



**AGENDA – REGULAR MEETING
6:00 p.m., April 15, 2019**

Planning Commission

- 1. CALL TO ORDER**
- 2. ROLL CALL** (Quorum is 4)
- 3. APPROVAL OF AGENDA** (Unanimous additions required)
- 4. APPROVAL OF MINUTES**
 - A. Planning Commission Minutes of March 18, 2019
- 5. PUBLIC COMMENTS**
- 6. PUBLIC HEARINGS**
 - A. Conditional Use Permit for Wellness Studio at 233 1st Ave NE
- 7. OLD BUSINESS**
 - A. Discuss Comprehensive Plan Implementation
- 8. NEW BUSINESS**
- 9. REPORTS OR COMMENTS: Staff, Chair, & Commission Members**
- 10. ADJOURNMENT**

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
March 18, 2019**

4A

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Plzak at 6:00 pm, Monday, March 18, 2019.

2. OATH OF OFFICE FOR NEW PLANNING COMMISSION MEMBER

City Planner Abts administered the Oath of Office to newly appointed Planning Commissioner Juliana Hultstrom.

3. ELECTION OF PLANNING COMMISSION OFFICERS

Abts requested the Planning Commission elect a Chair and Vice Chair for 2019.

A motion was made by Webster, seconded by Bonn, to elect Barb Plzak as Chair of the Planning Commission for 2019. The motion carried 6-0.

A motion was made by Bonn, seconded by Corbett, to elect Alden Webster as Vice Chair of the Planning Commission for 2019. The motion carried 6-0.

4. ROLL CALL

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

Absent: Commission member Deanna Burke.

Others present: Jeff Aalbers, City Planner Nancy Abts.

5. APPROVAL OF AGENDA

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

6. APPROVAL OF MINUTES

A. Approve November 11, 2018, Minutes

A motion was made by Bonn, seconded by Corbett, to approve the November 11, 2018, minutes. The motion carried 6-0.

7. 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.

8. PUBLIC HEARINGS – None

9. OLD BUSINESS – None

10. NEW BUSINESS

A. Lot Combination Request for 701, 710, & 714 Broadway Street East

Abts explained St. Paul's Lutheran Church is located at 710 Broadway Street East. Their property includes three tax lots. The lots are located in the R-1, One- and Two-family residential District. Conditional uses in the R1 district currently include public and semi-public facilities such as churches, schools, and parks of a non-commercial nature. Because churches were a permitted use when constructed, it does not have a CUP but instead is considered 'grandfathered' or a legal nonconforming use. (As a nonprofit entity, St. Paul's Lutheran Church does not pay property taxes.)

Abts stated the property will be affected by the 2019 Street Reconstruction project occurring along 7th Ave SE. As part of this project, the Church is providing an easement for a portion of 7th Avenue. City Staff also suggested the church complete a lot combination to simplify their parcel boundaries in light of present land use. In addition to making the parcels more orderly, this will also provide a modest cost-savings in their quarterly stormwater utility payments (approximately \$20/year, under the current rate structure). The three tax parcels share a single legal description, and it seems that the reason for having multiple tax parcels relates to structures that were removed from the area in the 1960s.

Olkives asked if St. Paul's could sell a portion of their land for a residential development. Abts explained a lot split would have to be approved by the City prior to this taking place.

A motion was made by Olkives, seconded by Webster, to recommend the City Council approve the lot combination for St. Paul's Lutheran Church which is located at 701, 710 and 714 Broadway Street East. The motion carried 6-0.

B. Review Position Description for Planning Commission

Abts explained the City is considering creating Position Descriptions for members on its Boards and Commissions, to aid with recruitment. She indicated some communities provide Position Descriptions for their appointed Boards and Commissions. This may help prospective applicants decide whether a Board position is something they would like to pursue.

Olkives recommended the information position description be posted on the City's website.

Bonn questioned if the adhoc committee information should remain in the position description

Plzak requested this language remain in place and noted Webster had served on an adhoc committee to address signs.

C. Discuss Comprehensive Plan Implementation

Abts explained the last chapter of the Comprehensive Plan addresses Implementation. It is primarily an Implementation Matrix that lists action Items from earlier in the plan. It assigns a “who” responsible for that item, as well as a timeline for action (a “when”). The Implementation Matrix is also available as a spreadsheet that can be filtered and sorted. Although there are 78 items in the entire Implementation Matrix, the Planning Commission is identified as a responsible part for 19 of them. Seven of the items are in a “short-term” (i.e., 1-3 year) timeframe. There are three general areas for Short-term updates involving the Planning Commission:

1. Parking
 - Specifically, evaluating off-street parking requirements and their impacts on higher-density residential developments
2. Housing Investment (& Fair Housing Policy)
 - Includes finding ways to assist homeowners with upgrades & updating ordinances, as well as evaluating Accessory Dwelling Units (ADUs) in Osseo
 - The Metropolitan Council now requires cities adopt a Fair Housing Policy in order to receive Livable Communities Grant Funds
3. Zoning Code Updates
 - Evaluate whether existing zoning corresponds with Future Land Use Guidance and propose amendments as needed
 - Identify general clerical updates
 - State Statute requires that cities update their Official Controls (e.g., their Zoning Ordinances) to be consistent with their Comprehensive Plans. This must be done within 9 months of formally adopting the Comprehensive Plan.

Abts stated the Planning Commission may want to establish sub-committees to focus on these areas, or may identify other Implementation areas to address. Subcommittee members could spend time thinking about and researching these topic areas before meeting to discuss policy directions, questions for staff, and next steps.

Olkives asked if several subcommittees would be created or just a single subcommittee to address these issues. Abts suggested two or three people working on each of the three areas.

Olkives stated he was willing to serve on a housing and zoning subcommittee.

Plzak indicated she would like to serve on the zoning subcommittee.

Hultstrom commented she would be interested in serving on the housing subcommittee.

Abts recommended Burke serve on the parking subcommittee.

Corbett stated he could serve on the housing subcommittee.

Webster and Bonn volunteered to serve on the housing subcommittee.

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

Abts discussed a seminar the Federal Reserve Bank of Minneapolis would be holding regarding a panel discussion on Inclusionary Zoning that she and Hultstrom would be attending.

Abts noted the Step To It Challenge would begin May 1st. She invited the Commissioners to participate in a Kick-Off Walk on May 1st.

Bonn reported a walking event was being planned for every Tuesday in May at 4:30 p.m. and encouraged residents to participate in the Step To It Challenge.

Webster congratulated the Osseo Area Schools Basketball Teams for making it to State and wished them all the best.

12. ADJOURNMENT

A motion was made by Olkives, seconded by Hultstrom, to adjourn the meeting at 6:40 pm. The motion carried 6-0.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.



Osseo Planning Commission Meeting Item

Agenda Item: Approve Conditional Use Permit Request for Wellness Studio at 233 1st Ave NE

Meeting Date: April 15, 2019

Prepared by: Nancy Abts, AICP, City Planner

Attachments: Completed Application
Written Narrative
Building & Site Plan
Public Hearing Notice
Public Hearing Distribution Map & List
Draft Resolution approving the CUP

Policy Consideration:

Consider recommending approval of a conditional use permit (CUP) request for a business offering group wellness classes, to include Thai bodywork massage.

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 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.

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.

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.

Business plan and proposed use

The applicant’s business plan includes providing Thai bodywork yoga and wellness classes. Tenant buildout of the space is planned after the CUP is approved, and would be required to receive permits are required by State code.

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. Although it has been a common requirement in Massage CUPs, the Minnesota Bureau of Criminal Apprehension (BCA) recently clarified that the Police Department is not authorized to perform a criminal background check on any Massage Therapist, unless the City has an ordinance that establishes the requirement. For this reason, it may be necessary to re-evaluate the way the City addresses Massage Therapy uses in the future.

Standards for granting conditional use permits:

Per Osseo City Code, the standards for granting a conditional use permit are as follows:	In staff's estimation, the applicant meets the standard because:
(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.
(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.
(f) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.	(Discussion follows)

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.

Parking

Use	Parking Space Calculation	As Applied
School (Private)	1 per classroom, plus 1 for every 6 students	1 classrooms + (30 students/6) = 6 spaces
OR – Community Center	At least 12 parking spaces plus one for each 250 square feet in excess of 2,000 square feet of floor area based upon design capacity	< 2000 sq ft = 12 spaces

The CIC common area provides approximately 45 on-site parking spaces, and there are 10 on-street parking spaces adjacent to the building. Given the location in the Central Business District and mix of office, retail, and classroom uses in the building, Staff is comfortable with the amount of parking available. With the space dedicated to Retail, the parking requirement would have been 9 spaces.

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 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;

~~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;~~

- 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 be not 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.

Previous Action or Discussion:

No action or past discussion had been conducted by the Planning Commission regarding this conditional use permit application. The City Council recently approved a similar request for a Wellness Boutique located at 24 2nd Street NW.

Budget or Other Considerations:

The \$500 application fee covers resourced needed for reviewing CUP applications and determining compliance with approved permits.

Under state law, the City generally has 60 days to review and act on land use applications. This application was received on March 25, 2019, making the 60-day deadline for review May 24, 2019.

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 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 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 hold a Public Hearing on the application. (A formal motion and vote are required to open the hearing and to close it). Following the Public Hearing, Staff recommend the Commission recommend approval of the request, either with the stated conditions (Option 1) or modifications (Option 2)

Next Step:

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



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: 233 1st Ave NE Osseo, MN 55369

Property identification number: 18-119-21-23-0198

Property legal description: Lot: _____ Block: _____ Tract/Addition: CIC #0994 First Ave Commons Condo

Property type (check one): Abstract: X Torrens: _____

Description of request: See attached

Reason for request: See attached

Applicant Information:

Name: Michelle Aalbers / Jai Dee Daytime phone: 612.810.6848

Address: 6604 105th Trail N Email Address: bodyswork@synchronytyb.com
Brooklyn Park, MN 55445

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: Michelle Aalbers Date: 3-25-19

Property Owner Information:

Name: Connie Aho Daytime phone: 763.670.6716
Address: 6101-115th Ave Email Address: AHOCONNIE@gmail.com
Champlin, MN 55316
Signature: Connie Aho Date: 3-15-19

*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: 863442 Date received: Mar 25, 19 (\$500 Application Fee)
Any other fees? _____ Received by: C. B. Aho
Notice to press date: March 28, 2019 Press publication date: April 4, 2019
Scheduled Planning Commission date: April 15, 2019
Scheduled City Council date: April 22, 2019

Description of request:

I have an existing business in Brooklyn Park and I'm looking to move my wellness studio to Osseo. Currently focusing on self care and wellness workshops, the goal of this studio is to bring all aspects of wellness and self care to clients for the betterment of the community.

Reason for request:

Nancy Abts at City Hall informed me that because I offer massage and wellness workshops I need to apply for a CUP for 233 1st Ave NE.



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

March 25, 2019

Signature of Applicant

Michelle Aalbers

Name and Address of Applicant
(Please Print)

Michelle Aalbers/Jai Dee

6604 105th Trail N

Brooklyn Park, MN 55445

Phone Number

612.810.6848

Email Address

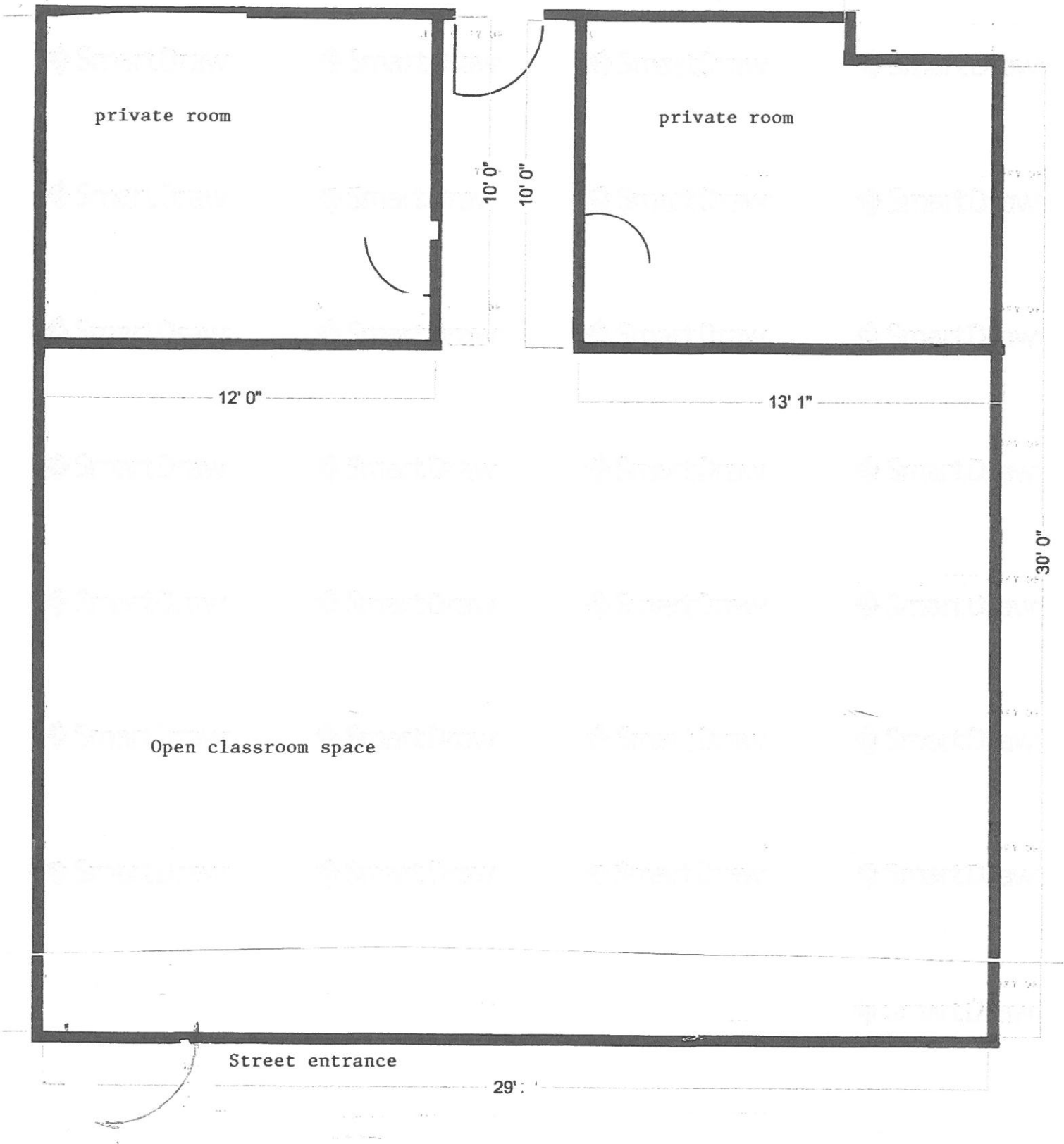
bodywork@synchronytyb.com

Name and Address of Contact
(If Other Than Applicant)

Phone Number

Email Address

Common Area hallway and 2 restrooms





Hennepin County Property Map

Date: 4/9/2019



PARCEL ID: 1811921230198

OWNER NAME: First Avenue Commons Llc

PARCEL ADDRESS: 233 1st Ave N E, Osseo MN 55369

PARCEL AREA: 0.71 acres, 31,115 sq ft

A-T-B: Abstract

SALE PRICE: \$375,000

SALE DATA: 06/2011

SALE CODE: Excluded From Ratio Studies

ASSESSED 2018, PAYABLE 2019

PROPERTY TYPE: Commercial-Non Preferred

HOMESTEAD: Non-Homestead

MARKET VALUE: \$111,000

TAX TOTAL: \$4,486.98

ASSESSED 2019, PAYABLE 2020

PROPERTY TYPE: Commercial-non Preferred

HOMESTEAD: Non-homestead

MARKET VALUE: \$124,000

Comments:

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City of Osseo

415 Central Avenue
Osseo, MN 55369-1195

P 763.425.2624 F 763.425.1111

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 a new business requiring a Conditional Use Permit.

- APPLICANT:** Michelle Aalbers, Synchrony LLC
- REQUEST:** Conditional Use Permit for a wellness studio to provide group classes and 'Thai yoga bodywork' massage
- LOCATION:** Property address 233 1st Ave NE, #1 – PID 18-119-21-23-0198
- TIME OF HEARING:** Monday, April 15, at 6:00 p.m. – City Hall Council Chambers
- HOW TO PARTICIPATE:**
- 1) You may attend the hearing and state your comments;
 - 2) You may send a letter before the hearing to the City of Osseo, 415 Central Avenue, Osseo, MN 55369 or fax to 763-425-1111; or
 - 3) You may send an email to nabts@ci.osseo.mn.us

If you want your comments to be made part of the public record, you 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.

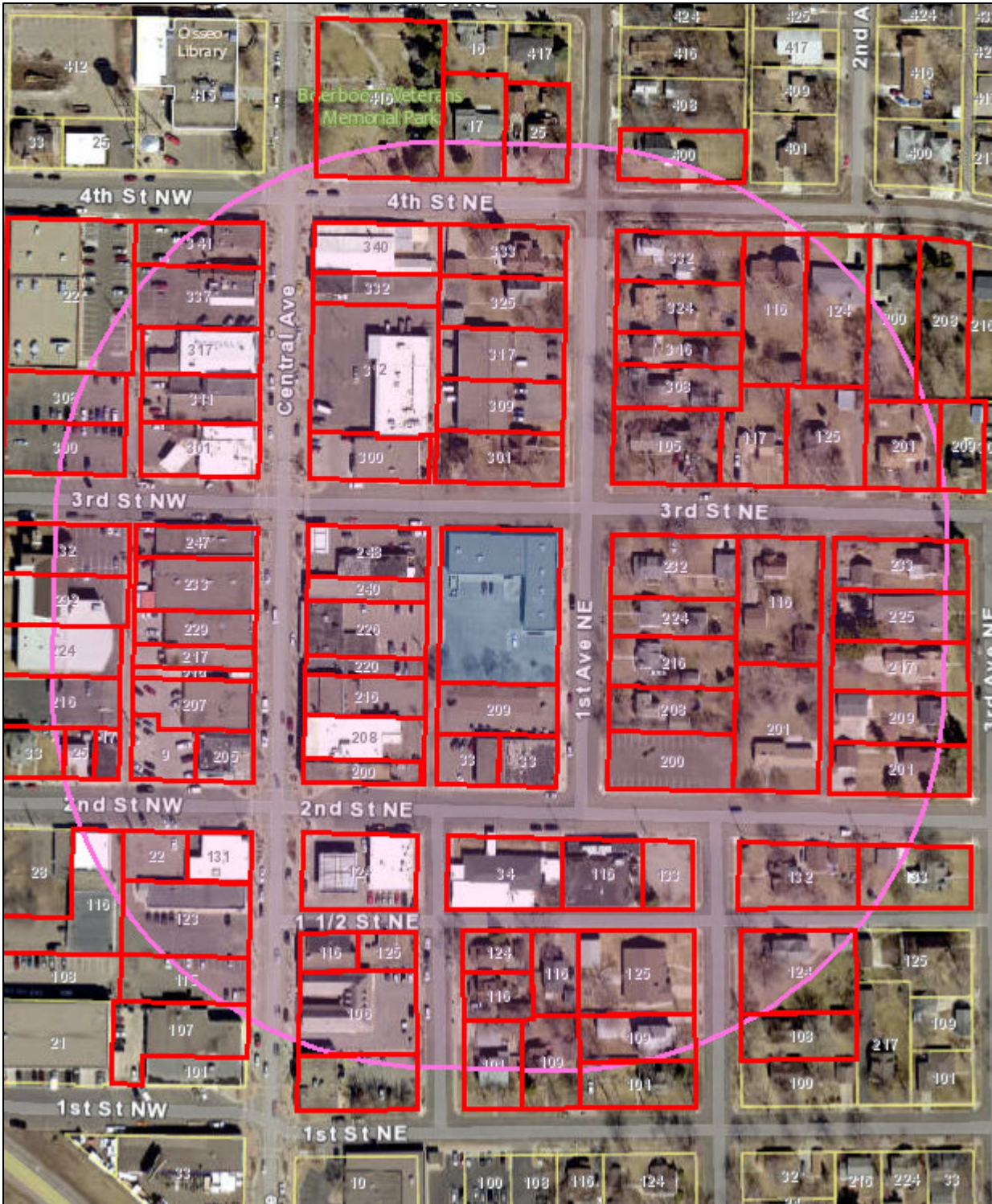
You may visit City Hall (415 Central Avenue) during business hours to discuss the proposal, or visit our website after April 11, 2019 at <http://www.discoverosseo.com/departments/planning-commission/>

Publication Date: The Press (April 4, 2019)



Hennepin County Locate & Notify Map

Date: 3 / 26 / 2019



Buffer Size: 500

0 50 100 200 feet

Map Comments:

Planning Commission Public Hearing:
Conditional Use Permit for a wellness studio
to provide group classes and 'Thai yoga bodywork' massage
at Property address 233 1st Ave NE, #1
PID 18-119-21-23-0198

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For more information, contact Hennepin County GIS Office
300 6th Street South, Minneapolis, MN 55487 / gis.info@hennepin.

Resolution No. 2018-XX

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR
A BUSINESS PROVIDING GROUP CLASSES AND MASSAGE THERAPY
AT 233 1st AVENUE NORTHEAST**

WHEREAS, Michelle Aalbers has made application for a conditional use permit to allow for a business providing group classes and massage at 233 1st Avenue Northeast (Property Identification Number 18-119-21-23-0198) 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 April 15, 2019, 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 April 15, 2019, regular meeting by a **X-X** vote; and

WHEREAS, the City Council considered the application and Planning Commission recommendation on April 22, 2019; 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 233 1st Avenue Northeast is hereby granted and approved subject to the following **fourteen** 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;
~~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;~~
- 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 be not 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.

Adopted by the Osseo City Council this 22nd day of April, 2019.



Osseo Planning Commission Meeting Item

Agenda Item: Discuss Comprehensive Plan Implementation

Meeting Date: April 15, 2019

Prepared by: Nancy Abts, AICP, City Planner

Attachments: Proposal from WSB & Associates

Policy Consideration:

Once the Comprehensive Plan is fully approved, the City will work to implement it. Planning Commissions typically take the lead on matters relating to the Comprehensive Plan.

Previous Action or Discussion:

The Planning Commission discussed Comprehensive Plan Implementation at their March meeting. More recently, on April 6, the City Council and Economic Development Authority held a strategic planning session to identify priority projects for the next 2-5 years. That plan is still being formalized, but the preliminary items seem consistent with the implementation items the Planning Commission has already discussed—Housing, Parking, and general Code Updates. At their March meeting, the Commission identified subcommittee members to address these three topics.

Background:

WSB & Associates has provided a proposal assist to with some of the more technical, less policy-oriented zoning code updates identified by the Comprehensive Plan.

Budget or Other Considerations:

The 2019 Planning budget includes \$4,000 (of the \$7,000 that was requested by staff) for “Other Professional Services” for consultants to assist with Comprehensive Plan implementation.

City Goals Met By This Action:

- Develop and implement the Comprehensive Plan Update
- Update the City Code
- Foster and promote economic development in the City
- Plan and provide for safe and quality housing options

Recommendation/Action Requested:

Staff requests the Planning Commission discuss priorities for implementing the Comprehensive Plan and identify items for future Planning Commission meetings.



April 2, 2019

Nancy Abts, Planner
City of Osseo
415 Central Avenue
Osseo, MN 55369

Re: **Re: Comprehensive Plan Implementation Assistance**
WSB Project No. 03429

Dear Nancy:

Following up from our discussion on March 22nd, I am pleased to provide you with a letter proposal for assistance with implementing specific portions of the *Planning for Healthy Generations: Osseo 2040 Plan*. It is our understanding that you would like WSB to complete tasks 1, 4 and 8 from attached Exhibit A. We also understand that the City will be responsible for the last of the three adoption meetings and WSB will cover the first two.

WSB proposes to complete the requested tasks for a not-to-exceed budget of \$4,000.

Timeline:

These Near-Term Updates will be completed within 3-months of receipt of this signed letter proposal. This timeline may not align with required Planning Commission and City Council meetings.

Please sign below to indicate your acceptance of this proposal. If you have any questions or comments regarding the information that is included with this letter, please contact me at (763) 287-8316. We look forward to working with you!

Sincerely,

WSB & Associates, Inc.

A handwritten signature in black ink, appearing to read "Erin Perdu", written in a cursive style.

Erin Perdu, AICP, GISP
Director of Community Planning and Economic Development

Attachment: Exhibit A

cc: Molly Just, AICP

Accepted By:

Nancy Abts
City of Osseo

Date:

EXHIBIT A
City of Osseo Implementation of 2040 Comprehensive Plan 2019

	Task	Rationale	Likely Tasks	Hours Bundled Rate
1	Review Public Institutional District	Dimensional standards may be needed to ensure consistency with surrounding land uses and land use guidance.	Review Revise Adopt	8
2	Review Home Occupation Requirements	To ensure compatibility with modern home occupations while preserving the residential environment.	Review Revise Adopt	8
3	Analyze whether standards for Accessory Dwelling Units (ADUs) are appropriate.	To establish ADUs as allowed and to provide standards for new ADUs.	Review Revise Adopt	24
4	Create Edge Mixed-Use District	To enable the land use guided by the 2040 plan.	Create Adopt	12
5	Rezone to EMUD the 2 blocks on either side of Central between 7 th St N and 6 th St N and 2 blocks on east side of Hwy 81 between Broadway and 2 nd St SE	To enable the land use concepts guided by the 2040 plan.	Adopt	3
6	Review and Update the Subdivision Ordinance	To achieve the level of development guided by the 2040 plan.	Review Revise Adopt	24
7	Review and Update the Planned Unit Development (PUD) Requirements	To achieve the level of development guided by the 2040 plan. Particularly regarding Opportunity Sites C&F identified in the Land Use Chapter of the 2040 plan.	Review Revise Adopt	24
8	Review the Dimensional Requirements in All Districts (height, lot size, impervious area, setbacks)	Zoning Ordinance should support the intent and densities of the 2040 plan.	Review Revise Adopt	8
9	Review the Landscaping, Buffer, Building Material Regulations	To support the open space, outdoor amenities, and desired effects of the Land User Chapter of the 2040 plan.	Review Revise Adopt	8
10	Review the Parking Requirements	Are current requirements compatible with 2040 plan land use objectives. Is creativity needed to promote these objectives.	Review Revise Adopt	6

Explanation of Terms

Create – From scratch. Review purpose, options, draft, finalize. – 6 hours
Review – Review existing language and evaluate options – 4 hours
Revise – Draft and finalize language – 3 hours
Adopt – 3 meetings (public hearing/PC/CC) – 9 hours

Note

When tasks are grouped there will be a time savings.
If working with landowners is required that time shall be billed hourly.
Per meeting cost estimate = \$400

EXHIBIT A
City of Osseo Implementation of 2040 Comprehensive Plan 2019

Items recommended to bundle:

Near Term Zoning Updates:

- Home occupations
- PI district
- Existing dimensional requirements
- General clerical updates
- New Edge Mixed Use District
- Parcel rezonings
- Adopt (3 meetings)
- TOTAL: approx. 50 hours or \$6,000

Updated Development Standards:

- Subdivision ordinance
- Landscaping standards
- Parking standards
- PUD Ordinance
- Accessory Dwelling Unit Ordinance
- Adopt (3 meetings)
- TOTAL: approx. 97 hours or \$12,000
-