



## REQUEST FOR COUNCIL ACTION

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**MEETING DATE:** May 16, 2022  
**PREPARED BY:** Peter Vickerman, Planning Manager  
**AGENDA ITEM:** Optimal Performance Golf rezoning

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**PREVIOUS ACTIONS:**

At their meeting of Monday, May 9, 2022, the Planning Commission recommended the City Council direct the City Attorney to draft an ordinance approving the rezoning from I, Industrial to B, Business.

**Requested Action:** Rezoning

**Zoning:** I (Industrial)

**Adjacent Land**

**Use and Zoning:**

North: R-2 (Single-Family Residential District)  
East: R-1 (Single-Family Residential District)  
South: I (Industrial)  
West: I (Industrial)

Applicant:	Optimal Performance Golf, LLC
Application received:	April 8, 2022
60 day review deadline:	June 7, 2022
Address:	10401 93 <sup>rd</sup> Avenue North

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**RECOMMENDED COUNCIL ACTION:**

Motion to direct the City Attorney to draft an ordinance approving the rezoning from I, Industrial to B, Business.

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**COMMENTS:**

**General comments and history:**

- Optimal Performance Golf opened for business in the fall of 2021.
- The site is zoned industrial, which allows physical recreation or training facilities, which this use falls under.

- Limited food and beverage sales are also allowed, but only as an accessory to the main use.
- The industrial zoning restricts their ability to have a commercial kitchen, which also means they have not been eligible to apply for a liquor license.
- They have been catering with Rock Elm to provide food and alcohol sales to patrons of the facility. This created a number of issues with regarding liquor sales as the intent of the catering permit is intended for specific events, not ongoing use.
- From a zoning perspective, the only issue that came up was advertising the food and drink on the website. After contacting Optimal Performance Golf regarding this issue, the website was amended to remove this language.
- The city amended code on March 21, 2022 regarding how catering permits can used which creates significant challenges for Optimal Performance Golf to continue to serve food and alcohol. While still an accessory to the main use, these sales are critical to their success as a business.
- Staff met and discussed with the owner of Optimal Performance Golf that an option is to request for the site to be rezoned from I, Industrial to B, Business.
- With a rezoning, they could receive their own liquor license and be able to have a more robust kitchen so they could continue to operate their business.
- We note that they have applied for a liquor license and a public hearing on this request will be held on May 16, 2022 at the City Council.

**Staff analysis:**

- Staff feels the rezoning is the best path forward for this site as it would clean up the zoning and catering issues they currently have and allow the business to continue.
- As the attached zoning context map shows, there are other business zoned sites in the general area; this would not be an outlier on its own.
- The applicant has stated they have an agreement with the adjacent property for any overflow parking if needed and they have also adjusted their site plan to provide for additional parking onsite.
- One note that is more related to the liquor license than the rezoning, state statute has a prohibition on issuing licenses as follows:

340A.412 Subd. 4.(7): within 1,500 feet of any public school that is not within a city. Since the adjacent schools are within a city, the City of Osseo, this prohibition does not apply.

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**ATTACHMENTS:**

Attachment A: Zoning context map

Attachment B: Maps