



**AGENDA – REGULAR MEETING  
6:00 p.m., June 20, 2022**

**Planning Commission**

- 1. CALL TO ORDER**
- 2. ROLL CALL** (Quorum is 4)
- 3. APPROVAL OF AGENDA** (Unanimous additions required)
- 4. APPROVAL OF MINUTES**
  - A. Planning Commission Minutes of April 18, 2022
- 5. PUBLIC COMMENTS**
- 6. PUBLIC HEARINGS**
  - A. District Regulation Change Application
- 7. REPORTS OR COMMENTS: Staff, Chair, & Commission Members**
- 8. ADJOURNMENT**

**OSSEO PLANNING COMMISSION MINUTES**  
**REGULAR MEETING**  
**April 18, 2022**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Vice Chair Olkives at 6:00 pm, Monday, April 18, 2022. Due to the COVID-19 pandemic this meeting was held virtually.

2. ROLL CALL

Present: Commission members Dee Bonn, Deanna Burke, Chris Carrigan, Kenny Nelson, Kerstin Schulz and Vice Chair Michael Olkives.

Absent: Chair Ashlee Mueller.

Others present: Community Management Coordinator Joe Amerman

3. APPROVAL OF AGENDA

**A motion was made by Bonn, seconded by Schulz, to approve the Agenda as presented. A roll call vote was taken. The motion carried 6-0.**

4. APPROVAL OF MINUTES

A. Approve February 22, 2022, Minutes

**A motion was made by Burke, seconded by Carrigan, to approve the February 22, 2022, minutes. A roll call vote was taken. The motion carried 6-0.**

5. PUBLIC COMMENTS

Vice Chair Olkives advised this is the time for public comments for items that are not on the agenda for tonight's meeting. There were no comments from the public.

6. PUBLIC HEARINGS

A. Conditional Use Permit Application for 332 Central Avenue

Amerman stated the applicants, Brian, Ian, and Joe, come from extensive backgrounds in brewing and associated industries. With over 40 years of combined experience, they have identified Osseo as an attractive environment for opening their own brewery and taproom. They have found a space owned by the Dickinson's and Zephyr Investments at 332 Central Ave which they believe will suit their needs. A site plan application with the aim of building out that space was approved by the City Council at their February 28, 2022, meeting. At that time the Dickinson's were still finalizing an agreement with an unnamed brewery, which has now been identified as Thelema.

Amerman explained breweries with taprooms, like Thelema, are governed by Minnesota State § 340A.26, which allows cities to provide on-salt malt liquor licenses to state-licensed brewers. This statute does limit issuing licenses to brewers producing less than 250,000 barrels per year (for reference, at 248 pints per barrel that is 62 million pints). Thelema has indicated that they anticipate brewing approximately 1,250 barrels by the end of their third year, which is clearly well within state guidelines.

Amerman explained the relevant portions of Osseo code, adopted in 2018, mirror state statutes and provide a process for issuing licenses. However, the code does not explicitly lay out any other requirements or standards for breweries, brewpubs, and taprooms. So, while elevations and floor plans are included to help visualize the arrangement of the space, specific details are not germane to the consideration of this application. As stated, the property is owned by Zephyr Investments. To the north is Union Speed and Style, to the south is Deans Super Market, and to the east are residential properties. The property will face Central Ave to the west. This is the first Conditional Use Permit application to be considered for this use in the city of Osseo. Staff commented further on the CUP requested, listed all of the parking that was available to the public surrounding this property and recommended approval with conditions.

**A motion was made by Nelson, seconded by Carrigan, to open the Public Hearing at 6:17 p.m. A roll call vote was taken. The motion carried 6-0.**

Amerman reported he had comments from the public that he would like to read into the record. He stated the first comment was from Brian Hanson owner of Dean's Supermarket at 312 Central Avenue. Mr. Hanson stated he was pleased to welcome new businesses into the community but noted he had concerns that his parking would be used by Thelema patrons. Mr. Hanson explained he already had challenges with people using his lot that were not Dean's customers. Mr. Hanson requested that adequate parking be provided by the proposed use so as not to negatively impact surrounding businesses.

Amerman stated he also received a comment from Martin Duffy owner of Duffy's Bar and Grill at 337 Central Avenue. Mr. Duffy stated he supported a brewpub in Osseo because this would draw people into the community and its businesses. Mr. Duffy expressed concern with where employees and visitors to the brewpub would park. Mr. Duffy addressed the parking concerns that were already in place in downtown Osseo and recommended that this project not move forward until the business had an adequate parking plan in place.

Amerman explained he received a comment from Connie Aho owner of 1<sup>st</sup> Avenue Commons. Ms. Aho explained this property had a 46 stall public parking lot that could be used by Thelema brewing, or any other patrons to downtown Osseo.

Amerman indicated he received a comment from Aaron Hardley of 12 6<sup>th</sup> Street NE stating this resident supported the establishment of a brewery in Osseo. This resident encouraged the Planning Commission to support the requested brewery.

**A motion was made by Schulz, seconded by Burke, to close the public hearing at 6:26 p.m. A roll call vote was taken. The motion carried 5-1 (Nelson opposed).**

Olkives asked that the applicants introduce themselves to the Commission.

Brian Lasley, Thelema Brewing, introduced himself to the Commission and noted he was a resident of Osseo. He discussed his experience with the brewing industry noting he had previously worked with Surley in Northeast Minneapolis. He stated he was now looking to bring a brewpub experience to downtown Osseo.

Joe Lien, Thelema Brewing, explained he has been in and around the brewing industry since 2008. He stated he grew up in Brooklyn Park. He indicated he was hoping to bring a brewpub to the community on a small scale.

Nelson asked if how many parking spaces would be required for this business if public parking was not being used. Amerman reported this use would be required to have 11 parking stalls based on the seating within the brewpub.

Nelson questioned if the site plan dictated if a parking stall had to be handicap. Amerman explained this was determined by ADA State code requirements.

Nelson recommended the property have a sign posted where free parking was available in order to keep brewpub patrons out of Dean's and Duffy's parking lots. He encouraged the brewpub owners to learn the City's snow emergency parking requirements in order to avoid having to tow patrons vehicles from City parking lots/public stalls. He suggested the five spaces at the rear of the building be marked brewpub customers only. He questioned if a food truck would be allowed in this space. Amerman commented on the City's snow emergency policy noting vehicles parked on the street or within City lots overnight were plowed around and would only be towed 24 hours after the initial plowing.

Mr. Lasley explained he would be willing to post signs to address the parking concerns. He did not anticipate he would be having food trucks because the brewpub would be having a small kitchen that would highlight award winning food and beer.

Nelson stated he was very much in favor of this use, but wanted to have questions asked and answered to ensure the plans were well vetted prior to being approved.

**A motion was made by Schulz, seconded by Carrigan, to approve the CUP for a brewery and taproom to be located at 332 Central Ave (PID 1811921220136) to the City Council, subject to the two (2) conditions listed below.**

- 1. A minimum of five total employee and customer parking stalls shall be located to the rear of the building as illustrated in the 332 Central Avenue Site Plan Application approved by the City Council at its February 28, 2022, meeting.**
- 2. The business owner shall meet all standards and regulations detailed by the MN Department of Public Safety's Alcohol and Gambling Enforcement Division as conditions of holding an intoxicating liquor license.**

Nelson asked Commissioner Schulz to withdraw her motion so he could make an amendment.

Schulz stated she would not withdraw her motion at this point, but noted the motion was up for discussion.

Nelson explained he would like the business to be required to post prominent signage regarding parking. Amerman recommended Condition 3 be added to read: Some visible signage regarding parking shall be posted and communicated to customers. He stated he could have this condition finalized and forwarded to the City Council.

Nelson asked if the Commissioners that made the motion and second would be willing to amend their motion.

Schulz questioned if there were any other comments regarding the motion on the floor.

Olkives commented it sounds like the applicant was committed to putting up signage and noted he did not have a problem with including the condition as proposed by staff.

Bonn suggested the entrance to the parking lot that was closest to the brewpub be closed. Amerman reported this entrance could not be closed because it was on Dean's property.

Olkives inquired if the applicant had any discussions with the owner of Dean's. Mr. Lasley reported Dean's would like to see signage posted on the 332 property and Dean's was not interested in putting any further signage on their property. He described the signage he would have posted within the brewpub to ensure patrons were properly parked. He stated he wanted to be a really good neighbor to the surrounding businesses in Osseo.

Olkives suggested Condition 3 read: The applicant will post additional signage at their expense to help with customer parking.

Schulz supported the friendly amendment, adding Condition 3 for approval within the Conditional Use Permit for the property at 332 Central Avenue.

Carrigan seconded the friendly amendment.

**A roll call vote was taken. The motion was approved as amended 6-0.**

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

Schulz and Bonn welcomed the new brewpub to the City of Osseo.

Carrigan questioned when the new business would be open to the public. Mr. Lasley explained he hoped to open for Lions Roar in 2023.

Nelson welcomed Thelema to Osseo and thanked them for rehabbing this old building in the community.

Burke welcomed Thelema to the community.

Olkives welcomed Thelema to Osseo and thanked the applicants for attending this meeting.

8. ADJOURNMENT

**A motion was made by Nelson, seconded by Schulz, to adjourn the meeting at 7:03 pm.  
A roll call vote was taken. The motion carried 5-1 (Nelson opposed).**

Respectfully submitted,

Heidi Guenther  
*Minute Maker Secretarial*

Unapproved



## Osseo Planning Commission Meeting Item

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<b>Agenda Item:</b>	District Regulation Change Application
<b>Meeting Date:</b>	June 20, 2022
<b>Prepared by:</b>	Joe Amerman, Community Management Coordinator
<b>Attachments:</b>	§ 153.037 Central Business District, CBD Zoning Map

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### Policy Consideration:

Consider an application to add 'Assembly Space' as a conditional or permitted use in the Central Business District.

### Background:

In § 153.152 *AMENDMENTS; PROCEDURES* of the Osseo City Code, under Zoning Administration and Enforcement, the City Code lists several ways in which a change in zoning district regulations can be initiated. One of these is by petition of a property owner. In conversations with the City Attorney, staff cannot find a prior instance of owner-initiated regulation changes, so this agenda item is a first for the city.

### Application:

Vinay Mehta, owner of 204 Central Ave, is applying to have 'Assembly Space' added as a use in the Central Business District. 'Assembly Space' being defined as a 'building used in part or in whole for the gathering together of persons for such purposes as deliberation, entertainment, amusement, or awaiting transport'. While this particular application is motivated by an empty 1,200 sq ft space at 204 Central that the applicant would like to use as a religious gathering space, approval of 'assembly space' as a use would allow for a broader range of potential gatherings.

The intent of the Central Business District is to "accommodate central business type uses that include joint-use parking areas and business uses primarily oriented to the walking public". While 'Assembly Space' does not seem to be a good fit with that stated intent, there are number of uses listed as permitted or conditional uses which could be considered as precedents. These include:

- Public and semi-public facilities serving all or portions of the city, such as municipal offices, library, and post office.
- Essential service structures.
- Private institutions (e.g., convalescent housing, infirmaries, nurseries, and schools).

Though this is the first instance of an owner-initiated change to the zoning ordinance, it must pass the same kind of informal tests that any city-initiated change would. Namely, does the proposed use fit with the character of the district? Will it create hardships for existing businesses and uses? To answer these the city often relies on guidance laid out in the city's 2040 Comp Plan, but on this particular use there is little relevant information contained there. If the Planning Commission does choose to recommend approval, it will have to make a further distinction, whether to recommend inclusion as a permitted use or a conditional use?

**Options:**

The Planning Commission may choose to:

1. Recommend the City Council approve 'Assembly Space' as a permitted use in the Central Business District; or
2. Recommend the City Council approve 'Assembly Space' as a conditional use in the Central Business District;  
or
3. Recommend the City Council deny 'Assembly Space' as a use in the Central Business District.

**Recommendation;**

The recommendation of staff is that the Planning Commission recommend approval of the application and add 'Assembly Space' as a conditional use in the Central Business District. This is seen as the best option for two reasons. First, even in the districts in which churches and similar uses are currently allowed, they are allowed as conditional uses. In no district in the city is a church a permitted use, they always require some form of review. Second, 'Assembly Space' is a broad definition, and could cover a wide variety of spaces. It is preferable that the city retain oversight and authority to attach conditions to these uses.

**Next Step:**

This item will appear on the agenda of the next City Council meeting, which is June 27.





**Application For:  
Zoning District Regulation Change**

**415 Central Avenue, Osseo, MN 55369  
Phone 763.425.2624  
Fax 763.425.1111**

**Applicant Information:**

Name: VINAY MEHTA (TIM STONE) Daytime phone: 701-541-9653

Address: 204 CENTRAL AVE. OSSEO, MN Email Address: tstonearch@gmail.com

Signature: TIMOTHY M. STONE Date: 5/30/2022

**Description of request:** AMMENDING OF OSSEO CITY CODE TO ALLOW USE OF EXISTING  
1,200 S.F. STORAGE SPACE IN CENTRAL BUSINESS DISTRICT AS ASSEMBLY SPACE

**Reason for request:** EXISTING ZONING DOES NOT RECOGNIZE ASSEMBLY SPACE  
USE IN CENTRAL BUSINESS DISTRICT

**Property Owner Information:**

Name: VINAY MEHTA Daytime phone: 952-334-7200

Address: 204 CENTRAL AVE. OSSEO, MN Email Address: vmehta@yahoo.com

Signature: V. Mehta Date: 06/01/22

Property identification number: 1811921230058

Property legal description: Lot:        Block: 18 Tract/Addition: OSSEO

*The City of Osseo requires that the Property Owner sign and date all land use applications.  
Applications will not be accepted unless the Property Owner has signed the application.*

*Any email address provided may be considered public data pursuant to data practices law and the  
City will comply with all applicable laws if the information is subject to a data request.*

.....  
Complete both sides. Application fees are non-refundable.

**For City use only:**

Relevant Section of Osseo City Code: 153.037

Receipt number: 339306 Date received: 6.7.22 (\$500 Application Fee)

Any other fees? W/A Received by: JA

Notice to press date: 6.2.22 Press publication date: 6.9.22

Scheduled Planning Commission date: 6.20.22

Scheduled City Council date: 6.27.22

## § 153.037 CENTRAL BUSINESS DISTRICT, CBD.

(A) *Intent.* The intent of this district is to accommodate central business type uses that include joint-use parking areas and business uses primarily oriented to the walking public.

(B) *Permitted uses.*

(1) Commercial establishments. In order to illustrate the types of establishments which this division is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only establishments intended to be covered:

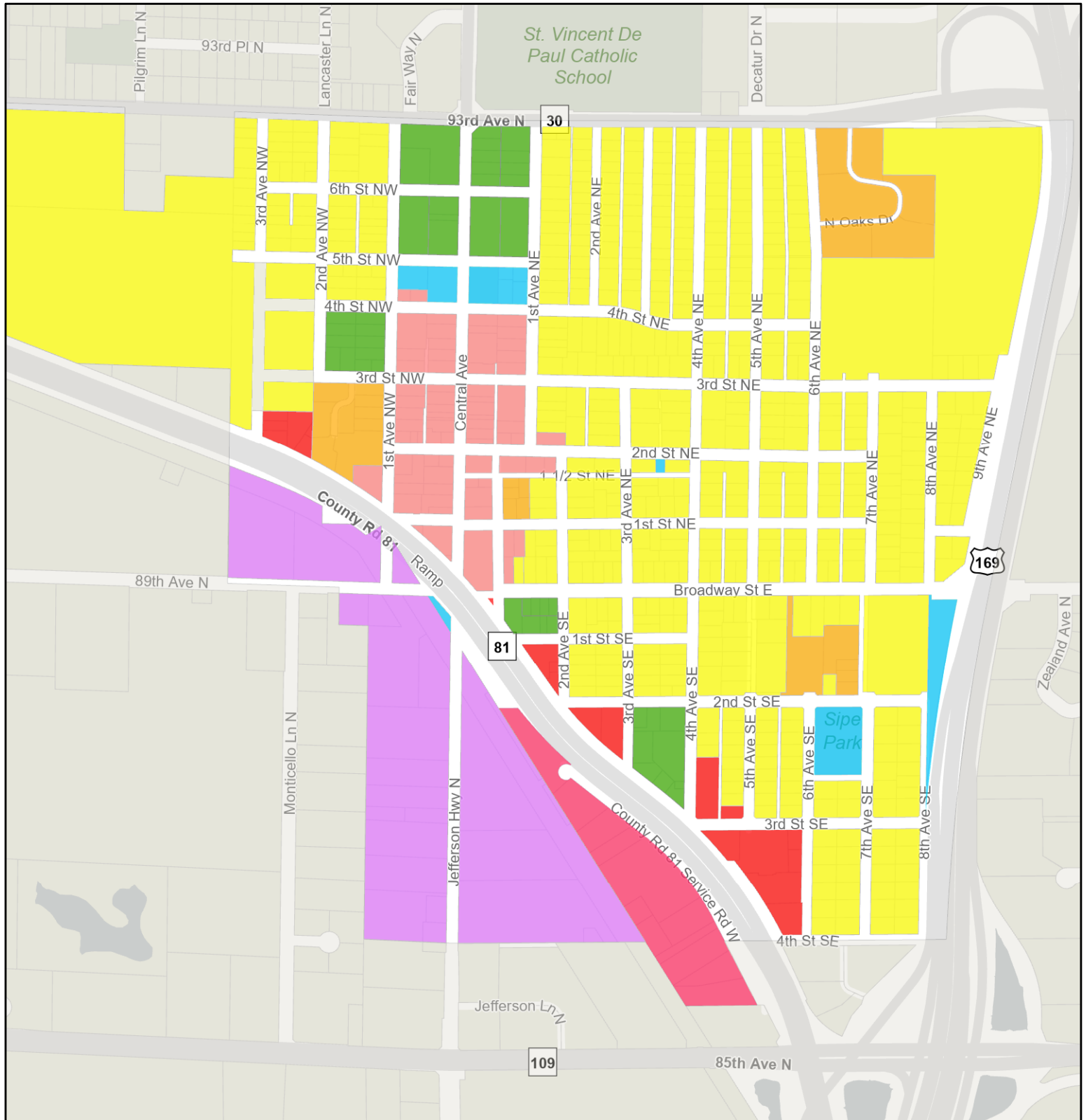
- (a) Retail establishments such as grocery, hardware, drug, clothing, appliances, furniture stores, and restaurants;
  - (b) Personal services such as laundry, barber, shoe repair, beauty salon, and photography studio;
  - (c) Professional services such as medical clinics, dental clinics, law offices, and accounting offices;
  - (d) Finance, insurance, and real estate services;
  - (e) General commercial office space; and
  - (f) Repair services such as jewelry, radio, and television repair shops (not auto repair).
- (2) Public and semi-public facilities serving all or portions of the city, such as municipal offices, library, and post office;
- (3) Apartments, if located above the street level in non-residential structures;
- (4) Essential service structures and uses; and
- (5) Any other uses determined by the city to be the same or similar type uses.

(C) *Conditional uses.* Commercial establishments. In order to illustrate the types of establishments which this division is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only establishments intended to be covered:

- (1) Essential service structures and uses;
- (2) Entertainment and amusement services such as arcades, billiards, bowling alleys, lounges, clubs, and lodges;
- (3) Private institutions (e.g., convalescent housing, infirmaries, nurseries, and schools);
- (4) Dry cleaning;
- (5) Blueprint and photocopying establishments;
- (6) Pet shops;
- (7) Seasonal businesses;
- (8) Commercial businesses such as on- or off-sale liquor establishments (taverns, pubs) and restaurants intending to sell or serve liquor as part of regular business;
- (9) Artisan manufacturing businesses; and
- (10) Any other uses determined by the city to be the same or similar type uses.

(D) *Lot requirements and standards.* Refer to Appendix A of this chapter.

(1997 Code, § 25.08) (Ord. passed 11-14-1994; Am. Ord. 2005-3, passed 4-11-2005; Am. Ord. 2010-3, passed 6-28-2010; Am. Ord. 2017-3, passed 9-11-2017)



1 in = 752 ft



### Zoning Classification

- Central Business District (CBD)
- Highway Commercial District North (C2N)
- Highway Commercial District South (C2S)
- Manufacturing and Industrial District (M)

- One and Two Family Residential District (R-1)
- Multi-Family Residential District (R-2)
- Public Institution District (PI)

- Edge Mixed Use (EXMU)