



**AGENDA – REGULAR MEETING
6:00 p.m., August 19, 2019**

Planning Commission

- 1. CALL TO ORDER**
- 2. ROLL CALL** (Quorum is 4)
- 3. APPROVAL OF AGENDA** (Unanimous additions required)
- 4. APPROVAL OF MINUTES**

Planning Commission Minutes of April 15, 2019

- 5. PUBLIC COMMENTS**
- 6. PUBLIC HEARINGS**

Conditional Use Permit for Body Art Business at 340 Central Avenue

- 7. OLD BUSINESS**
- 8. NEW BUSINESS**

Discuss Zoning Code Updates

- 9. REPORTS OR COMMENTS: Staff, Chair, & Commission Members**
- 10. ADJOURNMENT**

**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.



Osseo Planning Commission Meeting Item

Agenda Item: Approve Conditional Use Permit Request

Meeting Date: Monday, August 19, 2019

Prepared by: Nancy S. Abts, AICP, City Planner

Attachments: Completed Application Form
Acknowledgement of Responsibility
Written Narrative
Building Plan
Public Hearing Notice
Osseo Zoning Map
Public Hearing Distribution Map & List
Draft Resolution approving the CUP
Minutes Excerpts for Prior Tattoo CUPs

Policy Consideration:

Consider a conditional use permit (CUP) request for a body art establishment offering tattoo services.

Osseo Code §153.037(C) (3) includes “Any other uses determined by the city to be the same or similar type uses [to identified conditional uses],” as possible conditional uses.

In at least two prior cases, tattoo businesses have been issued Conditional Use Permits.

Background:

The property at 340 Central Avenue is located in the Central Business District. It is owned by Zephyr Investments, LLC. Also home to Union Speed and Style, the property currently holds a CUP for Artisan Manufacturing. This application is a request to grant a second CUP for the property.

The proposal is for a tenant business to occupy approximately 600 square feet in the northwest corner of the building. (However, because CUPs apply to an entire property, if the CUP is approved it would be possible for body art uses to occupy more of the property.)

Business plan and proposed use

The applicant’s business plan includes providing custom tattoo services, primarily by appointment. The proposed business would include reception space and a service area for tattooing. Mr. Kinsey plans to be the sole tattooer at the shop initially, and anticipates one or two additional tattoo artists, operating as independent contractors, might join the location in the future. On a typical day, Mr. Kinsey schedules two appointments, each 3-4 hours long for custom tattoo work.

Conditional Use Permits for Body Art Establishments

In the past, the City of Osseo has required at least two tattoo businesses to operate under Conditional Use Permits (see attached minutes excerpts from July 2000 and September 2014). The initial tattoo CUP was issued in 2002, before Hennepin County adopted its ordinance regulating Body Art in 2002.

If a CUP is approved, the draft approval resolution Item 1, Applicable Provisions, would require the business to comply with state and county for Body Art licensing.

However, in reviewing this CUP application, City Staff questioned whether there are substantial land use impacts from this type of business. In my interpretation, this business is more similar to the **Permitted uses** listed in City Code: § 153.037:

(B) Permitted uses.

(1) Commercial establishments. In order to illustrate the types of establishments which this division is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only establishments intended to be covered:

...

(b) Personal services such as laundry, barber, shoe repair, beauty salon, and photography studio;

(c) Professional services such as medical clinics, dental clinics, law offices, and accounting offices;

...

(5) Any other uses determined by the city to be the same or similar type uses.

The City Attorney and City Administrator have noted that policymakers on the Planning Commission and City Council are best able to determine whether tattooing and body art should be Permitted or Conditional Uses.

If the Planning Commission believes that licensed Body Art Establishments should not be Conditional Uses, this could be clarified in ordinance by revising the list of Permitted and/or Conditional Uses in Ordinance to include something like:

(C) Conditional uses. Commercial establishments. In order to illustrate the types of establishments which this division is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only establishments intended to be covered: ...

(4) Personal services businesses (e.g., body art establishments, massage therapy, etc), when operating without a license from the City of Osseo, Hennepin County, or the State of Minnesota;

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 an existing building; and
(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 an existing building.
(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 recently adopted 2040 Comprehensive Plan guides this property 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. The proposed use will provide a 100% active service use on the street level.

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
Artisan Manufacturing	0.75 spaces per employee on maximum shift, or per 1,500 square feet	10 employees = 8 spaces
Office / Clinic	1 parking spot per 200 square feet of building	600 sq ft / 200 sq ft = 3 spaces

The City Council may approve off-street parking reductions for properties like this, located in the CBD. The proposed business owner is aware there is minimal off-street parking in this area, and believes the available on-street parking and public lots will be a big improvement over his current Minneapolis location.

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, if the Planning Commission believes a CUP is required:

- 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 and the use must at all times meet any requirements of Hennepin County and the Minnesota Department of Health relating to body art and tattoo 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;
 - e. No rain water, ice or snow shall fall from the building upon any street or sidewalk, or flow across any sidewalk, per Osseo City Code § 93.18 (L).
- 2) 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;
 - 3) Hours of operation. The hours of operation shall be not earlier than 7:00 AM and not later than 10:00 PM;
 - 4) Recording Requirement. The City of Osseo will memorialize this conditional use permit by adopting resolution that the applicant will record in the office of the County Registrar of Titles within 60 days of its adoption by the City.
 - 5) 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.
 - 6) 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.
 - 7) 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.
 - 8) 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 Tattoo and Body Art Establishments are a **Permitted Use** under City Code and a CUP is **not required**;
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;
3. 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 **amended** conditions of approval;
4. 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;
5. 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.



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: 340 Central Ave (Sule 200) OSSEO MN 55369

Property identification number: 1811921220137

Property legal description: Lot: 005 Block: 015 Tract/Addition: _____

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

Description of request: _____

Reason for request: _____

Applicant Information:

Name: Zack Kinsey Daytime phone: 612 394 0618

Address: 1610 California St. NE 55413 Email Address: zkinseytattoos@gmail.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: _____

Date: 7/18/2019

Property Owner Information:

Name: Jordan Dickinson Daytime phone: 763.229.2019

Address: 340 Central (Suite 200) Email Address: UnionSpeedandStyle@gmail.com

Signature:  Date: 7.18.19

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: 143926 Date received: 7/22/19 (\$500 Application Fee)

Any other fees? TBD Received by: CVSA678

Notice to press date: Aug 1, 2019 Press publication date: Aug 8, 2019

Scheduled Planning Commission date: Aug. 19, 2019

Scheduled City Council date: Aug. 26, 2019



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

7/18/2019

Signature of Applicant

Name and Address of Applicant
(Please Print)

Zack Kinsey

1610 California St. NE

Minneapolis MN 55413

Phone Number

612 396 0618

Email Address

or
zackkinsey@gmail.com
zkinseytattoos@gmail.com

Name and Address of Contact
(If Other Than Applicant)

Phone Number

Email Address

City of Osseo,

Hello, my name is Zack Kinsey.

I'm hoping to open a new business at 340 Central Ave, Suite 200.

I'm a professional tattooer, and as of March 2019, I have been tattooing for 20 years.

I served my apprenticeship in Austin, Texas, from March of 1998 to March of 1999.

I continued working for my teacher until October of 2004, when I moved back to Minneapolis, where I currently reside.

My wife (Saumer) and I own a home in the Sheridan neighborhood of Northeast Minneapolis, where we live with our extremely bright and fun three and a half year old daughter, Freya. We're fortunate to have found a quiet little pocket in the city, with other kids in the neighborhood, and close proximity to a handful of parks.

My wife and daughter are the inspiration behind the name of my proposed business. It would be called "Two Muses Tattoo Studio". They are my muses in a creative capacity, as well as my reasons for doing my best to provide for them.

I've been tattooing in the city of Minneapolis for 15 years, the past 12 at Uptown Tattoo

in the Whittier neighborhood of Minneapolis, and within the area which people refer to as Uptown. Uptown Tattoo is widely regarded as one of the best tattoo shops

in the state, and I am well-respected and well-known within the tattoo community. I do custom work by appointment only, and typically stay booked anywhere from 3-6 months in advance, doing mostly large-scale, multiple-session pieces. My main focus is on quality of not only the application of the tattoo, but also the art. I try to do pieces that are going to age well, and have a timeless aesthetic. I've been a guest artist at multiple other tattoo studios around the country, as well as Canada, and Europe.

Many of my clients are business professionals, police/fire, medical, and service industry workers. I also have professional athletes, musicians, and politicians as clients. I get people from all walks of life, but the vast majority are respected, upstanding, good folks. These are the people with whom I prefer to work. These are the people who seek me out for my work. I do not tattoo minors. I believe that many people make poor tattoo decisions when they're young, so I do my best to try and steer people into the direction where they'll be least likely to have regret. Sometimes that means talking someone out of getting a tattoo, or at least telling them they should wait and think about it more. I never attempt to talk someone into getting a tattoo. If they need to be talked into it, they're not ready. Maybe they never will be. Despite the fact that tattooing has become very mainstream and accepted, tattoos are definitely not

for everyone.

I do a lot of cover-ups and fix-ups of poorly done tattoos as well.

I am very happy working at Uptown Tattoo, and wouldn't have an issue staying there

indefinitely, but the direction in which the neighborhood is headed, gives me a less than

optimistic outlook for the future. Everyday another small business is being driven out, due to their building being leveled in favor of chain stores and high-rise condos. The remaining small businesses are being pushed out with increasingly exorbitant rent prices. I fear that this area is becoming less and less sustainable for the small businesses which made the neighborhood into the popular area that it is.

This trend within the city is what has caused me to expand my vision outside of Minneapolis. I feel that Osseo is a great scenario considering its close proximity to the city, the small town feel, and the clear value that the city places on its small businesses.

I'm sure you're familiar with the project which has been ongoing in the building at 340 Central Ave for the past year or so. When it's complete, I believe that it will be a destination for people from all over the country. The owners of Union Speed & Style have been personal friends of mine for many years. They've also been clients in my chair, and I've had them do custom work on multiple vehicles of mine. We share very similar values and ethics, both in business and life. When Jordan and Jesse Dickinson approached me about opening my own tattoo studio in their building, it just seemed to make sense. Both of our businesses will cater to the local community, as well as attract an outside clientele which will bring additional money to other local businesses in Osseo.

I'm aware that there is already another tattoo studio on Central Ave in Osseo, but I don't feel that there will be much of a clientele crossover. I have a very loyal clientele, and would imagine that the majority of them will follow me to Osseo. I look forward to getting to know people in the community and the other local business owners, as well as taking part in community events.

If you have any questions for me, or need any additional information, please don't hesitate to reach out.

Thank you for your time.

Zack Kinsey

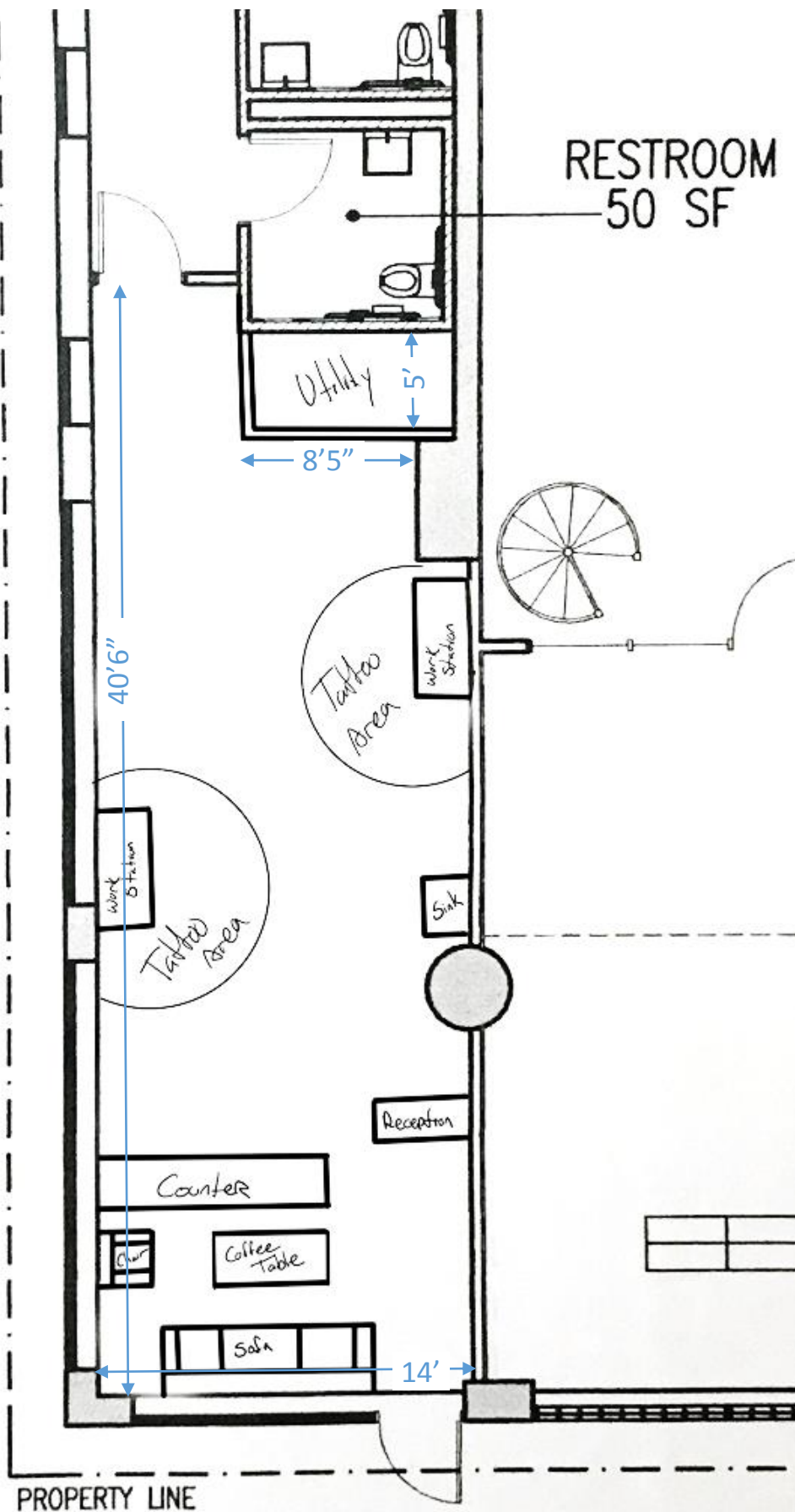
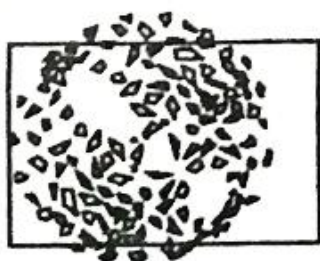
(612)396-0618

zkinseytattoos@gmail.com

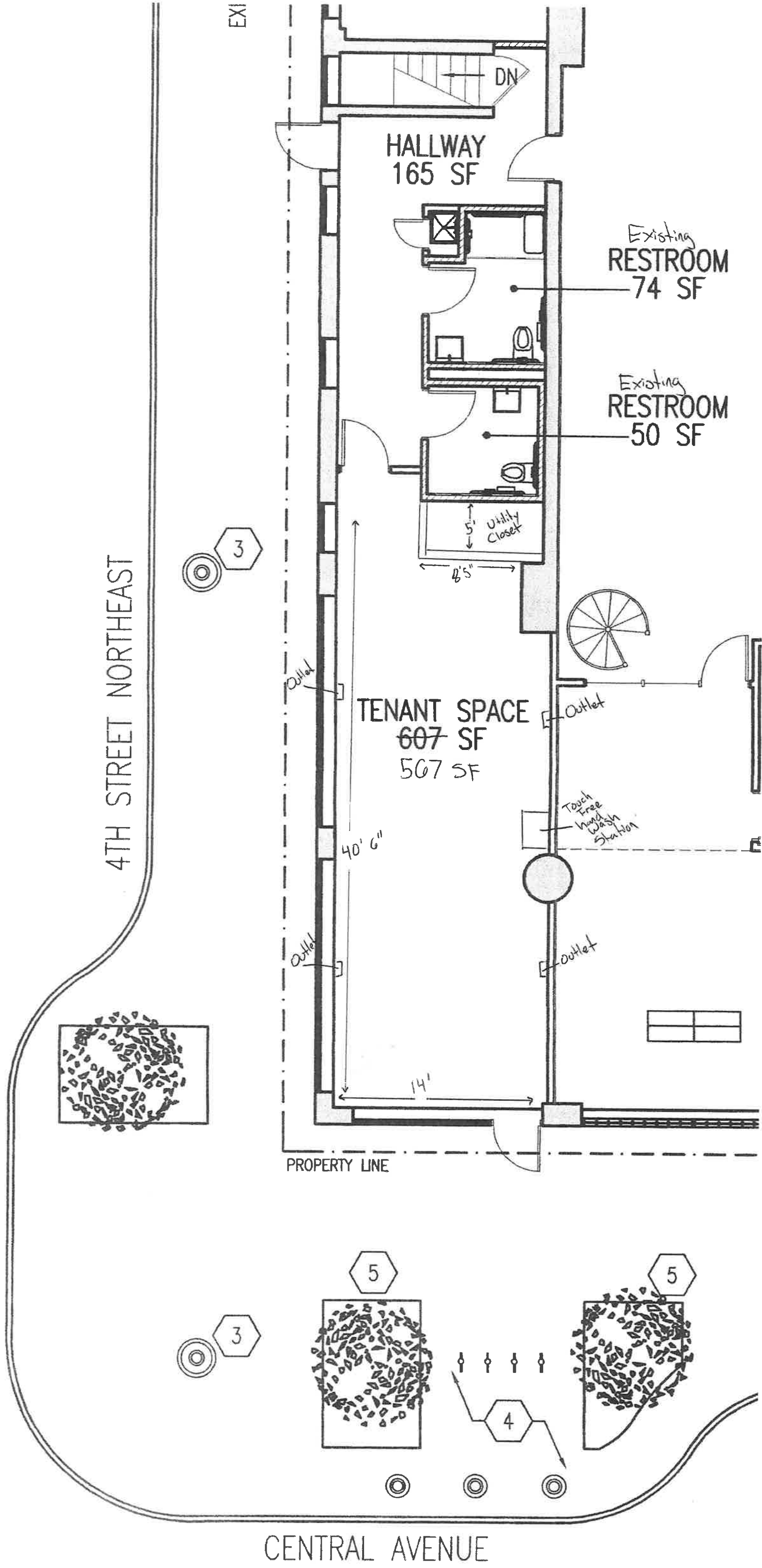
www.zackkinsey.com

Instagram: @zackkinsey

4TH STREET NORTHEAST



PROPERTY LINE



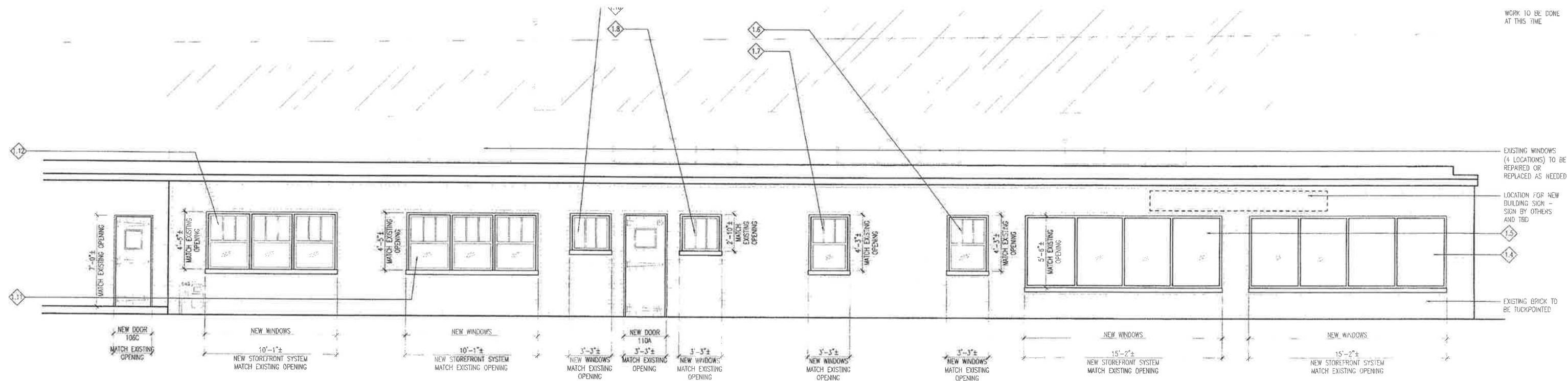


1

ELEVATION @ BUILDING FRONT – CENTRAL AVENUE / WEST ELEVATION

1/4" = 1'-0"

Windows already done



WORK TO BE DONE
AT THIS TIME

1 ELEVATION @ BUILDING - 4TH STREET NORTHEAST / NORTH ELEVATION
1/4" = 1'-0"

Windows already done



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 development.

- APPLICANT:** Zachary Kinsey
- LOCATION:** 340 Central Avenue
- REQUEST:** Conditional Use Permit for a body art establishment
- TIME OF HEARING:** Monday, August 19, 2019 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, 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 nabts@ci.osseo.mn.us or 763-425-1454.

You may visit City Hall (415 Central Avenue) during business hours to discuss the proposal, or visit our website after August 15, 2019 at <http://www.discoverosseo.com/departments/planning-commission/>




Publication Date: The Press (August 8, 2019)

Conditional Use Permit Application - Body Art Establishment



1 inch = 200 feet

Zoning Classification

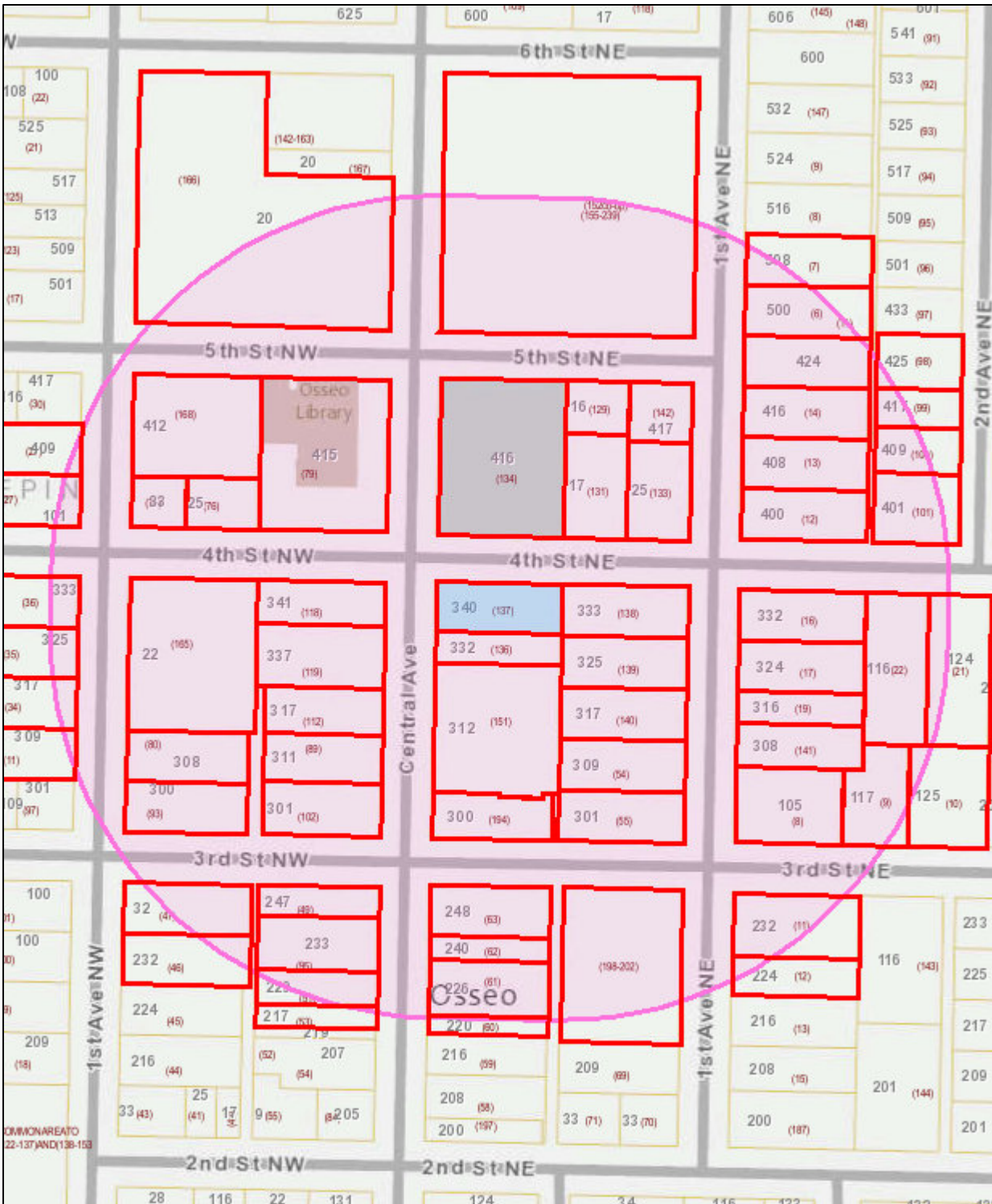
- | | |
|---|---|
|  Central Business District (CBD) |  One and Two Family Residential District (R-1) |
|  Multi-Family Residential District (R-2) | |





Hennepin County Locate & Notify Map

Date: 7/29/2019



Buffer Size: 500

0 50 100 200 Feet
|-----|-----|-----|-----|

Map Comments:

340 Central Avenue - CUP Application Notice - 500 feet

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

88 13-119-22 11 0027
EDWARD COLUMBUS
101 4TH ST N W
OSSEO MN 55369
EDWARD COLUMBUS
101 4TH ST N W
OSSEO MN 55369

88 13-119-22 11 0028
SCOTT D MINDRUM
409 1ST AVE N W
OSSEO MN 55369
SCOTT D MINDRUM
9697 103RD PL
MAPLE GROVE MN 55369

88 13-119-22 11 0034
KATHERINE M WILLIAMS
317 1ST AVE N W
OSSEO MN 55369
KATHERINE M WILLIAMS
317 1ST AVE N W
OSSEO MN 55369

88 13-119-22 11 0035
A L COFFLAND & J J JORSTAD
325 1ST AVE N W
OSSEO MN 55369
ALLEN L COFFLAND
JENNIFER J JORSTAD
325 1ST AVE N W
OSSEO MN 55369

88 13-119-22 11 0036
J B BARRETT/A BARRETT TRUSTS
333 1ST AVE N W
OSSEO MN 55369
JOHN E BARRETT
ARLEEN BARRETT
333 1ST AVE N W
OSSEO MN 55369

88 13-119-22 11 0075
L MAGSAM & K HARWIG
33 4TH ST N W
OSSEO MN 55369
SANDRA L WOESSNER
33 44TH ST N W
OSSEO MN 55369

88 13-119-22 11 0076
DAVID J & BARBARA E TAFOYA
25 4TH ST N W
OSSEO MN 55369
DAVID J & BARBARA E TAFOYA
13322 86TH AVE N
MAPLE GROVE MN 55369

88 13-119-22 11 0079
CITY OF OSSEO
415 CENTRAL AVE
OSSEO MN 55369
CITY OF OSSEO
415 CENTRAL AVE
OSSEO MN 55369

88 13-119-22 11 0080
PREMIER BANK
308 1ST AVE N W
OSSEO MN 55369
PREMIER BANK
2866 WHITE BEAR AVE
MAPLEWOOD MN 55109

88 13-119-22 11 0089
MLJ MANAGEMENT LLC
311 CENTRAL AVE
OSSEO MN 55369
MLJ MANAGEMENT LLC
PO BOX 681556
PARK CITY UT 84068

88 13-119-22 11 0112
LIENEMANN INVESTMENTS LLC
317 CENTRAL AVE
OSSEO MN 55369
LIENEMANN INVESTMENTS LLC
317 CENTRAL AVE
P O BOX 437
OSSEO MN 55369

88 13-119-22 11 0118
J W & S R PRINCETON
341 CENTRAL AVE
OSSEO MN 55369
JOEL PRINCETON
16989 WEAVER LAKE DR
MAPLE GROVE MN 55311

88 13-119-22 11 0119
M D OF OSSEO LLC
337 CENTRAL AVE
OSSEO MN 55369
M D OF OSSEO LLC
337 CENTRAL AVE
OSSEO MN 55369

88 13-119-22 11 0165
CCJ INVESTMENTS LLC
22 4TH ST N W
OSSEO MN 55369
CCJ INVESTMENTS LLC
12055 93RD PL N
MAPLE GROVE MN 55369

88 13-119-22 11 0166
5C OSSEO HOLDINGS LLC
20 6TH ST N W
OSSEO MN 55369
MAGELLAN INV PTNRS LLC
ATTN MARC SWERDLOW
225 COLUMBUS N STE 100
CHICAGO IL 60601

88 13-119-22 11 0168
CITY OF OSSEO
412 1ST AVE N W
OSSEO MN 55369
CITY OF OSSEO
415 CENTRAL AVE
OSSEO MN 55369

88 13-119-22 14 0011
JOESPH J ST SAUVER
309 1ST AVE N W
OSSEO MN 55369
JOESPH J ST SAUVER
309 1ST AVE N W
OSSEO MN 55369

88 13-119-22 14 0046
MINNESOTA MEDITATION CENTER
232 1ST AVE N W
OSSEO MN 55369
MINNESOTA MEDITATION CENTER
242 NORTHDAL BLVD
COON RAPIDS MN 55448

88 13-119-22 14 0047
MINNESOTA MEDITATION CENTER
32 3RD ST N W
OSSEO MN 55369
MINNESOTA MEDITATION CENTER
242 NORTHDAL BLVD
COON RAPIDS MN 55448

88 13-119-22 14 0049
DIMITRIOS P SANTRIZOS
247 CENTRAL AVE
OSSEO MN 55369
DIMITRIOS P SANTRIZOS
10883 102ND AVE N
MAPLE GROVE MN 55369

88 13-119-22 14 0051
WILEY ENTERPRISES INC
229 CENTRAL AVE
OSSEO MN 55369
WILEY ENTERPRISES INC
315 1ST AVE NE
OSSEO MN 55369

88 13-119-22 14 0053
WILEY ENTERPRISES
217 CENTRAL AVE
OSSEO MN 55369
WILEY ENTERPRISES INC
315 1ST AVE NE
OSSEO MN 55369

88 13-119-22 14 0093
PREMIER BANK
300 1ST AVE N W
OSSEO MN 55369
PREMIER BANK
2866 WHITE BEAR AVE
MAPLEWOOD MN 55109

88 13-119-22 14 0095
KENT & SHEILA ROBINSON L L C
233 CENTRAL AVE
OSSEO MN 55369
KENT & SHEILA ROBINSON LLC
6030 173RD AVE N W
RAMSEY MN 55303

88 13-119-22 14 0102
PREMIER BANK
301 CENTRAL AVE
OSSEO MN 55369
PREMIER BANK
2866 WHITE BEAR AVE
MAPLEWOOD MN 55109

88 18-119-21 22 0006
NICHOLAS R PERNSTEINER
500 1ST AVE N E
OSSEO MN 55369
NICHOLAS R PERNSTEINER
500 1ST AVE NE
OSSEO MN 55369

88 18-119-21 22 0007
MARVIN E MILLER JR
508 1ST AVE N E
OSSEO MN 55369
MARVIN E MILLER JR
508 1ST AVE N E
OSSEO MN 55369

88 18-119-21 22 0011
SUSANN L LUNDERBORG
424 1ST AVE N E
OSSEO MN 55369
SUSANN L LUNDERBORG
424 1ST AVE N E
OSSEO MN 55369

88 18-119-21 22 0012
J M DARULA & K L JENSEN
400 1ST AVE N E
OSSEO MN 55369
JEFFREY M DARULA
KELLY L JENSEN
400 1ST AVE N E
OSSEO MN 55369

88 18-119-21 22 0013
KENT L WESTPHAL
408 1ST AVE N E
OSSEO MN 55369
KENT L WESTPHAL
408 1ST AVE N E
OSSEO MN 55369

88 18-119-21 22 0014
MARIA LYNNE HOLTHUS
416 1ST AVE N E
OSSEO MN 55369
MARIA L HOLTHUS
416 1ST AVE N E
OSSEO MN 55369

88 18-119-21 22 0016
KEVIN A SIZER
332 1ST AVE N E
OSSEO MN 55369
KEVIN A SIZER
332 1ST AVE N E
OSSEO MN 55369

88 18-119-21 22 0017
D & A KLATT
324 1ST AVE N E
OSSEO MN 55369
ANITA ANN KLATT
324 1ST AV NE
OSSEO MN 55369

88 18-119-21 22 0019
THOMAS SPANIER
316 1ST AVE N E
OSSEO MN 55369
THOMAS L SPANIER
BARBARA J SPANIER
17420 113TH AVE N
MAPLE GROVE MN 55369

88 18-119-21 22 0021
WILLIAM P CHRISTENSON ETAL
124 4TH ST N E
OSSEO MN 55369
WILLIAM & MAXINE CHRISTENSON
124 4TH ST N E
OSSEO MN 55369

88 18-119-21 22 0022
MARK COOK & ASHLEY COOK
116 4TH ST N E
OSSEO MN 55369
MARK COOK & ASHLEY COOK
116 4TH ST NE
OSSEO MN 55369

88 18-119-21 22 0098
CYNTHIA L BECK
425 2ND AVE N E
OSSEO MN 55369
CYNTHIA L BECK
425 2ND AVE N E
OSSEO MN 55369

88 18-119-21 22 0099
STANLEY D ROCHAT ET AL
417 2ND AVE N E
OSSEO MN 55369
STANLEY D ROCHAT
417 2ND AVE N E
OSSEO MN 55369

88 18-119-21 22 0100
E S SCHAPER & N A FOY
409 2ND AVE N E
OSSEO MN 55369
ERICKA S SCHAPER
NEAL A FOY
409 2ND AVE N E
OSSEO MN 55369

88 18-119-21 22 0101
PRESIDIUM PROPERTIES LLC
401 2ND AVE N E
OSSEO MN 55369
PRESIDIUM PROPERTIES LLC
13700 83RD WAY #206
MAPLE GROVE MN 55369

88 18-119-21 22 0129
DOROTHY M CLARKE
16 5TH ST N E
OSSEO MN 55369
DOROTHY M CLARKE
16 5TH ST N E
OSSEO MN 55369

88 18-119-21 22 0131
CITY OF OSSEO
17 4TH ST N E
OSSEO MN 55369
CITY OF OSSEO
415 CENTRAL AVE
OSSEO MN 55369

88 18-119-21 22 0133
CITY OF OSSEO
25 4TH ST N E
OSSEO MN 55369
CITY OF OSSEO
415 CENTRAL AVE
OSSEO MN 55369

88 18-119-21 22 0134
HENNEPIN FORFEITED LAND
416 CENTRAL AVE
OSSEO MN 55369
CITY OF OSSEO
415 CENTRAL AVE
OSSEO MN 55369

88 18-119-21 22 0136
ZEPHYR INVESTMENTS LLC
332 CENTRAL AVE
OSSEO MN 55369
ZEPHYR INVESTMENTS
LIMITED LIABILITY COMPANY
112 RIVER ST W PO BOX 524
MONTICELLO MN 55362

88 18-119-21 22 0137
ZEPHYR INVESTMENTS LLC
340 CENTRAL AVE
OSSEO MN 55369
ZEPHYR INVESTMENTS
LIMITED LIABILITY COMPANY
112 RIVER ST W PO BOX 524
MONTICELLO MN 55362

88 18-119-21 22 0138
J KILLMER & M A KILLMER
333 1ST AVE N E
OSSEO MN 55369
JAMES KILLMER
MABEL ANYELE KILLMER
333 1ST AVE N E
OSSEO MN 55369

88 18-119-21 22 0139
CURTIS L MCDOWELL SUBJ/L E
325 1ST AVE N E
OSSEO MN 55369
DARLENE MCDOWELL
325 1ST AVE N E
OSSEO MN 55369

88 18-119-21 22 0140
WILEY ENTERPRISES INC
317 1ST AVE N E
OSSEO MN 55369
WILEY ENTERPRISES INC
315 FIRST AVE NE
OSSEO MN 55369

88 18-119-21 22 0141
PATRICK J & TRACY S MEVISSSEN
308 1ST AVE N E
OSSEO MN 55369
PATRICK J & TRACY S MEVISSSEN
308 1ST AVE N E
OSSEO MN 55369

88 18-119-21 22 0142
CITY OF OSSEO
417 1ST AVE N E
OSSEO MN 55369
CITY OF OSSEO
415 CENTRAL AVE
OSSEO MN 55369

88 18-119-21 22 0151
WILLOW CREEK GROCERY INC
312 CENTRAL AVE
OSSEO MN 55369
WILLOW CREEK GROCERY INC
13738 210TH AVE N W
ELK RIVER MN 55330

88 18-119-21 22 0152
REALIFE COOPERATIVE OF OSSEO
12 6TH ST N E
OSSEO MN 55369
REALIFE COOPERATIVE OF OSSEO
12 6TH ST N E
OSSEO MN 55369

88 18-119-21 23 0008
MARY E ABBEY
105 3RD ST N E
OSSEO MN 55369
MARY E ABBEY
105 3RD ST N E
OSSEO MN 55369

88 18-119-21 23 0009
B & E BRATON
117 3RD ST N E
OSSEO MN 55369
BYRON & ERLEEN BRATON
117 3RD ST N E
OSSEO MN 55369

88 18-119-21 23 0010
CHRISTOPHER SCHROEDER
125 3RD ST N E
OSSEO MN 55369
CHRISTOPHER SCHROEDER
10706 FLORIDA AVE N
BROOKLYN PARK MN 55445

88 18-119-21 23 0011
CHERYL A & BERNARD FROBERG
232 1ST AVE N E
OSSEO MN 55369
CHERYL & BERNARD FROBERG
232 1ST AVE NE
OSSEO MN 55369

88 18-119-21 23 0012
MALCOLM TERRY
224 1ST AVE N E
OSSEO MN 55369
MALCOLM TERRY
224 1ST AVE N E
OSSEO MN 55369

88 18-119-21 23 0054
WILEY ENTERPRISES INC
309 1ST AVE N E
OSSEO MN 55369
WILEY ENTERPRISES INC
315 FIRST AVE NE
OSSEO MN 55369

88 18-119-21 23 0055
KIM D & PAMELA J KLOCEK
301 1ST AVE N E
OSSEO MN 55369
KIM D & PAMELA J KLOCEK
301 1ST AVE N E
OSSEO MN 55369

88 18-119-21 23 0060
P L & K A KELZENBERG
220 CENTRAL AVE
OSSEO MN 55369
PETER & KIMBERLY KELZENBERG
220 CENTRAL AVE
OSSEO MN 55369

88 18-119-21 23 0061
ITEN GARAGE LLC
226 CENTRAL AVE
OSSEO MN 55369
ITEN GARAGE LLC
DANIEL L SPANIER
208 FOURTH AVE NE
OSSEO MN 55369

88 18-119-21 23 0062
240 CENTRAL LLC
240 CENTRAL AVE
OSSEO MN 55369
240 CENTRAL LLC
PO BOX 1
OSSEO MN 55369

88 18-119-21 23 0063
KRISTINA VNUK BENTLER
248 CENTRAL AVE
OSSEO MN 55369
MICHAEL GASPARRINI
11976 93RD AVE N
MAPLE GROVE MN 55369

88 18-119-21 23 0194
WILEY ENTERPRISES INC
300 CENTRAL AVE
OSSEO MN 55369
WILEY ENTERPRISES INC
315 1ST AVE N E
OSSEO MN 55369

88 18-119-21 23 0198
FIRST AVENUE COMMONS LLC
233 1ST AVE N E 1
OSSEO MN 55369
FIRST AVENUE COMMONS LLC
PO BOX 1
OSSEO MN 55369

88 18-119-21 23 0199
FIRST AVENUE COMMONS LLC
229 1ST AVE N E 2
OSSEO MN 55369
FIRST AVENUE COMMONS LLC
PO BOX 1
OSSEO MN 55369

88 18-119-21 23 0200
FIRST AVENUE COMMONS LLC
225 1ST AVE N E 3
OSSEO MN 55369
FIRST AVENUE COMMONS LLC
PO BOX 1
OSSEO MN 55369

88 18-119-21 23 0201
FIRST AVENUE COMMONS LLC
221 1ST AVE N E 4
OSSEO MN 55369
FIRST AVENUE COMMONS LLC
PO BOX 1
OSSEO MN 55369

88 18-119-21 23 0202
FIRST AVENUE COMMONS LLC
24 3RD ST N E 5
OSSEO MN 55369
FIRST AVENUE COMMONS LLC
PO BOX 1
OSSEO MN 55369

Hennepin County has developed electronic forms of certain property information databases. Hennepin County makes reasonable efforts to produce and publish the most current property information available. The viewer should understand, however, that Hennepin County makes no representation or warranties, either express or implied, or as to merchantability or fitness for a particular purpose regarding the accuracy and/or completeness of the information contained herein.

Resolution No. 2019-xx

**GRANTING A CONDITIONAL USE PERMIT
TO ALLOW FOR A BODY ART USE
AT 340 CENTRAL AVENUE**

WHEREAS, Zach Kinsey and Zephyr Investments, LLC have made application for a conditional use permit to allow for a body art and tattoo business use at 340 Central Avenue, legally described as Lot 5 except the South 1-3/4 feet thereof, Block 15, Osseo, and;

WHEREAS, the applicant's property is zoned Central Business District (CBD), which is intended to accommodate central business type uses that include joint-use parking areas and businesses primarily oriented 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 may also be approved as 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 August 19, 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 August 19, 2019, regular meeting by a #-# vote; and

WHEREAS, the City Council considered the application and Planning Commission recommendation on August 26, 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 body art and tattoo business at 311A Central Avenue is hereby granted and approved subject to the following eight 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 and the use must at all times meet any requirements of Hennepin County and the Minnesota Department of Health relating to body art and tattoo 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;
 - e. No rain water, ice or snow shall fall from the building upon any street or sidewalk, or flow across any sidewalk, per Osseo City Code § 93.18 (L).
- 2) 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;
- 3) Hours of operation. The hours of operation shall be not earlier than 7:00 AM and not later than 10:00 PM;
- 4) Recording Requirement. The City of Osseo will memorialize this conditional use permit by adopting resolution that the applicant will record in the office of the County Registrar of Titles within 60 days of its adoption by the City.
- 5) 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.
- 6) 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.
- 7) 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.

- 8) 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 26nd day of August, 2019.

**OSSEO PLANNING COMMISSION
REGULAR MEETING MINUTES
July 17, 2000**

1. CALL TO ORDER

The Osseo Planning Commission Regular Meeting was called to order by Chair Robb Olsen at 7:00 p.m., Monday, July 17, 2000.

Present were: Commission Chair Robb Olsen, Commission members Bud Parks, John Klobucar, Dorothy Clarke, Paul Schulz, Mike Williams, City Attorney Loren Magsam, and City Planner Dennis Rosemark.

Absent was: Commission member Tom Bolduc.

Others present: S. Todd Rapp, Jerry Rupert, Jim Dittes, Denise Polich, Kelli Ciaciura, Lance Ciaciura, Amanda Johnston, Tracy Johnson, Jennifer Brown, Greg Brown, Chad Gregerson, Rex Bigelow, Ron Barger, Dan Legatt, Johanna Kirsch, Aaron Kirsch, Erica Thompson, Ryan Molden, Tonya Hovanick, Shane Hovanick, Wilma Schultz, and Dan Sadler.

...

4. CONSIDER REQUEST FROM RONNIE BARGER AND GREG BROWN, 529 CENTRAL AVENUE, FOR A CONDITIONAL USE PERMIT TO OPERATE A TATTOO AND BODY PIERCING BUSINESS WITHIN THE CENTRAL BUSINESS DISTRICT.

Olsen opened the public hearing at 9:26 p.m.

Rosemark presented the report regarding this application. The report reviewed the existing conditions, surrounding uses, evaluation of the request, a summary, and action to be considered which included conditions for the application if it were to be approved.

The conditions were as follows:

- 1) Release forms and other appropriate records for all clients that describe how the age of the client is verified and identity of the client and parent are verified. Shall be kept at the establishment and shall be available for review;
- 2) No person shall perform any body art procedure upon a person under the age of 18 years without the presence, consent, and proper identification of a parent, legal custodial parent or legal guardian;
- 3) Information must be available how the applicant will find out if client has a communicable disease that could be transmitted in the tattooing process and if the client has had viral hepatitis B or other blood borne disease;
- 4) Information must be available how the applicant will implement the infectious waste management plan;
- 5) Information must be available for review at the business location, prepared by the applicant, that discusses the establishments procedures for the following:

A. Preparation and set up for tattooing (i.e., clean up procedures and equipment/materials to be used in the tattooing including infection control measures);

B. Preparation of the tattoo artist including infectious control procedure;

C. Preparation of the skin for tattooing, including equipment, materials, procedures and infectious control measures;

D. A description of the tattoo process identifying all procedures, equipment, and materials used, which items are clean and which are sterile, and infectious control measures;

E. A description of how needle bars are prepared and handled;

F. Description of how ink/pigments are prepared and handled;

G. Directions and recommendation procedures for protection of the tattoo from infection and/or allergic reactions;

H. Description of the management of all waste materials during and after the tattooing processes;

I. Information describing cleanup procedures and materials used after the tattooing process (i.e., chairs, tables, needles, needle bars, ink caps, etc.);

J. A description of the sterilization process (dry heat and/or autoclaving). Which items are subjected to dry heat and which items are subjected to autoclave sterilization? How is the effectiveness of the sterilization process verified?;

K. Description of waste management procedures and facilities;

L. Information describing any other activities and/or procedures not covered above, relating to the operation of this business;

6) Identify any other activities taking place at this location;

7) The body art operator/technician must be a minimum of 18 years of age;

8) The body art operators/technicians shall refuse service to any person who, in the opinion of the body art operator/technician, is under the influence of alcohol or drugs;

9) The applicant is prohibited from tattooing the following anatomical areas: human genitals, pubic region and pubic hair, buttocks, female breasts or breasts below a point immediately above the top of the areola, any combination of the forgoing, or human male genitals in a discernibly turgid state;

10) During any hours in which any person is present on the premises, the business shall be open to any State or County Health official and to any City official or police officer for inspection to determine compliance with the stated conditions of the conditional use permit;

11) The hours of operation shall be not earlier than 11:00 a.m. and not later than 10:00 p.m. All non-clients who are not receiving tattoo application work must depart the premises no later than 10:00 p.m.;

12) The applicant shall apply for a sign permit prior to adding, changing, or altering any signage related to the business;

13) The applicant shall notify the City of any future expansion plans;

14) The conditional use permit shall be reviewed at the next available meeting in the event of any formal complaints are submitted to the City regarding the activity;

15) The conditional use permit shall become revoked under one of the following conditions: work does not commence within twelve months of granting the conditional use permit, or failure to comply with any of the aforementioned conditions; and

16) The conditional use permit shall be recorded at Hennepin County within 60 days of its approval by the City Council.

Chad Gregerson, applicant, presented the information to the commissioners required by Anoka County. Gregerson added that he was working to remove the stigma of tattoo establishments. Gregerson added that tattooing had become more of an art than a seedy type of business.

Olsen asked who controls the establishments. Gregerson stated Anoka County completed random health checks. Gregerson stated his partnership would be willing to pay the fee to have random health checks completed by the City.

Olsen asked if Hennepin County completes inspections. Rosemark stated Hennepin County does not complete health inspections on tattoo establishments.

Gregerson stated his partnership solicited a petition for support and received more than 300 signatures of clients in favor of the business.

Olsen asked about the tattoo process.

Gregerson stated he more often than not talks people out of having a tattoo. Gregerson stated that people generally have appointments for receiving a tattoo. Gregerson stated that tattooing has come a long way in the form of artwork. Gregerson added that his partnership does not complete work on anyone under the influence of alcohol or drugs.

Klobucar asked how they check for diseases. Gregerson stated the form was approved by Anoka County and was designed to protect the tattoo artist.

Parks asked about the location of the site in Anoka. Gregerson stated it was named Pricks and Pokes and was located on Coon Rapids Blvd.

Clarke stated she had reservations about the business because of its proximity to the high school. Additionally, Clarke asked about the unique gifts that will be available at the store for retail sales.

Gregerson stated those types of gifts may be future retail items, but generally cast products would be considered unique gifts. Gregerson pointed out that they would not sell any paraphernalia.

Rosemark asked Gregerson to discuss the signage located in the lobby of the store. Gregerson stated all the business rules are posted and enforced.

Klobucar stated condition #2 appears loose. Gregerson stated release forms have to be completed by clients at the store.

Olsen suggested removing the second sentence of condition #11. Gregerson stated the signs would be turned off and doors locked at 10:00 p.m.

A motion was made by **Parks**, seconded by **Schulz**, to close the public hearing. Motion carried 5-0. The public hearing was closed at 9:55 p.m.

Clarke stated the applicants are aware of her concerns and if her concerns did become an issue, she would raise the concern again.

Klobucar stated the business would need to be monitored, but they are an acceptable business in the community.

Schulz stated he was concerned with the impact the business may have on kids.

Olsen stated the business appears to be well run and added that the conditions are stringent but acceptable to the applicant.

Gregerson stated his partnership has a lot of Osseo support.

A motion was made by **Schulz**, seconded by **Clarke**, to recommend approval of the conditional use permit, with the conditions presented by staff with an amendment to condition #11 to remove the second sentence. Motion carried 5-0.

...

OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
September 22, 2014

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Larry Stelmach at 6:00 pm., Monday, September 22, 2014.

2. ROLL CALL

Present: Commission members Dorothy Clarke, Mike Corbett, Barbara Plzak, Alden Webster, Todd Woods, and Chair Larry Stelmach,

Absent: Commission member Deanna Burke.

Others present: City Planner Riley Grams, City Attorney Loren Magsam, Harold E. Johnson, Matthew Sevig, Helen Tran, Matt Doherty, Emma Notermann, Mark Schulz, Rick Weber, Duane Poppe, and Daniel Spanier.

...

4. PUBLIC HEARINGS

...

B. Approve Conditional Use Permit Request by Permanent Addiction Ink, LLC at 311 Central Avenue

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

Grams stated the property located at 311 Central Avenue is located in the CBD (Central Business District) and is owned by MIJ Management LLC. The applicant proposes to use the existing commercial space to operate a tattoo shop. The applicant is looking to expand their current business into the Osseo/Maple Grove market. They wish to create a friendly atmosphere and to diminish the historically negative stigma of tattoos. They employ a tattoo artist who is well known and respected in the industry, averaging 26 clients a month and \$7,500 in revenue per month.

Grams reported the property has a few off-street parking spaces located on site in the rear of the building. It is anticipated that those parking spaces would be used by any employees or Permanent Addiction Ink, LLC. Because the property is located in the CBD and allows for building with zero lot lines, off street parking can be provided by local area parking facilities and/or on-street parking.

Grams explained the City has received at least one other conditional use permit application for a business to operate as a tattoo/body piercing business. Back in 2000, an applicant applied for and was granted a CUP for a similar type business. The CUP listed 16 conditions of operation, many of which are still applicable today. Staff has reviewed those conditions and used many in the analysis of this CUP request. Staff recommended approval of the CUP request to operate a tattoo business by Permanent Addiction Ink at 311 Central Avenue to the City Council subject to the eleven (11) conditions of approval.

Plzak asked the applicant why he was interested in locating his business in Osseo. Matthew Sevig, the applicant, explained he works at a tattoo shop in St. Francis at the time and the majority of his clientele were coming from the Osseo/Maple Grove area.

Helen Tran described how the tattoo industry was changing to become more mainstream and was being viewed for its artistry. She explained that Matthew does not complete any face or neck tattoos, and does not complete any inappropriate tattoos.

Webster questioned if minors could receive tattoos. Matthew indicated all clientele were required to show a valid driver's license to verify age and no one under the age of 18 would receive a tattoo in his shop.

Grams inquired if persons under the influence of drugs or alcohol could be tattooed. Matthew reported he would deny service to clientele under the influence of drugs or alcohol.

Plzak requested further information from the applicant on how the hazardous material would be handled. Matthew described how and where all hazardous material would be managed noting it would require a special pickup.

Clarke discussed the previous tattoo shop in Osseo.

Grams asked what the hours of operation would be. Matthew stated the tattoo shop would be open from 10:00 a.m. to 9:00 p.m.

Stelmach questioned how the proposed tattoo shop would be family friendly. Helen reported the shop would be bright and salon-like.

Plzak inquired if walk-in appointments would be taken. Helen commented that Matthew currently worked by appointment only. She explained that all tattoos required a consultation prior to being completed.

Plzak inquired if the tattoo shop would be conducting piercings as well. Grams stated this would only be allowed if the applicant requested a CUP amendment.

Harold E. Johnson, 12 6th Street NE, had concerns with the proposed business and its incorporation. He asked who would be the owner and who would be the employees. He questioned who would be responsible for enforcing the proposed conditions. Grams reported staff and the Police Department would be enforcing the conditions. Matthew explained that the Department of Health and the Fire Department would also be conducting inspections on a regular basis.

Webster was in favor of tabling action on this item to allow for the Commission to review this matter further before approval was granted.

A motion was made by Plzak, seconded by Clarke, to close the public hearing at 6:34 p.m. The motion carried 6-0.

Plzak believed the City's vision for the Central Business District did not include tattoo shops.

Stelmach asked what conditions have to be present to deny a conditional use permit. Grams responded this was a zoning matter and the Commission was being asked to see if the request fit. City Attorney Magsam advised that the basis for denial was based on if the use

fit or was permitted in a different zone. He explained staff had reviewed the list of permitted uses in the Central Business District and noted a tattoo shop had been approved in the past through the condition use permit process. Grams stated the previous tattoo shop was well run and had no issues. For this reason, staff recommended approval of the request from Permanent Addiction Ink.

Webster did not feel that the Planning Commission had enough information to review and approve the matter.

Clarke respected this viewpoint and believed tabling this item would allow the Commission additional time to review the request. Grams stated the applicant was looking to lease space in Osseo and a month delay could impact his business operations. Helen discussed the license approval process and described how the delay would impact her lease.

Webster was in favor of the item being delayed. He did not believe it was fair for the item to be reviewed by the Planning Commission and then be approved by the Council on the same evening.

Grams asked if the Council could make a decision on this item without a recommendation from the Planning Commission. City Attorney Magsam reported City Council had the ultimate authority on the CUP. He indicated the Council prefers to have a recommendation, but could proceed without a recommendation from this body. He then provided the Commission with an explanation on the 60-day rule. He believed the Commission had four options, 1.) Recommend approval as submitted, 2.) Recommend denial, 3.) Make no recommendation, or 4.) Table the matter.

Grams requested the Commission consider how tabling this matter would impact the applicants. Helen discussed the process she and Matthew have been pursuing for the last year in order to get their business licensed and operational.

Woods supported the request and did not see the benefit of postponing the CUP.

Corbett discussed the benefits of having an award winning tattoo artist in the City of Osseo.

A motion was made by Woods, seconded by Clarke, to approve the Conditional Use Permit request to operate a tattoo business by Permanent Addiction Ink, LLC at 311 Central Avenue to the City Council subject to the eleven (11) noted conditions of approval. The motion carried 4-2 (Plzak and Webster opposed).

- 1) The applicant provide to the City a detailed account of how all clients are identified and verified for age. Records shall be kept at the establishment and shall be available for review by City Staff at any time;**
- 2) No person shall perform any body art procedure upon a person under the age of 18 years old without the presence, consent, and proper identification of a parent, legal custodial parent, or legal guardian;**
- 3) Information must be available how the applicant will find out if the client has a communicable disease that could be transmitted in the tattooing process and if the client has had viral hepatitis B or other blood borne disease;**
- 4) Information must be available for review at the business location, prepared by the applicant that discussed the establishments procedures for the following:**

- a. Preparation and set up for tattooing (i.e., clean up procedures and equipment/materials to be used in the tattooing including infection control measures);
 - b. Preparation of the tattoo artist including infectious control procedure;
 - c. Preparation of the skin for tattooing, including equipment, materials, procedures and infectious control measures
 - d. Description of the tattoo process identifying all procedures, equipment, and materials used, which items are clean and which are sterile, and infectious control measures;
 - e. Description of how needle bars are prepared and handled;
 - f. Description of how ink/pigments are prepared and handled;
 - g. Directions and recommended procedures for protection of the tattoo from infection and/or allergic reactions;
 - h. Description of the management of all waste materials during and after the tattooing processes;
 - i. Information describing cleanup procedures and materials used after the tattooing process (i.e., chairs, tables, needles, needle bars, ink caps, etc.);
 - j. A description of the sterilization process (dry heat and/or autoclaving). What items are subjected to dry heat and which items are subjected to autoclave sterilization? How is the effectiveness of the sterilization process verified?;
 - k. Description of waste management procedures and facilities;
 - l. Information describing any other activities and/or procedures not covered above, relating to the operation of this business;
- 5) Notification to the City of any other activities, new or changed, taking place at this location;
- 6) The body art operator/technician must be a minimum of 18 years of age;
- 7) The body art operator/technician shall refuse service to any person who, in the opinion of the body art operator/technician, is under the influence of alcohol and/or drugs;
- 8) During any hours in which any person is present on the premises, the business shall be open to any State or County Health Official and to any City official or Police Officer for inspection to determine compliance with the stated conditions of the conditional use permit;
- 9) The business shall not be open any later than 10:00 PM Monday through Sunday;
- 10) The applicant shall adhere to every applicable Hennepin County health code or any State of Minnesota – Department of Health code or license regarding tattoo businesses and/or obtain any applicable permits and make the approved permits visible inside the space;
- 11) The applicant shall adhere to all applicable signage codes (Osseo Code §153.090 through §153.099) related to outdoor signage.



Osseo Planning Commission Meeting Item

Agenda Item: Discuss Zoning Code Updates

Meeting Date: August 19, 2019

Prepared by: Nancy S. Abts, AICP, City Planner

Attachments: WSB Proposal
Information on PI District
Current Dimensional Standards
Edge Mixed Use Guidance

Policy Consideration:

Provide input on near-term zoning ordinance updates.

Background:

Under Minnesota State Statute, a city's zoning ordinance should "carry out the policies and goals of the land use plan" (MN Statute 462.357 Subd. 2). The Metropolitan Council requires that official controls, such as zoning, "must not be in conflict" with the comprehensive plan or its subsequent updates. As such, all cities that update their land use plans must then follow up with necessary revisions to the zoning ordinance to bring zoning controls into alignment with the goals and policies of the adopted comprehensive plan.

Much of the City's Zoning Ordinance was adopted in 1994. The ordinance has been added to and some sections (e.g., the sign code) have been updated since then, but much of the ordinance has not been updated in 25 years. Some clerical updates are needed in addition to some more substantive items.

In addition to the updates identified in the Comprehensive Plan, staff is proposing updating City Code to allow Interim Uses. Interim Uses are somewhat similar to Conditional Uses, but are allowed to terminate at a certain date or if other conditions change. Unlike Conditional Permits, there does not necessarily need to be a permit violation or a discontinued use in order for an Interim Use to be removed from a property.

A preliminary schedule for completing these updates is proposed:

August 19	Planning Commission	Provide initial input on Code Updates
September 16	Planning Commission	Review draft of Code Updates
October 21	Planning Commission	Public Hearing on Revised Updates
October 28	City Council	1 st Reading (including any revisions)
November 12	City Council	2 nd Reading & adoption

Previous Action or Discussion:

The Planning Commission held a preliminary discussion of work to implement the Comprehensive Plan at their [April 15, 2019](#) meeting. Following direction from the City Administrator, additional work on Comprehensive Plan implementation was paused until adoption of the Plan.

On July 24, 2019, the Metropolitan Council reviewed and accepted Osseo's 2040 Comprehensive plan, and authorized the City to put the plan into effect. The Osseo City Council approved submitting the Comprehensive Plan to the Metropolitan Council on [November 26, 2018](#), and adopted the 2040 Comprehensive Plan Update on [August 12, 2019](#).

Budget or Other Considerations:

WSB's initial proposal included a cost of \$6,000 for near-term updates and \$12,000 for assistance with updating development standards. A revised proposal for near-term updates costing \$4,400 was submitted to better align with the city's approved 2019 budget. (Some of the cost savings comes from having WSB attend only one Planning Commission and one City Council meeting for each item, instead of all three meetings where updates would be adopted.)

The requested 2020 Planning budget includes funding for the development standards updates.

City Goals Met By This Action:

- 4) Improve the City's aging and deteriorating infrastructure
- 5) Continue to give Staff the necessary tools to do their jobs effectively and efficiently
- 6) Update City policies
- 10) Develop and implement the Comprehensive Plan
- 14) Promote a healthy and high quality standard of living

Recommendation/Action Requested:

Staff recommends the Planning Commission discuss near-term Zoning Code updates.



August 5, 2019

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

Re: **Re: Zoning Updates**
WSB Project No. 014548

Dear Nancy:

Following up from our discussion on August 2nd, I am pleased to provide you with a scope and cost estimate 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, 8, 11, and 12 from attached Exhibit A (the "Zoning Updates"). We also understand that the City would like to be billed hourly for any communications with landowners in pursuit of the Zoning Updates and for Task 12 Consultation/Resource to Staff. Additionally, the City will be responsible for the last of the three adoption meetings and WSB will cover the first two.

WSB proposes to complete Tasks 1, 4, 8, and 11 (the "Near-Term Updates") for a not-to-exceed budget of \$4,400. The balance of the Zoning Updates would be billed hourly.

Timeline: The 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

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

Attachment: Exhibit A

cc: Molly Just, AICP

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
11	Consultation: General Clerical Updates & Interim Uses	Review the need for and evaluate options	Review	4
12	Consultation/Resource to Staff	Review and provide feedback to staff on existing ordinance language. As requested.	Review	As requested

Note

EXHIBIT A

City of Osseo Implementation of 2040 Comprehensive Plan 2019

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 – 2 meetings (public hearing/PC/CC)

Consultation/Resource to Staff – WSB is available to act as a resource to staff and this time shall be billed hourly.

When tasks are grouped there will be a time savings.

If working with landowners is required that time shall be billed hourly.

2019 hourly billing rates are \$127.00 for Molly Just and \$95.00 for Ryan Krzos.

Hourly billing rates change annually.

Per PC/CC meeting cost estimate = \$400

Near Term Zoning Updates:

- Public Institutional District
- Existing dimensional requirements
- Edge Mixed Use District
- Interim Use
- Adopt (2 meetings)
- TOTAL: \$4,400

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
November 17, 2014**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Larry Stelmach at 7:00 pm., Monday, November 17, 2014.

2. ROLL CALL

Present: Commission members Deanna Burke, Dorothy Clarke, Mike Corbett, Barbara Plzak, Alden Webster, Todd Woods and Chair Larry Stelmach,

Absent: None.

Others present: City Planner Riley Grams

... 4. PUBLIC HEARINGS

A. Approve Amendments to Osseo Zoning Code: §153.034, Public Institutional District & §153.092, Permitted and Prohibited Signs

Grams stated all City of Osseo owned property is zoned in a variety of existing zoning district classifications, including the CBD – Central Business District and R-1 One and Two Family Residential District. The new zone is intended to provide areas for civic, public safety, or public utility type uses, including any City owned park properties. The creation of this new zoning classification is consistent with the City's adopted Comprehensive Plan.

Grams reported staff expects to rezone the following properties in the Public Institutional (PI) District:

- Osseo City Hall property (which includes the Osseo Fire Department, Osseo Police Department, Osseo Community Center, Hennepin County Library, and the accompanying parking lot) – 415 Central Avenue
- Osseo Public Services property – 800 Broadway Street East
- Boerboom Park – 416 Central Avenue
- Sipe Park – 600 2nd Street SE

Grams explained that if the amendment to the zoning district is approved, staff will come back to the Planning Commission in December to rezone these individual properties. He summarized the permitted and conditional uses within the PI District.

Grams reported the sign code will also need to be amended to allow for commercial and governmental signage in this newly created zone. Staff recommended the Commission approve the amendments to Osseo Zoning Code.

Clarke asked if the City had plans for her property. Grams reported the long-term vision for this property would be to expand Boerboom Park. He explained that no rezoning would take place at this time.

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

Harold Johnson, 12 6th Street NE, commented sandwich board signs were a concern to homeowners and businesses. Grams reported the request before the Commission had nothing to do with sandwich boards. He recommended that concerns regarding this style of signage be brought to staff or the City Council. Further discussion ensued regarding the City's sign code. Grams encouraged Mr. Johnson to contact staff to discuss the sign code in further detail.

A motion was made by Woods, seconded by Corbett, to close the public hearing at 7:22 p.m. The motion carried 7-0.

A motion was made by Plzak, seconded by Webster, to recommend the City Council approve amendments to Osseo Zoning Code §153.034 and §153.092. The motion carried 7-0.

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
November 24, 2014**

1. CALL TO ORDER

Mayor Duane Poppe called the regular meeting of the Osseo City Council to order at 7:00 p.m. on Monday, November 24, 2014.

2. ROLL CALL

Members present: Councilmembers Allan Hartkopf, Mark Schulz, Daniel Spanier, Rick Weber, and Mayor Duane Poppe.

Staff present: City Administrator Douglas Reeder and City Attorney Loren Magsam.

Others present: Larry Stelmach, Anne Zelenak, Dave Vondrachek, Casey Robertson, and Harold E. Johnson.

...

10. NEW BUSINESS

A. APPROVE 1ST READING OF ORDINANCE AMENDMENTS TO OSSEO ZONING CODE: §153.034, PUBLIC INSTITUTIONAL DISTRICT & §153.092, PERMITTED AND PROHIBITED SIGNS

Reeder reported all Osseo owned property was zoned in a variety of existing zoning district classifications, including the CBD – Central Business District and R-1 One and Two Family Residential District. This new zone is intended to provide areas for civic, public safety, or public utility type uses, including any City owned park properties. Staff noted that the creation of a new zoning classification is consistent with the City's adopted Comprehensive Plan.

Reeder indicated the sign code would also need to be amended to allow for commercial and governmental signage in this newly created zone. In Section §153.092 (B), the addition of "Except as permitted by §153.034(B) of this Chapter 153..." is included to allow for those types of commercial and governmental signage. Staff reviewed the list of properties proposed for rezoning and noted the Planning Commission recommended the Council approve the first reading of the Ordinance amendments.

Poppe recommended that Sipe Park also be rezoned. Reeder indicated this property was listed on the Ordinance amendment, but was mistakenly left off the map.

A motion was made by Schulz, seconded by Hartkopf, to approve the first reading of Ordinance amendments to Osseo Zoning Codes §153.034 and §153.092. The motion carried 5-0.



City of Osseo Council Meeting Item

Subject: Approve 1st Reading of Ordinance Amendments to Osseo Zoning Code: §153.034, Public Institutional District and §153.092, Permitted and Prohibited Signs

Meeting Date: November 24, 2014
Prepared by: Riley Grams, City Planner *RB*

Attachments: Osseo Zoning Map
Draft Zoning District Language
Draft Sign Code Language
Public Hearing Notice

Policy Consideration:

City Staff is recommending that the City of Osseo create a separate municipal use zoning district (to be called the PI – Public Institutional District) for any public use property of municipal/City use property.

Additionally, because the new zoning district allows for commercial and governmental signage, the Osseo Sign Code must also be amended to allow for signage in the PI District.

This will be the first reading. The second reading and final adoption will be on the Council agenda for Monday, December 8, 2014.

Background:

Currently, all City of Osseo owned property is zoned in a variety of existing zoning district classifications, including the CBD – Central Business District and R-1 One and Two Family Residential District. The new zone is intended to provide areas for civic, public safety, or public utility type uses, including any City owned park properties. The creation of this new zoning classification is consistent with the City's adopted Comprehensive Plan. Most, if not all, local Twin City municipalities have similar type public use zones.

The sign code will also need to be amended to allow for commercial and governmental signage in this newly created zone. Thus, in section §153.092 (B), the addition of "Except as permitted by §153.034 (B) of this Chapter 153..." is included to allow for those types of commercial and governmental signage.

Staff expects to re-zone the following properties in the PI District:

- Osseo City Hall property (which includes the Osseo Fire Department, Osseo Police Department, Osseo Community Center, Hennepin County Library, and the accompanying parking lot) – 415 Central Ave
- Osseo Public Services property – 800 Broadway Street East
- Boerboom Park – 416 Central Ave

- Sipe Park – 600 2nd Street SE
- Lift station – 316 2nd Street NE

Provided the amendment to the zoning district is approved, Staff will come back to the Planning Commission and City Council in December to re-zone the individual properties listed above.

Previous Action or Discussion:

The Osseo Planning Commission reviewed this agenda item at their meeting on Monday, November 17, 2014 and recommended approval to the City Council by a 7-0 vote.

City Goals Met By This Action:

Update City Zoning Ordinance

Options:

The City Council may choose to:

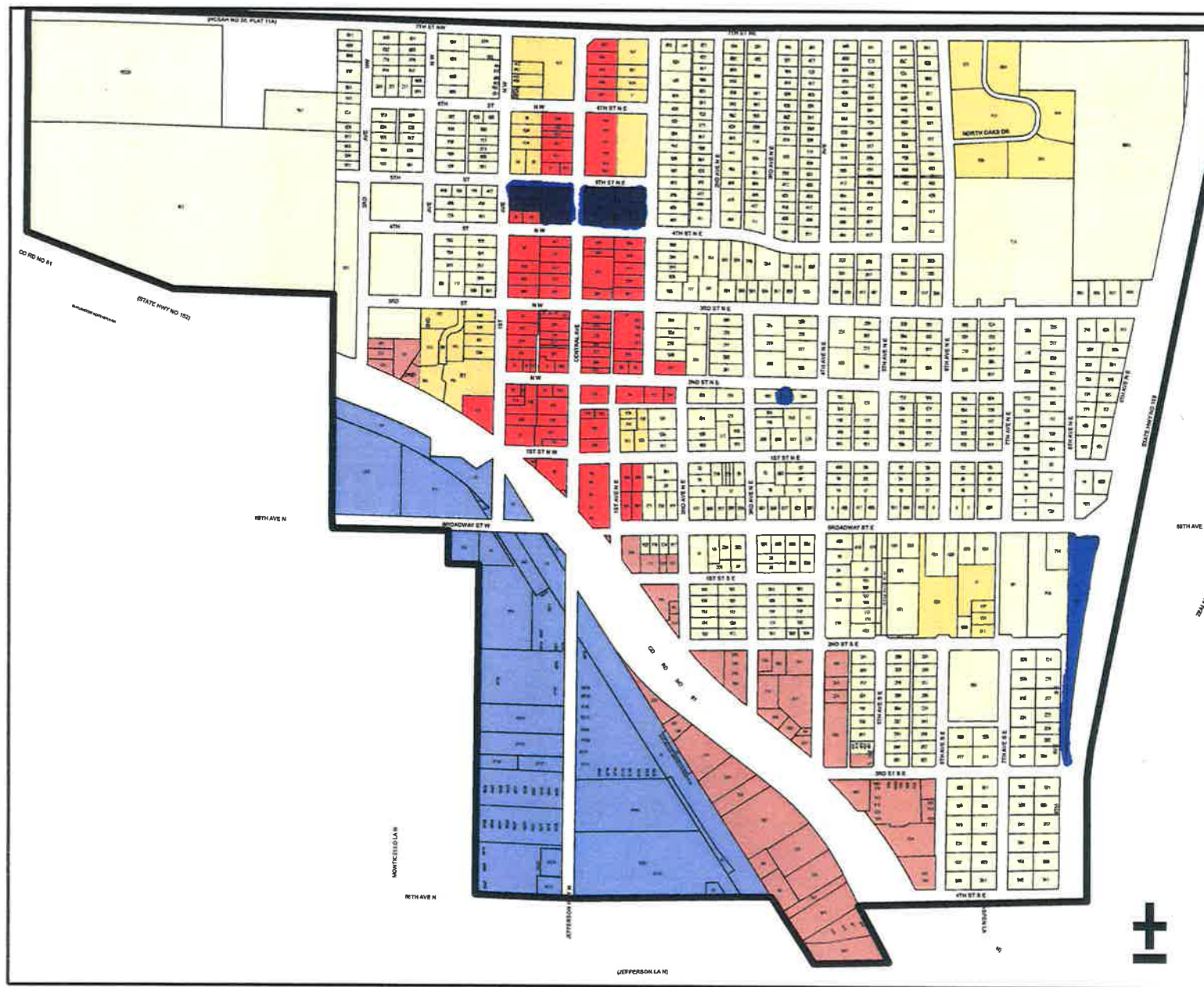
1. Approve the first reading of ordinance amendments to Osseo Zoning Codes §153.034 and §153.092;
2. Approve the first reading of ordinance amendments to Osseo Zoning Codes §153.034 and §153.092, with noted changes/as amended;
3. Deny the first reading of ordinance amendments to Osseo Zoning Codes §153.034 and §153.092;
4. Table action on this item for more information.

Recommendation/Action Requested:

Staff recommends the City Council choose option 1) Approve the first reading of ordinance amendments to Osseo Zoning Codes §153.034 and §153.092.

Next Step:

The second reading and final adoption will be on the City Council agenda for Monday, December 8, 2014. Staff expects to move to re-zone the individual properties to the new zoning district at the December 15 Planning Commission and December 22 City Council meetings.



Legend

Osseo Boundary

Zoning

- R-1 One and Two Family Residential District
- R-2 Multi-Family Residential District
- CBD Central Business District
- C-2 Highway Commercial District
- M Manufacturing and Industrial District

Adopted: June 30, 1986
Revised: December 28, 1987
March 28, 1989
September 1, 1995
December 18, 1996
June 30, 1999
November 4, 1999
August 31, 2000
February 7, 2001
June 16, 2004
June 29, 2004

Source: 2005 Hennepin County parcel data and field verification.

* Information is shown for reference purposes only and may be subject to change.

* The number "88" indicates an unassigned address.

* Duplicate addresses may indicate properties with a single use or building.

* Municipal boundary is approximate based on visual reference of pre-existing city mapping.

LOUCKS
ASSOCIATES

CHAPTER 153: ZONING

ZONING DISTRICTS AND MAPS

§ 153.020 ZONING DISTRICTS ESTABLISHED.

The following zoning classifications are hereby established within the city:

- (A) PI, public institution district;
 - (B) R-1, one- and two-family residential district;
 - (C) R-2, multiple-family residential district;
 - (D) [New edge mixed-use residential district]
 - (E) CBD, central business district;
 - (F) C-2, highway commercial district; including C-2 North and C-2 South districts and
 - (G) M, manufacturing and industrial district.
- (1997 Code, § 25.07) (Ord. passed 11-14-1994)

ZONING DISTRICTS; REQUIREMENTS AND USES

§ 153.034 PUBLIC INSTITUTION DISTRICT, PI.

(A) *Intent.* The intent of this district is to provide for public buildings, facilities, and land areas which are owned, controlled, regulated, used or proposed to be used by the city for the purposes of serving the residents and the community members of the city.

(B) *Permitted uses.*

- (1) Municipal buildings and structures, including City Hall, Fire Department, Police Department, City or County Library, Public Services facilities, Community Center, recreation centers, lift stations, ice skating warming houses, water towers, and any other governmental office buildings or facilities;
 - (2) Public parks, playgrounds and athletic fields or ice skating rinks;
 - (3) Off-street parking areas, provided they are open to the general public;
 - (4) Outdoor storage of equipment, landscaping materials, sand/salt materials or other public street improvement materials;
 - (5) Historical sites;
 - (6) Cellular telephone or communications towers and/or antennas;
 - (7) Commercial signage limited to billboards or any other governmental signage; and
 - (8) Any other uses determined by the city to be the same or similar type uses.
- (C) *Conditional uses.*

Commented [NA1]: Overall comments/updates:

-I would like to develop a Use Table to summarize this content (at least for commercial districts)
-It may be helpful to identify allowed accessory uses in each district, as they are discussed other places in code but not explicitly identified here
-I would like to add clarity for distinguishing Conditional from Permitted Uses (likely better guidelines for distinguishing the two, or perhaps an explicit administrative procedure for determining what is what). Not sure if that would go here, or in the "Administration and Enforcement" section (153.151)

(1) Religious institutions, such as chapels, temples, synagogues, and mosques limited to worship and related social events;

(2) Outdoor recreation areas, such as golf courses, private/public swimming pools, and private community clubs;

(3) Cemeteries or memorial gardens; and

(4) Any other uses determined by the city to be the same or similar type uses.

(Ord. 2014-4, passed 12-8-2014)

SIGNS

§ 153.093 ZONING DISTRICT RULES.

(F) *Public Institution (PI) District.*

(1) Within the PI zoning district, nonexempt signs are allowed on developed lots as follows.

<i>Public Institution Zoning District - PI</i>	
Maximum sing area of a single sign	150 square feet
Maximum height of a sign	25 feet
Cumulative maximum sign area of all nonexempt signs^	5% of lot area
Maximum percentage of CMSA allocable to class A signs	90%
Maximum percentage of CMSA allocable to class B signs	50%
Maximum percentage of CMSA allocable to class C signs	10%

(2) The following types of signs are prohibited in PI zoning districts:

(a) Awning signs;

(b) Bench signs; and

(c) Signs prohibited in all zoning districts.

APPENDIX A: LOT REQUIREMENTS AND STANDARDS

Zoning District	Building Height Max. (feet) ^e	Access. Height Max. (feet)	Lot Size Min (s.f)	Lot Width Minimum (feet)	Setbacks ^f					Minimum Site Area Per Dwelling Unit (sq. feet)	Dwelling Floor Area Ratio	Max. Impervious Surface(%)
					Front Yard (Feet)	Corner Side Yard (Feet)	Side Interior (Feet)	Rear Yard (Feet)	Accessory Side/Rear Yard (Feet) (Alley)			
(PI--not currently included)												
R-1											0	
One-family	25	10 ^g	8,250	50	25	25 ^c	15 ^b	5	5			50%
Two-family	25	10 ^g	10,000	50	25	25 ^c	15 ^b	5	5			50%
R-2												
Multiple family	25 (65) ^a											
Efficiency		10 ^g	21,780	130	35	25	10	10		400	N/A	50%
1-bedroom		10 ^g	21,780	130	35	25	10	10		525	N/A	50%
2-bedroom		10 ^g	21,780	130	35	25	10	10		650	N/A	60%
More		10 ^g	21,780	130	35	25	10	10		Add 125 s.f. / bedroom	N/A	60%
CBD	35	15	7,200	50	0	0	0 ^d	0	0	N/A	N/A	100%
C-2	35	15	15,000	90	45	45	10	10	20	N/A	1	60%
M	40	15	20,000	100	50	50	10	20	35	N/A	1	-
Definitions: 43,560 square feet = 1 acre Floor area ratio = total floor area of principal and accessory structure in direct ratio to the gross area of the lot												
Notes: ^a 65 ft. if structure is designed for multiple residents ^b On interior lots, there must be at least 15 feet between dwellings with a minimum of 5 feet from the lot line ^c The buildable principal structure area must not be less than 32 feet in width, exclusive of setbacks ^d When a commercial building shares a common boundary with a residential use property, a side yard set back of 10 feet is required ^e The building height limits established herein for districts shall not apply to the following: belfries; chimneys or flues; church spires; cooling towers; cupolas and domes which do not contain useable space; elevator penthouses; flag poles; monuments; parapet walls extending not more than 3 feet above the limiting height of the building ^f The following shall not be considered as encroachment on required yard setbacks: (1) Flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than two feet into the required yard (2) Ground level patio, i.e., patio that is flush with the ground (3) In rear yards, recreational and laundry drying equipment, arbors and trellises, detached outdoor living rooms, and air conditioning or heating equipment to a point not less than ten feet from the rear lot line (4) A one-story enclosed entrance for a detached one-family, duplex, or townhouse dwelling may extend into the front yard setback not exceeding four feet ^g Except private garages are allowed to be up to 15 feet in height												

Commented [NA2]: This may limit residential redevelopment opportunities

Commented [NA3]: This is very tall.

Commented [NA4]: A variance was recently required for a R2 accessory building. Maybe this can be increased.

Commented [NA5]: Setbacks in the C2 & M Districts aren't consistent with existing development, making variances needed for many redevelopment projects

Edge Mixed Use Land Use Guidance

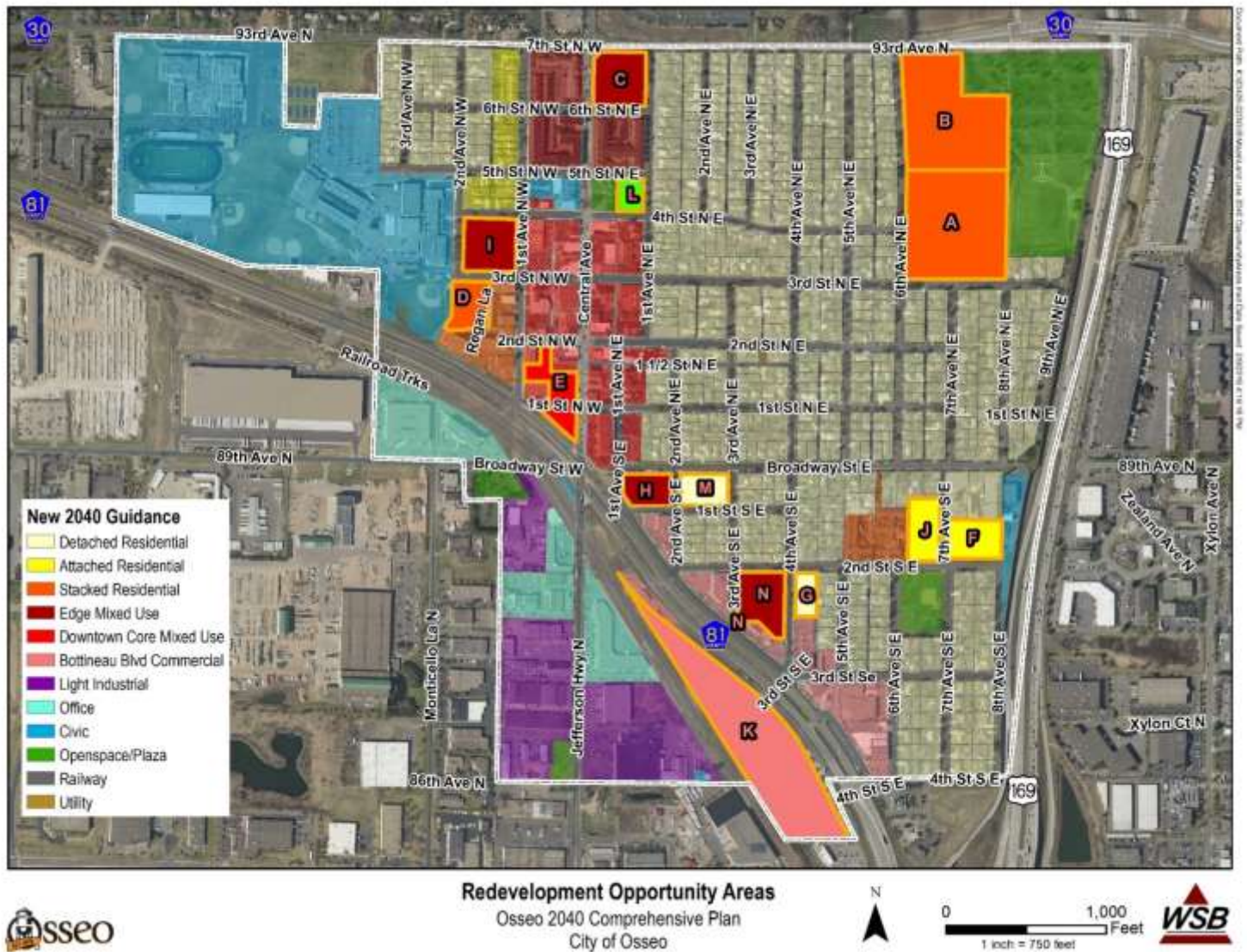
Land Use Category	Category Definition	Examples of Appropriate Uses	2040 Density Range DU/ACRE (2030 figures)	
			Min	Max
Edge Mixed Use	This land use category represents an area predominantly residential in nature, but with a wide mix of uses allowed, including but not limited to commercial, entertainment, civic, institutional and office. Development in this land use pattern is assumed to be approximately 80% residential and 20% commercial . Priority siting for commercial uses are the street corners, with residential uses located midblock. It is not required that 100% of the street level be active retail. Residential development in the area shall have a density of 20-40 units/acre. Higher densities than 40 may be considered when the development proposal provides a compelling public benefit, especially on small development sites. Residential parking should be accommodated on site and may be considered as part of a joint parking strategy with other uses.	<ul style="list-style-type: none"> • Wide mix of uses with predominant use more of a residential nature • Commercial pushed to corners, not 100% street level • Incorporation of open space or park-like amenities encouraged 	20 (20)	40 (40)

Suggested Zoning Code Updates

Osseo's 2040 Land Use plan update will require some attention to the current zoning map and zoning ordinance, in order to make the City's zoning consistent with land use guidance. The following are identified as areas or inconsistencies that may require closer examination and eventual zoning updates in order to match the intent of the land use plan. This list of updates is also identified in the implementation matrix, under the Land Use section.

Site-and Zone specific updates to be completed in the 9-month statutory period following Comprehensive Plan adoption

- The City will consider developing a new zoning district or overlay that better addresses and implements Mixed Use guidance and applying that zoning district to properties guided Mixed Use. Properties that might be considered under this district include:
 - The 100 block of Broadway St E is currently zoned C-2 and R-1. The land use guidance calls for Edge Mixed Use. Appropriate rezoning might consist of R-2, CBD, or some combination thereof, or a new district or overlay.
 - A portion of the 200 block of 2nd St SE that is currently zoned C-2 Highway Commercial is guided for Edge Mixed Use. Appropriate rezoning might consist of R-2, CBD, or some combination thereof, or a new district or overlay.



- **Areas H and N.** Both of these sites are re-guided to Edge Mixed Use to reflect their strategic location within transition zones between full commercial uses and lower density residential areas. The guidance to Edge Mixed Use allows for a certain amount of commercial development to continue while incorporating residential uses into the land use.

NOTICE

Planning Commission Member Needed

The City of Osseo is seeking interested people to serve on the Planning Commission. Due to a resignation, a vacancy on the Commission exists. The unexpired term for this position will end 12/31/21. The Planning Commission generally meets the third Monday of each month at 6:00 p.m. for regular meetings. Occasional special meetings may be called when necessary.

With assistance from City Staff, Planning Commission members review applications for new development and provide input on proposed changes to the City's land use policies.

The City values leadership from service minded individuals. Residents or business owners interested in filling this appointment are requested to submit a letter of application or statement of interest containing name, address, telephone number, and any other pertinent background information.

Please send your letter of interest by September 4, 2019, to Mayor Duane Poppe, 415 Central Avenue, Osseo, MN 55369. For more information, please call 763-425-1454.