

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
7:00 p.m.
Monday, March 16, 2009**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by John Cochran at 7:00 p.m., Monday, March 16, 2009.

2. ROLL CALL

Present: Commission members John Cochran, Melanie Larsen Sinouthasy, Barb Plzak, Dorothy Clarke, Brad Hansen, RJ Wiley.

Absent: Chair Susan Hanson

Others present: Jeffrey Dahl, City Planner; Mark Lynde.

3. APPROVAL OF AGENDA

A motion was made by Clarke, seconded by Plzak, to approve the Agenda. The motion carried 6-0.

4. APPROVAL OF THE MINUTES

a. Approve February 17, 2009 Minutes

Larsen Sinouthasy mentioned a few minor corrections. Dahl indicated that he would make the corrections.

A motion was made by Larsen Sinouthasy, seconded by Brad.Hansen, to approve the amended February 17, 2009 minutes. The motion carried 6-0.

5. PUBLIC COMMENTS – None.

6. PUBLIC HEARINGS –

a. Amended Conditional Use Permit Request from Lynde's Restaurant and Catering to allow for on-sale intoxicating liquor sales at 209 County Road 81.

A motion was made by Plzak, seconded by Wiley, to open the Public Hearing. The motion carried 6-0.

Dahl stated applicant Mark Lynde has submitted a request to amend a previously approved Conditional Use Permit (CUP) in order to allow on-sale intoxicating liquor sales as a part of Lynde's Restaurant and Catering at 209 County Road 81. The property is under the ownership of Lynde's Inn, Inc. and is zoned C-2, Highway Commercial District and guided as Commercial in the Land Use Plan.

Back on January 22, 2007, the City Council approved a CUP application from the applicant in order to allow service of intoxicating liquor as a part of the existing catering business. Approval of the application was subject to three conditions. Condition #2 specifically refers to service of intoxicating liquor:

“On-sale purchase and consumption of alcoholic beverages shall be limited to off-site premises where the catering business is serving. On-sale purchase and consumption of alcohol is not allowed at 209 County Road 81.”

On April 24, 2008, the Council approved a PUD for a new restaurant building at the current site as a part of the Lynde’s Redevelopment project. The applicant had indicated his intention to provide on-sale intoxicating liquor at the new restaurant in addition to the off-site service of alcohol the catering business provides and would come back and apply as the project is nearing completion.

Allowing intoxicating liquor sales often brings up concerns about potential negative impacts to adjacent business and residents. In this case, the subject property is relatively isolated from businesses and homes---it is located at the end of a frontage road cul-de-sac with the railroad right-of-way to the west, Jefferson Hwy. to the north, and County Road 81 to the east. Traffic to and from the restaurant is confined strictly to the frontage road. The property is well buffered from the residential properties because of the 300-foot strip of County Road 81 right-of-way as well as the commercial properties and parking lot on the north side of the road.

The request is merely to provide on-site intoxicating liquor service as part of the Lynde’s Restaurant and Catering regular business operations. The applicant still intends to provide off-site service through the catering business as well. There is no proposed expanding seating or outside seating planned.

In conclusion, the staff recommends approval of the amended CUP request to allow on-sale (on- and off-premise) intoxicating liquor service at 209 County Road 81, subject to the following four (4) conditions:

- 1) The on-sale service of liquor shall adhere to all applicable federal, state, and county statutes and regulations in addition to the local ordinances;
- 2) Alcoholic beverages shall not be allowed to be taken outside of the building;
- 3) The applicant shall need to apply for an amended CUP with a patio plan in order to provide outdoor food and liquor service; and
- 4) Violation of any condition shall result in revocation of the CUP in accordance with the provisions of the Zoning Ordinance.

Mark Lynde, stated that he does not want his restaurant referenced as a sports bar. The restaurant will be more of family style dining with good home cooked meals and the ability to purchase a beer or drink from a full service bar.

This amended CUP will allow Dahl to update the old one, because it has the old property identification numbers with the old properties. Cochran asked if they would have to amend the actual liquor license in any way for the on-sale in the restaurant. Dahl stated that the only thing restricting the Lynde’s of selling alcohol at the site is the CUP.

A motion was made by Plzak, seconded by Clarke, to close the Public Hearing. The motion carried 6-0.

A motion was made by Plzak, seconded by Wiley, to recommend approval of the amended CUP request to the City Council in order to allow for a restaurant and catering business with on-sale intoxicating liquor service at 209 County Road 81, subject to the following four (4) conditions of approval:

- 1) The on-sale service of liquor shall adhere to all applicable federal, state and county statues and regulations in addition to the local ordinances;**
- 2) Alcoholic beverages shall not be allowed to be taken outside of the building;**
- 3) The applicant shall need to apply for an amended CUP with a patio plan in order to provide outdoor food and liquor service; and**
- 4) 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.

7. OLD BUSINESS – None.
8. NEW BUSINESS

a. Consider Recommendation on Central Avenue Reconstruction Project

Dahl stated that plans and specifications are currently being finalized for the Central Avenue Reconstruction Project. A joint meeting will be held immediately following this meeting with the City Council, Economic Development Authority and the Planning Commission. At the next regular City Council meeting on March 23, the Council will consider accepting the specifications and plans and calling for bids. Because one of the main reasons for this project is to encourage redevelopment of Central Business District, it is appropriate that the Planning Commission provide a recommendation to the Council on whether the project is parallel with the City's most recently approved planning documents –2008 Comprehensive Plan Update (CPU) and the 2007 Redevelopment Master Plan (RMP).

The City Council should be considering all of the board recommendations, with their perspective on this project in relation to the EDA (finances and economic development), the Planning Commission (zoning ordinance and the planning documents) and whether it adheres to the general intent of those documents.

There are 3 main components of the project:

- 1) Roadway: The new roadway is proposed to be constructed with more durable and much longer lasting concrete. The roadway will be reduced in width two feet in order to provide for larger and more accessible sidewalk areas. Also, bump outs at intersections are increasing in size to allow for more pedestrian amenities and to decrease the length and time pedestrians need to cross streets.
- 2) Utilities: Improvements to the storm sewer as well as decreases in impervious surface will vastly improve the capacity of the system. Presently, the line is not designed to

accommodate the needs of a 10-year water storm. The water main size will be increased from 6" to 10" in order to accommodate larger mixed-use redevelopment projects and allow for renovated buildings to put in sprinklers. Also, private connections to the water main will be replaced to the curb stop. New connections will allow better service to existing buildings as well as reduce costly and inconvenient connection breaks.

- 3) Streetscape: The current streetscape was completed over 20 years ago. Key components of the streetscape concept include: pavers in sidewalk area, new and more efficient lighting, larger plaza areas, improved and ADA accessible pedestrian ramps, raised wall planters in the bump outs, benches, trash cans, bus shelters and community kiosks, bike racks, street trees in commercial areas, shade trees in lesser intense commercial and residential areas, and added gateway features at County Road 81 and County Road 30. City staff continues to take feedback from the community regarding the streetscape component of the project

Another goal of the city is to incorporate sustainable and environmentally friendly design to the streetscape. The proposed pedestrian lights will be LED lights that will significantly reduce energy costs. In addition, the area between the main walkway and the curb will either consist of plantings or permeable pavers, which will significantly reduce storm water runoff in the area.

Project costs will be discussed in detail in the joint meeting to follow at which the engineering consultants Bolton and Menk, Inc. and the architects Hoisington Koegler Group, Inc. will be able to address questions. The Planning Commission's responsibility is to give a recommendation on whether the project meets the intent of the City's updated Comprehensive Plan and related planning documents such as the Redevelopment Master Plan. It is staff's opinion that the Central Avenue Reconstruction Project is a key implementation step of the RMP. Also, the streetscape improvements address several key components of the RMP and CPU as well, such as: increased mass through mixed-use, transit oriented development, green infrastructure, pedestrian connections to the rest of the City and surrounding communities. Staff recommends adopting the attached resolution for the Central Avenue Reconstruction Project.

Dahl responded to questions of how the total cost increased from 4.7 million to 5.2 million and how the entire project will affect the residents in the city. Clarke stated that the project seems to be parallel with the City's new planning documents and believes the updates are necessary and should move ahead. However, the City needs to work with residents and business owners regarding concerns about the expense of the project. Cochran reminded the Commission members that tonight's meeting is not necessarily covering the finances. Wiley indicated that the project is right in line with the Redevelopment Master Plan.

A motion was made by Cochran, seconded by Clarke, to adopt the attached resolution of support, 2009-01, for the Central Avenue Reconstruction Project. The motion on the resolution carried 5 – 1 (Hansen – Nay).

9. DEVELOPMENT UPDATE

a. City Planner Report

Dahl stated that Lilly's Café and Wine Bar request to amend their Condition Use Permit to allow for intoxicating liquors at 33 2nd Street NW was tabled twice by the Council to their April meeting. A 60-day extension letter was sent to both the property owner and the applicant as required.

Dahl encouraged the Planning Commission members and all residents to attend the Public Hearing for the Central Avenue Reconstruction Project on March 23, 2009 at 7:00 p.m.

10. OTHER BUSINESS

a. Future Agenda Items

Cochran stated the Planning Commission is continuing to discuss the sign ordinance and will meet at 6:00 pm in the Council Chambers prior to the next regular meeting on April 20, 2009.

11. ADJOURNMENT

A motion was made by Wiley, seconded by Larsen Sinouthasy, to adjourn at 7:38 p.m. The motion carried 6-0.

Respectfully submitted,

Dawn Tessman
Recording Secretary