



**AGENDA – REGULAR MEETING**  
**6:00 p.m., October 15, 2018**

**Planning Commission**

- 1. CALL TO ORDER**
- 2. ROLL CALL (Quorum is 4)**
- 3. APPROVAL OF AGENDA (Unanimous additions required)**
- 4. APPROVAL OF MINUTES (Unanimous additions required)**
  - A. Planning Commission Minutes of June 18, 2018
- 5. PUBLIC COMMENTS**
- 6. PUBLIC HEARINGS**
  - A. Consider Conditional Use Permit for 22 2<sup>nd</sup> Street NW / 116 1<sup>st</sup> Ave NW—  
Wellness Boutique
- 7. OLD BUSINESS**
- 8. NEW BUSINESS**
- 9. REPORTS OR COMMENTS: Staff, Chair, & Commission Members**
- 10. ADJOURNMENT**

**OSSEO PLANNING COMMISSION MINUTES  
REGULAR MEETING  
June 18, 2018**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Vice Chair Alden Webster at 6:00 pm, Monday, June 18, 2018.

2. ROLL CALL

Present: Commission members Dee Bonn, Deanna Burke, Michael Corbett, Neil Lynch, Michael Olkives, and Alden Webster

Absent: Chair Barbara Plzak.

Others present: City Planning Intern Kyler McLachlan and Harold E. Johnson.

3. APPROVAL OF AGENDA

**A motion was made by Bonn, seconded by Olkives, to approve the Agenda as presented. The motion carried 6-0.**

4. APPROVAL OF MINUTES

A. Approve April 16, 2018, Minutes

**A motion was made by Lynch, seconded by Olkives, to approve the April 16, 2018, minutes. The motion carried 6-0.**

5. PUBLIC COMMENTS

Vice Chair Webster 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. Consider Site-Building Plan Approval of 152 County Road 81 E – Cotten's Napa

City Planning Intern Kyler McLachlan stated the property in question is located in Osseo's central-western quadrant, south of 2nd Street SE and west of 3rd Ave SE. Napa is planning to expand its storage space into two former tenant bays that were occupied by The 'Sota Shop. This will involve interior renovations, including changes to the mezzanine level and racking. The intent is to expand operations for Napa and remain competitive with larger operations. They will be able to purchase more bulk materials, earning a discount from manufacturers. They will continue to receive deliveries from the Napa distribution center as well as direct shipments from suppliers, and will re-deliver materials from their store to other locations across the metro.

Michael Cotten, representing Cotten's Napa, discussed the renovations he was proposing to complete and commented on the number of deliveries he would be receiving on a daily basis. He estimates an additional three deliveries/departures per day once the project is completed.

Olkives asked how traffic in the area was going to be affected by the changes. Mr. Cotten replied that most customers spent around 15 minutes at his store and that traffic wouldn't be affected.

McLachlan reported that the city had received a question from a resident living within 500 ft of the project. The question was, what methodology did Mr. Cotten use to arrive at the estimated 3 deliveries a day. Mr. Cotten answered that the estimation was purely guesswork and that there was no methodology.

Bonn asked who owns this building and questioned if there would be any additional traffic on the side street. Mr. Cotten reported he owned the building and reported there would not be any additional traffic on the side street.

Bonn requested further information on the overhead door. Mr. Cotten discussed the location of the proposed overhead door. McLachlan explained the City would need revised elevations showing the proposed overhead door as well as an updated parking plan.

**A motion was made by Olkives, seconded by Lynch, to open the Public Hearing. The motion carried 6-0.**

No public input was offered.

**A motion was made by Olkives, seconded by Lynch, to close the public hearing at 6:11 p.m. The motion carried 6-0.**

**A motion was made by Olkives, seconded by Lynch, to recommend the City Council approve the Site Plan request for 152 County Road 81 E subject to the following conditions of approval:**

- a.) Napa will continue with the SAC determination process.
- b.) Fire protection plans shall be provided to the City.
- c.) Elevations showing the proposed overhead door shall be provided to the City.

**The motion carried 6-0.**

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

Lynch reported Osseo baseball was in full swing. He encouraged residents to see a game and support the community's local teams.

Bonn commented on the Step To It program and congratulated City of Osseo for being named the Most Engaged City.

A. Healthy Generations Age-Friendly Osseo Update

McLachlan provided the Commission with a brief update on the Healthy Generations Age-Friendly Osseo initiative and thanked Bonn for her assistance with this program.

10. ADJOURNMENT

**A motion was made by Bonn, seconded by Olkives, to adjourn the meeting at 6:13 pm.  
The motion carried 6-0.**

Respectfully submitted,

Heidi Guenther  
*TimeSaver Off Site Secretarial, Inc.*



## Osseo Planning Commission Meeting Item

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**Agenda Item:** Approve Conditional Use Permit Request

**Meeting Date:** Monday, October 15, 2018

**Prepared by:** Nancy Abts, City Planner

**Attachments:**

- i. Osseo Zoning Map
- ii. Completed Application Form
- iii. Acknowledgement of Responsibility
- iv. Written Narrative
- v. Building Plan
- vi. Public Hearing Notice
- vii. Public Hearing Distribution Map & List
- viii. Draft Resolution approving the CUP
- ix. Changes to Conditions of Approval from recent Massage Therapy CUP
- x. Draft Resolution repealing prior CUPs
- xi. Resolution 2007-13 CUP for a Sign Business (to be repealed)
- xii. Downtown parking restrictions map

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**Policy Consideration:**

Consider recommending approval of a conditional use permit (CUP) request for a business offering group wellness classes, to possibly include classes in 'Aroma Touch' massage techniques.

These uses are considered conditional per Osseo Code §153.037(C) (3), which identifies Private Institutions (e.g., ...schools) and (10) of the, which includes "Any other uses determined by the city to be the same or similar type uses," as conditional uses.

**Background:**

The storefront located at 24 2nd Street NW is located in the CBD (Central Business District). It is owned by Kaap Enterprises, LLC (Heinen's Motorsports). The proposal uses an existing storefront for a business that provides classes and wellness services. Some classes may provide instruction in massage techniques. The applicant is enthusiastic about bringing her business to Osseo after living in Champlin for many years.

**Property**

The proposed business location was formerly occupied by Pascual Signs. The sign business was subject to Conditional Use Permit 2007-13 (attached for reference). Because the sign business has been discontinued for more than 12 continuous months, the CUP has expired and should be revoked. Revocation of prior CUPs is discussed in Item 18 in

the proposed CUP. Prior to the sign business, there was a CUP for a New/Used furniture business that has also expired. A separate resolution to revoke all prior CUPs for the property is included in the packet.

The property, along with the adjacent parking lot, was purchased from Crystal Welding by Kaap Enterprises in July 2017. The parking areas are used by Heinen's Motorsports for storage. Under the current proposal, Heinen's will continue to use the back half of the property for storage. However, the CUP applies to the entire property so it's possible the use could occupy more of the property in the future.

#### Business plan and proposed use

The applicant's business plan includes providing a variety of wellness classes. Topics ranging from Weight Loss, Aromatherapy, Hormones, Detoxing, Healthy Eating, Digestion, Allergies, Exercise, Movement, and Aroma Touch massage (a technique which utilizes scented oils). Most classes will be 60 minutes long. Longer evening sessions of 1.5-2 hours and occasional half-day workshops on weekends are possible. Around 6-12 people are expected at the classes, although the business will also offer one-on-one consultations. The largest class attendance will be expected on weekends and evenings.

The proposed business would include space for classrooms and a reception area. There would also be an office and additional space for storage and a retail. The plan submitted as part of the application makes use of the space as-is. It does not include interior renovations. However, staff believe a different layout could make more efficient use of the space for the proposed business. It's likely future renovations would require a Site/Building Plan Approval. In the draft CUP, Item 14, Classroom Occupancy, allows class sizes to increase if floor plans are approved by the Building Official and kept on file with the City.

#### Massage Therapy

Historically, the City of Osseo has not required City-issued licenses for Massage business. Instead, the City has relied on any State of Minnesota requirements and Conditional Use Permits for massage therapy. (The State does not currently regulate massage therapy, but it might in the future.) Item 1, Applicable Provisions, would require the business to comply with any new state or local requirements for Massage Therapy licensing.

The draft approval continues to treat massage therapy as a Conditional Use. To address concerns around the use, the City will continue to require that massage therapists to undergo a criminal background check from the Osseo Police Department. No one under the age of 18 will be allowed to work at this business as a massage therapist. Massage therapists will be required to have their license in plain view of the reception area at all times, and price rates will be posted. A "track changes" document is attached to show the differences between the draft Conditions for this use and the most recent CUP approved for a Massage Therapy business.

#### **Standards for granting conditional use permits:**

<b>Per Osseo City Code, the standards for granting a conditional use permit are as follows:</b>	<b>In staff's estimation, the applicant meets the standard because:</b>
(a) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare;	It will comply with health and safety regulations imposed by federal, state, and local authorities and is generally consistent with other uses in the CBD district;
(b) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;	It is generally consistent with other uses in the CBD district;

(c) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;	It is generally consistent with other uses in the CBD district and does not conflict with the city's Comprehensive Plan. <b>Concerns about maintaining a pedestrian-oriented environment will be addressed through the conditions imposed;</b>
(d) Adequate utilities, access roads, drainage, and necessary facilities have been or will be provided;	The use will not require new construction and will take place in existing buildings;
(e) Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and	The use will not require new construction and will take place in existing buildings. <b>Concerns about parking will be addressed through the conditions imposed;</b>
(f) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.	<b>(Discussion follows)</b>

### Comprehensive Plan Guidance

The current, 2030 Comprehensive Plan guides this area for a Downtown Core Mixed Use. Land uses are to include retail, services, entertainment, civic, institutional, housing and office uses that are mixed within the downtown area. Development in this category is to have 100% active retail, services or entertainment uses on the street level. These areas are to encourage development at the pedestrian scale with high intensity, pedestrian-oriented uses.

To support an inviting pedestrian environment, conditions from the 2007 CUP required exterior features be installed. Item 15, Building Appearance, requires improvements to the building façade. In addition to these changes, the applicant's plan for exterior upgrades also include adding flower pots and window boxes.

### Congestion in public streets and other regulations: Parking

This property is in the Central Business District (CBD), which accommodates joint-use parking on-street and in city lots. Off-street parking reductions may be approved by the City Council. For the use, parking would be calculated on a basis of one per classroom, plus one for every 6 students. The applicant expects a maximum of 30 students between the two classrooms. That would require 7 off-street parking spots before any reduction. It is worth noting that this is less than would be required if the storefront was used for retail or offices. Neither office nor retail would need a CUP.

### Parking Calculations

Use	Parking Space Calculation	As Applied
School (Private)	1 per classroom, plus 1 for every 6 students	2 classrooms + (30 students/6) = 7 spaces
Retail	1 parking spot per 150 square feet of building	2,026 sq ft /150 sq ft = 13.51 → 14 spaces
Office	1 parking spot per 200 square feet of building	2,026 sq ft /200 sq ft = 10.13 → 10 spaces

To address parking concerns in the area, Item 13, Parking, states, "Employees and instructors are encouraged to park in available off-street parking locations. Additionally, class participants shall be provided with information regarding relevant City of Osseo parking restrictions and available off-street parking locations. Documentation of communications with class participants regarding parking restrictions shall be available for inspection." A map showing parking restrictions & public off-street lots in the area is included as an attachment to this agenda item.

### Period of Approval

According to City Code, a Conditional Use "permit shall become null and void without further action by the Planning Commission or the City Council unless work thereon commences within one year of the date of granting that conditional use. A conditional use permit shall ... expire if that use shall cease for more than 12 consecutive months. "

### **Proposed Conditions:**

After review of the application and communication with the applicant, Staff recommends the following conditions of approval:

- 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 business must at all times meet any requirements of Hennepin County and the Minnesota Department of Health relating to massage uses;
  - b. Any trash enclosure must be properly screened from public view, per Osseo City Code § 153.057 (B) (1) (d);
  - c. The building appearance shall be maintained so that it adheres to Osseo City Code § 153.053; and
  - d. Signage relating to the use, including temporary signage, shall adhere to Osseo City Code § 153.090;
- 2) Rates posted. Price rates for all classes and services shall be prominently posted near the business entrance in a location accessible to all prospective customers;
- 3) Employee training. Massage therapy services may only be provided by a massage therapist who has a minimum of 500 hours of class credits from a massage therapy school accredited by an organization of therapeutic massage professionals which has a written code of ethics, and the massage therapist(s) certification(s) shall be prominently displayed within the business in a location accessible to all prospective customers. If massage therapy services are not currently being offered, a statement to that effect shall be displayed in the same fashion;
- 4) Employee age. No person less than eighteen (18) years of age shall be employed as a massage therapist;
- 5) Employee criminal history. No person who has any prostitution or prostitution-related criminal convictions or any controlled substance criminal convictions shall offer massage services at this location;
- 6) Employee background check. Any new massage therapist offering services at this location shall report to the Osseo Police Department within 10 days of offering services at this location to submit an application for, and pay any required fees for, an Osseo Police Department-issued criminal background search;
- 7) Employee covered. Any person giving, demonstrating, or providing instruction in massage shall at all times have his/her breasts, buttocks, anus, and genitals covered with a non-transparent covering, and no other person shall touch any such area;
- 8) Recipient covered. A person receiving a massage shall at all times have his/her breasts, buttocks, anus, and genitals covered with a non-transparent covering, and no other person shall touch any such area, except male breasts need not be covered and portions of the breasts and buttocks may be uncovered when such portion of the body is being massaged. At no time shall any other person touch the nipples, genitals, or anus of the person receiving a massage;
- 9) Recipient age. All individuals under the age of eighteen (18) years of age shall have written parental permission and the parent must accompany the minor for the first visit for massage services. All signed parental permission forms shall be kept on file with the applicant and be made available for inspection by the City when requested;
- 10) Open to inspection. During any hours at which the business is open, the business 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;



- 11) Insurance coverage. If offering massage therapy, the business shall have in effect personal liability insurance in the amount of at least \$1,000,000 covering liability in the practice of massage therapy and insuring the business and each massage therapist.
- 12) Hours of operation. The hours of operation shall be not earlier than 8:00 AM and not later than 10:00 PM;
- 13) Parking. Employees and instructors are encouraged to park in available off-street parking locations. Additionally, class participants shall be provided with information regarding relevant City of Osseo parking restrictions and available off-street parking locations. Documentation of communications with class participants regarding parking restrictions shall be available for inspection.
- 14) Classroom occupancy. Occupancy of the classrooms indicated on plans included as Exhibit B shall not exceed 12 persons (including students and instructors) per classroom. Occupancy for other classrooms and/or remodeled spaces shall be approved by the Building Official. At no times shall classroom occupancy exceed the number authorized by the CUP or other plans approved by the Building Official and on file with the City.
- 15) Building appearance. To enhance and maintain an environment orientated to the walking public, improvements to the building exterior shall be completed no later than October 22, 2019. Improvements shall include installation and maintenance of:
  - a. Signage clearly identifying the business near the entrance; and
  - b. Exterior downlighting near all entrances;
  - c. Awnings along 2<sup>nd</sup> Street NE; and
  - d. Addition of durable (e.g., wood or metal) trim around the windows facing 2<sup>nd</sup> Street NE.
- 16) No Waiver. Failure by the City to take action with respect to any violation of any condition, 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 other condition, covenant, or term.
- 17) 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.
- 18) Prior permits revoked. Prior conditional uses of the Property have been ceased for more than 12 consecutive months. Therefore, prior conditional uses permits for the Property have expired and will be revoked.
- 19) 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.
- 20) 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.

**Previous Action or Discussion:**

No action or past discussion had been conducted by the Planning Commission regarding this conditional use permit application.

**City Goals Met By This Action:**

- Foster and promote economic development in the City
- Promote a healthy and high quality standard of living

**Options:**

The Planning Commission may choose to:

1. Find that the applicant meets the requirements for granting a CUP listed in City Code and recommend approval of the conditional use permit request, subject to the twenty stated conditions of approval;
2. Find that the applicant meets the requirements for granting a CUP listed in City Code and recommend approval of the conditional use permit request, subject to the twenty stated conditions of approval, with noted changes/as amended;
3. Find that the applicant does not meet the requirements for granting a CUP listed in City Code and recommend denial of the conditional use permit request;
4. Table action on this item for more information.

**Recommendation/Action Requested:**

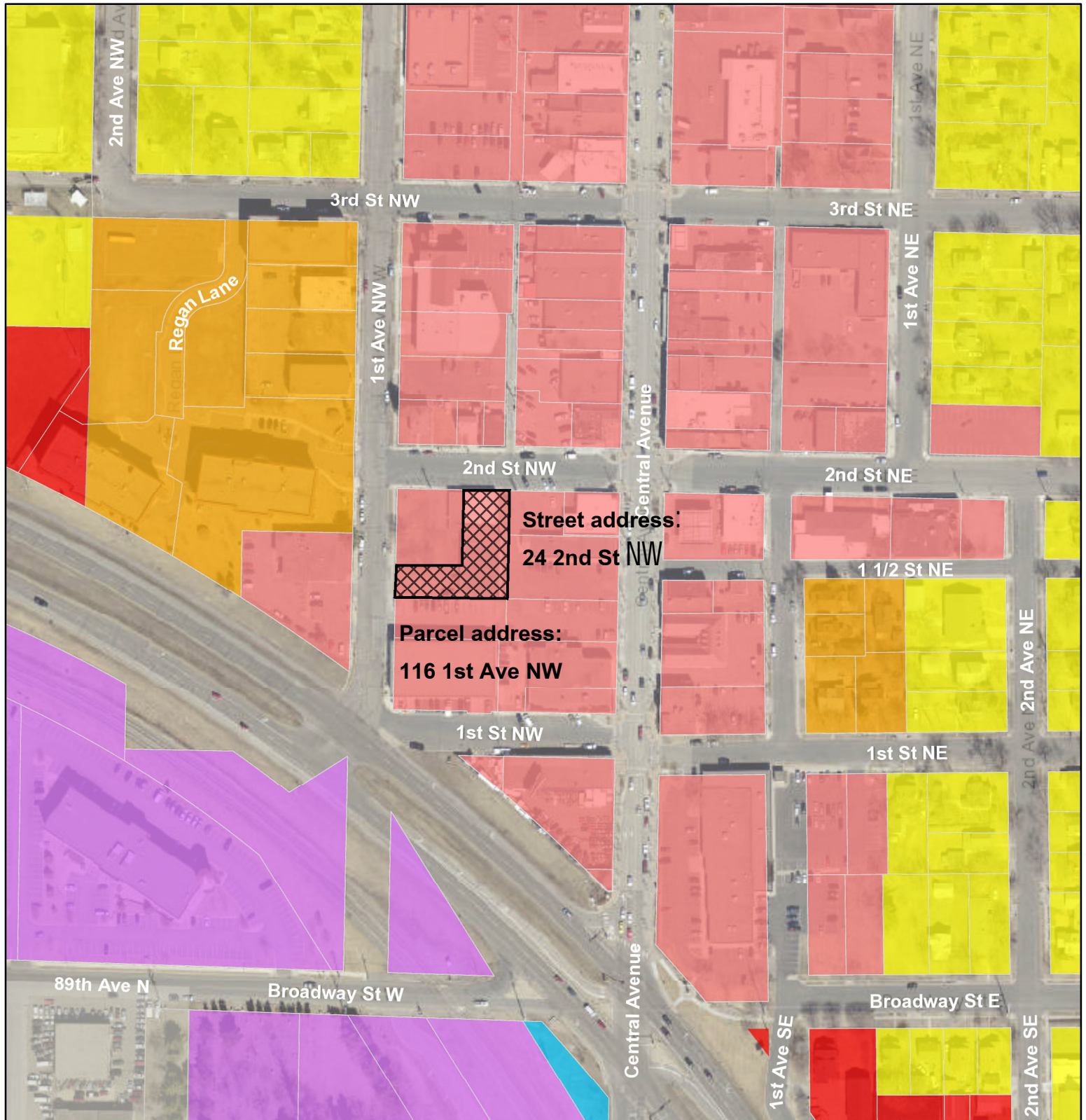
Staff recommends the Planning Commission choose option 1).

**Next Step:**

The item will be placed on an upcoming City Council meeting agenda for consideration and final action.

# Wellness Boutique Zoning Map

i.



1 inch = 200 feet

**Street address:**

**24 2nd St NW**

**Parcel address:**

**116 1st Ave NW**

## Zoning Classification

Central  
Business  
District (CBD)  
Highway  
Commercial  
District North  
(C2N)

Public  
Institution  
District (PI)  
Manufacturing  
and Industrial  
District (M)

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



September 24, 2018

Map Powered by DataLink  
from WSB & Associates



**Application For:**  
Conditional Use Permit

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

*Information 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.*

**Property Information:**

Site address: 22 2nd St NW. **24 2nd St NW**

Property identification number: 1311922140104 **1311922140090**

Property legal description: Lot: 006 Block: 022 Tract/Addition: \_\_\_\_\_

Property type (check one): Abstract: X Torrens: \_\_\_\_\_

Description of request: We are requesting to rent space for a Wellness Boutique.

Reason for request: \_\_\_\_\_

**Applicant Information:**

Name: Kim Peterson Daytime phone: 612-709-2130

Address: 10801 Hackberry Lane Email Address: Kim@classic-custom  
homes.com

*Applicant agrees to reimburse the City of all legal and/or engineering costs incurred by the City, provide 15 copies (11x17) of site plan/drawings/survey for submittal, and pay any additional water and/or sewer assessments that may be due pending a check of City records.*

Signature: Kim Peterson Date: 9-6-18

**Property Owner Information:**

Name: Paul Heinen Daytime phone: 612-747-1338  
Address: 22 2nd St. NW Email Address: Paul@heinenmotor  
sports.com

Signature:  Date: 9-6-18

*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.*

.....  
**For City use only:**

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

Any other fees? \_\_\_\_\_ Received by: \_\_\_\_\_

Notice to press date: \_\_\_\_\_ Press publication date: \_\_\_\_\_

Scheduled Planning Commission date: \_\_\_\_\_

Scheduled City Council date: \_\_\_\_\_



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

### ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I further understand that additional fees incurred by the City such as engineering or legal costs will be my responsibility.

I agree to allow access by City personnel to the property for purposes of review of my application and to erect a temporary sign indicating the application proposed.

Date

9-6-18

Signature of Applicant

Kim Peterson

Name and Address of Applicant  
(Please Print)

Kim Peterson

10801 Hackberry Lane

Champlin, MN 55316

Phone Number

612-709-2130

Email Address

Kim@classic-customhomes.com

Name and Address of Contact  
(If Other Than Applicant)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number

\_\_\_\_\_

Email Address

\_\_\_\_\_

## **To City Of Osseo**

We are hoping to open a Wellness Boutique in Osseo. I have attached a simple business outline of The Wellness Boutique.

Lindsey and I have lived in the Champlin community for 40 years and have always loved the small town of Osseo as our neighbor.

My daughter, Lindsey and I, (Kim) both have a background and passion for health and wellness. Lindsey has her BA in Nutrition from the U of M and Certification in Holistic Health from the Integrative Health Institute. I, Kim am a Certified Health Coach with Certification in Aromatherapy and a BIO Energy Certified Technician.

## **BUSINESS PLAN**

OWNERS: Kim Peterson & Lindsey Wanke

Business Name: **True Food Wellness, The Wellness Boutique**

Address: 116 1<sup>st</sup> St NW (Former Pascual Sign shop) City, State, ZIP: Osseo, MN 55369

Cell Phone: 612-709-2130 Email: Kim@classic-customhomes.com

## **MISSION STATEMENT**

The Wellness Boutique is where women will come to be inspired, educated and motivated to move their health to the next level through classes, services and community support.

## **SUMMARY**

The Wellness Boutique will offer Health and Wellness Products, Educational classes, and Services. Products will include essential oils, vitamins and supplements, skin care products, boutique items such as jewelry, diffusers, and education materials.

Services will include: Retail Sales, Nutrition and Educational Classes for kids through seniors. Nutrition, stretching, Health Coaching, Bio Energy Scans, Aromatherapy, etc.

Our goal is to **inspire, educate, motivate** and partner with women in their own health and wellbeing.

We plan to do the build out of the building as soon as we have approval from the City of Osseo. We will use the current building layout and do cosmetic upgrades to the property. Including paint, carpet, trim, ceiling tiles, new doors, and new sign out front etc.

**Thank you,**

**Kim Peterson & Lindsey Wanke**

# Garage - Storage - Parking

Heinen's Motorsports

Total Possible 2327

Proposed Rental Space 2026  
(No Parts Room)

Garage Door

Heinen's  
Parts Room  
270

Heinen's  
Motorsports  
Bath room

Classroom  
A  
442

D  
318  
Storage

C  
290  
Office

R  
Reception  
- Retail -  
Waiting  
16'-10"

B  
240  
Classroom

Front of Building 2nd St. NW

See Attached Detail of Plan Layout



## **Details of Plan Layout**

### **ROOM R ~**

- Reception area
- Retail Area
- Waiting Area

### **ROOM A**

- Classroom

### **ROOM B**

- Classroom

### **ROOM C**

- Office

### **ROOM D**

- Storage



# Hennepin County Property Map

Date: 9/11/2018



PARCEL ID: 1311922140090

OWNER NAME: Kaap Enterprises Llc

PARCEL ADDRESS: 116 1st Ave N W, Osseo MN 55369

PARCEL AREA: 0.35 acres, 15,392 sq ft

A-T-B: Both

SALE PRICE: \$400,000

SALE DATA: 07/2017

SALE CODE: Warranty Deed

ASSESSED 2017, PAYABLE 2018

PROPERTY TYPE: Industrial-Preferred

HOMESTEAD: Non-Homestead

MARKET VALUE: \$423,000

TAX TOTAL: \$14,768.76

ASSESSED 2018, PAYABLE 2019

PROPERTY TYPE: Industrial-preferred

HOMESTEAD: Non-homestead

MARKET VALUE: \$356,000

## Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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COUNTY 2018



## City of Osseo

415 Central Avenue  
Osseo, MN 55369-1195  
P 763.425.2624 F 763.425.1111  
[www.DiscoverOsseo.com](http://www.DiscoverOsseo.com)

# NOTICE

## Planning Commission Public Hearing

You are receiving this public hearing notice because your home, business, or property is located within 500 feet of a site proposed for development.

<b>APPLICANT:</b>	Kim Peterson
<b>REQUEST:</b>	Conditional Use Permit for a wellness boutique to provide group classes and 'aroma touch' massage
<b>LOCATION:</b>	Street address 24 2 <sup>nd</sup> Street NW Parcel address 116 1 <sup>st</sup> Ave NW – PID 13-119-22-14-0090
<b>TIME OF HEARING:</b>	Monday, October 15, at 6:00 p.m. – City Hall Council Chambers
<b>HOW TO PARTICIPATE:</b>	<ol style="list-style-type: none"> <li>1) You may attend the hearing and state your comments;</li> <li>2) You may send a letter before the hearing to the City of Osseo, Planning Department, 415 Central Avenue, Osseo, MN 55369 or fax to 763-425-1111; or</li> <li>3) You may send an email to <a href="mailto:nabts@ci.osseo.mn.us">nabts@ci.osseo.mn.us</a></li> </ol>

If you want your comments to be made part of the public record, your letter, email, or fax must state your first and last name and your address. Thank you in advance for your cooperation.

**ANY QUESTIONS:** Please contact City Planner Nancy Abts at 763-425-1454 with the following information:

Project Name: Wellness Boutique Conditional Use Permit

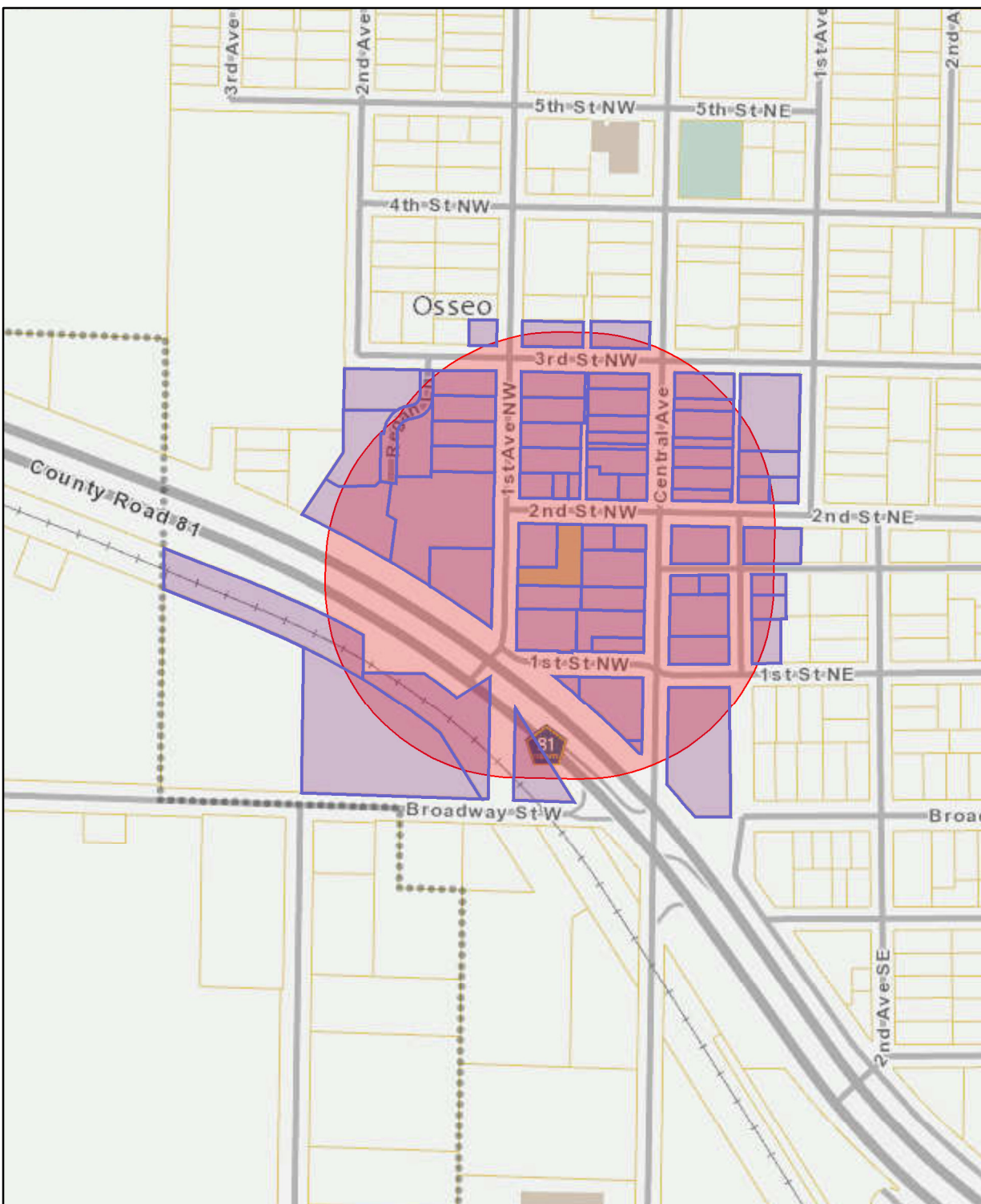
You may visit City Hall (415 Central Avenue) during business hours to discuss the proposal, or visit our website after October 11, 2018 at <http://www.discoverosseo.com/departments/planning-commission/>

**Publication Date:** The Press (October 4, 2018)



# Hennepin County Locate & Notify Map

Date: 9/24/2018



**Buffer Size:** 500 feet

**Map Comments:**

116 1st Ave NW 500' Buffer

0 120 240 480 ft

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

For more information, contact Hennepin County GIS Office  
300 6th Street South, Minneapolis, MN 55487 / [gis.info@hennepin.us](mailto:gis.info@hennepin.us)

UMEGAN LLP  
12701 95TH AVE  
MAPLE GROVE MN 55369

BENJAMIN MICHAEL JENNEY SR  
10990 EAST FRENCH LAKE RD  
DAYTON MN 55369

JAMMIN PROPERTIES LLC  
17 2ND ST N W  
OSSEO MN 55369

WILEY ENTERPRISES INC  
315 1ST AVE N E  
OSSEO MN 55369

MINNESOTA MEDITATION CENTER  
242 NORTHDAL BLVD  
COON RAPIDS MN 55448

DIMITRIOS P SANTRIZOS  
10883 102ND AVE N  
MAPLE GROVE MN 55369

KATRINA BARNETT  
4981 TURTLE LA E  
SHOREVIEW MN 55126

KAAP ENTERPRISES LLC  
33 CENTRAL AVE  
OSSEO MN 55369

HEINEN & MASON INC  
33 CENTRAL AVE  
OSSEO MN 55369

JEFFREY W TATUR  
16400 CO RD NO #81  
MAPLE GROVE MN 55369

WILLIAM & MAXINE CHRISTENSON  
205 CENTRAL AVE  
OSSEO MN 55369

PREMIER BANK  
2866 WHITE BEAR AVE  
MAPLEWOOD MN 55109

EHLEN LIMITED PARTNERSHIP  
4062 GRAINWOOD TR N E  
PRIOR LAKE MN 55372

KENT & SHEILA ROBINSON LLC  
6030 173RD AVE N W  
RAMSEY MN 55303

DANIEL R STARK  
301 1ST AVE N W  
OSSEO MN 55369

FIVE SONS/TWO DAUGHTERS LLC  
4940 173RD AVE N E  
HAM LAKE MN 55304

MARK HEULE/DONI ZAHN-HEULE  
7262 162ND LA N W  
RAMSEY MN 55303

129-131 CENTRAL LLC  
ATTN SEAN MAZZEI  
129 CENTRAL AVE SUITE D  
OSSEO MN 55369

MARK HEULE-DONI ZAHN-HEULE  
7262 162ND LA N W  
RAMSEY MN 55303

BELL TOWER OSSEO LLC ET AL  
7365 KIRKWOOD CT #335  
MAPLE GROVE MN 55369

KAAP ENTERPRISES LLC  
21850 BROOK RD  
ELK RIVER MN 55330

BOB & CARL'S LLC  
C/O JEFFREY R NELSON  
107 CENTRAL AVE  
OSSEO MN 55369

CELTIC CROSSING RENTAL HOMES  
I LLC C/O HGLND MGT CO INC  
5290 VILLA WAY  
EDINA MN 55436

CELTIC XING RNTL HOMES I LLC  
5290 VILLA WAY  
EDINA MN 55436

CELTIC CROSSING RENTAL  
HOMES I LLC  
5290 VILLA WAY  
EDINA MN 55436

B N & SANTA FE RAILWAY CO  
PROPERTY TAX DEPARTMENT  
PO BOX 961089  
FORT WORTH TX 76161

RC OSSEO LLC  
28 2ND ST NW  
OSSEO MN 55369

MARY K DWINELL & MILO E DAHN  
101 1ST NE  
OSSEO MN 55369

DEBORAH J CAMERON  
124 1ST AVE N E  
OSSEO MN 55369

DOUGLAS COMM ENTERPRISES LLC  
116 CENTRAL AVE  
OSSEO MN 55369

LAWINGER COMMERCIAL IND LLC  
ATTN LARRY LAWINGER  
106 CENTRAL AVE #A  
OSSEO MN 55369

VKAS LLC  
8305 FRANKLIN AVE  
ST LOUIS PARK MN 55426

WINSLOW LEWIS LODGE  
125 AF AND AM  
216 CENTRAL AVE  
OSSEO MN 55369

PETER & KIMBERLY KELZENBERG  
220 CENTRAL AVE  
OSSEO MN 55369

ITEN GARAGE LLC  
DANIEL L SPANIER  
208 FOURTH AVE NE  
OSSEO MN 55369

240 CENTRAL LLC  
PO BOX 1  
OSSEO MN 55369

MICHAEL GASPARRINI  
11976 93RD AVE N  
MAPLE GROVE MN 55369

APG REAL PROPERTIES LLC  
29088 AIRPARK DR  
EASTON MD 21601

TJ WEBER PROPERTIES LLC  
34 2ND ST N E  
OSSEO MN 55369

ERIN BENOLKIN #15  
HOLIDAY STATION STORE INC  
PO BOX 1224  
MPLS MN 55440

E J & M A HAKANSON  
116 1ST AVE N E  
OSSEO MN 55369

JOHN F ENGLUND  
100 CENTRAL AVE #1  
OSSEO MN 55369

SEEK HOME INC  
100 CENTRAL AVE #3  
OSSEO MN 55369

M & A REAL ESTATE LLC  
5238 108TH AVE N  
BROOKLYN PARK MN 55443

FIRST AVENUE COMMONS LLC  
PO BOX 1  
OSSEO MN 55369

**Resolution No. 2018-XX****RESOLUTION GRANTING REQUEST FROM KIM PETERSON  
FOR A CONDITIONAL USE PERMIT TO ALLOW FOR  
A BUSINESS PROVIDING GROUP CLASSES AND MASSAGE THERAPY  
AT 24 2<sup>nd</sup> STREET NW**

WHEREAS, Kim Peterson has made application for a conditional use permit to allow for a business providing group classes and massage at 24 2<sup>nd</sup> Street NW (Parcel address 116 1<sup>st</sup> Avenue NW, Property Identification Number 13-119-22-14-0090) and as legally described in attached Exhibit A made part hereof by this reference; and

WHEREAS, the Property is zoned CBD (Central Business District), which is intended to accommodate central business type uses that include joint-use parking areas and business uses primarily orientated to the walking public; and

WHEREAS, pursuant to Section 153.037 (C) (10), other uses determined by the city to be the same or similar type to listed conditional uses are also conditional uses; and

WHEREAS, the City has determined the proposed use may be allowed as a conditionally permitted use; and

WHEREAS, in making this determination whether or not the conditional use is to be allowed, the City may consider the nature of the land, the nature of adjoining land or buildings, whether or not a similar use is already in existence and located on the same premises or on other lands immediately close by, the effect upon traffic into and from the premises or on any adjoining roads, and all other or further factors as the City shall deem appropriate for consideration in determining the effect of the use on the general welfare, public health, and safety; and

WHEREAS, a public hearing was held on October 15, 2018, at a regular meeting of the Osseo Planning Commission and all interested persons were invited to speak and were heard by the Planning Commission; and

WHEREAS, notice of said public hearing was published in the official newspaper, surrounding property owners were notified, and notice was duly posted at City Hall; and

WHEREAS, based on a review of the application and input from the public hearing, the Planning Commission recommended approval of the requested conditional use permit at its October 15, 2018, regular meeting by a **X-X** vote; and

WHEREAS, the City Council considered the application and Planning Commission recommendation on October 22, 2018; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Osseo, Hennepin County, Minnesota, that the following determinations are made:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare;
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;



3. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
4. Adequate utilities, access roads, drainage, and necessary facilities have been or will be provided;
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and
6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

BE IT FURTHER RESOLVED a conditional use permit to allow for a massage therapy use at 24 2<sup>nd</sup> Street NW is hereby granted and approved subject to the following **twenty** conditions:

- 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 business must at all times meet any requirements of Hennepin County and the Minnesota Department of Health relating to massage uses;
  - b. Any trash enclosure must be properly screened from public view, per Osseo City Code § 153.057 (B) (1) (d);
  - c. The building appearance shall be maintained so that it adheres to Osseo City Code § 153.053; and
  - d. Signage relating to the use, including temporary signage, shall adhere to Osseo City Code § 153.090;
- 2) Rates posted. Price rates for all classes and services shall be prominently posted near the business entrance in a location accessible to all prospective customers;
- 3) Employee training. Massage therapy services may only be provided by a massage therapist who has a minimum of 500 hours of class credits from a massage therapy school accredited by an organization of therapeutic massage professionals which has a written code of ethics, and the massage therapist(s) certification(s) shall be prominently displayed within the business in a location accessible to all prospective customers. If massage therapy services are not currently being offered, a statement to that effect shall be displayed in the same fashion;
- 4) Employee age. No person less than eighteen (18) years of age shall be employed as a massage therapist;
- 5) Employee criminal history. No person who has any prostitution or prostitution-related criminal convictions or any controlled substance criminal convictions shall offer massage services at this location;
- 6) Employee background check. Any new massage therapist offering services at this location shall report to the Osseo Police Department within 10 days of offering services at this location to submit an application for, and pay any required fees for, an Osseo Police Department-issued criminal background search;
- 7) Employee covered. Any person giving, demonstrating, or providing instruction in massage shall at all times have his/her breasts, buttocks, anus, and genitals covered with a non-transparent covering, and no other person shall touch any such area;
- 8) Recipient covered. A person receiving a massage shall at all times have his/her breasts, buttocks, anus, and genitals covered with a non-transparent covering, and no other person shall touch any such area, except male breasts need not be covered and portions of the breasts



- and buttocks may be uncovered when such portion of the body is being massaged. At no time shall any other person touch the nipples, genitals, or anus of the person receiving a massage;
- 9) Recipient age. All individuals under the age of eighteen (18) years of age shall have written parental permission and the parent must accompany the minor for the first visit for massage services. All signed parental permission forms shall be kept on file with the applicant and be made available for inspection by the City when requested;
  - 10) Open to inspection. During any hours at which the business is open, the business 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;
  - 11) Insurance coverage. If offering massage therapy, the business shall have in effect personal liability insurance in the amount of at least \$1,000,000 covering liability in the practice of massage therapy and insuring the business and each massage therapist.
  - 12) Hours of operation. The hours of operation shall be not earlier than 8:00 AM and not later than 10:00 PM;
  - 13) Parking. Employees and instructors are encouraged to park in available off-street parking locations. Additionally, class participants shall be provided with information regarding relevant City of Osseo parking restrictions and available off-street parking locations. Documentation of communications with class participants regarding parking restrictions shall be available for inspection.
  - 14) Classroom occupancy. Occupancy of the classrooms indicated on plans included as Exhibit B shall not exceed 12 persons (including students and instructors) per classroom. Occupancy for other classrooms and/or remodeled spaces shall be approved by the Building Official. At no times shall classroom occupancy exceed the number authorized by the CUP or other plans approved by the Building Official and on file with the City.
  - 15) Building appearance. To enhance and maintain an environment orientated to the walking public, improvements to the building exterior shall be completed no later than October 22, 2019. Improvements shall include installation and maintenance of:
    - a. Signage clearly identifying the business near the entrance; and
    - b. Exterior downlighting near all entrances;
    - c. Awnings along 2<sup>nd</sup> Street NE; and
    - d. Addition of durable (e.g., wood or metal) trim around the windows facing 2<sup>nd</sup> Street NE.
  - 16) No Waiver. Failure by the City to take action with respect to any violation of any condition, 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 other condition, covenant, or term.
  - 17) 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.
  - 18) Prior permits revoked. Prior conditional uses of the Property have been ceased for more than 12 consecutive months. Therefore, prior conditional uses permits for the Property have expired and will be revoked.
  - 19) 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.

20) 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.

Adopted by the Osseo City Council this 22nd day of October, 2018.

The motion for the adoption of the foregoing resolution was made by \_\_\_\_\_ and upon vote being duly taken thereon, the following voted in favor thereof: \_\_\_\_\_,

and the following voted against the same: \_\_\_\_\_,

and the following was absent: \_\_\_\_\_,

whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)  
COUNTY OF HENNEPIN) SS.  
CITY OF OSSEO)

We, the undersigned, being the duly qualified Mayor and Clerk of the City of Osseo, Hennepin County, Minnesota, a Minnesota municipal corporation, hereby certify that the above and foregoing - Resolution No. 2018-xx is a true and correct copy of the Resolution as adopted by the City Council the 22nd day of October, 2018.

\_\_\_\_\_  
Duane E. Poppe, Mayor

\_\_\_\_\_  
LeAnn Larson, City Clerk

EXHIBIT A  
LEGAL DESCRIPTION

Parcel 1:

The North 48 feet of Lot 4, except the West 100 feet thereof, Block 22, Osseo.

Hennepin County, Minnesota  
Torrens Property

Parcel 2:

The East 65 feet of Lot 5, Block 22, Osseo.

Hennepin County, Minnesota  
Torrens Property

Parcel 3:

The East 65 feet of the North 30 feet of Lot 3 and the East 65 feet of the South 18 feet of Lot 4, Block 22, Osseo.

Hennepin County, Minnesota  
Abstract Property

Parcel 4:

The North 30 feet of Lot 3, except the East 65 feet thereof, and the South 18 feet of Lot 4, except the East 65 feet thereof, all in Block 22, Osseo.

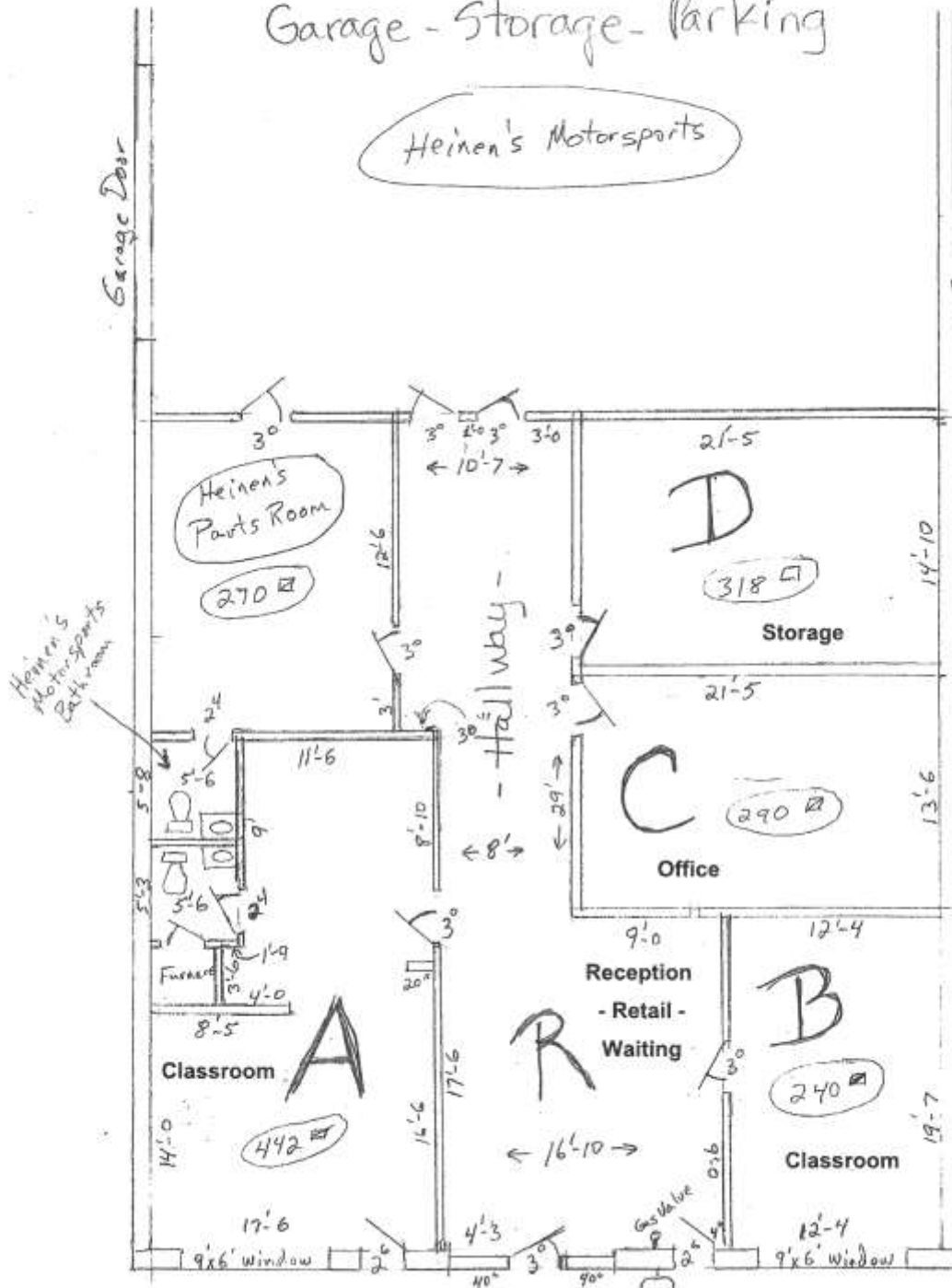
Hennepin County, Minnesota  
Abstract Property



## EXHIBIT B

Garage - Storage - Parking

Heinen's Motorsports



Resolution No. ~~2018-XX~~

**RESOLUTION GRANTING REQUEST FROM ~~KIM PETERSON~~**  
**FOR A CONDITIONAL USE PERMIT TO ALLOW FOR**  
**A BUSINESS PROVIDING GROUP CLASSES AND MASSAGE THERAPY**  
**AT 24 2<sup>nd</sup> STREET NW**

BE IT FURTHER RESOLVED a conditional use permit to allow for a massage therapy use at ~~24 2<sup>nd</sup> Street NW~~ is hereby granted and approved subject to the following ~~twenty~~ conditions:

- 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 business must at all times meet all requirements of ~~Hennepin County and the Minnesota Department of Health relating to massage uses;~~
  - b. Any trash enclosure must be properly screened from public view, per Osseo City Code ~~§ 153.057 (B) (1) (d);~~
  - c. The building appearance shall be maintained so that it adheres to Osseo City Code ~~§ 153.053; and~~
  - d. Signage relating to the use, including temporary signage, shall adhere to Osseo City Code ~~§ 153.090-097;~~
- 2) Rates posted. Price rates for all ~~classes~~ services shall by prominently posted ~~near the business entrance~~ in a location available to all prospective customers;
- 3) Employee training. ~~Massage therapy services may only be provided by~~ a massage therapist who has a minimum of 500 hours of class credits from a massage therapist school accredited by an organization of therapeutic massage professionals which has a written code of ethics, and the massage therapist(s) certification(s) shall be prominently displayed within the business ~~in a location accessible to all prospective customers. If massage therapy services are not currently being offered, a statement to that effect shall be displayed in the same fashion;~~
- 4) Employee age. No person less than eighteen (18) years of age shall be employed as a massage therapist;
- 5) Employee criminal history. No person who has any prostitution or prostitution-related criminal convictions or any controlled substance criminal convictions ~~shall offer massage services at this location;~~
- 6) Employee background check. Any new massage therapist ~~offering services at this location~~ shall report to the Osseo Police Department within 10 days of ~~offering services at this location to submit an application for, and pay any required fees for, an Osseo Police Department-issued criminal background search;~~
- 7) Employee covered. Any ~~person giving, demonstrating, or providing instruction in~~ massage shall at all times have his/her breasts, buttocks, anus, and genitals covered with a non-transparent covering, and no other person shall touch any such area;
- 8) Recipient covered. A person receiving a massage shall at all times have his/her breasts, buttocks, anus, and genitals covered with a non-transparent covering, and no other person shall touch any such area, except male breasts need not be covered and portions of the breasts

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Deleted: CATHY ROSENBERG

Deleted: BUSINESS

Formatted: Superscript

Deleted: 100 CENTRAL AVE UNIT 2¶

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Deleted: ¶

Deleted: 100 Central Ave Unit 2

Deleted: seventeen

Deleted: the

Deleted: Community Health Department

Deleted: as it

Deleted: es

Deleted: and beauty spa business

Deleted: in the reception area

Deleted: The business must have in its employment at all times

Deleted: &lt;#&gt;near the front desk area:¶

Deleted: shall be employed as a massage therapist

Deleted: The business owner shall pay the cost of an Osseo Police Department issued criminal background search for each massage therapist employed by the business.

Deleted: employment of a

Deleted: be

Deleted: ed

Deleted: such employment

Deleted: and the fee shall be paid at that time

Deleted: employee

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- and buttocks may be uncovered when such portion of the body is being massaged. At no time shall any other person touch the nipples, genitals, or anus of the person receiving a massage;
- 9) Recipient age. All individuals under the age of eighteen (18) years of age shall have written parental permission and the parent must accompany the minor for the first visit for massage services. All signed parental permission forms shall be kept on file with the applicant and be made available for inspection by the City when requested;
  - 10) Open to inspection. During any hours at which the business is open, the business 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;
  - 11) Insurance coverage. If offering massage therapy, the business shall have in effect personal liability insurance in the amount of at least \$1,000,000 covering liability in the practice of massage therapy and insuring the business and each massage therapist.
  - 12) Hours of operation. The hours of operation shall be not earlier than 8:00 AM and not later than 10:00 PM;
  - 13) Parking. Employees and instructors are encouraged to park in available off-street parking locations. Additionally, class participants shall be provided with information regarding relevant City of Osseo parking restrictions and available off-street parking locations. Documentation of communications with class participants regarding parking restrictions shall be available for inspection.
  - 14) Classroom Occupancy. Occupancy of the classrooms indicated on plans included as Exhibit B shall not exceed 12 persons (including students and instructors) per classroom. Occupancy for other classrooms and/or remodeled spaces shall be approved by the Building Official. At no times shall classroom occupancy exceed the number authorized by the CUP or other plans approved by the Building Official and on file with the City.
  - 15) Building appearance. To enhance and maintain an environment orientated to the walking public, improvements to the building exterior shall be completed no later than October 22, 2019. Improvements shall include installation and maintenance of:
    - a. Signage clearly identifying the business near the entrance; and
    - b. Exterior downlighting near all entrances;
    - c. Awnings along 2<sup>nd</sup> Street NE; and
    - d. Addition of durable (e.g., wood or metal) trim around the windows facing 2<sup>nd</sup> Street NE.
  - 16) No Waiver. Failure by the City to take action with respect to any violation of any condition, 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 other condition, covenant, or term.
  - 17) 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.
  - 18) Prior permits revoked. Prior conditional uses of the Property have been ceased for more than 12 consecutive months. Therefore, prior conditional uses permits for the Property have expired and will be revoked.
  - 19) 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.

**Deleted:** <#> Drugs dispensed. No person shall dispense any drugs or medicine from the premises;¶

20) 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.

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**Resolution No. 2018-XX**

**RESOLUTION REVOKING ALL PRIOR CONDITIONAL USE PERMITS  
FOR 116 1<sup>st</sup> AVENUE NW**

WHEREAS, the City of Osseo, Minnesota, (“City”) has previously conditional use permits for the property located at 116 1<sup>st</sup> Avenue NW and 24 2<sup>nd</sup> Street NW, Osseo, Hennepin County, Minnesota, (PID 13-119-22-14-0090) and which is legally described in attached Exhibit A made part hereof by this reference;

WHEREAS, the City Code § 153.151 (E) (1) states that a CUP shall expire if that use shall cease for more than 12 consecutive months;

WHEREAS, the use permitted under prior CUPs has ceased for more than 12 consecutive months;

WHEREAS, the City **has approved** an application for a Conditional Use Permit (“CUP”) allowing for a business providing group classes and massage therapy at this location; and

WHEREAS, in order to avoid the confusion that can result from multiple CUPs the same property, the City has adopted a practice of revoking all past conditional use permits issued to a property when it is asked to issue a new or amended permit for a property in favor of a single permit;

WHEREAS, the owner of the Property is amenable to the revocation of the prior conditional use permits on the Property and such revocation was made a condition of the new CUP approved for the Property; and

WHEREAS, this Resolution is intended to put future purchasers and users of the Property on notice that the CUPs the City previously issued for the Property have no effect and that any activities occurring on the Property are pursuant to the most current CUP issued by the City for the Property as well as any applicable City permits.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Osseo, Hennepin County, Minnesota, as follows:

1. All conditional use permits issued by the City of Osseo for the Property located at 116 1<sup>st</sup> Avenue NW and 24 2<sup>nd</sup> Street NW, Osseo, Hennepin County, Minnesota, and legally described in Exhibit A to this Resolution are hereby revoked. All such conditional use permits are no longer valid and may not be relied on.
2. The City Clerk is hereby authorized and directed to record this Resolution against the Property in the office of the County Recorder.
3. The Mayor, Councilmembers, and City staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.



Adopted by the Osseo City Council this 22nd day of October, 2018.

The motion for the adoption of the foregoing resolution was made by \_\_\_\_\_ and upon vote being duly taken thereon, the following voted in favor thereof: \_\_\_\_\_,

and the following voted against the same: \_\_\_\_\_,

and the following was absent: \_\_\_\_\_,

whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)  
COUNTY OF HENNEPIN) SS.  
CITY OF OSSEO)

We, the undersigned, being the duly qualified Mayor and Clerk of the City of Osseo, Hennepin County, Minnesota, a Minnesota municipal corporation, hereby certify that the above and foregoing Resolution No. 2018-xx is a true and correct copy of the Resolution as adopted by the City Council the 22nd day of October, 2018.

\_\_\_\_\_  
Duane E. Poppe, Mayor

\_\_\_\_\_  
LeAnn Larson, City Clerk

EXHIBIT A  
LEGAL DESCRIPTION

Parcel 1:

The North 48 feet of Lot 4, except the West 100 feet thereof, Block 22, Osseo.

Hennepin County, Minnesota  
Torrens Property

Parcel 2:

The East 65 feet of Lot 5, Block 22, Osseo.

Hennepin County, Minnesota  
Torrens Property

Parcel 3:

The East 65 feet of the North 30 feet of Lot 3 and the East 65 feet of the South 18 feet of Lot 4, Block 22, Osseo.

Hennepin County, Minnesota  
Abstract Property

Parcel 4:

The North 30 feet of Lot 3, except the East 65 feet thereof, and the South 18 feet of Lot 4, except the East 65 feet thereof, all in Block 22, Osseo.

Hennepin County, Minnesota  
Abstract Property



RESOLUTION NO. 2007-13RESOLUTION GRANTING REQUEST OF WILLIAM CRAGG  
FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A SIGN BUSINESS  
AT 116 1st AVENUE NW

WHEREAS, the applicant, William Cragg, has submitted an application for a conditional use permit to allow for a sign business, which would include space for retail, office, showroom, warehouse, and production at 116 1<sup>st</sup> Avenue NW, property ID number 13-119-22-14-0090; and

WHEREAS, the applicant's property is zoned CBD, Central Business District, which is intended to accommodate central business type uses that include joint-use parking areas and business uses primarily oriented to the walking public that will strengthen the local employment opportunity and tax base in the City; and

WHEREAS, Section 153.037 of the City Code of Ordinances allows for conditional uses determined by the City to be the same or similar type uses as the stated conditional uses within the CBD Zoning District; and

WHEREAS, in making this determination whether or not the conditional use is to be allowed, the City may consider the nature of the land, the nature of adjoining land or buildings, whether or not a similar use is already in existence and located on the same premises or on other lands immediately close by, the effect upon traffic into and from the premises or on any adjoining roads, and all other or further factors as the City shall deem appropriate for consideration in determining the effect of the use on the general welfare, public health, and safety; and

WHEREAS, a request for a conditional use permit for the sign business located on the subject property has been made; and

WHEREAS, a public hearing was held on February 20, 2007, at a regular meeting of the Osseo Planning Commission and all interested persons were invited to make their comments known; and

WHEREAS, notice of said public hearing was published in the official newspaper, surrounding property owners were notified, and notice was duly posted at City Hall; and

WHEREAS, based on a review of the application and public hearing, the Planning Commission has recommended approval of the requested conditional use permit with a 6-0 vote; and

WHEREAS, the City Council considered the application and Planning Commission recommendation on February 26, 2007; and

WHEREAS, the City Council finds as follows:

- I. The proposed use will not pose a risk to the health, safety, comfort, or general welfare of the public;

2. It is not known whether the use could be injurious to adjacent properties. While a predominately manufacturing use is generally not allowed in the CBD, this type of use has occupied this building before and there will be significant improvements made to the exterior of the building. If the business is allowed to stay, an occupied building is more likely to increase values than a vacant building. Previously, the applicant provided a statement from the developer of Celtic Crossing indicating the use would not be injurious to Celtic Crossing. Also, the City received a letter from the Pastor of the Osseo Church of the Nazarene indicating he would be in favor of a CUP if all business was conducted inside and the perimeters were kept orderly;
3. Keeping a long-standing business in town will help sustain and add vitality to the area yet not additionally impede traffic or parking. However, a CUP stays with the property until voluntarily terminated, because of inactivity for over a year or revoked for violating any condition of approval.
4. Adequate infrastructure has already been provided.
5. For this type of use, increase in actual consumer traffic should be minimal. Consumer traffic can either park on-street in front of the storefront or in the property's parking lot along 1st Avenue NW. Current off-street parking on-site for this use exceeds district requirements. Employee/vendor parking and access for loading/unloading will occur at the southwest corner of the building adjacent to the parking lot.
6. As it relates to the ordinance, staff finds that this use does conflict with the regulations of the CBD district. However with specific conditions set to ensure the use is low intensity and the exterior of the building retains an office/retail feel, the use might be more appropriate than short-term alternatives for the building.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Osseo, Hennepin County, Minnesota, that approval of a conditional use permit to allow a sign business, which would include space for retail, office, showroom, warehouse, and production, is hereby granted and approved; and

BE IT FURTHER RESOLVED that said conditional use permit is approved subject to the following conditions:

1. Staff shall review and approve all exterior improvements prior to commencement;
2. Exterior improvements shall include the following: addition of awnings and wooden signage/lighting in both the front and rear of the building per the Architectural Design Guidelines; addition of two large planters; painting of entire structure to earth tone color; addition of steel or wooden trim around windows; addition of cultured stone along the front and below the windows; addition of glass front-doors; and removing or filling of exterior surface cracks;
3. Exterior improvements shall be completed no later than July 2007;

4. Outside dumpster shall be located in a trash enclosure or inside the building;
5. Outside storage shall not be allowed at any time;
6. All signs, parts, materials, and equipment related to the proposed use must be located within the confines of the building;
7. All assembly, sales, and storage shall occur within the building;
8. Employees shall park in the off-street parking location, not along 2nd Street NW;
9. There shall be no commercial vehicle parking along 2nd Street NW;
10. The off-street parking area shall be updated, striped, and free of weeds at all times;
11. The chain-link fence along the north side of the parking area shall be removed;
12. Loading and unloading shall only occur between the hours of 7:00 a.m. to 7:00 p.m.;
13. No heavy commercial vehicles shall be parked in the parking lot except for loading and unloading;
14. Overhead door shall remain closed at all times, except for purposes of loading and unloading;
15. Windows on the side and rear of the building that are not used for air conditioning shall be replaced with glass or matching block that is consistent in size and color as the exterior;
16. The interior and exterior front of the building along 2nd Street NW shall promote a retail appearance. At a minimum, the front 30% of the building shall entail retail, office, and showroom space while the rear portion of the building is allowed to entail storage and assembly;
17. The property owner shall obtain all necessary building and sign permits related to the proposed use; and
18. Violation of any condition shall result in revocation of the CUP in accordance with the provisions of the Zoning Ordinance.

Adopted by the Osseo City Council this 26th day of February, 2007.

The motion for the adoption of the foregoing resolution was made by Council member Eirich, seconded by Council member Schreiber, and upon vote being duly taken thereon, the following

voted in favor thereof Council members Sherry Blair, Steve Eirich, Brian Kleven, John Hall, and Ken Schreiber,

and the following voted against the same: none,

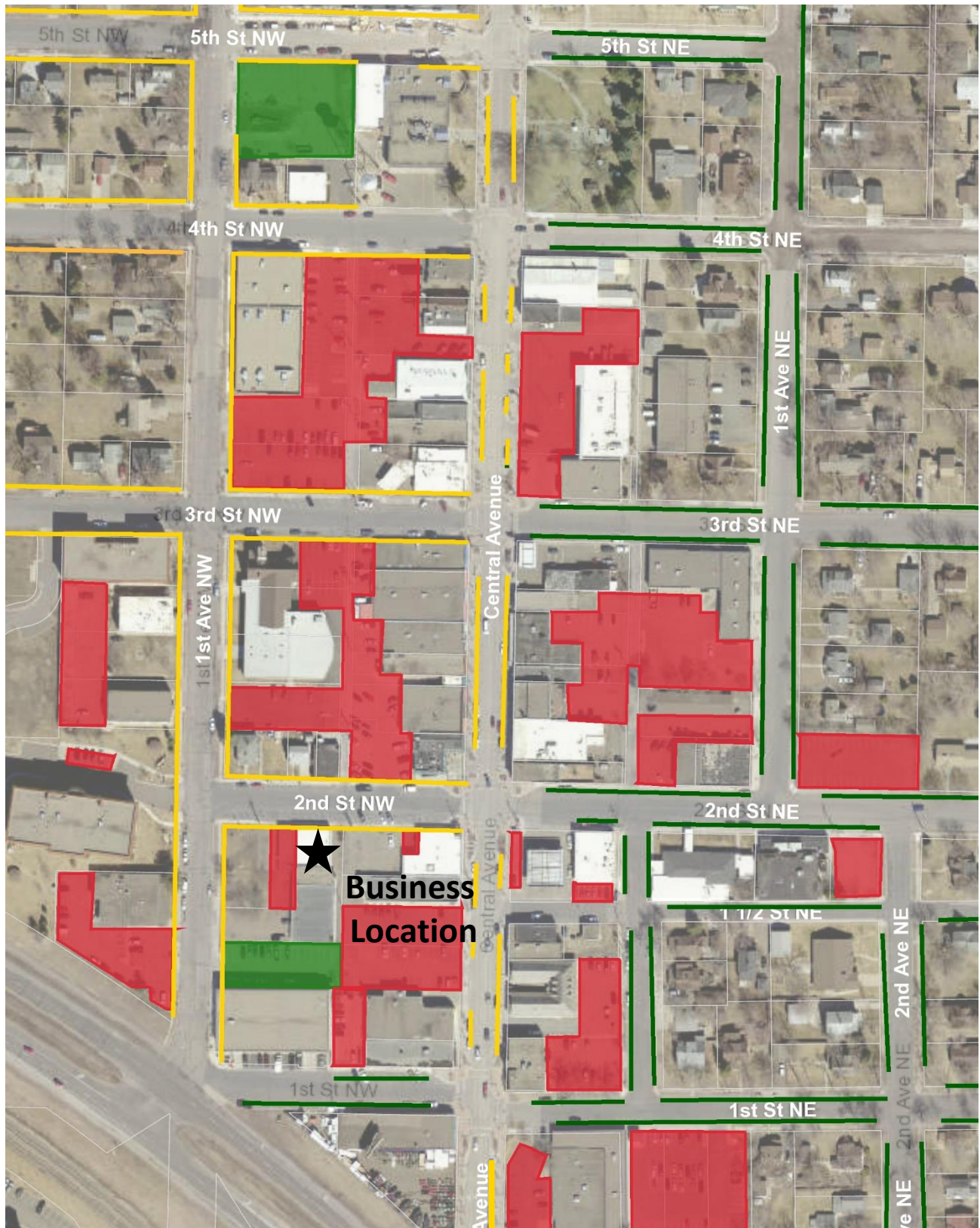
and the following were absent: none,

whereupon said resolution was declared duly passed and adopted.



# Downtown Osseo Parking Map

xii.



## KEY

### Parking Lots



Private / Business



Public

### Street Parking\*



2 hours – school days



Unrestricted



No Parking

\*Additional restrictions apply during a SNOW EMERGENCY