

EAST BETHEL PLANNING COMMISSION

March 26, 2019

MEMBERS PRESENT: Chair Tanner Balfany, Glenn Terry, Sharon Johnson, Wanda McLaurin,
Lou Cornicelli, Sherry Allenspach, Tom Eich

ALSO PRESENT: Colleen Winter, Community Development Director
Erin McDermott, Zoning Administrator
Suzanne Erkel, City Council Liaison

1. Call to Order Chair Balfany called the meeting to order at 7:00 pm.
2. Adopt Agenda **Commissioner Allenspach moved and Commissioner Johnson seconded to adopt the agenda as presented. Motion carried.**
3. Approval of Minutes **Commissioner McLaurin moved and Commissioner Cornicelli seconded to adopt the February 26, 2019 regular meeting minutes as written. Motion carried.**
4. Prairie Pines Concept Plan - Alternative to previously submitted Prairie Pines Preliminary Plat
Background Information:
Property Information
Owners: James Rushfeldt
750 190th St.
Dresser, WI 54009
Applicant: Carrington Development
P O Box 169
Cedar, MN 55011
Zoning: RR, Rural Residential
PID: 30-34-23-21-0001; 30-34-23-24-0001
Legal Description: METES AND BOUNDS AS DESCRIBED ON CERTIFICATE OF SURVEY
Project Address: To be assigned

The approval of the original proposed preliminary plat for a 16-lot rural subdivision was discussed at the March 11, 2019 City Council Meeting but was tabled until additional information regarding a proposal to improve 245th Avenue was provided to Council. Additional comments from the City of Bethel were presented at the March 11, 2019 Council Meeting. The City of Bethel has now adopted the position that 245th needs to be improved or it will not enter into a Developer's agreement with Mr. Strandlund to access 243rd in Bethel. The East Bethel City Council will be discussing this item again at its regular meeting on March 25th and the content of that discussion will be presented to the Planning Commission. The other item expressed by the City of Bethel is to require that the developer dedicate land for a trail and that the City of East Bethel also require dedication of land for a trail through an existing development. The development is the property that Mr. Tom Carlisle divided through the Metes and Bounds subdivision process last fall. It was determined at that time that it is not part of the City's overall trail plan and that Mr. Carlisle provided the City with Park Dedication funds.

Ms. Winter reported this was discussed at the East Bethel City Council meeting last night. Based on the \$90,000 cost to have the road improved and the impact of tree removal to four residents, the Council decided to leave 245th as is.

Mr. Strandlund has proposed an alternate concept plan which he believes addresses Bethel residents' traffic concerns. This plan would include only six lots, with three of the lots accessing 243rd, two of the lots accessing 245th and one lot accessing 241st.

Bethel's request for East Bethel to put in trails to Minard Lake is not feasible as it does not match up with the current trail system plan.

At the February 26th meeting Commissioner Terry objected to the southern most lot on the 16-lot preliminary plat concept plan; he withdrew that objection based on the six-lot concept plan presented.

Chair Balfany supports the new six lot concept plan if it works for both Mr. Strandlund and the City of Bethel, however, he prefers the 16-lot plat. Commissioner Eich also prefers the 16-lot plat.

Mr. Strandlund will be attending the next Bethel City Council meeting.

Commissioner McLaurin moved and Commissioner Terry seconded to recommend to City Council the approval of the alternate Prairie Pines Concept Plan to the preliminary plat for Prairie Pines that was recommended for approval by the Planning Commission at the regular February 26, 2019 meeting. Motion carried.

This will come back to the Planning Commission for a public hearing.

5. Home
Occupation
Ordinance
Review and
Discussion

Discussion Only

Background Information:

At the February 2019 Planning Commission meeting there was a discussion about Home Occupations, and staff took the guidance of the Planning Commission to tentatively amend the text for review by the Planning Commission.

Staff suggests Planning Commission members discuss the changes (shown in red) made to the current home occupation requirements with the possibility of recommending these amendments to City Council in the future.

Yet to be discussed:

- If a business is required to have another licensing, would it be an Interim Use Permit or Limited Interim Use Home Occupation Permit
- Do allowable hours of operation need to be set

Commissioner Johnson likes the administrative home occupations being handled in the office. One thing that she would like to see is the definition of home occupation. Some businesses are obvious as a home occupation, but others such as “gig” work (independent contracting) for other companies are not as clear. Where is that threshold?

Ms. McDermott has generated a home occupation questionnaire that will require specific information as to what is being done as a home business, what they need and how the City can work with them to see if it is reasonable for the other residents in the neighborhood. Via the questionnaire, staff will have an idea of what type of permitting is needed before the process starts. The City needs to be careful so that it does not make the ordinance too prohibitive for businesses.

Commissioner Cornicelli asked if the City is equipped to add three new levels of businesses definitions and then be able to administer them. Ms. Winter believes the new levels will make it easier. Ms. McDermott said in terms of time that it takes to prepare all the information for the Planning Commission and City Council versus staff looking at it and seeing that it is very simple and does not necessarily need a hearing the time would be cut dramatically. There is always the option of bringing it before the Planning Commission if something is questionable.

Commissioner Cornicelli asked if garages will be inspected every year. He also suggested the 400 sq. ft. garage spaced not be defined as just vehicles or lawn equipment.

Chair Balfany asked if the limited hours could be rewritten to lighting, audible noise and traffic limited to hours of 7 am to 8 pm.

Commissioner Cornicelli asked Ms. McDermott if she has an idea of the current number of businesses under each type of permitting. Her best guesstimate was $\frac{1}{2}$ administrative, with the remaining other half split $\frac{2}{3}$ under standard IUP and $\frac{1}{3}$ being limited.

Commissioner Terry asked how a sole business operator will know which permit to apply for. Ms. McDermott said the only real separation is the number of employees and if there will be added traffic. Those are the two main defining items. Each application will be categorized based on questionnaire answers and discussion with staff. Ms. Winter believes this will help with IUPs and Limited IUPs.

Commissioner Terry asked if a business meets the requirements for an administrative permit, but the business is not appropriate for that type of permit, is the City locked in to granting that permit or can it be decided to issue a different type of permit. Ms. Winter said if a business meets the criteria they would be fall under that type of permit. Commissioner Terry gave the example of one person doing body work on cars, they only take one car at a time, and they work in a garage so it is not seen, they generate odors when they are

painting, but the noise is contained by soundproofing. Ms. Winter said that is a good point. With things like that [doing bodywork on cars] chances are they have a paint booth which would generate a hazardous waste license from the County, which falls under additional licensing for an IUP or limited IUP. This warrants more discussion – if additional licensing from another entity is required, does that automatically put a business in the IUP or limited IUP category.

Commissioner Cornicelli believes criteria needs to be set up so that it is clear what type of permitting is needed and if not, then it would go before the Planning Commission for a different permit type. Commissioner McLaurin said those are the types of businesses that staff wants to make sure are doing what they are supposed to be doing. Commissioner Cornicelli said hopefully this will help with neighbor vs. neighbor disputes being mediated.

6. Kennel
Ordinance
Discussion

Discussion Only

Background Information:

The City has received numerous inquiries about if small commercial kennels can be run from the Rural Residential zoning districts throughout the City by residents who would like to watch a couple dogs for short periods of time, through dog care websites such as Rover.com.

Staff has reviewed comparable ordinances from neighboring communities to see how they handle commercial kennels, as well as Minnesota Statute 347 regarding Kennels.

Staff suggests Planning Commission members discuss current kennel requirements with the possibility of recommending an amendment to current regulations as the current wording has caused some confusion.

Ms. McDermott reviewed the following:

- Minnesota Statute kennel definition
Ms. McDermott noted if someone is watching other peoples' dogs that are pets, a specific State license is not required.
- Residential kennel permit requirements in neighboring communities
- East Bethel's current kennel ordinance
 - Number of dogs allowed without a kennel license: 2
 - The number of dogs allowed with a kennel license is dependent on acreage of the property:
2.5- 2.99: 3 dogs, 3-4.99: 4 dogs, 5- 9.99: 6 dogs, 10+ acres:
maximum 10 dogs
 - No commercial kennel license will be issued for properties with less than 2.5 acres, and only in Commercial or Industrial zoning districts.
- Current private kennel requirements
- Current commercial kennel requirements
- Staff recommendations:
 - Allow for temporary dog babysitting of one dog for up to 48 hours

- per week without requiring an interim use permit
- Limit to one additional dog per property for the purpose of babysitting, require interim use permit/kennel license for more dogs
- Add dog babysitting as an allowable use in Rural Residential zoning, as well as a detailed definition of what that would entail within the Zoning Ordinance. This use is not recommended to be allowed in other residential zones.

Many residents are requesting to do dog daycare. Many already have two dogs and they are looking to watch another dog for additional income over a weekend. Staff was discussing allowing dog sitting for no more than 48 hours because they do not want to change the number of dogs that can permanently reside in the residence, but do not want to be so restrictive that they cannot have that on their property. The other thing discussed was restricting it to a rural residential zoning because it is not necessarily appropriate in R1 and R2 zones within the City. Most kennels are in rural residential (RR) zones. Making a definition that would define what is allowable, making it permanent and setting that as an acceptable use within these zones is what staff is looking to do to change the ordinance.

Commissioner Cornicelli asked that it be called dog sitting and not dog babysitting.

Rover.com is a pet sitting business that provides daycare for pets. Criteria must be met in order to be a provider of services. Currently, seven residents are offering pet sitting services through Rover.com. Of those seven people, only one would be compliant to the current ordinance. Six would be compliant if they had a private kennel license. Would East Bethel residents be required to have a kennel license if they work for Rover.com? Chair Balfany strongly recommended that these people apply for permits so that they are compliant with City code.

Does the ordinance need to address whether a kennel is commercial or private? Could private and commercial kennel permits be combined as one kennel permit? Specific requirements would be required. It would need to be clear if there are two types of permits available. Ms. Winter noted the permits are separate now, but it is open for discussion.

After a final draft is available, a public hearing could be held to hear public input.

Commissioner Cornicelli asked if this is being addressed to get in front of people who have commercial activities basically kenneling dogs for other people to make money or to regulate if someone can watch a friend's dog for a weekend. Those are two completely different things. Ms. McDermott is being proactive to prevent this from becoming an issue, i.e. having airbnbs. The City wants to work with rural residents to allow them to board pets within reason so that it is not causing issues for the neighboring properties. Commissioner

Cornicelli asked again, is this to address a friend watching a friend's pet for the weekend or is it meant to address people who are doing a commercial activity using pets as the vehicle to make money. It is for the latter purpose. Ms. Winter said two distinct things are being discussed and she believes they both warrant discussion. Staff wanted the commissioners to be aware of Rover.com and that it exists and that people are providing services through the site. She is not sure if it is something the City can regulate nor if it is something the City wants to get into, because there is no way to prove it. However, is this an opportunity to look at the current kennel licensing. Example: If people have enough acreage, are they allowed to have dogs through a commercial kennel process. That is what staff is asking.

Commissioner Terry would like to see case studies the City has dealt with and would like to know what residents are wanting.

Commissioner McLaurin shared how her Rover.com sitter located in Isanti can have 6-8 dogs; this is that person's business.

Chair Balfany asked if the City can tell people with a residential kennel license that your license is different compared to a commercial license. Commissioner Cornicelli noted that the way the current ordinance reads, they would fall under two regulatory systems 1) they would need an IUP to operate a home occupation and 2) they would need a kennel license because they have more than two dogs. Chair Balfany said this goes back to whether you are required to have a license.

Ms. McDermott asked if the commission would consider adding rural residential to the permitted zones to allow for a commercial kennel license and be run as a business. Commissioner Johnson said yes, absolutely that it makes sense to her. Commissioner Eich disagreed that the City has residential areas that are adjacent to and/or right next to commercial and industrial sites and those residents deserve the right to not hear dogs barking 24/7. The pets' needs also need to be considered being next to commercial and industrial which usually produce loud noises (even outside of business hours). Commissioner Eich further noted that if a commercial kennel license is permitted, the owner will be required to build a facility that is soundproof. If the business does not work out, the City now has a designated facility that could be useless. Commissioner Johnson clarified that it makes sense to have kennels in rural residential areas, as that makes the most sense to her. For commercial and industrial she believes there is the requirement that the buildings do have to be soundproof so that noise cannot be heard 10 feet away. Commissioner Cornicelli did not disagree, however, he said rural residential cannot be lumped together because the lot sizes vary so much; a lot could be long and narrow. Even though it may be a large acreage lot, it does not mean the kennel would be located away from neighbors.

Commissioner Allenspach asked if someone is dog sitting, how would they handle noise during the day when the dogs are outside and start barking. Chances are an Anoka County officer would not make the call a priority. Ms. McDermott stated there are cities that do have a stipulation that if three or more complaints are received about dog noise in a residential area, the problem needs to go to a public hearing. That is one way that the dog noise is kept down, plus it puts the burden on the home owner.

Commissioner McLaurin asked what a commercial kennel application asks on it. Ms. McDermott said it is the IUP application, the same as for home occupations but with a slightly different questionnaire addressing number of dogs, breed of dog, size of dog, etc. It also verifies the City has records of vaccinations. Ms. Winter clarified that this type of application is for a private kennel. For a commercial kennel there is much longer list of requirements. Ms. McDermott said a commercial kennel would fall under a Conditional Use Permit.

Commissioner McLaurin did state that Rover.com has some type of bonding, so the “employees” are required to meet requirements and are licensed with Rover.com. This goes back to the previous discussion of if a business requires licensing from a different entity then an IUP would be required.

Ms. Winter said something to think about is if there was not a distinction of private or commercial, then the number of dogs allowed per acreage would determine the maximum number of dogs permitted. A distinction between private or commercial would need to be determined. Chair Balfany said this would be null and void if the business owner has some type of licensing already; it would then be a matter of an IUP. However, when you add in the language of “for a fee” it takes out the licensing piece and a private kennel would not apply and the seven residents working for Rover.com would be required to have a commercial kennel license. Ms. Winter said maybe the ordinance would not distinguish whether private or commercial and have it state for a kennel license which would have specific requirements. Commissioner McLaurin said that may make it fairer to those who do run kennels. Because they are coming up against Rover.com and places like that for business it might make it fair for the ones that are already here and trying to do it the right way. Ms. Winter added versus someone signed up with Rover.com who does not meet City requirements. On the flip side, there may be someone who only has three dogs and now they are being forced to meet kennel requirements. Chair Balfany said it comes back to the wording of “for a fee”.

Ms. McDermott will bring a revised draft ordinance back to the next meeting for review and discussion.

7. City Council Report

City Council Liaison Suzanne Erkel reported the following:

- Prairie Pines this was discussed at the Council meeting last night and based on the \$90,000 cost to have 245th improved and the impact of tree removal to four residents, the Council decided to leave 245th as is.

- March 29th St. Pat's Church fish fry fundraiser
- Pet Clinic – April 6th at the Ice Arena from 9-noon
- Town Hall Meeting – April 11th at 6:30 pm
- Chamber of Commerce Sunrise business breakfast – April 11th 7:30-9 am at Route 65, please RSVP

8. Other Business No other business.

9. Adjourn **Commissioner Cornicelli moved and Commissioner Allenspach seconded to adjourn at 8:04 pm. Motion carried.**

Respectfully submitted,

Gail Gessner, Recording Secretary
Submitted 4/2/19