

OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
June 20, 2022

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Mueller at 6:00 pm, Monday, June 20, 2022.

2. ROLL CALL

Present: Commission members Dee Bonn, Kenny Nelson, Michael Olkives, Kerstin Schulz, and Chair Ashlee Mueller

Absent: Commission members Deanna Burke and Chris Carrigan.

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. The motion carried 5-0.

4. APPROVAL OF MINUTES

A. Approve April 18, 2022, Minutes

A motion was made by Schulz, seconded by Olkives, to approve the April 18, 2022, minutes. The motion carried 5-0.

5. PUBLIC COMMENTS

Chair Mueller 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. District Regulation Change Application

Amerman stated 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).

Amerman reported 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.

A motion was made by Olkives, seconded by Bonn, to open the Public Hearing at 6:11 p.m. The motion carried 5-0.

Vinay Mehta, 204 Central Avenue property owner, stated he was the applicant. He explained he was available for comments or questions from the Commission.

A motion was made by Schulz, seconded by Bonn, to close the public hearing at 6:13 p.m. The motion carried 5-0.

Olkives asked if this change would apply to the entire Central Business District. Amerman stated this would be the case, noting this would be a conditional use and would require review and approval from the Planning Commission and City Council.

Mueller questioned if this would impact the amount of taxes paid for properties that were changed to 'Assembly Space'. Amerman indicated he did reach out to the County Assessor's office and he had not received a response prior to the meeting. He anticipated there would be different tax implications if a commercial property were to be turned into a church.

Nelson inquired if an infirmary was a hospital. Amerman reported this was the case.

Nelson asked if an 'Assembly Space' CUP was granted to a multi-tenant building, could all of the spaces become churches. Amerman explained the conditional use would apply to everyone that occupies the property. He anticipated that not every space would be able to comply with the City's fire regulations and build codes in order to be considered a church.

Schulz questioned if City Hall was within the Central Business District. Amerman reported City Hall was considered a Public Institution and gatherings were allowed within the community room as a conditional use.

Schulz inquired why a decision was being made now when things have been different in the past. Amerman indicated these were unpermitted uses in the space. He stated there were uses that predate the adoption of the current zoning code. He indicated the 'Assembly Space' was not a use that was currently allowed in the Central Business District.

Nelson asked if the city approved a gathering space for the brewery. Amerman discussed the approvals the brewery received, which was for a brewery and restaurant and noted special events would require a special event permit.

A motion was made by Nelson, seconded by Schulz, to recommend the City Council deny 'Assembly Space' as a permitted or conditional use in the Central Business District.

Timothy Stone, architect for Vinay Mehta, commented even though there were separate tenants in this building, those other spaces would have to comply with fire separation and other building code requirements in order to be used as 'Assembly Space'. He reported the requested 'Assembly Space' was approximately 1,500 square feet in size. He stated he believed the proposed gathering space was an essential space for the current residents of Osseo.

Bonn asked if the gathering space was on the lower level of the building. Amerman stated this was the case. Mr. Mehta explained the gathering space was at the back of the building and would be entered from the alley.

Olkives questioned how many people would be using the 'Assembly Space' at any given time. Mr. Mehta stated up to 25 people could use the gathering space. He reported he had five parking spaces in the rear plus public parking with numerous spaces. Amerman added that if the space were used for a church all off-street parking requirements in City Code would have to be met.

Schulz clarified for the record that the matter being considered by the Commission this evening was a district regulation change and not a conditional use permit.

Bonn indicated this business was a restaurant and she did not understand why people could not gather in the space.

Olkives stated he was also confused and asked if there were any other permits that could be requested to allow gatherings. Amerman stated churches were a different type of activity than a restaurant and therefore had different city code requirements.

Olkives questioned if the Masonic Lodge was allowed. Amerman reported the Masonic Lodge and Meditation Center predates the current zoning code.

Olkives stated he was concerned with what could happen in the future if this were approved and how it could change the Central Business District. He anticipated this change does not align with the Central Business District.

Nelson indicated there were no other businesses requesting gathering space in the Central Business District. He viewed this request as someone wanting to put a church in the Central Business District. He believed the Central Business District should remain local restaurants and shops. He reported Osseo was a small community and over one-fourth of the properties in the City were already non-tax paying.

Mr. Stone reported the entire building would still be taxed because the owner who owns the building leases out the space.

Nelson commented if a conditional use permit were granted, the entire building could be sold and turned into a church. Mr. Stone explained the way the building sits, it would be non-conforming for a church, along with the on street parking. He indicated this property would not be feasible for a church.

Nelson stated it was still his opinion that this change would open a door that he believed should not be opened.

Schulz agreed with Commissioner Nelson that the Central Business District should remain local businesses and restaurants. She noted there were buildings within the Central Business District that were large enough they could be converted into churches. For this reason, she supported denial of the request.

Mueller questioned if any of the businesses within the Central Business District provided comments to staff regarding the proposed district regulation change. Amerman stated he received no comments.

Olkives asked if letters were sent to surrounding businesses. Amerman stated the City sent out 140 letters to businesses within the Central Business District. He indicated these letters were sent on June 9, 2022.

Olkives indicated whether the Commission supports or denies the request, it would still move onto the City Council. Amerman reported this was the case.

Mueller inquired if there was another way to go about addressing just this building versus the entire Central Business District. Amerman commented after having conversations with the City Attorney it was determined none of the other city codes address this use.

Nelson stated he has given this application a lot of thought and it was hard for him to not support the request. He believed that this request was not in the best interest of the City of Osseo.

Bonn questioned if the site was used as a gathering space and not a church would this be allowed. Mr. Mehta reported the people using the space were not a church, but rather referred to themselves as a life sanctuary.

Schulz commented she was not against what was being done in the building. She indicated her concerns were with changing the entire Central Business District. She clarified that the letters that were sent out were mailed to property owners and not necessarily to the businesses. Amerman stated this was correct, noting the property list was taken from Hennepin County.

Nelson discussed how the Supreme Court was moving on religious cases. He stated he would hate to have the City facing religious discrimination cases in the future and feared this may happen if the district regulation change were approved.

Mueller explained she agreed with many of the comments made by Commissioner Nelson and stated the Commission has to consider Osseo as a whole and not just a single business with this request. She indicated she wanted all of the businesses and restaurants in the Central Business District to remain in place.

Bonn asked if the gatherings could be held if Mr. Mehta were to get back into the restaurant business. Amerman reported this would be allowed noting the property was zoned for a restaurant, however he cautioned the Commission from end run the zoning rules.

Mr. Stone explained this was the reason Mr. Mehta reached out to the City and filled out an application for the district regulation change. He stated the request was straight forward and not disingenuous.

Nelson indicated he feared if this change were approved, anti-semitic or other prejudiced hate groups would then be able to gather in the Central Business District. He thought it better for the City to not move in this direction.

Mr. Mehta reported again that the space was not being used as a church, but rather as a life sanctuary. He indicated he does not determine what clothing they wear.

Olkives called the question.

The motion carried 4-1 (Bonn opposed).

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

Amerman reported youth sports were going well this summer along with the Movies and Music in the Park on Tuesdays.

Bonn explained The Yellow Tree Theater was also hosting events every other Thursday at Boerboom Park and invited the public to participate. She noted the first event would be held on Thursday, June 23.

Nelson stated at the last Planning Commission meeting a business wrote in and requested the City invest in a parking ramp. He noted he had discussions with staff on this and was told a parking ramp would cost \$100,000 per space.

8. ADJOURNMENT

**A motion was made by Schulz, seconded by Bonn, to adjourn the meeting at 7:01 pm.
The motion carried 5-0.**

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial