

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON
JUNE 17, 2013, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 7:00 P.M., by Jack Edmonds. Members present were Tim Siercks and Chad Heitschmidt. Staff present were Carie Fuhrman (Community Development Director, Mary Lou DeWitt (Community Development Assistant), and Chris Bruhn (Community Development Intern).

Absent were Dick Dobson and Mitzi Mellott.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON MAY 20, 2013

HEITSCHMIDT MOVED, SECOND BY SIERCKS, TO APPROVE THE MINUTES OF MAY 20, 2013, WITH THE CORRECTION ON PAGE THREE, THE FOURTH PARAGRAPH, THE WORD SHOULD BE INTERN NOT INTERIM. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS: None

PUBLIC HEARING:

A. Ordinance Amendment to Allow Dog Daycare in B-2 Neighborhood Business District

Christine Stuck has submitted an application to amend the Princeton Zoning Ordinance text to allow a new use in the B-2 Neighborhood Business Zoning District: specifically, dog daycare from 6:30 AM to 6:30 PM (weekdays only; not overnight), grooming, training, and retail pet supply (but no animal sales).

The applicant is proposing a retail pet supply store on the first level of the building, with the dog daycare operating out of the basement. There would also be dog grooming and training in the facility as well. The dogs would not stay overnight, which is why they call it “dog daycare” versus a kennel. The applicants would like to install a fence for when the dogs are let outside on the property.

The current Zoning Ordinance defines “kennel” as “any place where more than three domestic animals over eight months of age are owned, boarded, bred, trained or offered for sale, but not including veterinary clinics.” By our current definition, the proposed use would fall under “kennel.” The following outlines the current regulations regarding kennels:

Residential Districts: The R-1, R-2, and R-3 Zoning Districts allow “Kennels for not more than three domestic animals” as a permitted use. “More than three (3) domestic animals” are allowed via a conditional use permit in the R-1, R-2, and R-3 Districts. No performance standards are listed in any of the zoning districts for kennel facilities.

Commercial Districts: The B-2 District currently allows “veterinary clinics and pet grooming, with no outdoor boarding” via a CUP, while the B-3 District allows “veterinary clinic with no outside boarding facilities” as a permitted use.

The B-3 District allows “veterinary clinic with outside boarding facilities” via a CUP, provided a number of conditions are met:

a) Any outside kennel or open area is located a minimum of 100 feet of any adjacent property lines.

- b) Any outside kennel or open space area used by animals is 100% screened along property lines. No outdoor animal quarters or runs shall be located in the front yard.
- c) All animal quarters and runs are to be kept in a clean, dry and sanitary condition.
- d) Fencing surrounding exercise areas and/or runs shall be of a sufficient height to prevent escape and shall be buried as part of installation to prevent escape by digging beneath the fence posts.
- e) Kennel noise shall be mitigated so as to not create a public nuisance for adjoining properties. This shall exclude noise from exercise or training while outdoors during the daytime. Kennels shall comply with all local noise regulations.

It is clear the intention has been to only allow kennels in Residential Districts; specifically with a conditional use permit. Kennels are currently not listed as an allowed use in the Commercial Districts. However, outdoor boarding facilities in conjunction with a vet clinic are allowed via a conditional use permit, but only in the B-3 District.

Allowing the proposed use in the B-2 District would require careful consideration. The purpose of the B-2 Neighborhood Business District is to provide for the establishment of highly limited scale neighborhood commercial centers and uses in existing commercial nodes that offer basic, convenience type goods and services to the immediately surrounding areas in which they are located.

Referencing the Zoning Map, the B-2 District is generally located along Rum River Drive with two concentrations north of the roundabout, and then south of downtown to Highway 169. Residential areas surrounded the B-2 District generally to the west and east.

The B-2 Zoning District is located in three land use designations on the Future Land Map: Neighborhood Commercial, Downtown, and Highway Commercial. Fuhrman provided descriptions of each land use designation.

The League of Minnesota Cities Attorney advised that a number of cities have kennel business licensing ordinances that are broad enough to encompass dog day cares as well. He was not aware of any Ordinance with distinctions drawn between kennels and dog daycares. The Community Development Intern researched various communities and found the following:

Zimmerman: Does not allow kennels with outdoor boarding facilities.

Cambridge: Would treat a dog daycare as a kennel (5+ adult dogs); only allowed as a CUP in B-2 and BT Business Zoning Districts. Each kennel request would be reviewed on a case-by-case basis.

Milaca: Kennels (keeping of three or more dogs) are not allowed within the city because “the keeping of three or more dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of three or more dogs on the premises is hereby declared to be a nuisance.”

Isanti: Kennel license and fee is required via an Interim Use Permit.

Elk River: Differentiates between commercial and private kennel. Commercial or private kennel requires a permit.

- * R-1 District: Private kennels on parcels with 5 or more acres are a permitted use.
- * R-1 District: Commercial kennels and private kennels on parcels with less than 5 acres require a CUP.
- * Agriculture Conservation District: Private kennels allowed as an accessory use.
- * Commercial Reserve Transitional District: Commercial kennels (grouped with vet clinics) allowed via an IUP.
- * Light Industrial District: Indoor commercial kennels allowed via a CUP.

Via the current standards for kennels and outside boarding facilities, it is clear that the City has not preferred outdoor boarding facilities in the B-1 or B-2 Zoning Districts. Although the outside boarding facilities, with a vet clinic, are allowed in the B-3 District, it is through strict conditions.

If the Planning Commission is in favor of recommending approval of the proposed use in the B-2 District, because of the close proximity to residential uses, Fuhrman would recommend that the use be via a conditional use permit so a review of each specific request would be required, and specific conditions could be placed upon the approval of each request. Consideration could be given to limiting the number of dogs allowed outside at one time under supervision; limiting the time of day the dogs are allowed outside; no overnight boarding; and so on.

The following factors are common review standards in regards to reviewing proposed amendments:

1. The proposed action has been considered in relation to the specific policies and provisions and has been found to be consistent with the official city comprehensive plan.
2. The proposed use is or will be compatible with present and future land uses of the area.
3. The proposed use conforms with all performance standards contained in this code.
4. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.
5. Traffic generation by the proposed use is within capabilities of streets serving the property.

Fuhrman said went through the options for the Planning Commission:

- A) Recommend approval to the City Council on the Ordinance amendment request after determining details of specific conditions to be added if it's determined to be allowed via a CUP.
- B) Recommend denial to the City Council based on the appropriate findings of fact.
 - 1) The proposed action has been considered in relation to the specific policies and provisions of and has been found to not be consistent with the official city comprehensive plan; or
 - 2) The proposed use will not be compatible with present and future land uses of the area; or
 - 3) The proposed use does not conform with all performance standards contained in this code; or

- 4) The proposed use cannot be accommodated with existing public services and will overburden the city's service capacity; or
- 5) Traffic generation by the proposed use is not within capabilities of streets serving the property.

C) Table the decision regarding the Ordinance amendment for further information.

Pending the results of the Ordinance amendment request, the applicants would then submit the appropriate application to operate the facility at the former liquor store.

A few things to take note of:

- * The retail portion of the request is already allowed in the B-2 District.
- * This raises a further question of whether or not the kennel regulations in general should be reviewed in more detail.

Edmonds asked if we do not address kennels now.

Fuhrman said they are allowed in Residential Districts with a Conditional Use Permit.

Edmonds opened the Public Hearing.

Christine Stuck, applicant was present and spoke to the Planning Commission Board about her business. She said they run their business very strict. They work with the dogs so they are quiet. Accidents in the building are immediately cleaned up. Outside the dog mess is cleaned up and there is no continuous barking. They use a cleaner that is good to keep disease away. They are very high on health issues and all dogs are up to date with their health records. She has brought along letters from the neighbors of her current business site in Zimmerman and the letters state they run a nice clean business. She was willing to share them with the Planning Commission Board. They are currently in downtown Zimmerman and the building is up for sale so they have to move.

Edmonds said tonight's meeting is to review amending the ordinance. The letters she brought tonight do not pertain to amending the ordinance.

Fuhrman explained some of the information the applicant brought will be very good if this amendment were approved and she were to apply for a Conditional Use Permit.

Victoria Johnson, 13878 170th Street, Milaca said she brings her St. Bernard to their training facility. Johnson believes their facility benefits the community and she has seen how other dogs have been trained by them and the dog becomes a very good family dog. This business helps where people who are at work or away the dog has someone with them. They even go to the persons home if the person is gone and take care of the dog. They will then pick the dog up and bring it back to the doggie daycare.

Stuck said she has walked around the old liquor store site and has met a few of the neighbors. The person who lives behind the building was excited to have something like this come to the neighborhood. She has gotten no negative comments. The apartment people have cats and could come get their cat products.

Leslie Humphrey, 7278 7th Street North, Princeton said she brings her dog to this facility and believes it will benefit Princeton. It would be something new in town. Wyatt is her dog and he enjoys going there. She believes it will be a good benefit for Princeton.

SIERCKS MOVED, SECOND BY HEITSCHMIDT, TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

Edmonds would like to have the full Planning Commission Board look at this. There are a couple of the Board members absent tonight. He asked the applicant if they are in a hurry to get this done.

Stuck said she does want to be in the new place by the end of the summer.

Heitschmidt said it is already allowed in the Residential District with a Conditional Use Permit. Outdoor boarding is allowed in B-3 District with a Conditional Use Permit. He is in favor of this.

Edmonds said conditions should be put on this if we forward to the City Council.

Fuhrman read the five items in the findings of fact that should be reviewed to allow the zoning change.

Edmonds commented that the location and traffic generation should not be an issue.

Fuhrman said the Land Use Plan does not list a set of what is allowed or not allowed.

Edmonds asked Stuck if there is a limit of the number of dogs she has now.

Stuck said the average is 11 dogs a day and the maximum is 20. She would like the average of 15 dogs at the new place with a maximum of 20. That is for a safety issue. She would like a six foot privacy fence there. That would prevent the opportunity for children from putting their hands in the fence.

Siercks asked if fencing there will be a problem.

Fuhrman said the front yard fencing has to be chain link. They would have to have a variance for a full closed in fence.

Heitschmidt said the decision to move forward would be easy, but the conditions to put in place would be harder. The B-3 District has strict guidelines.

Fuhrman said the front yard on a corner lot is designated by the property owner except for fences; both sides can be viewed as front yard. There are two lots at this site. With enforcing this one is what would be seen from the street. Some of the standards being placed could be considered with each request.

Stuck asked why the visibility for fencing has that condition, is it for traffic or for concern.

Fuhrman said it is to see the yard. If these conditions are put on the B-2 Zoning Ordinance there would be a problem because of the setbacks. It could say consideration with adjacent property so then it is looked at each time. This would be the middle ground from B-2 Zoning to what is required in B-3 District. The B-3 District has larger lots and more traffic. There is less issues with noise in the B-3 District. Privacy fencing is allowed in the Residential District.

Stuck said they try to put the dogs out every hour for about 10 minutes. They do it in groups.

Edmonds asked her what she would recommend for a maximum number of dogs.

Stuck said 20 dogs would be the maximum. For 20 dogs they need three staff members. For 15 dogs they need two staff members and under seven dogs one staff member is needed.

Fuhrman said the Planning Commission could limit the number of dogs.

Chris Bruhn, City Intern said when he was making calls to other communities to see what their Ordinance is, the maximum dogs allowed were 20 and some went by the size of the site to determine how many should be allowed.

Stuck said her business will be more than just dog daycare it will have retail also. It will not be competing with any other business. Most of her clients are from Princeton and Zimmerman.

Victoria Johnson said they have a higher end type of dog food that most places here do not sell.

Fuhrman said to make a recommendation it could be removing kennels from residential. She read what is allowed in B-2 District and that district is probably the most conservative for ordinances that are allowed.

Stuck said this is helping keep dogs from being put down. She is working with the dog owner to train the dog and show them how to handle their dog where it is a good family pet.

Edmonds asked on boarding overnight.

Stuck said no, she is not boarding overnight.

Fuhrman said the B-2 District allows as a conditional use Veterinary clinics and pet grooming, with no outdoor boarding. She recommends that no overnight boarding is allowed. Retail sales is already allowed.

Stuck said she will not have boarding.

Heitschmidt asked if there are health department regulations.

Stuck said not that she is aware of with the State.

Fuhrman said the noise outside is the largest issue and she will look into it.

Edmonds asked staff to put something together for the next meeting.

SIERCKS MOVED, SECOND BY HEITSCHMIDT, TO TABLE THE ORDINANCE AMENDMENT TO ALLOW DOG DAYCARE IN B-2 NEIGHBORHOOD BUSINESS DISTRICT AND HAVE STAFF DRAFT AN AMENDMENT TO ALLOW DOG DAYCARE, NO BOARDING, AND BRING IT BACK FOR REVIEW AT THE JULY 22, 2013 PLANNING COMMISSION MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

Fuhrman will have a draft amendment ready for the July 22, Planning Commission meeting. She will also talk to the City Administrator on the discussion tonight and he could have the purchase agreement contingent with the Zoning amendment approved by the City Council. If the Planning Commission does approve the amendment at the July meeting, she will have it on the agenda for the City Council meeting the same week.

OLD BUSINESS:

A. Ordinance Amendment to Allow Shooting Ranges

The Planning Commission discussed and held a public hearing regarding a text amendment to allow for indoor shooting ranges in city limits at their April meeting. The decision was tabled in order for staff to do further research into the subject, particularly in regards to the City Attorney's review of the proposed language.

The City Attorney has reviewed the proposed Ordinance amendment, and his comments have been incorporated into the Ordinance review for the Planning Commission Board.

Based on the Planning Commission's previous discussions, there was a preference to allow indoor shooting ranges as a conditional use permit in the B-3, MN-1, and MN-2 Zoning Districts, and not in the B-1 and B-2 Zoning Districts. It was also decided that the hours of operation would be reviewed at each specific request.

Fuhrman said if the Planning Commission is in favor of the proposed Ordinance, staff would recommend the Planning Commission recommend approval to the City Council.

The Planning Commission Board discussed if under Section 3., MN-1 Industrial, Conditional Uses, Item E. should be removed: Retail sales allowed as an accessory use provided the provisions in regards to Section 1.D. "Retail sales," are followed.

Fuhrman said they would need to get the permits to sell fire arms. Retail sales could be allowed subject to the Planning Commission. It could be left in there provided that the parking and signage are met.

Heitschmidt asked if retail sales would be hindered if the shooting range were in the Industrial Park.

Fuhrman said in the MN-1 Ordinance allows with a conditional use permit the retail sales of products stored or manufactured on the site shall be allowed as an accessory use. A maximum of twenty percent of the floor area of the space occupied by the particular business, up to a maximum of eight hundred fifty square feet, may be used for retail sales purposes. She suggested that Item E be phrased like Item D where it states that retail sales are allowed as an accessory use are reviewed and approved by the Planning Commission in MN-1 and MN-2 Districts.

HEITSCHMIDT MOVED, SECOND BY SIERCKS, TO RECOMMEND APPROVAL TO THE CITY COUNCIL THE ORDINANCE AMENDMENT TO ALLOW INDOOR SHOOTING RANGES AS A CONDITIONAL USE PERMIT IN THE B-3, MN-1, AND MN-2 ZONING DISTRICTS, WITH THE CORRECTED WORDING ON ITEM 3, IN SECTIONS 3 AND 4, STATING "RETAIL SALES ALLOWED AS AN ACCESSORY USE ARE REVIEWED AND APPROVED BY THE PLANNING COMMISISON IN MN-1 AND MN-2 DISTRICTS. UPON THE VOTE, THERE WERE 2 AYES, 1 NAY. MOTION CARRIED. (Ayes: Heitschmidt and Siercks and Nay: Edmonds)

Edmonds said he opposed the retail sale language being vague. He does not mind the indoor shooting range being allowed in the Districts.

NEW BUSINESS: None

COMMUNICATION AND REPORTS:

A. Verbal Report

Fuhrman introduced Chris Bruhn (Community Development Intern). She said he is doing an awesome job. He has been working on the GIS Mapping Program and getting it up to date. He has also been working on updating our fence permit.

Fuhrman said she has not heard back from the owner of Hog Wild regarding an Ordinance Amendment for a kill floor.

B. City Council Minutes for May, 2013

The Planning Commission Board had no comments.

SIERCKS MOVED, SECOND BY HEITSCHMIDT, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:31 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant