

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
February 18, 2020**

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1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Thostenson at 6:00 pm, Tuesday, February 18, 2020.

2. ROLL CALL

Present: Commission members Deanna Burke, Dan Penny, Alden Webster, Kenny Nelson, and Chair Ashlee Thostenson

Absent: Commission members Dee Bonn and Michael Olkives

Others present: Jerry Shoults, Rayetta Murray, David Murray, Mike Wiley, Jenny Bohler-Penny, Larry Stelmach, City Planner Nancy Abts

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES

A. Approve January 21, 2020, Minutes

A motion was made by Burke, seconded by Webster, to approve the January 21, 2020, minutes. The motion carried 5-0.

5. PUBLIC COMMENTS

Chair Thostenson 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. Conditional Use Permit for Elks Lodge

Abts stated the proposed use would include a bar providing liquor service under a "club" on-sale liquor license, an entertainment area with a stage and space for club meetings and assembly, charitable gambling, and administrative offices. A "club" on-sale retail liquor license is one type of liquor license authorized by State Statute. Under the liquor license, liquor may only be served to club members and bona fide guests, not the general public.

Abts reported the proposal uses space in an existing building owned by Wiley Properties. The Elks have operated for many years at a location at the intersection of Brookdale Drive and Xerxes Avenue North in Brooklyn Park. The CUP for that property has been in place since 1998. Brooklyn Park staff did not report land use complaints arising from the use. Prior to Brooklyn Park, the lodge was located in Crystal.

Abts explained current club membership is approximately 175 members, with 150 of those members residing in the metro area. Regular administrative meetings are held on Wednesday nights and draw between 8 to 15 members. General membership meetings are held only as needed and typically draw 30 to 40 members. Currently, Thursdays are the busiest day for the club, with an average of 40 to 50 members and their guests in attendance over the course of the evening.

Abts indicated the club proposes regular operating hours of 4:30 p.m. to 11:00 p.m., Monday through Saturday. On weeknights the club often closes at 9:00 p.m. when attendance is low. The club is open on select Sundays for football games, with operating hours pegged to the hours of the game. Staff commented further on the proposed request and recommended approval with conditions.

A motion was made by Nelson, seconded by Penny, to open the Public Hearing. The motion carried 5-0.

Jenny Bohler-Penny, 332 6th Avenue SE, stated she had concerns with the proposed use. She indicated the hours of operation were a concern for her as they would overlap with the existing businesses and would exacerbate the parking issues on 6th Avenue. She commented there were employees and trailers parking on 6th Avenue which left limited parking for residents. She indicated another concern she had was with the speed of traffic along 6th Avenue. She requested the City monitor the speed of traffic along 6th Avenue. She suggested the City replace the divider at the end of the road to limit the traffic coming down her street. In addition, she recommended the parking lot exit onto 6th Avenue be closed in order to push this traffic out to 81.

The Committee reviewed an email from Megan Olson, 308 6th Ave SE, expressing concerns about traffic speeds and congestion and on- and off-street parking.

A motion was made by Penny, seconded by Nelson, to close the public hearing at 6:18 p.m. The motion carried 5-0.

Burke stated she was concerned with the level of noise that would be coming from the Elks Lodge if entertainment were sponsored by this organization. She asked how the Elks would ensure they would not exceed City noise levels. Jerry Shoults, Elks representative, reported the average age of the members was 66 years of age. He noted loud bands and parties were not sponsored by his members. He stated bingo, meat raffles, silent auctions and dinners would be held at this site to raise money for the community.

Burke questioned how the site would accommodate 25 to 30 cars on Thursday evenings. Mr. Shoults anticipated certain parking spaces would be allocated to his facility and stated he was willing to work things out with the Yellow Tree Theatre.

Penny indicated the neighbors were concerned about parking. He asked how the Elks Lodge could assure the neighbors parking would not be a concern. Mr. Shoults commented his members were very cooperative and would work to follow procedures set forth by the Board. He stated if the Board were to request all parking occur in the parking lot his members would comply.

Thostenson inquired if the Elks would be renting out the space in Osseo for corporate events or weddings. Mr. Shoults explained the space in Osseo was quite a bit smaller than its current space. He anticipated the site in Osseo would only be used for members' luncheons after funerals, anniversaries, or for birthday parties. He anticipated the largest event that would be held in the space would be for a district conference which would host 70 to 80 people.

Thostenson questioned what the maximum capacity was for the building. Abts reported this would be determined by the Building Code.

Thostenson asked if the Elks Lodge was trying to actively grow their club. Mr. Shoults stated the group was trying to grow but was also looking to move for financial reasons, given the fact the space in Brooklyn Park was twice size and twice the expense of the space in Osseo.

Thostenson inquired if the Elks Lodge ever partners with the American Legion for community events. Mr. Shoults indicated he would fully support this partnership. He explained the Elks did not have a military affiliation but did raise a great deal of funds for veterans.

Nelson commented he visited the Elks Lodge in Brooklyn Park. He asked if the site in Osseo would have a full kitchen. Mr. Shoults stated the Osseo site would not have a full kitchen but rather would have a toaster oven and bar foods.

Nelson questioned if the "No Overnight" parking sign was for the entire parking lot. Mike Wiley, owner of the property, explained generally he does not allow for overnight parking, except for tenants with trailers.

Nelson asked if Wiley would allow for overnight parking on the lot in the event a member were to be overserved. Mr. Wiley stated this would be allowed.

Nelson inquired how many new members joined the Elks Lodge over the past year. Mr. Shoults estimated this to be around 12.

Nelson requested further information from the property owner on how the site was cleared of snow. Mr. Wiley discussed with the Commission how snow removal was managed on this site.

Nelson questioned if noise transfer has been a concern at this building. Mr. Wiley discussed the tenants in the building and noted noise transfer does occur in the space and explained he has dealt with it the best he can to mitigate the concerns.

Abts asked what the property owner thought about limiting access along 6th Avenue. Mr. Wiley stated this access point was quite narrow to begin with. He explained he understood the concerns with traffic along 6th Avenue and how traffic has increased since the divider was removed. He stated he would be open to considering modifications to the parking lot access.

Nelson inquired if the Elks Lodge had members that smoked or vaped. Mr. Shoults commented he did have members that smoked.

Nelson recommended a designated smoking area be created at the end of the building.

Mr. Shoults discussed the value of having the Elks Lodge moving into the City of Osseo. He explained his organization raised over \$30,000 in revenue last year that was invested back into the community.

Nelson asked if the Elks Lodge would have charitable gambling. Mr. Shoults indicated he would be applying for a charitable gambling license.

A motion was made by Burke, seconded by Webster, to recommend approval of the Conditional Use Permit to the City Council, subject to the eleven (11) conditions listed below.

- 1) Applicable Provisions. This permit is subject to the requirements of the City's ordinances and the Applicant is required to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and to obtain such other permits and permissions as may be required. Local and state regulations and ordinances shall include but are not limited to the following:**
 - a. The on-sale intoxicating beverages shall adhere to all applicable federal, state, and county statutes and regulations in addition to local ordinances;**
 - b. Entertainment, including musical entertainment, occurring on the property shall not disturb the peace, quiet and comfort of any person nearby, per Osseo City Code § 93.18 (F) and, per Osseo City Code § 93.18 (V) (d), entertainment that is plainly audible at the property line between the hours of 10:00 pm and 7:00 am shall be prima facie evidence of a violation, unless the entertainment is part of a city-permitted activity;**
 - c. Any trash enclosure must be properly screened from public view, per Osseo City Code § 153.057 (B) (1) (d);**
 - d. The building appearance shall be maintained so that it adheres to Osseo City Code § 153.053; and**
 - e. Signage relating to the use, including temporary signage, shall adhere to Osseo City Code § 153.090;**
- 2) Exterior lighting. Downlighting shall be added to the building to illuminate the entrance and required parking spaces. No light or glare shall be directed onto adjacent properties.**
- 3) Security cameras. The applicant shall install and maintain video security cameras to monitor the exterior entrance area and the bar area where on-sale liquor service occurs.**
- 4) Open to inspection. During any hours at which the club is open, the club shall be open to any State or County official and to any City official or police officer for inspection to determine compliance with the stated conditionals of approval;**
- 5) Parking. The applicant must provide on-site parking as required by Osseo City Code 153.079. Parking may be provided as part of a Joint Parking Facility provided the requirements of Osseo City Code § 153.077 are met. The parking spaces shall be continuously maintained in a clear and visible manner in compliance with the approved site plan.**
- 6) Occupancy. Occupancy of the building for the conditional use shall be consistent with the plans included as Exhibit B. Occupancy of additional tenant bays or other**

portions of the building for the Conditional Use shall require an amendment of this Conditional Use Permit.

- 7) **Building appearance.** To enhance and maintain an environment consistent with Comprehensive Plan Guidance for a district with convenient auto access and high visibility, improvements to the building exterior shall be completed no later than February 24, 2021. Improvements shall include installation and maintenance of:
 - a. Signage clearly identifying the club, located near the entrance and legible from the public Right of Way; and
 - b. Signage clearly identifying the club's operating hours legible from outside the entrance.
8. **No Waiver.** Failure by the City to take action with respect to any violation of any conditions, covenant, or term of this permit shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any condition, covenant, or term.
9. **Revocation.** The violation of any terms or conditions of this permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The Applicant shall be given written notice of any violation and reasonable time, as determined by the City, to cure the violation before a revocation of the permit may occur.
10. **Binding Effect.** This permit and its conditions are binding on the Owner and Applicant, their successors and assigns, and shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership, until the permit is terminated or revoked as provided herein. The obligations of the Applicant under this permit shall also be the obligations of the current and any subsequent owners of the Property.
11. **Acceptance of Conditions.** Utilization of the Property for any of the uses allowed by this permit shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the permit without qualification, reservation, or exception.

Nelson recommended the City Council consider installing a stop sign at the south end of 6th Avenue. He asked if the City should also consider installing "Resident Only" parking signs along 6th Avenue.

Penny stated he did not believe the "Resident Only" parking signs would be beneficial.

An amendment was made to the motion by Burke, seconded by Webster, to recommend the City Council consider installing a stop sign at the South end of 6th Avenue.

The amended motion carried 5-0.

7. OLD BUSINESS – None
8. NEW BUSINESS – None
9. REPORTS OR COMMENTS: Staff, Chair & Commission Members

Webster encouraged residents to support its local athletes and take in a game at Osseo High School.

Nelson thanked his wife and kids for allowing him to serve on the Osseo Planning Commission.

10. ADJOURNMENT

A motion was made by Webster, seconded by Burke, to adjourn the meeting at 6:48 pm. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial