Sinouthasy to open the Public Hearing for the CUP application. The motion carried 7-0.

Dahl stated applicant Kevin Nordeen has submitted a request to amend a previously approved Conditional Use Permit (CUP) in order to serve intoxicating liquor and to expand the restaurant area at 204 Central Avenue. The property is under the ownership of VKAS, LLC and is zoned CBD, Central Business District, and guided as Commercial in the Land Use Plan.

The subject property is entirely surrounded by the CBD Zoning District. The properties on the east side of 1st Avenue NE, approximately 400 feet is zoned R-1, One and Two Family

Residential District and are guided as single-family. Some of the existing uses adjacent to the property include a bar and grill to the west, screen printer, apartment, and gas station to the south, newspaper company to the east, and various office and retail establishments along Central Avenue.

Per Section 153.037 of the City's Zoning Code, on- or off-sale liquor establishments (taverns, pubs) and restaurants to sell or serve liquor as part or regular business are allowed as a conditional use.

On August 27, 2007, the City Council approved a CUP application for the property from Kristin Spangler of Lilly's Café and Wine Bar to allow for a café and wine bar with on-sale wine service. All the plans and use was approved on a "wine bar". An amended CUP is required if the business owner wishes to serve other intoxicating beverages than wine and if the business owner wishes to expand the original dining area, which was reviewed as part of the original approval.

For tonight, this request is to provide intoxicating liquor service as apart of the café and wine bar's regular business operations versus just wine AND to expand the restaurant area from approximately 522 sq. ft. to 1,790 sq. ft. The applicant is planning on expanding the restaurant in phases. The following issues should be considered regarding this request:

Parking

For Restaurants/Bars/Cafés, at least one parking spot is required for each three seats based upon the design capacity of the seating area. The applicant has stated that the seating plan will to exceed 50 spaces---not including additional patio seats. The amount of parking stalls required would be 17 stalls. There are approximately 58 on-street stalls within 150 feet of the property.

The parking requirement for the space is virtually the same as it was before Lilly's Café and Wine Bar and Quality Books and Music (retail) occupied the space. Given the amount of on-street public parking spaces in the immediate area, there should not be any major parking concerns assuming the indoor seating capacity stays below 50.

Patio

The applicant would like to use the City right-of-way in front of the restaurant for patio seating. The previous CUP required staff approval for any outdoor patio operations. Typically, a six (6) foot pedestrian walkway and street is known as the amenity area and is used for benches, tress, etc. As the pedestrian walk way should remain clear, the amenity area and bump out area could be used for out door dining with City approval. If the Central Avenue project goes through, the bump out areas are designed to be larger, as well as the width of the sidewalks. The applicant has not submitted a patio plan, but will need to prior to implementation if he wishes to utilize public right-of-way.

Intoxicating Liquor Service

Adding intoxicating on-sale liquor service can add a different element to the business. There likely will be more instances of intoxicating persons and a more active and potentially louder patio. However, because the restaurant's location is on Central Avenue in the middle of the CBD, staff finds that this use fits the location and is consistent with the Redevelopment Master Plan and Comprehensive Plan Update.

In conclusion, the staff feels that the previously approved CUP included conditions that appropriately addresses most of the issues associated with serving intoxicating liquor. Staff recommends approval of this amended CUP application by adding two more conditions: one that limits indoor seating capacity to 50 (based on parking) and another that requires a SAC (Sewer Access Charge) determination and payment by the applicant prior to the opening of the business. The SAC is a charge that Met Council collects from the City.

Cochran addressed Dahl regarding the patio and how it is addressed in the staff findings. What is the requirement and why, for enclosing the patio – which level is governing us to state the patio must be enclosed. Dahl stated the City has requested this to keep alcohol from leaving the premises. The issue is that the state and county require you to serve in a contiguous area – meaning must be next to the building with the principle use. We have met with a representative from the state with the applicants in reference to wine and beer. They issue the okay for the on-sale wine and beer license, and they require all serving areas are contiguous with the principle use. Regarding the intoxicating liquor license, it is up to the City to enforce this. Dahl stated that it currently reads that the outdoor seating plan would need to be approved by staff before implemented. Chair Hanson clarified that this only applies to alcoholic beverages, not food. Cochran referenced #4 and #9 in the conditions and commission agreed that this should cover these issues.

Jim Comfort, 224-1st Avenue, Osseo Nazarene Church. Comfort questioned how many intoxicating liquor licenses there are in the city, or does the city have a plan? Dahl stated that originally, for city's under 2500 residents, it was 4 intoxicating liquor licenses with no limit to the number of businesses that just serve beer or wine. However, there is a stipulation that is relatively recent that says restaurants and bars that serve food do not need to be considered in the 4 -- there are no limits. Reference was made regarding comments of "sports bar that also serves food" or a "restaurant that serves liquor". For example, if you are a restaurant that serves 60/40 food to alcohol vs. 60/40 liquor to food, you are a bar. Dahl advised MN state statues do not get that specific. We as a municipality could enforce something like that, but Osseo does not have that in our city code. Comfort asked if the city has ever discussed a limit of how many intoxicating liquor licenses the city would have. Comfort encouraged the city be sensitive and use judgment on this issue. Dahl stated the Zoning Code will be overhauled over the next few months and should be addressed as to what we would like for our community. Chair Hanson agreed and will look at the "city criteria" for those types of licenses and definition.

Vinay Mehta, owner of the company that owns the building in question explained his desire to expand the visibility of Osseo and lighten up the ambiance of the city in the evenings; same intentions as when Lilly's was brought in. Looking forward to working with Kevin as his focus is to have a good food, not just a sports bar with alcohol.

The question was asked for clarification as to if the restaurant would be moved somewhere else, would the CUP with an intoxicating license remain with the building that would then allow someone else to use for whatever establishment they would propose. Dahl advised that was true; however, the city can limit the conditions in the approval. So if there is concerns the percentage of liquor being served or the amount of noise on the patio, there are conditions that can be added it appropriate for the neighborhood. We also have to bear in mind the precedence that this sets as well. Dahl stated that the city must also be fair and meet the intent of the zoning ordinance, as well as the Comprehensive Plan.

Dahl stated that a condition could be stated to all serve food. If food is served, then there are no limits on the number of liquor licenses. Chair Hanson clarified that all of our establishments that serve intoxicating liquor (bars) in town also serve food. Dahl was unaware of this new ruling, but has been in effect for about couple years. Cochran suggested getting clarification from Attorney Magsam.

Rollie Jones, 4th Avenue NE, believes it is a good idea to bring in new businesses in downtown. If this business would sell to someone else, does the liquor license go with the sale of the business? Cochran replied that the CUP stays with the property. The liquor license is registered to the proprietor of the restaurant and each subsequent proprietor would need to apply, qualify and get approval from the city.

A motion was made by Cochran, seconded by Clarke, to close the Public Hearing for a CUP application. The motion carried 7-0.

Dahl stated that on this particular application, a recommendation needs to be made to the city council due to time restrictions. Dahl advised that we currently allow this type of use as a condition use and recommends approval of this application.

Commission members continued to express concern with the number of potential applications for intoxicating liquor licenses in the city. Cochran asked Dahl if Attorney Magsam could attend the next meeting. A suggested was made to discuss a possible moratorium to prohibit all new intoxicating licenses being issued because the code will not be done until next fall. Dahl reiterated this is a separate issue from the CUP application before us, but if the entire Planning Commission is in agreement, they could ask Dahl to mention this at a council meeting to call a public hearing to consider a moratorium on CUP that involved liquor licenses pending revision of the zoning code. This would be for consideration and addressed in the next month or two.

Larsen Sinouthasy questioned what the outcome was with the intoxicating liquor license from the last request for Lilly's. Dahl stated other issues had come up and action had not yet been taken on the CUP.

A motion was made by Cochran, seconded by Clarke, to approve the amended CUP request to the City Council in order to expand the restaurant area and serve on-sale intoxicating liquor at 204 Central Ave., subject to the twelve (12) conditions listed in the staff report.

- 1. The on-sale intoxicating beverages shall adhere to all applicable federal, state, and county statutes and regulations in addition to local ordinances;**
- 2. Outdoor television, video, or similar projection shall not be allowed in the outdoor patio area,**
- 3. Any outdoor music shall be at a noise level such that it cannot be heard more than 50 feet from the premises and at the premises shall not exceed 60 decibels of intensity on site;**
- 4. The outdoor patio area shall be enclosed by some sort of barrier (fence, rope, etc.) if alcohol is to be served outdoors;**
- 5. The patio area shall not impede normal pedestrian traffic;**
- 6. Alcoholic beverages shall not be allowed to be taken out of the inside of the building or enclosed patio area;**

7. **The off-street parking area on the east side of the property shall be free of weeds and debris at all times;**
8. **The applicant shall obtain all necessary building and sign permits related to the proposed use;**
9. **An outdoor patio seating plan that conforms to ADA requirements shall be submitted and approved by staff prior to any outdoor service;**
10. **The indoor seating plan shall not exceed 50;**
11. **The applicant shall submit a seating plan (indoor and outdoor) to staff prior to operation. The seating plan/s will then be sent to the Metropolitan Council for a SAC (Sewer Access Charge) determination. The applicant will be required to pay the appropriate SAC fee based on the determination, prior to the opening of business; and**
12. **Violation of any condition shall result in revocation of the CUP in accordance with the provisions of the Zoning Ordinance.**

The motion carried 6-0. (Abstain - Larsen Sinouthasy because no discussion held regarding trash enclosure.)

- b. **Variance Request from Darrell Healy to construct a private garage that is 1,080 square feet in size and 17 feet 4 inches in height at 216 3rd Avenue NE**

A motion was made by Cochran, seconded by B. Hansen to open the Public Hearing for a variance request from Darrell Healy to construct a private garage. The motion carried 7-0.

Dahl stated the applicant, Darrell Healy, has submitted a Variance application from the Zoning Code to allow a detached garage that is 1,080 sq. ft. in size and 17 ft. 4 in. in height. The property is located at 216 3rd Avenue NE. The property is zoned R-1, One and Two Family Residential and is guided Single Family in the Land Use Plan. The adjacent properties are developed as single-family homes.

An older, approximately 300 sq. ft. detached garage, currently sits in the backyard. While still standing, this garage was heavily damaged due to a fire. The applicant is proposing to tear down the existing garage and build a new 1,080 sq. ft. garage. The applicant also wishes to build the garage 17 feet 4 inches tall in order to allow for enough space for his vehicles and to have a second floor that could be used as a living space or a storage area in the future.

This is coming to the Planning Commission because the maximum garage or accessory space allowed under section 153.056(C) of the zoning ordinance is 1,000 sq. ft. Also, the maximum height, which is measured from the ground to the midpoint of the pitch, is 15 feet. A variance from the Zoning Ordinance is needed in order to allow an additional 80 sq. ft. of accessory space and 2 feet 4 inches in height.

The City's discretion in approving or denying a variance is limited to whether or not the proposed meets the variance standards listed in the Zoning Ordinance. The applicant must also have a hardship in complying with the existing provisions. However, the level of discretion is affected by the fact that some of these standards are open to interpretation.

The Planning Commission may vary the regulations of this Ordinance when supporting evidence in each specific case indicates that:

1. Because of the particular physical surrounding, shape, or topographic conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out,
2. The conditions upon which the petition for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property with the same zoning classification.
3. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land.
4. The alleged difficulty or hardship is caused by the provision of this Ordinance and has not been created by any persons presently or formerly having an interest in the parcel of land.
5. The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located.
6. The proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity.
7. Adherence to the regulations of this ordinance would create an undue hardship because of inadequate access to direct sunlight for solar energy systems.

The request needs to meet all 7 of these points. The applicant has stated in his narrative that additional space is needed to store three (3) vehicles and allow for workspace on the first floor and allow for living or storage space on the second floor. The applicant has also indicated that he is handicapped and needs more space to maneuver around his vehicles. According to the applicant, additional height is needed in order to fit the vehicles into the garage and to allow the living or storage space on the second floor with an eight (8) foot high ceiling—building code requires seven (7) feet.

The intent of this district, Section 153.035 of the City's Zoning Ordinance is to recognize fully or particularly developed one- and two-family residential areas including supporting public and semi-public facilities, to provide for future development of a similar nature, and to protect the desired low intensity living environment from encroachment by conflicting land use. It is staff understands that the current ordinance, with respect to restrictions on size and height of accessory structures, was drafted for two reasons:

- Limiting the size of accessory structures will discourage residents to operate private businesses or accessory uses that are not consistent with what is allowed in the R-1, Single Family Homes Zoning District;
- Limiting the size and height of accessory structures will prevent them from being out of scale with the surrounding neighborhood in which some of the homes' footprints are smaller than the size of the proposed garage (including the subject property).

Private garages are defined as accessory structures because they serve as a building that is accessory to the main use—which is the home. Allowing an accessory structure that is larger than most homes would not meet the intent of the ordinance. Furthermore, research shows that Osseo's Ordinance is parallel with the majority in the metropolitan area.

Staff concludes that the variance request does not meet the seven standards listed in the City Code nor is there a demonstrated hardship that would necessitate such a request. Staff recommends denial of the variance application to the Council because the 1,000 sq. ft. maximum is still adequate and can meet the needs of both the applicant and the community. Dahl stated the plans prepared are very extensive and accurate and welcome any questions.

Anthony Healy, 216 3rd Avenue NE. Cochran stated that the existing garage is showing encroachment on the side yard setback. Healy stated the new garage would be where the existing garage is currently with the proper 5' setback from the alley and neighbor. Healy read the Ordinance as per lot; however, their taxes are billed based on 1.5 lots. His interpretation of that ordinance was useable space. The reason he went with 8 x 12, was to have the most useable space for in-law apartment or guest bedroom with the ability to place the bathroom where it is located. This requires a certain amount of headspace, etc. and also headspace issues on stairs coming up as well.

Chair Hanson believes the ordinance to read straight forward – “maximum capacity of private garage shall not exceed total of 3 passenger vehicles in residential zoning. The maximum aggregate floor space of all private garages on a single lot shall not 1,000 sq. ft. Maximum height shall be 15 feet.” Dahl addressed the lot issue – it is one tax parcel. Question was asked as to the size of garage doors to see if the height could be lowered -- Heely stated a 16 x 9 and a 9 x 9 to fit work vehicles.

Cochran addressed Chair Hanson in regard to the specifications and height requirement-- could support height variance, but not justification for the size variance.

Rollie Jones lives directly behind Healy's. Jones stated that his garage is almost identical to what they propose to build. His garage was built 10 years ago and is 28' x 36', with a height of 23 ½ feet. Jones was advised from the City Council at that time he could go 25 ft in height. Heely is proposing an extra 4 feet deep because of his truck. He also has many hobbies and is now disabled. Jones is in support of him building the garage. Jones referenced the 5-car garage built further down on 4th Avenue on the south side of town. Plzak and other commission members referenced the variance was denied and the applicant came back with a lower height and did meet the 1,000 sq. ft. maximum and was checked when being built. Chair Hanson stated that the zoning codes have changed and every effort is being made to be very consistent in the way they are applied. Historically, there were many variations.

Dahl commented that three (3) neighbors had come by after the public hearing notice was published with some general opposition, but did not want to leave names or specifically say why, but thought the city should be consistent.

Larsen Sinouthasy questioned whether the city allows living space above the garage? Dahl stated that technical it is a one and two family zoning district so it can be two (2) families. Dahl questioned whether the space above should be counted in the 1,000 sq. ft. maximum, because that is for accessory structures. Dahl believes the intent through the code of the height requirement is to eliminate those types of living space. Larsen Sinouthasy raised the concern for fire safety, and secondly, in the Redevelopment Master Plan we have pictures of carriage housed with living spaces above garages. Plzak commented that the commission should entertain the idea that they should be compliant. Chair Hanson also stated they should meet requirements, rental codes, fees and inspections.

Heely stated the reason for wanting the living space above the garage is so the many relatives visiting from out-of-state would have a place to stay. The house does not have enough room and is not able to add-on.

Mike Fair, Darrell Healy's neighbor. Healy is a good neighbor and friend. Current plans show the garage adjacent to the property to the south. A new plan could be submitted or approval or denial could be contingent upon, as Darrell has agreed to move the garage 5 foot from his property.

Chair Hanson reiterated the two (2) issues in question are the variance for the height and variance for the size, not the location of the building, which would be addressed with a building permit.

A motion was made by Cochran, seconded by Plzak, to close the Public Hearing for the variance request. The motion carried 7-0.

RJ Wiley recommended the commission be consistent with the code. Plzak was in agreement and referenced the resident on 4th Avenue SE, which had a variance request for construction of a private garage that was denied due to height and size. Clarke reiterated the vote is a recommendation from the commission to the city council based on staying within the code.

Plzak made a motion, seconded by Cochran, deny the variance application to allow a 1,080 sq. ft. and 17 ft. 4 in. detached garage at 216 3rd Avenue NE. Chair Hanson suggested an amendment to the motion to recommend denial of the variance application based on the fact that the commission does not believe the particular seven (7) conditions listed do not support granting variance. The motion carried 7-0.

c. Consider issuing a Zoning Moratorium (Interim Ordinance) on three conditionally permitted uses in the CBD, Central Business District: Drive-in Businesses; Minor Auto Service Stations for Retail Sale and Service; and Mortuaries.

A motion was made by Cochran, seconded by Larsen Sinouthasy to open the Public Hearing for a CUP application. The motion carried 7-0.

Dahl stated the City Council at its March 23rd meeting, called for the Public Hearing at the April 20th Planning Commission Meeting in order to consider issuing a moratorium on the following conditionally permitted uses in the CBD, Central Business District: drive-in businesses, auto service stations, and mortuaries as per our section 153.37 in our zoning ordinance.

A moratorium acts as an interim ordinance, which in this case, would temporarily halt the aforementioned uses from being conditionally permitted in the CBD until the Zoning Ordinance is amended or until one-year has passed—whichever occurs first.

Over the last three years, the City has developed two key planning documents---the 2007 Redevelopment Master Plan (RPM) and the 2008 Comprehensive Plan Update (CPU) that guides future growth in Osseo for the next few decades. Both the RMP and the CPU guide mixed-use, multi-story buildings that immediately abut Central Avenue with accesses and

parking off of Central Avenue. Buildings and land uses are intended to be pedestrian-oriented with retail, office, service, and civic on the first floor and residential on the upper-level floors.

On April 8, 2009, the Metropolitan Council authorized the City of Osseo to put its 2030 Comprehensive Plan Update in to effect. Once the City officially adopts the Plan, it has nine months to make any necessary Zoning Ordinance amendments in order to reflect the new Plan. If our old plan has commercial in one area and is changed over to residential, our zoning needs to reflect that as well within 9 months with the Comp Plan.

The current Zoning Ordinance allows drive-in businesses, auto service stations, and mortuaries as conditionally permitted uses in the CBD. The Council and staff's opinions are that these types of uses are inconsistent with the RMP and the CPU as they are traditionally focused towards the automobile versus the pedestrian, requiring multiple ingress/egress accesses and a significant front-yard building setback.

A moratorium is needed to prevent any of the aforementioned uses from being allowed to operate in CBD between now and when the Zoning Ordinance is amended. Recently, a representative of 501 Central Avenue submitted a CUP application for another automobile service station. This application is currently on hold, pending the outcome of the moratorium.

Please note that if the moratorium is adopted, it will not impact existing uses; for example, Holiday, Bob and Carl's or the Funeral home. They will still exist -- it would only apply to new applications.

Staff recommends Alternative A in the staff report—recommending adoption of an interim ordinance instituting a moratorium on the following conditionally permitted uses in the CBD: drive-in businesses, minor auto service stations for retail sale and service; and mortuaries.

Dahl stated that the plan is to have the Zoning Ordinance completely overhauled by the end of 2009 with a resolution for this issue. After talking with some of the staff, questions were raised if dry cleaning should be included in the list as well for the Central Business District. The reason being there are some large dry cleaning operations that could come into town, not just a storefront.

Discussion was held as to what is the definition of a drive-in business. S. Hanson clarified that we simply need to get the zoning ordinance caught up with the RMP and the new Comp Plan so they are as consistent as possible being that the RMP and Comp Plan as they have been adopted by all the official bodies.

Cochran, allow us to address in the zoning code for the purpose of having a storefront. What is considered a drive-in business – coffee shop, pharmacy, and bank? Chair Hanson sees the need to update the zoning code to be consistent with the RMP and CUP, but opportunity to catch up with the other two documents. Same as we did with the signs this last year (revising the sign code). When the moratorium comes off on signs and dynamic signs, the code will be in place to address the issues. The commission will be diligent and having work sessions to update the zoning ordinance.

Joe Sullivan, Real Estate Investment Company that currently holds the mortgage on 501 Central, in all likelihood through foreclosure will own that property sometime later this year. They are also the applicant for the CUP to put the property back in service in the same use that it served for the last 50 years, a convenience store and gas station. The most likely

scenario if moratorium approved is the station will set and go to waste with more deterioration with the property that is across from City Hall on Central Avenue. Sullivan asked the commission for support by foregoing the moratorium and considering their CUP.

A motion was made by Cochran, seconded by Clarke, to close the Public Hearing for a CUP application. The motion carried 7-0.

Cochran, addressed Chair Hanson, concern mentioned is the same with many storefronts on Central Avenue for the future of many projects the city would like to see done. I believe for the better meant of the city to get the zoning code in compliance and provide us with future options, even if some of the options may take some time to show up.

A motion was made by Cochran, seconded by Clarke, to approve issuing the amended Zoning Moratorium (Interim Ordinance) on four conditionally permitted uses in the CBD, Central Business District: Drive-In Businesses; Minor Auto Service Stations for Retail Sale and Services; Mortuaries and Dry Cleaning. The motion carried 7-0.

Dahl stated the council will hear this next week, go through the publishing process and then enacted in May.

7. OLD BUSINESS – None.
8. NEW BUSINESS – None.
9. DEVELOPMENT UPDATE

a. City Planner Report

Comprehensive Plan

Dahl stated restated that the Comprehensive Plan was approved by the Met Council and are waiting for the City to adopt this at either of the next two council meetings. We will all then receive a printed copy at which time we will begin working on the Zoning Ordinance.

Central Avenue Reconstruction Project

The project went out for bids a couple of weeks ago. The Council will accept the bids at the next council meeting and then consider ordering an assessment hearing. The council is currently schedule to meet on May 26 to conduct the public assessment hearing, adopt the assessment role and award the bids for the contract. As for now, everything is moving as scheduled and construction could be initiated on June 1.

B. Hanson had a few questions the dollar figures stated at the last council meeting regarding the assessment. It is unclear if these figures include interest – Dahl stated that the project cost per lineal foot along Central Avenue is approximately \$400 (estimated), believes that figure to include if not most of it, a large portion of it. Buyout numbers - Dahl recommended that B. Hansen contact Greg Withers, City Administrator or Rebecca from Ehlers.

Chair Hanson asked Dahl what the updated status is on the Advanced Home Improvement Building on the corner. Dahl stated he is aware there are current discussions with the City, but not informed on any final decision.

Cochran asked Dahl if there has been any additional contact from Kristin Spangler. Dahl stated he heard as of last week she is no longer interested in pursuing the CUP.

Larsen Sinouthasy questioned the area behind Taco Bell that has debris, light poles, etc., as it appears to be a junk area, but also concerned with safety for the community. Dahl stated this is currently being used as a staging area for the work on Devil's Triangle (Cty Rd 81/169/85th Ave) reconstruction project. A suggestion was made at least have a fence put up. Dahl stated he would follow-up with the Project Manager at MNDot.

10. OTHER BUSINESS – None.

a. **Future Agenda Items**

11. ADJOURNMENT

A motion was made by Larsen Sinouthasy, seconded by B. Hansen, to adjourn at 9 p.m. The motion carried 7-0.

Respectfully submitted,

Dawn Tessman
Recording Secretary