

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
October 15, 2018**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Plzak at 6:00 pm, Monday, October 15, 2018.

2. ROLL CALL

Present: Commission members Dee Bonn, Michael Corbett, Neil Lynch, Michael Olkives, Alden Webster, and Chair Barbara Plzak

Absent: Commission Member Deanna Burke.

Others present: Kim Peterson, Lindsey Wanke, Rick Peterson, Harold E. Johnson, City Planner Nancy Abts

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES

A. Approve June 18, 2018, Minutes

A motion was made by Olkives, seconded by Webster, to approve the June 18, 2018, minutes. The motion carried 6-0.

5. PUBLIC COMMENTS

Chair Plzak 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 Conditional Use Permit for 22 2nd Street NW/116 1st Avenue NW – Wellness Boutique

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

Abts stated 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.

Abts explained the proposed business location was formerly occupied by Pascual Signs. The sign business was subject to Conditional Use Permit 2007-13. Because the sign business has been discontinued for more than 12 continuous months, the CUP has expired and should be revoked. 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. Staff discussed the request in further detail with the Commission and recommends approval of the CUP with twenty (20) conditions.

Olkives asked if massage would be offered to customers. Kim Peterson, 10801 Hackberry Lane in Champlin, stated she would be offering a wellness space with a boutique and educational classes. She commented a licensed massage therapist may be brought in to offer massage out of the wellness boutique. She explained classes on massage may also be offered.

Lynch questioned if the applicant had reviewed the conditions for approval and had any comments or concerns. Ms. Peterson stated she would like to see the number of people in the classroom not be limited to 12. Abts reported Metro West was comfortable with 12 people per classroom at this time based on the business occupying an existing space and there being no structural alterations requiring a building permit. In the future, more people could be allowed in the space if code requirements were met. Issues affecting room occupancy included, for example, the size and number of the doorways. She commented as the business progresses, it may make sense to renovate the space in order to create larger classrooms. She indicated the occupancy number could increase in the future, if approved by the City's building inspector.

Rick Peterson, 10801 Hackberry Lane in Champlin, asked if a CUP amendment would be required in order to increase the class size. Abts explained the intent of the condition for approval was to allow for larger class sizes if building renovation plans were approved by the City's Building Official.

Corbett questioned what parking was available to the applicant currently. Ms. Peterson stated she only had on-street parking available.

A motion was made by Lynch, seconded by Webster, to close the public hearing at 6:54 p.m. The motion carried 6-0.

A motion was made by Lynch, seconded by Olkives, to recommend the City Council repeal all expired CUP for the property at 22 2nd Street NW/116 1st Avenue NW. The motion carried 6-0.

A motion was made by Olkives, seconded by Lynch, to recommend the City Council the CUP for the property at 22 2nd Street NW/116 1st Avenue NW (Wellness Boutique), subject to the twenty (20) conditions listed below. The motion carried 6-0.

- 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 2nd Street NE; and
 - d. Addition of durable (e.g., wood or metal) trim around the windows facing 2nd 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.

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

Abts explained the six-month review period for the City’s Comprehensive Plan had reached its end. She noted staff would now be working with its consultants to finalize the Comprehensive Plan for submittal to Met Council.

Webster encouraged the community to get out and vote on Tuesday, November 6th.

10. ADJOURNMENT

A motion was made by Corbett, seconded by Bonn, to adjourn the meeting at 6:29 pm. The motion carried 6-0.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.