

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD THURSDAY, SEPTEMBER 12, 2019, ST. LOUIS COUNTY PUBLIC WORKS, LOWER-LEVEL TRAINING ROOM, VIRGINIA, MN.

9:00 A.M. – 10:00 A.M.

Planning Commission members in attendance: David Anderson
Steve Filipovich
Daniel Manick
Commissioner Keith Nelson
Sonya Pineo, Chair
Dave Pollock
Roger Skraba
Ray Svatos
Diana Werschay

Planning Commission members absent: None

Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

Aaron Lewis - a conditional use permit for a dog kennel as a Commercial, Retail and Services Establishments-Class II.

OTHER BUSINESS:

Motion by Skraba/Werschay to approve the minutes of the August 8, 2019 meeting.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Werschay - 7

Opposed: None – 0

Abstained: Pineo, Svatos - 2

Motion carried 7-0-2

Short Term Rental Update

Jenny Bourbonais, Planning Manager, gave an update for short term rental permitting standards.

Motion by Skraba/Svatos to set the public hearing for the Zoning Ordinance 62 amendment for short term rental permitting standards for October 10, 2019.

In Favor: Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 8

Opposed: None – 0

Abstained: Anderson - 1

Motion carried 8-0-1

NEW BUSINESS:

Aaron Lewis

The only hearing item is for Aaron Lewis, a conditional use permit for a dog kennel as a Commercial, Retail and Services Establishment-Class II, located in S33, T51N, R15W (Canosia).

Mark Lindhorst, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The request is for a dog kennel. The applicant is proposing a dog kennel for up to 17 dogs.
- B. The property of the proposed use is currently used as the applicant's residence.
- C. The proposed use would be in addition to the residential use.
- D. The proposed business would take place primarily within the existing structures on the property.
- E. Outdoor kennel runs are not part of the proposed use.
- F. A fenced-in area is planned to let the dogs out individually periodically throughout the day.
- G. The applicant is proposing to use a Doggie Dooley septic system for the dog waste.

Mark Lindhorst reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 1. St. Louis County Zoning Ordinance 62 states that a dog kennel business is a Commercial, Retail and Service Establishment-Class II.
 2. Zoning Ordinance 62 states that the use is an allowed use in the Multiple Use (MU)-5 zone district with a Conditional Use Permit.
 3. This property is located in the Rural Communities category of the future land use maps within the Comprehensive Land Use Plan.
 4. One objective of the Comprehensive Land Use Plan is to develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.
 - a. The property is located in the rural community area.
 - b. The proposed use appears to be fairly small in scale and may provide a service that is needed by the residents in this residential area.
 5. The multiple use zone district provides opportunity for a variety of uses, including residential and commercial uses.
- B. Neighborhood Compatibility:
 1. The area is primarily residential with properties that generally range in size from 1 to 10 acres with a few larger parcels mixed in.
 2. The area is primarily residential with numerous residences within one-quarter mile from the applicant's property.
 - a. Since the area is primarily residential, the noise caused by the dog kennel business could be an issue for neighboring residents. However, noise could be mitigated through conditions placed on a conditional use permit if approved.
- C. Orderly Development:
 1. The parcels that are suitable for development in this area are primarily developed as residential properties.
 2. There are few opportunities for the development density to increase, due to zone district requirements, lot size and other limiting factors.

- a. There are a few parcels in this area that could be subdivided, resulting in a slight increase in density.
3. The property is located in a transition area between Hermantown and the rural areas outside of Hermantown.
4. The development density is somewhat high, but it is still a rural area.

D. Desired Pattern of Development:

1. The existing development in the area is consistent with the desired pattern of development.
2. Since the area is already fairly developed, it is not anticipated that a significant amount of community growth will occur in this area.

E. Other Factor

1. Zoning Ordinance 62 states that the maximum number of animal units allowed on the property is 5 (25 dogs). The applicant is proposing to have less animals on the property than ordinance allows. If the business grows, it would be limited to the maximum number of animal units allowed.

Mark Lindhorst noted seven items of correspondence, three in favor with provisions/conditions from Daniel Glick, Mike Podgornik, and Brian and Shelly McAllister, and three opposed from Frank S. Amendola, Jr., Mike Dodge, and Richard and Carol Sojka, and one from Trista Pierce with concerns regarding the proposal. These letters were submitted to the Planning Commission in a packet prior to the hearing.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a dog kennel as a Commercial, Retail and Services Establishment-Class II, the following conditions shall apply:

1. All domesticated animal standards found in St. Louis County Zoning Ordinance 62, Article VI, Section 6.21 shall be met.
2. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
3. A waste management plan shall be submitted and approved by the county.
4. Pets shall be kept within an enclosed building between dusk and dawn for noise control.
5. The applicant shall comply with all county, state and federal regulations.

Aaron Lewis, the applicant, stated they talked with the neighbors as much as they could. They knew their neighbors' concerns going into this hearing. They want to run this as a small kennel. Based on their design and the materials used, this could create a quieter kennel. The concerns raised by their neighbors are valid and they will work to mitigate their neighbors' concerns. He handed out a sheet that addressed these concerns. They want to be good neighbors and have a good relationship with their neighbors. The intent is to have 4 foot by 8 foot kennels and the maximum number of kennels in the garage would be 17. They will have fencing in an area where the dogs are let out. It will be blocked from view from the road. There will be no unsupervised outside time because that is when noise could become a concern. Samuelson Road is a local, two-way road. With the construction on Lavaque Bypass, there has been additional traffic on the road.

Two members of the audience spoke.

Mike Podgornik, 5401 Samuelson Road, stated he is in favor of this project and his concerns have been addressed. His biggest concerns had been the number of animal units and the noise. Though the applicant is allowed to have 25 dogs, it would be nearly a 50 percent increase from the 17 dogs proposed. He does not feel this should be a transferrable business because a stranger could come in and not have to go through this process.

Tom Amendola, 5442 Samuelson Road, stated that he lives 200 feet from where the kennel would be located. He is concerned that being next door to a dog kennel will make it more difficult to sell his property.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Inquired if the applicant would be opposed to have a test done on the Doggie Dooley septic system. There are a lot of wells located in the area and septic inspections are not a prohibitive cost. It would be good for all properties to make sure that this system is doing what it is supposed to be. *Aaron Lewis* stated he would be willing to do one.
- B. Inquired if the neighbors have recourse if there are any problems. *Mark Lindhorst* stated that if there are nuisance complaints and the applicants are not meeting their conditions, the applicants will be sent a letter. The last resort would be for the Planning Commission to review the conditional use permit and revoke if necessary.
- C. *Jenny Bourbonais*, Acting Secretary, stated that a conditional use permit goes with the property. There have been occasions where the Planning Commission has added an annual review to ensure that conditions are being met. The applicants or any future landowners could write a letter to the Director to say they want to revoke the permit. If the property is sold and the business is not used, it would become null and void after two years of no use.

DECISION

Motion by Nelson/Anderson to approve a conditional use permit for a dog kennel as a Commercial, Retail and Services Establishment-Class II, based on the following facts and findings:

- A. Plans and Official Controls:
 1. St. Louis County Zoning Ordinance 62 states that a dog kennel business is a Commercial, Retail and Service Establishment-Class II.
 2. Zoning Ordinance 62 states that the use is an allowed use in the Multiple Use (MU)-5 zone district with a Conditional Use Permit.
 3. This property is located in the Rural Communities category of the future land use maps within the Comprehensive Land Use Plan.
 4. One objective of the Comprehensive Land Use Plan is to develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.
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4. Pets shall be kept within an enclosed building between dusk and dawn for noise control.
5. The applicant shall comply with all county, state and federal regulations.

In Favor: Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 9

Opposed: None – 0

Motion carries 9-0

Motion to adjourn by Skraba. The meeting was adjourned at 10:00 a.m.