

Acting Chair Katy Ross, Council Liaison introduced the two new Planning Commissioners Bob Turkington and Kara Ries. Vacancies were created when Ross became a Council Member and Bob Wilson retired from the Commission.

The Planning Commission Meeting was called to order by Acting Chair Katy Ross at 7:00 p.m. at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks. Present were Commissioners Dick Hara, Nancy Reid, Joyce Yoshimura-Rank, Bob Turkington, and Kara Ries. Chair Bill Campbell was absent. City Administrator Mike Robertson, Administrative Assistant Linda Hanson and Videographer Maureen Anderson were also present.

### **Approval of Agenda**

**With one addition to the agenda, Commissioner Reid moved to approve the agenda. The motion was seconded by Commissioner Yoshimura-Rank and passed unanimously.**

### **Approval of Minutes**

**Commissioner Reid moved to approve the minutes from the January 29, 2015 Planning Commission meeting. The motion was seconded by Commissioner Yoshimura-Rank and passed unanimously.**

### **New Business**

#### **1. Amendment 15-02, 111-893 Village Center Drive, North Oaks to Amend Zoning Ordinance to allow Therapeutic Massage as an Approved Use in a Commercial Service District**

Administrator Robertson introduced the request from Mary McNellis of Wellington Management, owners of the Village Center Retail Center. She would like to see an amendment to the Zoning Ordinance allowing therapeutic massage as an allowed use in the Commercial Service district. Robertson noted that the State of Minnesota is one of 14 states which do not regulate massage. For legal purposes massage is treated as an alternative health practice under health freedom laws. Because the State does not regulate massage, cities are allowed to regulate it. The only exception is that if massage is being practiced in a licensed doctor or dentist's office a city cannot regulate it.

Robertson said he found in discussion with other cities that licenses for massage therapy are quite easy to obtain, so that does not add much value to require a license as part of regulations. He also found that cities vary greatly on how massage is regulated and what fees are charged. He stated that no incidents with massage have been reported.

The recommendation from staff is that the request be approved to add therapeutic massage to the Zoning Ordinance Section 151.08 as regulated per City Ordinances and State law. Work would need to be done to draft an ordinance to allow regulation with a \$50.00 charge for a background check.

Acting Chair Ross opened the Public Hearing at 7:10 pm.

Mary McNellis, Wellington Management stated that they are the owners of the Village Center and that two or three businesses in the Center are interested in adding massage so there is a demand for the service. She's found that they are fine tenants.

Marty Caron, owner of Caron Chiropractor, 119 Village Center Drive, spoke in favor of allowing therapeutic massage. Commissioner Ross asked if he offered massage at his other location in St. Paul. He stated he did and that he is allowed under State law to offer these services. Commissioner Yoshimura-Rank asked what types of therapeutic massage he would do. Mr. Caron stated in his case it would be for a treatment plan for pain or chronic conditions as well as for injuries. However, he also stated that there is an increased interest in using massage for overall wellness.

Hearing no further comments, Acting Chair Ross closed the Public Hearing at 7:13 pm.

The Commissioners discussed the issue and decided that a sub-committee should be formed to create an ordinance that would regulate the use of therapeutic massage. This would then come back to the Planning Commission before going to the City Council. City Council Liaison Katy Ross, Dick Hara and Kara Ries volunteered to be on the Committee.

**Commissioner Hara made the motion to recommend approval of a Zoning Ordinance change to include therapeutic massage subject to an ordinance being created to regulate it. Commissioner Joyce-Yoshimura Rank seconded the motion and it carried unanimously.**

## **2. CUP 15-01, 23 Phoebe Lane, Accent Homes, Increase in Allowable Garage Size**

Accent Homes is requesting a Conditional Use Permit (CUP) to increase the garage size at 23 Phoebe Lane in order to house a recreational vehicle. Administrator Robertson stated that there is an allowed process in City Code to increase garage size with a CUP. He said that because recreational vehicles must be wholly concealed and since there are no places on this property to do so, this would be a good solution. They are asking for an additional 382 square feet of garage. The request does meet the City Code as it is under the 3,000 square feet allowed and meets the floor area ratio of under 0.12. Staff recommends approval of this CUP with two conditions.

A Public Hearing was opened at 7:22 pm.

Bud Dropps, owner of Accent Homes said the house is being built for existing North Oaks residents and construction will begin this spring. The new owner has a 46-48 foot recreational vehicle. The garage would fit in with the rest of the home in its design.

Hearing no further comments Acting Chair Ross closed the Public Hearing at 7:25.

Commissioner Ries asked if the setbacks would still be met and Robertson said they would.

**Commissioner Hara made the motion to recommend approval to the City Council of CUP 15-01, 23 Phoebe Lane, for a larger garage with the following conditions:**

- 1. That the garage be constructed per the submitted plans.**
- 2. That the garage be used for only private residential non-commercial use.**

**Commissioner Reid seconded the motion which carried unanimously.**

**3. Set Meeting with City Council**

Commissioners agreed to meet in a workshop with the City Council at 6:15 p.m., Thursday, April 30, 2015.

**Next Meeting**

The next Planning Commission Meeting is Thursday, March 26, 2015 at 7 p.m. at the Community Meeting Room, 100 Village Center Drive.

**Adjournment**

**On motion made by Commissioner Reid, seconded by Commissioner Yoshimura-Rank and carried unanimously, the meeting was adjourned at 7:30 p.m.**

Attest:

Respectfully submitted,

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Acting Chair Katy Ross

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Linda Hanson  
Recording Secretary