



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of October 10, 2012**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Williams, Obermueller, Haggard, Fliflet (7:03), Bloyer, and Hall;

**COMMISSIONERS ABSENT:** None; and

**STAFF PRESENT:** Planning Director Klatt, City Planner Johnson

**Approve Agenda:**

M/S/P: Hall/Obermueller, motion to approve the agenda as presented; ***motion carried, vote: 5-0.***

**Approve Minutes:**

Haggard asked to add her request to discuss Highway 5 and safety around Stillwater High School with the Minnesota Department of Transportation as part of the minutes.

Bloyer noted that he abstained from the vote regarding the setback distance for water-oriented accessory structures in the Shoreland District.

M/S/P: Bloyer, Haggard to accept the minutes from the September 24, 2012 meeting with corrections; ***motion carried, vote: 4-0 (Fliflet and Hall abstained).***

**Public Hearing:** *Conditional Use Permit: Therapeutic Message at 11200 Stillwater Boulevard*

City Planner Johnson presented a report concerning a request from Aaron Koen to open a therapeutic message business at 11200 Stillwater Boulevard. He noted that the Lake Elmo Zoning Ordinance allows message businesses as a conditional use permit in the City's GB – General Business District. Johnson explained that the business would be locating within an existing building at this address. He reviewed the criteria for the granting of a Conditional Use Permit with the Planning Commission and explained that the applicant would be able to meet all of the criteria.

Johnson stated that Staff recommended approval of the conditional use permit.

Johnson indicated that in addition to the conditional use recommendation, Staff further recommended that the Planning Commission consider revising the City Code to allow message businesses as a permitted use, but then consider adopting an ordinance to license such businesses.

Fliflet discussed that a former planner had recommended that message businesses be regulated through a conditional use permit in order to ensure that the business complies with all applicable City Codes and to make sure that no illegal activities are taking place within the structure.

Johnson pointed out that licensing could provide more leverage for the City to deal with illegal activities since the City could revoke a license. He noted that a conditional use also runs with the property, whereas a license would apply only to a particular user.

Haggard asked if licensing would apply to Home Occupations. Klatt noted that massage businesses would not be allowed as a Home Occupation.

Haggard questioned if there is a way to track licenses, and in particular when the renewals are due. Johnson noted that the Clerk's office is responsible for tracking licenses in the City.

Fliflet asked if a condition should be added to an approval of the conditional use permit that would require an annual review and check of current licensure. Johnson indicated that the conditional use permit could be amended in this manner, but that an annual review has not been required as part of past message business approvals.

There was a general discussion concerning licensing requirements and the costs associated with a licensing program.

Aaron Koen, Owner of Renew and Recover Message Therapy, stated that the City of Woodbury just adopted a licensing program, and that one of the requirements is a background check of the applicant. This licensing also requires a certain amount of training, but do not necessarily require national certification.

Bloyer asked how many hours of training he has obtained. Koen replied that he has around 700 hours of training.

Williams opened the public hearing at 7:30 p.m. No one spoke and the public hearing was closed at 7:31 p.m.

Williams stated that he has reviewed the website of the message certification board and noted that 38 states accept this certification for proof of training.

M/S/P: Boyer, Hall to recommend approval of the conditional use permit to allow a therapeutic message business at 11200 Stillwater Boulevard; ***motion carried, vote: 6-0.***

Williams asked if the licensing could be set up in such a manner that the national certification is the only requirement to allow a message business. Johnson noted that it could be set up in this manner. There was a general discussion concerning the benefits and drawbacks to a licensing program for message businesses.

Johnson stated that there could be other requirements associated with licensing, including a background check, provision of insurance, and other requirements.

M/S/P: Obermueller, Boyer to pursue a zoning text amendment to change therapeutic message from a conditional use to a permitted use and to further direct staff to draft an ordinance that would require licensing of message businesses. ***Motion carried, vote: 6-0.***

#### **Business Item: Design Standards Update**

Johnson reported that staff is currently working on the baseline standards for a design standards manual and that a draft will be submitted for review at the next Planning Commission meeting.

Johnson stated that the City Council will be asked to hire Damon Farber Associates to help the City develop theming that can be used throughout the City. He noted that one of the primary goals of the theming work will be to incorporate design elements into future developments that help maintain the City's identity regardless of where new development occurs.

Johnson indicated that Staff is also recommending that the City sponsor a public meeting to review the proposed standards, with a focus on engaging the business community in this process.

The Commission discussed some local examples of good and bad design that should be considered as the design standards workbook is developed. Fliflet suggested that the design manual include photographs and a clear depiction of good versus better design.

#### **City Council Updates**

Klatt reported that the City Council had adopted ordinance 2012-63 reducing the shoreland setback for water-oriented accessory buildings to 10 feet.

#### **Staff Updates**

Klatt noted that the next Planning Commission will be October 22, 2012.

**Commission Concerns**

None

Adjournment at 7:58 p.m.

Respectfully submitted,

Kyle Klatt  
Planning Director