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**THE MEETING FOR THE PLANNING COMMISSION HELD ON JANUARY 25, 2021 AT
7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 7:08 P.M., by Dan Erickson. Members present were Eldon Johnson, Scott Moller, Andrea Gerrad, Victoria Hallin (per Zoom), and Gene Stoeckel (Princeton Twsp Rep). Staff present were Mary Lou DeWitt (Comm. Dev. Zoning Specialist) and Stephanie Hillesheim (Comm. Dev. Manager).

OATH OF OFFICE:

Andrea Gerrad took the Oath of Office.

ELECTION OF OFFICERS:

JOHNSON NOMINATED DAN ERICKSON FOR PLANNING COMMISSION CHAIR. MOLLER MOVED, JOHNSON SECOND, TO CLOSE THE NOMINATIONS. UPON THE VOTE FOR DAN ERICKSON FOR PLANNING COMMISSION CHAIR, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

ERICKSON NOMINATED ANDREA GERRAD FOR PLANNING COMMISSION VICE CHAIR. MOLLER MOVED, JOHNSON SECOND, TO CLOSE THE NOMINATIONS. UPON THE VOTE FOR ANDREA GERRAD FOR PLANNING COMMISSION VICE CHAIR, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

MOLLER NOMINATED ELDON JOHNSON FOR PLANNING COMMISSION SECRETARY. ERICKSON MOVED, MOLLER SECOND, TO CLOSE THE NOMINATIONS. UPON THE VOTE FOR ELDON JOHNSON PLANNING COMMISSION SECRETARY, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED

APPROVAL OF MINUTES OF THE REGULAR MEETING ON DECEMBER 21, 2020

HALLIN MOVED, SECOND BY JOHNSON, TO APPROVE THE MINUTES OF DECEMBER 21, 2020. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS / DELETIONS:

JOHNSON MOVED, SECOND BY GERRAD, TO APPROVE THE AGENDA WITH NO ADDITIONS. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. Interim Use Permit at 602 Rum River Drive South

Mary Lou DeWitt, Comm. Dev. Zoning Specialist Memo:

Background

Max Bitterman, applicant is in the process of purchasing "Paws Up 4 You" located at 602 Rum River Drive South in the B-2 Neighborhood Business Zoning District. The site is currently a

Doggie Day Care with no overnight boarding and retail sales on the main floor. There was a Conditional Use Permit #04-13 issued in 2013 to allow Kennel with (Dog Daycare, Training, and Grooming Facility). The Interim Use Permit request would cover Dog Daycare, Training, Grooming Facility along Kennel with overnight boarding.

Retail sales will still be maintained on the main floor as well as Doggie Daycare. The applicant is requesting with the doggie daycare and overnight boarding, the maximum would be 20 dogs per day hours and would like the ability to ease into 35 dogs if needed. The employee daycare ratio is 1:10.

Mr. Bitterman would like to incorporate a “Dog Wellness Club” for dogs under six months of age. This club provides what a puppy needs to develop into a well-adjusted adult dog. For adult dogs they have a three-point test to make sure that the dogs are practicing social skills needed to succeed with other dogs and with their people. Dogs that cannot pass the test cannot attend the business location, but will have supportive help individually with the families. Boarding dogs would spend overnights indoors at all times. The facility will have space for private boarding and group boarding based on preferences of the dog and the family. There would not be more than 15 dogs per night of all ages. Measures will be taken to ensure that during boarding hours, there will be no audible disturbance for neighbors. For sanitation they will use the same protocols that they use at their Minneapolis facility the Smart ventilation system, nontoxic & green building materials used throughout the space. The premise will be free from volatile organic compounds, no artificial color or fragrance & petroleum free cleaning products. Pet waste will be cleaned, removed immediately and placed in an odorless receptacle. Thorough cleaning of boarding spaces will take place each morning and evening. Pet food will be stored dry at room temperature, refrigerated or frozen based on the FDA requirements for the given product and packaging instructions provided in the ingredients list/feeding instructions. Hours of operation for the public will be: Monday – Friday 7:30 AM – 7:30 PM, Saturday 9 AM – 6 PM, and closed Sunday. Staff and dogs will be present beyond these open store hours to ensure proper care for boarding dogs.

Analysis:

The City of Princeton Zoning Ordinance was updated in 2015 with Ordinance #727 that an Interim Use Permit is needed for “Dog Daycare, Training, and Grooming Facility with no overnight board. In that Ordinance revision also allowed kennel with overnight boarding with an Interim Use Permit.

With the change in future ownership, an Interim Use will be required for the Dog Daycare, Training, and Grooming Facility along with a kennel with overnight boarding provided the following conditions are met:

Interim Uses (Rev. 12-10-15; Ord. #727)

The following uses are permitted by the issuance of an interim use permit:

- * Dog Daycare, Training, and Grooming Facility with no overnight boarding.



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* Kennel, with overnight boarding, provided that:

- (a) Animals allowed outside only under direct supervision.
- (b) A maximum number of animals allowed at the facility, as determined by the Planning Commission at time of interim use permit issuance.
- (c) Noise shall be mitigated so as to not create a public nuisance for adjoining properties.
- (d) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.
- (e) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.
- (f) Indoor facilities shall be adequately ventilated and have ample light and heat.
- (g) Adequate screening shall be provided, as determined by the Planning Commission.
- (h) Hours of operation shall be reviewed and approved by the Planning Commission.

Procedure of Interim Use

The Planning Commission shall prepare findings of fact after holding a public hearing. The Planning Commission forward the recommendation to the City Council for final approval who shall determine by resolution.

A public hearing notice has been sent out to property owners 350 feet from the site.

Findings of Fact

When reviewing an application for interim use, the City shall base its judgement on the following factors and any other factors it may deem appropriate for the specific property. The interim use may be granted if:

1. The proposed use is an interim use listed in the district in which the application is being made;
2. The date or event that will terminate the use can be identified with certainty and continued;
3. The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters; does it create additional pollution potential for ground and surface waters;
4. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

Conditions of Approval

The user agrees to any and all conditions that the city deems appropriate for permission of the use. The conditions may include but are not limited to:

1. A performance bond for the entire period of the interim use sufficient to cover any future costs the city may incur to enforce the provisions of the interim use permit;
2. Hours of operation, parking restrictions, lighting restrictions, screening, landscaping, fencing, signing restrictions, noise restrictions and the like.

Review of Permit

Failure of the City to specifically note conditions or restrictions does not waive the City's ability to enforce existing codes or hold a subsequent hearing and delete or impose additional

conditions upon the property at any time. The Planning Commission shall review the interim use permit after eleven months have expired and recommended to the Council whether the use approved under the interim use permit shall be continued. If continued, the permit is subject to all other restrictions, subsequent revisions and provisions listed herein.

Longevity, Termination and Expiration

1. Any interim use may be terminated by a change in this chapter or violations of any of the conditions imposed after the original or subsequent hearings held by the city.
2. An interim use permit issued by the city automatically expires upon the terminate date noted in the permit or upon change of the ownership of the property, whichever comes first.

Recommendations:

Upon review of the Interim Use Permit request, staff recommends the Planning Commission recommend approval to the City Council with the following conditions:

1. Animals allowed outside only under direct supervision.
2. A maximum number of animals allowed at the facility, as determined by the Planning Commission at time of Interim Use Permit issuance. The current CUP has a maximum of 20 animals allowed for daycare purposes. The applicant is requesting a maximum of 20 dogs per day hours with the ability to ease into 35 dogs, if needed. The Planning Commission will have to specify the number of dogs for day hours and overnight.
3. Noise shall be mitigated so as to not create a public nuisance for adjoining properties.
4. Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary conditions. Waste shall be picked up immediately and disposed of in a sealed container.
5. Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.
6. Indoor facilities shall be adequately ventilated and have ample light and heat.
7. Adequate screening shall be provided, as determined by the Planning Commission. There is a six-foot fence in the back area that is screened.
8. Hours of operation shall be reviewed and approved by the Planning Commission. The current CUP has daycare hours limited from 6:30 AM to 6:30 PM, Monday through Friday. Proposed hours are Monday-Friday 7:30 AM – 7:30 PM, Saturday 9 AM – 6 PM, and closed Sunday.
9. Review of the Interim Use Permit after eleven months have expired and Planning Commission will recommend to the Council whether the use approved under the Interim Use Permit shall continue.
10. The Interim Use Permit shall expire upon change of the ownership of the property or upon the terminate date noted in the permit, whichever comes first.
11. Building Permits be applied for and acquired prior to any construction work and signage.

*****End of Staff Memo*****

JOHNSON MOVED, SECOND BY GERRAD, TO OPEN THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Moller asked Bitterman if he could explain from starting with 20 dogs and easing into 35.

Bitterman said for 20 dogs for the daycare and 15 dogs for boarding which would be a maximum of 35 dogs per day.

Hallin asked if more dogs would come in at night.

Bitterman said clients could only bring their dogs in during day hours to board overnight.

Hallin called the State and asked if there is a regulation on what space is needed per a number of dogs. They said to contact the County because they do not regulate that and all Mille Lacs County checks is what the site is used for that it's following the regulations.

Bitterman said he does follow the State regulations and will check with the county. He has reviewed the City Ordinance and has no problem following it.

DeWitt said it is the City Ordinance that would regulate this application request.

Gerrad asked Bitterman if he has researched the need in the area for the overnight boarding.

Bitterman said Tina Stuck the owner of "Paws Up 4 You" gets many calls on boarding so he knows it is needed in this area. He did check social media and seen it is needed and confident it will fill up.

Moller asked if there will be overnight staff.

Bitterman said there will not be staff, but monitoring and such will be there. Their current facility they had someone there in the evenings and found it is less stable and comfortable for the dogs with listening to someone move around. What works better for the dogs is lights out at 9 PM and the dogs are calmer.

Johnson said this building has a cement block basement and makes more noise. He is wondering if fiberglass or tar paper on the walls could be put up to deaden the sound.

Bitterman has sound dampening in his other facility and he could put that up here and white noise keeps the dogs cool and calm. Dogs that are not settle in at night are not welcome back. He thinks this location would be better on how it is laid out.

Gerrad asked for the dogs that are staying in the basement at night, are they kenneled separately.

Bitterman said some dogs will be kenneled and some will not. It depends on what the owner believes the dog would prefer. Younger dogs would be kenneled because they might have accidents at night and does not want to have other dogs in contact of that. They have to

display a high level of trust to other dogs and people. Older dogs may like solitude and are isolated. They look at the comfort level for the dogs.

Hallin asked if other facility has cameras.

Bitterman said yes.

Gerrad asked if staff comes in on Sundays to check on the dogs. Are the hours for clients and not for staff.

Bitterman said yes, someone comes in on Sundays and the hours are just for clients.

JOHNSON MOVED, SECOND BY MOLLER, TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Bitterman said he would like to move forward with the purchase agreement and believes he could have that done in a week.

Tina Stuck was present per Zoom and said she check Mille Lacs County Ordinance website now and there is nothing on square footage the building needs to be for a number of dogs. She invited Hallin to come visit the site and have a tour.

JOHNSON MOVED, SECOND BY HALLIN, TO APPROVE THE INTERIM USE PERMIT FOR MAX BITTERMAN TO ALLOW DOG DAYCARE, TRAINING, AND GROOMING FACILITY AS WELL AS A KENNEL WITH OVERNIGHT BOARDING AT THE PROPERTY LOCATED AT 602 RUM RIVER DRIVE SOUTH, PID #24-761-0650 AND #24-761-0660, CONTINGENT ON BITTERMAN PURCHASING THE PROPERTY AND FORWARD THE RECOMMENDATION TO THE CITY COUNCIL FOR FINAL APPROVAL WITH THE FOLLOWING CONDITIONS:

1. ANIMALS ALLOWED OUTSIDE ONLY UNDER DIRECT SUPERVISION.
2. A MAXIMUM NUMBER OF ANIMALS ALLOWED AT THE FACILITY IS 35 DOGS TOTAL PER DAY, WITH THE LIMIT OF 15 OVERNIGHT.
3. NOISE SHALL BE MITIGATED SO AS TO NOT CREATE A PUBLIC NUISANCE FOR ADJOINING PROPERTIES.
4. INDOOR AND OUTDOOR FACILITIES ARE TO BE KEPT IN A CLEAN, DRY, AND SANITARY CONDITIONS. WASTE SHALL BE PICKED UP IMMEDIATELY AND DISPOSED OF IN A SEALED CONTAINER.
5. ADEQUATE STORAGE AND REFRIGERATION SHALL BE PROVIDED TO PROTECT FOOD SUPPLIES AGAINST CONTAMINATION AND DETERIORATION.
6. INDOOR FACILITIES SHALL BE ADEQUATELY VENTILATED AND HAVE AMPLE LIGHT AND HEAT.

7. ADEQUATE SCREENING SHALL BE PROVIDED FOR THE OUTSIDE AREA.
8. HOURS OF OPERATION ARE MONDAY – FRIDAY 7:30 AM – 7:30 PM, SATURDAY 9 AM – 6 PM, AND CLOSED ON SUNDAY.
9. THE INTERIM USE PERMIT WILL BE REVIEWED BY THE PLANNING COMMISSION AFTER ELEVEN MONTHS HAS EXPIRED AND THEY WILL RECOMMEND TO THE COUNCIL WHETHER THE USE APPROVED UNDER THE INTERIM USE PERMIT SHALL CONTINUE.
10. THE INTERIM USE PERMIT SHALL EXPIRE UPON CHANGE OF THE OWNERSHIP OF THE PROPERTY OR UPON THE TERMINATE DATE NOTED IN THE PERMIT, WHICHEVER COMES FIRST.
11. BUILDING PERMITS BE APPLIED FOR AND ACQUIRED PRIOR TO ANY CONSTRUCTION WORK AND SIGNAGE.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission reviewed the Findings of Fact:

1. Is the proposed use an interim use listed in the district in which the application is being made? Yes.
2. Is the date or event that will terminate the use can be identified with certainty and continued? Yes.
3. The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters? Yes.
4. Would permission of the use not impose additional costs on the public if it is necessary for the public to take the property in the future? No.

OLD BUSINESS: None

NEW BUSINESS: None

COMMUNICATION AND REPORTS:

A. Verbal Report

1) Tablet Training

Hillesheim has two tablets yet to get from the Council members who have gotten new ones and will demonstrate how to use them at next months meeting. You would then have an On-Board System that will have your packet. All of the resources will be on there also.

B. City Council Minutes for December, 2020

The Planning Commission had no comments.



MOLLER MOVED, SECOND BY JOHNSON, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:52 P.M.

ATTEST:

Dan Erickson, Chair

Mary Lou DeWitt, Comm. Dev. Zoning Specialist