

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
April 15, 2019**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Plzak at 6:00 pm, Monday, April 15, 2019.

2. ROLL CALL

Present: Commission members Dee Bonn, Deanna Burke, Michael Corbett, Juliana Hultstrom, Michael Olkives, Alden Webster, and Chair Barbara Plzak

Absent: None.

Others present: Michelle Aalbers, Connie Aho, and City Planner Nancy Abts

3. APPROVAL OF AGENDA

A motion was made by Olkives, seconded by Hultstrom, to approve the Agenda as presented. The motion carried 7-0.

4. APPROVAL OF MINUTES

A. Approve March 18, 2019, Minutes

A motion was made by Olkives, seconded by Bonn, to approve the March 18, 2019, minutes. The motion carried 7-0.

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. Conditional Use Permit for Wellness Studio at 233 1st Avenue NE

Abts stated the storefront located at 233 1st Avenue NE is located in the CBD (Central Business District). It is owned by First Avenue Commons LLC and was formerly occupied by Dante Computer. The location is part of Common Interest Community 0994, First Avenue Commons, so individual units are distinct 'properties' with shared common areas.

Abts explained the proposal uses an existing storefront for a business that provides classes and wellness services, as well as massage therapy. The applicant is enthusiastic about bringing her business to Osseo after operating in Brooklyn Park for many years.

Abts reported Jodi Baglien's Wellbeing & Wisdom Studio, offering services including Shiatsu Massage, is located in 'Unit 4' in the building, 221 1st Avenue NE. However, because CUPs are specific to the legally-distinct property and not the apparent 'building' where the

property is located, a different CUP is required for this use. Staff provided further comment on the request and recommended approval of the Conditional Use Permit with conditions.

A motion was made by Olkives, seconded by Hultstrom, to open the Public Hearing. The motion carried 7-0.

Olkives asked why the applicant was proposing to move her business from Brooklyn Park to Osseo. Michelle Aalbers, 6604 105th Trail in Brooklyn Park, reported she was currently working out of her home. She stated she has always loved Osseo and was excited about moving her business to this great small town.

Olkives requested further information regarding the type of classes that would be offered by the applicant. Ms. Aalbers explained she has massage therapy and home entrepreneur licenses from Brooklyn Park and focuses on wellness services. She stated she also taught yoga, restorative yoga, wellness and self-care classes. She indicated it was her mission to have people slow down and make space for themselves in order to live happier and healthier lives.

Olkives questioned if Ms. Aalbers was concerned that a similar type of business was located in the same building. Ms. Aalbers stated she had spoken to Jodi Baglien and believed their businesses would compliment each other.

Bonn requested further information on how Thai massage is conducted. Ms. Aalbers described how a Thai massage was completed, noting recipients were fully clothed and the goal was to reduce blockages in the body in order to have energy flowing properly in the body.

Bonn asked if Ms. Aalbers would be hiring any additional employees. Ms. Aalbers stated she has one other massage therapist that works with her and other than that she did not anticipate needing any additional employees. She reported she worked by appointment only.

Bonn requested additional information on the types of yoga classes that would be offered. Ms. Aalbers stated her passion was for restorative yoga. She anticipated 10 to 12 people would be able to attend her classes.

Corbett questioned if Ms. Aalbers would be retaining her current clients after moving her business to Osseo. Ms. Aalbers stated she would be retaining her clients and noted many were very excited about her business relocating to downtown Osseo.

A motion was made by Burke, seconded by Corbett, to close the public hearing at 6:20 p.m. The motion carried 7-0.

A motion was made by Burke, seconded by Webster, to approve the CUP to request to operate a Wellness Studio at 233 1st Avenue NE to the City Council, subject to the fourteen (14) conditions listed below.

- 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 displayed. Price rates for all classes and services shall be prominently displayed 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 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;
 - 7) 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;
 - 8) 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;
 - 9) 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;
 - 10) Hours of operation. The hours of operation shall not be earlier than 5:30 AM and not later than 10:00 PM;
 - 11) 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.

- 12) **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.
- 13) **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.
- 14) **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.

The motion carried 7-0.

7. OLD BUSINESS

A. Discuss Comprehensive Plan Implementation

Abts stated WSB & Associates has provided a proposal to assist with some of the more technical, less policy-oriented zoning code updates identified by the Comprehensive Plan. She reported the 2019 Planning budget includes \$4,000 for "Other Professional Services" for consultants to assist with Comprehensive Plan implementation. Staff explained she would be contacting Commissioners to discuss the priorities for implementing the Comprehensive Plan in order to identify items for future Planning Commission meetings.

Olkives stated he would like to remove himself from the Housing Committee and explained he would be willing to serve on the Parking Committee.

8. NEW BUSINESS – None

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

Webster wished everyone a Happy Easter.

Hultstrom welcomed Ms. Aalbers to the City of Osseo.

Bonn questioned what was happening with the City's cobblestones. Abts reported a Council subcommittee was addressing this concern on behalf of the City.

10. ADJOURNMENT

A motion was made by Hultstrom, seconded by Burke, to adjourn the meeting at 6:26 pm. The motion carried 7-0.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.