

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 10/21/2013

ITEM NO: 13.c

Department Approval



City Manager Approval

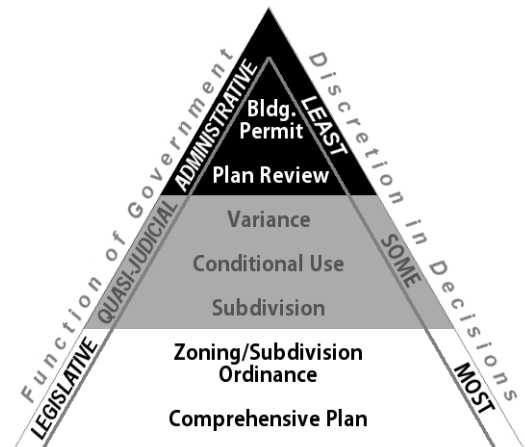


Item Description: Request by The Woof Room, in conjunction with the owner of the commercial property at 2025 Rice Street, for approval a **zoning text change and conditional use** to allow a dog daycare/boarding facility with an outdoor component (PF13-015)

Application Review Details

- Public hearing: October 2, 2013
- RCA prepared: October 16, 2013
- City Council action: October 21, 2013
- Statutory action deadline: November 2, 2013

Action taken on proposed zoning amendments is **legislative** in nature; the City has broad discretion in making land use decisions based on advancing the health, safety, and general welfare of the community. Action taken on a conditional use proposal is **quasi-judicial**; the City's role is to determine the facts associated with the request, and apply those facts to the legal standards contained in State Statute and City Code.



1.0 REQUESTED ACTION

The Woof Room seeks approval of a **zoning text change and conditional use** to facilitate plans to establish a dog day care and boarding facility with an outdoor area for the animals within 100 feet of a residential property.

2.0 SUMMARY OF RECOMMENDATION

2.1 Planning Division staff concurs with the recommendation of the Planning Commission to pass an ordinance amending the zoning code as proposed, pursuant to Title 2 (Commissions) and Title 10 (Zoning) of the City Code; see Section 9 of this report for the detailed recommendation.

2.2 Planning Division staff concurs with the recommendation of the Planning Commission to adopt a resolution approving the proposed conditional use with certain conditions, pursuant to Title 10 (Zoning) of the City Code; see Section 9 of this report for the detailed recommendation.

3.0 BACKGROUND

- 3.1 The subject property, located in Planning District 16, has a Comprehensive Plan Land Use Designation of Community Business (CB) and a corresponding zoning classification Community Business (CB) District.
- 3.2 In the CB zoning district, animal day care and boarding facilities are permitted uses if they're conducted entirely within a building. Such facilities that have an outdoor component, such as an exercise area, can be approved as a conditional use if the fence surrounding the outdoor area is not more than 6 feet tall and if outdoor component is not less than 100 feet from a "residentially zoned property or property in residential use." Because some dogs can leap over 6-foot fences and because the present proposal includes an outdoor area less than 100 feet from that property in residential use, the zoning code would prohibit the facility.
- 3.3 The property abutting the west side of the subject property shares the CB zoning designation, but it is a legal, nonconforming one-family residence; therefore, it is a "property in residential use." Because the present proposal includes an outdoor area less than 100 feet from that property in residential use, the zoning code would prohibit the facility. The proposed site plan is included with this report as Attachment C. The present proposal seeks approval of a ZONING TEXT CHANGE to modify certain fence height limitations as well as the 100-foot restriction established in City Code §1009.02D (Specific Standards and Criteria for Conditional Uses) to allow. In this case, the owner-occupant of the one residential property within 100 feet of the proposed outdoor area supports the application.
- 3.4 If the City Council supports such a ZONING TEXT CHANGE, the application also includes a request for approval of the overall proposal as a CONDITIONAL USE, pursuant to the revised standards.

4.0 REVIEW OF ZONING TEXT CHANGE

- The proposed ZONING TEXT CHANGES are shown in a draft ordinance, included with this report as Attachment F; proposed insertions will be represented in **bold** text, and proposed deletions will be shown in ~~strike through~~ text. A brief discussion of the proposed changes can be found in the paragraphs below.
- 4.1 City Code §1005.03 (Table of Allowed Uses) and §1009.02D combine to allow an animal boarding and day care facility with an outdoor component as a conditional use in the CB zoning district so long as the screening fence surrounding the outdoor area is not more than 6 feet tall and the outdoor area is at least 100 feet from a residential property. The proposed amendment would allow an animal day care/boarding facility to include an outdoor component within 100 feet of a residential property if all residential property owners within the 100-foot radius support the application. The proposed amendment would also eliminate the 6-foot height limit, which seems to have been established more to strike a residential aesthetic despite conflicting with §1011.03B (Buffer Area Screening), requiring taller fences for greater screening/buffering between commercial and residential properties.
- 4.2 The general review of fence regulations in connection with the present application, §1011.08B (Residential Fences) was found to contain a reference that also conflicts with §1011.03B, referenced above, but that has been found to be out of place. Specifically, the

sentence introducing the residential fence requirements says that the regulations (including a 6.5-foot height limit) apply to residential properties and any other property “directly adjacent to any residential zoning district.” Because the subject property is only adjacent to properties which share its CB zoning designation, this phrase doesn’t affect the present application but, having found the conflicting regulations while reviewing this application, now is an opportune time to strike the conflicting language.

4.3 Roseville’s Development Review Committee met on September 12, 2013 to discuss this proposal, and no one had any particular concerns about relieving the 100-foot restriction in cases where all residential property owners in the protected area support an animal boarding facility with an outdoor area.

4.4 The current prohibition of such outdoor areas in close proximity to residential properties was a product of the significant anxiety felt by the would-be residential neighbors of The Woof Room’s present location. Given the amount of concern, and the eventual discontent over the City’s approval of the facility in the face of those concerns, it seemed simpler just to avoid the potential conflict in the future; hence the outright prohibition of outdoor areas near residential properties. The outdoor area in the current location is about 40 feet from the southern property line which abuts the residential neighbors. Although City staff had not received any complaints about noise, odor, or other nuisance from the outdoor area at this distance from a residential district boundary, a minimum, mandatory separation of 100 feet was established in the 2010 zoning code update simply because it represented a round figure that was significantly greater than the 40-foot distance of this previous, contentious instance. During the public hearing for the present application, the Planning Commission discussed whether 100 feet was adequate in light of the reasons for establishing a minimum distance in the first place, or whether some greater minimum distance would be more appropriate. In the end, the consensus of the Commissioners was that any greater distance would be equally arbitrary and would be of questionable value in further reducing the potential noise of barking dogs.

4.5 As a practical manifestation of “the written support of all owners of [residential] properties within 100 feet” of The Woof Room’s proposed outdoor area, Planning Division staff has suggested that the applicants prepare a written description of how the outdoor area is to be managed, how many dogs will be out at any time and for how long, how noise and odors are to be minimized, and so on. This description would be provided to the one owner of residential property within 100 feet of the proposed outdoor area for him to endorse or append a short statement of endorsement, which would then become an Exhibit of a resolution approving the conditional use. In this way, future management of the outdoor area can be measured against the description and, should problems arise which are not (or cannot be) resolved, the City has specific grounds on which to initiate proceedings to rescind the conditional use approval. This suggestion was supported by the Planning Commission, and the endorsed description will be included with this report as part of the draft resolution.

5.0 REVIEW OF CONDITIONAL USE

5.1 REVIEW OF GENERAL CONDITIONAL USE CRITERIA: Section 1009.02C of the City Code establishes general standards and criteria for all conditional uses, and the Planning Commission and City Council must find that each proposed conditional use does or can meet these requirements. The general standards are as follows:

- a. *The proposed use is not in conflict with the Comprehensive Plan.* While an animal boarding facility doesn't appreciably advance the goals of the Comprehensive Plan aside from facilitating continued investment in a property, the Planning Commission has found that it does not conflict with the Comprehensive Plan.
- b. *The proposed use is not in conflict with a Regulating Map or other adopted plan.* The proposed use is not in conflict with such plans because none apply to the property.
- c. *The proposed use is not in conflict with any City Code requirements.* If the zoning code is amended as proposed, the Planning Commission found that the proposed outdoor component to the dog day care facility can and will meet all applicable City Code requirements; moreover, a CONDITIONAL USE approval can be rescinded if the approved use fails to comply with all applicable Code requirements or any conditions of the approval.
- d. *The proposed use will not create an excessive burden on parks, streets, and other public facilities.* An animal boarding/day care facility that is conducted entirely indoors is a permitted use in the CB zoning district and, not being adjacent to parks or other public facilities except for streets and a storm sewer, any potential impacts would be caused by pet waste and patron traffic. The outdoor component should not increase traffic noticeably beyond what could be expected for an indoor facility, and conditions to minimize impacts to the storm sewer system can be attached to an approval of the request. For these reasons, the Planning Commission documented its finding that the proposal should not be expected to intensify any practical impacts on parks, streets, or public infrastructure.
- e. *The proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare.* This applicant received approval of a similar facility in 2010 as an interim use, which was granted with a series of conditions to minimize impacts to the several residential neighbors of the previous location and, during the entire 3-year operation, City staff has received no complaints about noise, odors, or other nuisances. With some similar conditions attached to an approval of the present application, the Planning Commission has found that the proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare.

5.2 REVIEW OF SPECIFIC CONDITIONAL USE CRITERIA: Section 1009.02D of the City Code establishes additional standards and criteria that are specific to drive-through facilities; the requirements as amended by the proposed ZONING TEXT CHANGE are as follows.

- a. *Outdoor dog runs or exercise areas shall be located at least 100 feet from a residentially zoned property or property in residential use or shall have the written support of all owners of such properties within 100 feet.* The proposed facility would be more than 100 feet from the multi-family residential properties to the south and, although it is adjacent to one property in residential use, that property owner has written a letter of support for the proposal.
- b. *Any portion of an outdoor kennel facing an adjacent property shall be screened from view by a solid fence, hedge or similar plant material.* This requirement would be enforced as part of the administrative process of permitting the building and other site

improvements in preparation of the site for occupancy of the proposed dog day care facility.

- 5.3 Roseville's Development Review Committee met on September 12, 2013 to discuss this proposal, and the only concern raised was to ensure that storm water from the site does not have a greater rate, volume, or contamination impact on the adjacent property to the north, where storm water currently drains.

6.0 PUBLIC COMMENT

The duly-noticed public hearing for this application was held by the Planning Commission on October 2, 2013; draft minutes of the public hearing are included with this report as Attachment D. Based on its review of the application, the pertinent zoning regulations, and testimony offered at the public hearing, the Planning Commission, unanimously recommended approval of amendments pertaining to fences, voted (5-1) to recommend approval of the proposed amendment pertaining to the support by owners of residential property within 100 feet of an outdoor area associated with an animal day care/boarding facility, and unanimously recommended approval of the proposed CONDITIONAL USE, subject to certain conditions. In addition to the phone calls noted during the public hearing, Planning Division staff has received one letter pertaining to this request; this letter is included with this report as Attachment E.

7.0 RECOMMENDATION

- 7.1 Based on the comments and findings outlined in Sections 3 – 4 and 6 of this report, the Planning Division concurs with the recommendation of the Planning Commission to approve the proposed ZONING TEXT CHANGE to Chapters 1009 (Conditional Uses) and 1011 (Property Performance Standards) of the City.
- 7.2 Based on the comments and findings outlined in Sections 3 and 5 – 6 of this report, the Planning Division concurs with the recommendation of the Planning Commission to approve the proposed outdoor area as a CONDITIONAL USE, pursuant to Chapter 1009 (Conditional Uses) of the City Code, for an animal boarding and day care facility at 2025 Rice Street, subject to the following conditions:
- a. Prior to City Council action on this application, the applicant shall obtain and submit a written statement of support for the application from all owners of residentially zoned property or property in residential use within 100 feet of the outdoor area. **This recommended condition of approval will not be included in the draft resolution because the resolution will include the statement of support, thus obviating the condition.**
 - b. All solid pet waste shall be collected at least once each day, placed in bags to minimize odors, and deposited into the trash.
 - c. All affected indoor flooring areas shall be promptly cleaned up using appropriate cleaning/disinfecting products following pet waste "accidents." **This condition was part of the original, interim use approval, likely to ensure cleanliness in a building which the applicant's did not own. Planning Division staff does not believe such a condition is necessary for approval of the present application and has, therefore, omitted it from the draft resolution. If the City Council believes**

that this condition should be imposed on the present approval, the motion to adopt an approval resolution should include the reinstatement of this condition.

- d. The outdoor activity area shall be thoroughly cleansed and rinsed at least once each day during warm weather, and as soon as practicable after periods of freezing weather, with all of the rinse water being directed into a rain garden or other system approved by the City engineering staff.
- e. The applicant shall work with City engineering staff to ensure that the rate, volume, and contamination of storm water leaving the property are not increased as a result of the improvements related to the outdoor area.

8.0 POSSIBLE COUNCIL ACTIONS

8.1 Approve the proposed ZONING TEXT CHANGE and the outdoor area for an animal boarding and day care facility at 2025 Rice Street as a CONDITIONAL USE as recommended.

- a. **Pass an ordinance enacting the proposed ZONING TEXT CHANGE**, based on the comments and findings of Sections 3 – 4 and 6 and the recommendation of Section 7.1 of this staff report.
- b. **Adopt a resolution approving the proposed outdoor area for an animal boarding and day care facility at 2025 Rice Street as a CONDITIONAL USE**, based on the comments and findings of Sections 3 and 5 – 6 and the recommendation of Section 7.2 of this report.

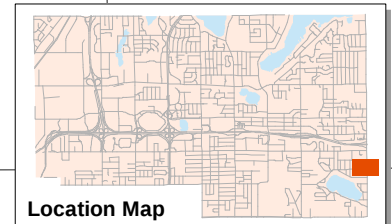
8.2 Pass a motion to table the item for future action. Tabling beyond October 28, 2013 may require extension of the 60-day action deadline established in Minn. Stat. §15.99.

8.3 Pass a motion, to deny the requested approvals. Denial should be supported by specific findings of fact based on the City Council’s review of the application, applicable zoning regulations, and the public record.

Prepared by: Associate Planner Bryan Lloyd
651-792-7073 | bryan.lloyd@ci.roseville.mn.us

Attachments: A: Area map D: Draft public hearing minutes
B: Aerial photo E: Public comment
C: Proposed plans F: Draft ordinance
G: Draft resolution

Attachment A for Planning File 13-015



Prepared by:
Community Development Department
Printed: September 17, 2013

Site Location

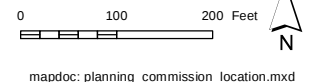
LR / LDR-1 Comp Plan / Zoning Designations

Data Sources

* Ramsey County GIS Base Map (9/4/2013)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



Attachment B for Planning File 13-015



Prepared by:
Community Development Department
Printed: September 17, 2013



Site Location

Data Sources

* Ramsey County GIS Base Map (9/4/2013)

* Aerial Data: MnGeo (4/2012)

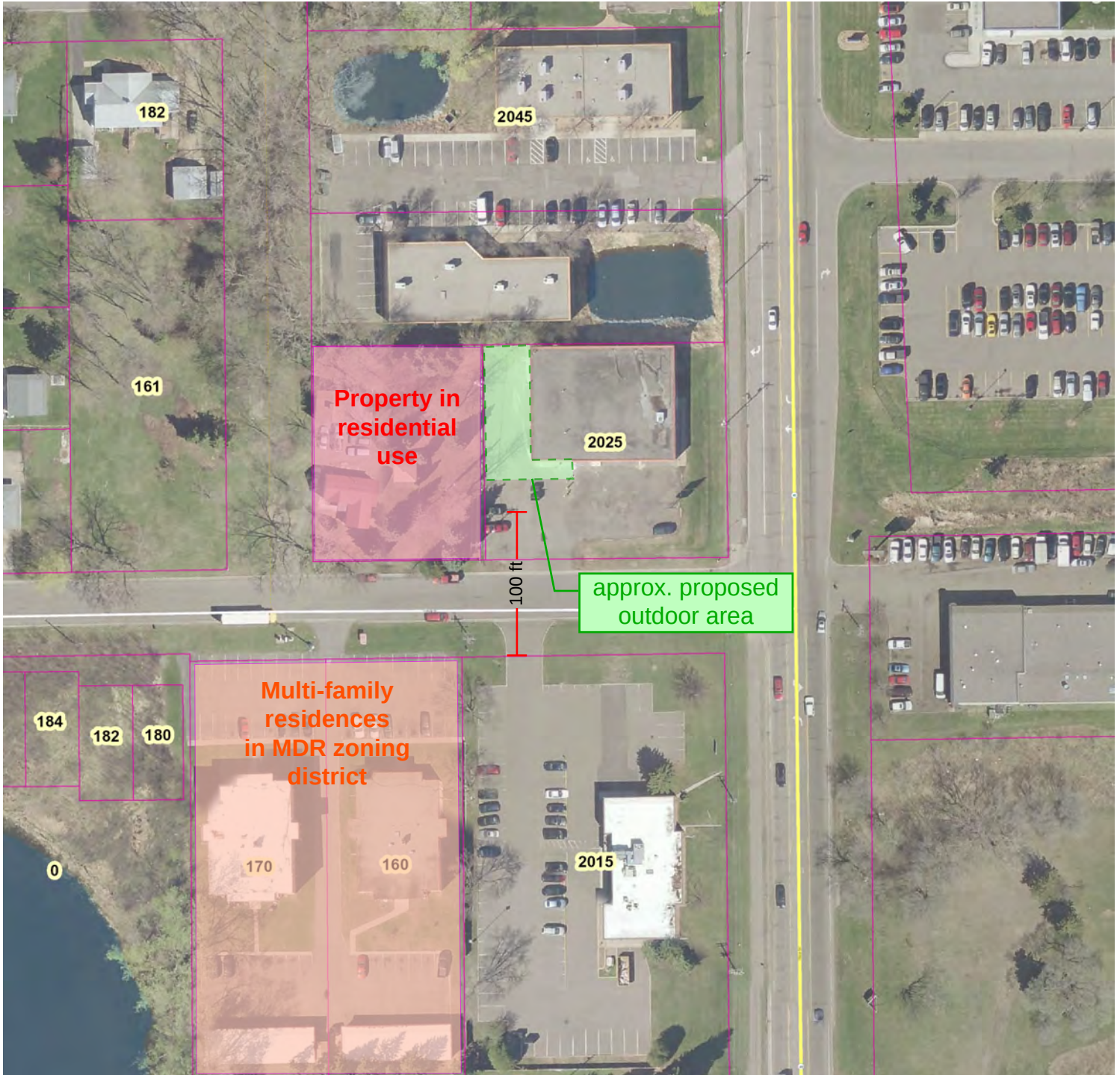
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

1" = 100'





Dear Roseville Planning Commission and City Council,

Enclosed are our applications for a conditional use permit and a zoning text amendment change for the re-location of our dog daycare and board facility, The Woof Room. The new location is 2025 Rice Street.

Currently, 2025 Rice Street is zoned community business – and is designated as such on the comprehensive plan. Our indoor use is a permitted use within the zoning without the need for a conditional use permit. The reason for our application is that we wish to continue to have an outdoor play area – as we have had in our current location at 1430 County Road C. An outdoor area is an important element on our services. An outdoor play area is allowed in a Community Business zoning district – with a conditional use permit.

Currently, there is an existing, non-confirming house directly adjacent to 2025 Rice Street (the house is zoned Community Business). As the code is presently written, Roseville cannot approve a conditional use application for an outdoor component of a dog boarding facility if that outdoor area is within 100 feet of a property in residential use--including an existing, nonconforming house on a Community Business property.

As such, we are also seeking a change to the zoning text. We propose an amendment allowing an outdoor area to be within 100 feet of properties in residential use if 100% of the residential owners of those affected properties offer signatures in support for an application that would place the outdoor area within 100 feet of their property.

Loren Hockemeyer, owner of the lone residential (non-conforming) property within 100 feet of the proposed outdoor play area, is fully supportive of our business and is in full support of our proposed outdoor play area. Loren agreed to demonstrate his support in however the city council requests (signature, by petition, or by attending city council meeting and expressing support).

We appreciate your time and consideration!

Sincerely,

Kristen Cici
Owner

Angie Decker
Owner

PLANNING FILE 13-015

Request by The Wolf Room, in conjunction with the owner of the commercial property at 2025 Rice Street, for approval of a ZONING TEXT CHANGE and CONDITIONAL USE to allow a dog daycare/boarding facility with an outdoor component.

Vice Chair Boguszewski opened the Public Hearing for Planning File 13-015 at 6:30 p.m.

Associate Planner Bryan Lloyd summarized the request as detailed in the staff report dated October 2, 2013, defining the Zoning Text Changes and Conditional Use and the specifics of each. Mr. Lloyd advised that the Planning Division staff recommending approval of the Zoning Text Change and Conditional Use.

Zoning Text Amendment

Specific to this portion of the request, Mr. Lloyd reviewed staff report, Section 5.1.D.b regarding City Code language for screening by a solid fence, hedge or similar plant material not to exceed six feet (6') in height. Based on staff's analysis, and the Comprehensive Land Use designation of this subject parcel as Community Business (CB), staff recommended Zoning Text language revisions to remove the height limitation for review on a case by case basis that would consist of striking "non-residential districts" from current language to avoid future conflicts. Mr. Lloyd presented proposed strike-out language as a bench handout, ***attached hereto and made a part hereof.***

Mr. Lloyd clarified that any height limitations would be addressed in the Conditional Use permitting process for animal boarding and day care facilities; and with the allowance for written support of 100% of all owners of adjacent residentially zoned properties or those properties remaining in residential use in a CB District to a subject parcel, this should provide sufficient protection of interests of all parties.

Conditional Use

In reviewing the Conditional Use portion of this request, in addition to the analysis detailed in the staff report, Mr. Lloyd advised that staff was aware of no noise complaints being received by the City in the three (3) years of operation by the Woof Room in their current location under an Interim Use Permit.

As part of the Conditional Use application approval process, Mr. Lloyd advised that staff suggested the applicant provide in writing specifically how the outdoor area was expected to be operated (e.g. frequency, waste disposal, noise, number of dogs at any given time) for submission to the City and evidence for support or opposition of the adjacent neighbors within that 100' radii; and that it become part of the official record of the Conditional Use as a starting point for enforcement action if indicated in the future; also providing sufficient protection of interests for all parties.

Mr. Lloyd advised that staff was recommending one additional their recommendation for approval of the Conditional Use beyond that detailed in the staff report, and included that recommended modification as a bench handout, ***attached hereto and made a part hereof.*** Mr. Lloyd advised that there had been some sort of drainage infrastructure on the property in the past, but its construction or details were unknown to the City in research of records specific to this parcel. While the intent and functionality of the current drainage system may meet current standards and requirements, Mr. Lloyd suggested a minor change to those conditions in Section 8.2 of the report, specifically Condition d as follows: "The outdoor activity area shall be thoroughly cleansed and rinsed at least once each day during warm weather, and as soon as practicable after periods of freezing weather, with all of the rinse water being directed into a rain garden ***[or other solution]*** approved by the City's engineering staff; and..."

Discussion

Vice Chair Boguszewski clarified, for the audience and listening public, that staff was suggesting that the current technical definition of "rain garden" may not be broad enough for the applicants to transform the existing generic garden space into a qualified "rain garden."

Mr. Lloyd noted that the definition of a "rain garden" was not necessarily addressed in the City's Zoning Code, but generally included accepted landscaping features or excavation to amend soils to allow better drainage with acceptable plantings to facilitate that drainage and cleansing process, guided to collect during rain events. Mr. Lloyd advised that this particular current drainage area would not qualify as a "rain garden" and would therefore not meet the drainage needs addressed in the staff report; but there was a possibility that it could be excavated or modified to meet the same drainage goals as a traditional "rain garden."

At the request of Vice Chair Boguszewski, Mr. Lloyd advised that the proposed change in language for this particular situation would not change the City's underlying code requirements to make it easier or more difficult for

other applications or situations in the future. Mr. Lloyd advised that the proposed revised language in the condition would only affect and was only recommended for approval of this application, not the code itself.

Vice Chair Boguszewski questioned why staff had not recommended that the applicant pursue a Variance process versus the Zoning Code Text change and Conditional Use process for the outdoor use, since the underlying code (Section 1009.02 Conditional Uses – D. Specific Standards and Criteria, 1.a) states that any outdoor dog runs or exercise areas be located at least 100' from a residentially zoned property or property in a residential use.

Mr. Lloyd advised that this option had been considered and discussed; however in the end, staff had determined that a Variance would provide a less thorough response by not addressing this prohibition in similar situations in the future. If the written support of all owners of such properties within 100' was received as part of the review/approval process, and the applicant had provided their intent and business operation model in writing for those neighboring residential properties as well, Mr. Lloyd suggested that staff determined that writing such a provision into code for business uses next to adjacent properties seemed more viable.

In the case of this specific application and the due diligence of the applicant to-date, Mr. Lloyd advised that the only residential neighbor within that 100' radius was supportive of the application.

Vice Chair Boguszewski advised that his only concern was the particular method for neighbor approval, and whether their written support would be binding on subsequent owners who may or may not share that support. Vice Chair Boguszewski questioned if this would signify a "grandfathered" situation for subsequent owners if written support of current owners was part of the record.

Mr. Lloyd advised that this was true of any existing use; and opined that it was incumbent upon incoming property owners to be aware of surrounding properties and their uses and zoning designations; performing due diligence as part of their consideration of whether or not to purchase a parcel based on that information. While future property owners had an option to purchase a parcel in this location or elsewhere, Mr. Lloyd noted that the current property owners had some existing vested interest in their personal and/or adjacent properties, and feel a proposed change is disadvantageous to them.

Mr. Lloyd reiterated that specific to this application, it had the full support of the only residential property owner.

Based on a personal example, Vice Chair Boguszewski opined that he would have difficulty if he were to purchase this home in the future; being aware of City Code, but then finding that the only reason the adjacent property can have the outdoor run was based solely on written approval of the current owner. Vice Chair Boguszewski questioned if the potential option for him could be to have the business operation shut down since he would then be the residential property owner and that use did not have his support.

City Planner Thomas Paschke clarified that the Conditional Use would be recorded, as was the general practice, against the property regardless of ownership, and part of the official title search and record of the parcel.

Mr. Lloyd concurred, further noting that a property owner always had the choice to refuse to support a new Conditional Use, or uses proposed for a property,; and noted that if an adjacent property owner felt a facility is not being operated as outlined in writing by the applicant as previously noted, this would be part of staff's review, code enforcement, and possible rescinding of the Conditional Use.

While understanding the options, Vice Chair Boguszewski stated that he still had concerns that this process versus a Variance process could bind subsequent property owners versus current owners.

At the request of Member Murphy who noted that noise could carry beyond 100', Mr. Lloyd opined that staff's research on the history of the 100' distance seemed somewhat arbitrary and he was unsure of any formula originally used to determine that distance. Mr. Lloyd advised that the current location of the Woof Room was 40' from several adjacent residential properties, and that this 100' provision would provide a considerably larger distance than currently existed. Mr. Lloyd reiterated that this distance hasn't appeared to be an issue to-date, with no staff complaints received.

Mr. Paschke advised that, based on his institutional knowledge, there was no standard for the 100'. Mr. Paschke advised that most problematic city-wide noise would be governed by the City's nuisance ordinance or the property performance standards of City Code related to noise. However, Mr. Paschke advised that he was unaware of any specific noise ratio formula.

Regarding fence height, Member Murphy referenced Section 1011.08.B. related to "Residential Fences in all Districts," and standards applying to all fences constructed in any residential zoning district, or directly adjacent to

such a district. Member Murphy noted that this addressed fence height, buffer areas, screening, and setback requirements, and questioned how that applied to this situation and proposed fencing or screening.

Mr. Lloyd noted that there were several areas of code that addressed acceptable screening options, including a building itself, and spoke in support of a case by case determination as to what was more practical for the use or application being screened on a subject property and needing to be buffered from adjacent residential properties.

As an example, Mr. Paschke noted that there was a 13' fence on the east side of the Har Mar Mall parcel, buffering or screening adjacent residential properties, rather than only a 6' fence as code provides. Mr. Paschke advised that the Cub Foods store use going into the mall, had triggered the language. Mr. Paschke spoke in support of striking that section of code as practical specific to commercial properties in a Community Business (CB), Community Mixed Use (CMU) or Industrial/Business Park zoning designation to provide for and regulate creation of property screening mechanisms on a case by case basis; with the requirement at a higher standard for businesses and offices. Mr. Paschke noted that this would clean up the language to make it more practical in day to day application, use, and enforcement.

Seeking a clarification of City Code related to kennel licensing, Member Cunningham questioned if that section related to this use or if it was an exemption.

Mr. Lloyd clarified that Kennel Licensing was not a part of the Planning Division, but handled through the Licensing Division; with Mr. Paschke further clarification that this use was not a Kennel License that would apply to residential property owners for their personal property and use, and required this land use process for approval; with the fence requirement only addressing commercial applications versus residential.

During his personal site visit, Member Daire opined that it appeared to him that the area being talked about north/south on the west side of the 2025 parcel was actually a current ramp to a basement with a retaining wall running along the north and west sides of the space and into an area out to the street, and consisting of a 12' high hedge. Member Daire advised that he had not seen a dedicated rain structure at the bottom, but opined that there was a drain to the storm or sanitary sewer system.

At the request of Member Daire as to whether the Woof Room was renting or purchasing the property, Mr. Lloyd advised that they had entered into a contract to purchase the parcel, depending on the results of this process and other details.

Upon purchase of the property, Member Daire questioned if the applicant would be in a position to alter the concrete at the end of the run; or whether the Woof Room owners intended to fill that space to make it level with the property, or leave it as a ramped surface.

Mr. Lloyd advised that, to his knowledge, the Woof Room owners intended to leave it as a ramped surface. At their current facility, Mr. Lloyd advised the applicant had used outdoor turf for a similar facility. Mr. Lloyd reviewed the various areas needed for screening, including the existing retaining wall and fencing proposed on top of that, as well as taller fencing along the west grade to come up to that level. While the owners of the Woof Room intend to purchase this parcel, Mr. Lloyd advised that they had been fully compliant at their current location where they were tenants, by creating a rain garden on that site as well.

Member Daire questioned staff's rationale in only going to property owners within 100' rather than the extraordinary majority of nearby properties.

Mr. Lloyd advised that staff felt, given zoning of the property as Community Business (CB), and the intent to address whether or not this use being adjacent to residential uses, based on previously-addressed concerns in the Woof Room's current location, having 100% of the adjacent residential property owner(s) seemed more than adequate.

In response to Member Daire's question whether storm runoff to the north would be any problem, Mr. Lloyd advised that he preferred not to opine about stormwater issues and leave that analysis up to the City's Engineering Staff and/or the Watershed District(s). Mr. Lloyd noted that it was his understanding that the existing pond was private and already problematic for stormwater drainage, prompting construction of the current drain facility to cleanse the runoff. Mr. Lloyd opined that with storm sewer management code requirements in place, he didn't anticipate any issues that could not be resolved to ensure the stormwater was filtered and had some rate control measures in place.

At the request of Member Daire, Mr. Lloyd confirmed that this analysis, approval, monitoring, and enforcement would be handled administratively, as with all such stormwater management issues.

154 At the request of Vice Chair Boguszewski, Mr. Lloyd confirmed that written notice had provided to property
155 owners within the 500' radius for land use applications.

156 At the request of Member Boguszewski, Mr. Lloyd confirmed that, while the neighboring residential property
157 owner had offered his written support several times to-date, it seemed out of order to receive it before that
158 requirement became part of the approval process.

159 At the request of Member Stellmach, Mr. Lloyd addressed the recourse for the property owner to the north if noise
160 became an issue in the future. Mr. Lloyd noted that any noise or odor issues would be addressed by the City's
161 Nuisance Codes, as previously outlined by Mr. Paschke, and based on the written statement of support and
162 predicated on the practice/culture of the outdoor facility and its general description. Mr. Lloyd advised that this
163 provided the City and/or adjacent property owners the ability to come to the City if the business was not being
164 operated consistent with its approval, which would then prompt enforcement action, and subsequent rescinding of
165 its approval.

166 **Applicants and Owners of the Woof Room, Kristen Cici and Angie Decker**

167 Ms. Cici clarified that the home next to this subject parcel was zoned CB, with the existing home already a legal,
168 non-conforming use. Based on that zoning, Ms. Cici opined that if and when that home was sold in the future, it
169 was possible and even likely that it would become a business.

170 Vice Chair Boguszewski reiterated his concern that a proposed change in the zoning text may affect similar uses
171 or applications in other areas of the City.

172 At the request of Member Murphy, Ms. Cici reviewed their average population of 40 dogs, advising that they
173 anticipated growing at this new site, based on a significant demand and their waiting list. However, Ms. Cici
174 advised that the average would remain around 40 dogs, as the population varied for the Day Care portion during
175 the winter months (higher) and summer months (slower), but highly determined by the weather.

176 At the request of Member Daire, Ms. Cici confirmed that the Day Care portion of the operation had a much lower
177 population overnight, typically 15-20 dogs, with the population only reaching 40 during their busiest time
178 (holidays), with the typical weeknight population much lower, approximately 20. At the request of Member Daire,
179 Ms. Cici reviewed their business model for overnight and day care operations.

180 At the request of Vice Chair Boguszewski, Ms. Decker advised that, for management purposes they provided a
181 ratio of dogs per staff members, and it would be very unusual for all the dogs to be outside at any given time, with
182 typical operations indicating a maximum of 15 dogs out at any given time, based on their staffing capabilities, with
183 the typical outing for 10-20 minutes and alternating different groups of dogs, varying on weather and behavior of
184 the dogs. Ms. Decker advised that the length of the outing depended on the dog, and if it started barking, or
185 something excited the entire group, they were immediately brought back inside. During night time hours, Ms.
186 Decker responded that it would typically only be for bathroom breaks for the dogs.

187 While there appeared to be no formal record of police calls or complaints, Vice Chair Boguszewski referenced his
188 knowledge of the concerns expressed by neighbors during their Interim Use application process several years
189 ago, and whether the applicants could adequately monitor the dogs. Vice Chair Boguszewski asked Ms. Cici and
190 Ms. Decker whether the neighbors had been in personal contact with them, or if they had fielded direct
191 complaints; asking their honest evaluation of how manageable the business model and operations had proven.

192 Ms. Decker advised that they had fielded a few calls during their first year of operation as their staff was being
193 hired and trained. However, over the last year of operation at their current location, Ms. Decker stated that they
194 had not heard from anyone. Ms. Decker attributed this to the extensive training provided for dog handlers, and
195 their long-term staff who were more than capable of handling the dogs and any situations arising.

196 Ms. Cici concurred, noting that they, as business owners along with their staff, had methods for providing
197 incentives to and in dealing with hyper dogs. In general, Ms. Cici advised that if a dog starts barking, they avoid or
198 remedy the situation causing that hyperactivity; and that it was never allowed to become excessive or continue for
199 any lengthy amount of time.

200 Vice Chair Boguszewski suggested the most effective training seemed to be more for the handlers versus dogs
201 as evidenced by the comments of Ms. Cici and Ms. Becker.

202 At the request of Vice Chair Boguszewski, Ms. Cici confirmed that their intent was to purchase the property,
203 hoping to have things finalized by the end of next week, depending in part on the outcome of this hearing.

At the request of Vice Chair Boguszewski, Ms. Cici advised that having an outdoor run was an important component of their business model, as most owners they dealt with were concerned with potty training, making the outdoor area important in reaching that goal. Ms. Cici advised that their business model was not intended to serve as a kennel, but to provide an environment where dogs could enjoy themselves, thus the outdoor component.

Public Comment

Mr. Lloyd advised that staff had fielded a couple of phone calls regarding this application and tonight's hearing, consisting of one property owner seeking more details and apparently satisfied after speaking with staff; another from the Property Manager at TCE Services and Dialysis Systems, specifically related to drainage issues for their property, as well as being cautious for their tenants and any concerns they may have, by making those tenants well aware of this application.

Brad Grant, 5025 Elmer Street (behind the holding pond at the 2020 parcel)

Mr. Grant expressed his appreciation for receiving notice of this public hearing, advising that his fiancé was a property owner immediately outside the 100' area. Mr. Grant advised that, based on the information provided by staff in their report and tonight's discussion, most of his concerns had been addressed, and commented that "great information was presented." Mr. Grant advised his only remaining concerns were with possible noise; advising that when his fiancé had first moved into the two-story duplex, there had been a solid row of trees providing a natural noise barrier; however, they had since been removed. Opining that noise was cumulative, Mr. Grant expressed his appreciation of the proposed fence height; however, expressed concern that while no single amount of noise may disturb the neighborhood, it could become an issue with the cumulative effect. Mr. Grant advised that, without those trees providing a natural barrier, all noises were much more noticeable, even police sirens arriving at the apartments south of their parcel.

At the prompting of Member Daire, Mr. Grant confirmed that he was familiar with the site and the ramp located primarily where the dogs would be outside, as well as the grade level at the one-story building at 2029 and the 10' solid barrier in place. Mr. Grant, even recognizing that the height may suffice and the location of the ramp, questioned if the fence height could be at the same height as the building to avoid any open area from the building through the parking lot where a lot of the noise currently originated.

At the request of Vice Chair Boguszewski, Mr. Lloyd reviewed the area of the parcel requiring fencing and projected heights, indicating that the entire outline of the outdoor area would require an 8' height, with several feet of the northern property line with a retaining wall requiring a lower height, currently adequate, with 8' height along the west side. Based on that 8' height, regardless of the depth, Mr. Lloyd confirmed for Vice Chair Boguszewski that this would adequately address the neighbor concerns for noise abatement to the north.

With Vice Chair Boguszewski opining that the fence should be 8' all the way around to "not be inconsistent with code," as staff addressed in a former and unrelated application discussion, Mr. Paschke advised that the goal was to provide the same fence height throughout, with the exception of the retaining area to achieve that same height, which he felt was appropriate in this situation.

In response to Vice Chair Boguszewski observing that a Conditional Use was "forever," not only for a set term, Mr. Paschke clarified that this was a distinction between two separate land use applications: an Interim Use for a set period, typically three years, and this purpose-driven process to consider a Conditional Use without a term limit for a permitted use.

Vice Chair Boguszewski closed Public Hearing at approximately 7:31 p.m.

In his role as Chair for tonight's meeting, Vice Chair Boguszewski noted that the City Council had recently asked that Members provide their rationale for their support or denial of a recommendation; and personally asked that the vote be split into three (3) separate motions:

- 1) Zoning Text revision regarding fences in residential areas;
- 2) Striking language regarding the 6' fence requirement, and providing for written support of 100% of adjacent residential property owners; and
- 3) The Conditional Use request.

Vice Chair Boguszewski advised, that overall, he would support this proposal.

Member Murphy concurred, stating that at first he thought the proposal was too restrictive, but after Mr. Paschke's explanation, he found more clarity.

255 **MOTION**

256 **Member Boguszewski moved, seconded by Member Murphy to recommend to the City Council**
 257 **APPROVAL of a proposed ZONING TEXT CHANGE as follows:**

258 ***RESIDENTIAL 1011.08 FENCES IN ALL DISTRICTS – B Residential Fences – “The following standards***
 259 ***shall apply to all fences constructed in any residential zoning district --- ~~or directly adjacent to any~~***
 260 ***residential zoning district.”***

261 **Ayes: 6**

262 **Nays: 0**

263 **Motion carried.**

264 In providing his rationale for seeking three (3) separate motions, Vice Chair Boguszewski expressed his concern
 265 that this was not being pursued as a Variance process versus this recommendation and potential impact to other
 266 properties in the area. Therefore, Vice Chair Boguszewski advised that he would be voting in opposition to this, as
 267 he didn't agree with changing the code in this way, while recognizing that the majority vote will prevail. Vice Chair
 268 Boguszewski noted that this was basically a symbolic gesture on his part, and if the majority vote so indicates, he
 269 may vote to approve the request of the applicants.

270 Member Daire spoke in support of the proposed text revision not to exceed 6' in height, opining that her
 271 personally thought height should be determined by staff based on the situation that this particular section of code
 272 is being applied to. Member Daire advised that he would be more comfortable if staff was involved in determining
 273 fence height or screening; and expressed his support of this motion if that is the intent.

274 Mr. Paschke responded to Member Daire, that whether in practice or in force, that determined the height of a
 275 fence, with staff reviewing each application and advising the applicant what is best for their particular situation
 276 (i.e., administrative review process), similar to landscaping issues. Mr. Paschke advised that having a “not to
 277 exceed 6' in height” provision didn't preclude staff working with the applicant and determining what is appropriate
 278 for fence height and its required placement, but this text revision simply dovetailed into other sections of the code
 279 addressing screening and buffering. Mr. Paschke assured all that staff would continue to work the public, the
 280 Commission, and applicants to determine what would work best and which type of fence or screening would best
 281 fit a specific application.

282 Based on that continued staff involvement in determining height, Member Daire questioned if that should be made
 283 a part of the motion.

284 Mr. Paschke opined that it wasn't necessary, as most staff review and implementations were enforced by staff
 285 and it would remain up to staff to advise applicants on how best to achieve code compliance based on their
 286 particular situation, without explicitly stating it.

287 Member Stellmach spoke in general support of the request, including the upcoming section on written support.
 288 However, Member Stellmach expressed ongoing concerns with the recourse for future owners; even though he
 289 was somewhat comforted by the fact that future owners could learn about this situation in their review of real
 290 estate records. Overall, Member Stellmach advised that he would support the request.

291 Member Cunningham offered her support as well; and expressed her appreciation of the clarification that staff
 292 would continue to work with applicants; and opined that she did not need that language as part of the motion to
 293 lend her support of it.

294 Based on staff's report and tonight's discussion and explanations, Member Keynan spoke in support of the
 295 motion.

296 Member Murphy, admitting to some reservation about eh 100' being too narrow and somewhat arbitrary, offered a
 297 suggested language change of 200' as an option if a Variance process was not the only option open to an
 298 applicant.

299 Mr. Paschke responded that determining whether or not to expand the distance area may be considered, any
 300 number may be perceived as arbitrary with existing performance standards and nuisance codes. Mr. Paschke
 301 further stated that the Variance process option came into play only if an applicant couldn't get appropriate sign-off
 302 from those within the distance requirement; opining that he was unaware of how much or who else may be
 303 impacted from that standpoint. Mr. Paschke clarified that he was not aware of whether or not the initial 100'
 304 distance was really tied to noise or barking; noting that there were many noises in a neighborhood, and
 305 questioned whether or not a distance requirement had anything to do with a particular use or not beyond

providing some separation from a residential property. Based on that intent, Mr. Paschke opined that the 100' seemed appropriate, and questioned if 150' or 200' would be any more appropriate; and if the number was changed to 200', then the applicant could simply seek a Variance to that section of code as an alternative.

Member Murphy clarified that he wasn't so much concerned with this application as it was within a CB District and dovetailed into that future use well. However, Member Murphy advised that he was concerned with its impact with future applications.

At the request of Vice Chair Boguszewski, Mr. Lloyd clarified that code language takes specific note of property lines versus building locations on a property.

MOTION

Member Cunningham moved, seconded by Member Stellmach to recommend to the City Council APPROVAL of a proposed ZONING TEXT CHANGE; based on the comments and findings of Sections 4, 6 and 7, and the recommendation and conditions of Section 8 of the staff report dated October 2, 2013; specifically amending Section 1009.02 Conditional Uses; D. Specific Standards and Criteria: 1.a to read:

"Outdoor dog runs or exercise areas shall be located at least 100' from a residentially zoned property or property in residential use [or shall have the written support of all owners of such properties within 100]."

Ayes: 5

Nays: 1 (Boguszewski)

Motion carried.

MOTION

Member Cunningham moved, seconded by Member Stellmach to recommend to the City Council APPROVAL of the outdoor area as a CONDITIONAL USE for an animal boarding and day care facility at 2025 Rice Street; based on the comments and findings of Sections 4, 6 and 7, and the recommendation and conditions of Section 8 of the staff report dated October 2, 2013; amending Section 8.2.d of the staff report to read:

"The outdoor activity area shall be thoroughly cleansed and rinsed at least once each day during warm weather, and as soon as practicable after periods of freezing weather, with all of the rinse water being directed into a rain garden [or other solution] approved by the City's engineering staff."

MOTION

The maker and the seconder of the original motion agreed to redraft the motion to apply only to Section 8.2 of the staff report.

Ayes: 6

Nays: 0

Motion carried.

VOTE ON REDRAFTED ORIGINAL MOTION

Ayes: 6

Nays: 0

Motion carried.

Member Cunningham encouraged the Woof Room owners to continue discussion with their neighbors regarding any other problems; opining that otherwise, she was comfortable that most of the conditions are on the current property and seem to be effective; and reiterated her strong support of the request as amended.

WILLIAM PEARSON
2040 WOODBRIDGE ST.
ROSEVILLE MN 55113

October 8, 2013

City of Roseville Community Development
2660 Civic Center Dr. Roseville, MN 55113

Att'n: Mr. Brian Lloyd

Re: "Woof Room"

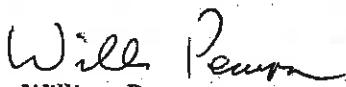
Dear Mr. Lloyd:

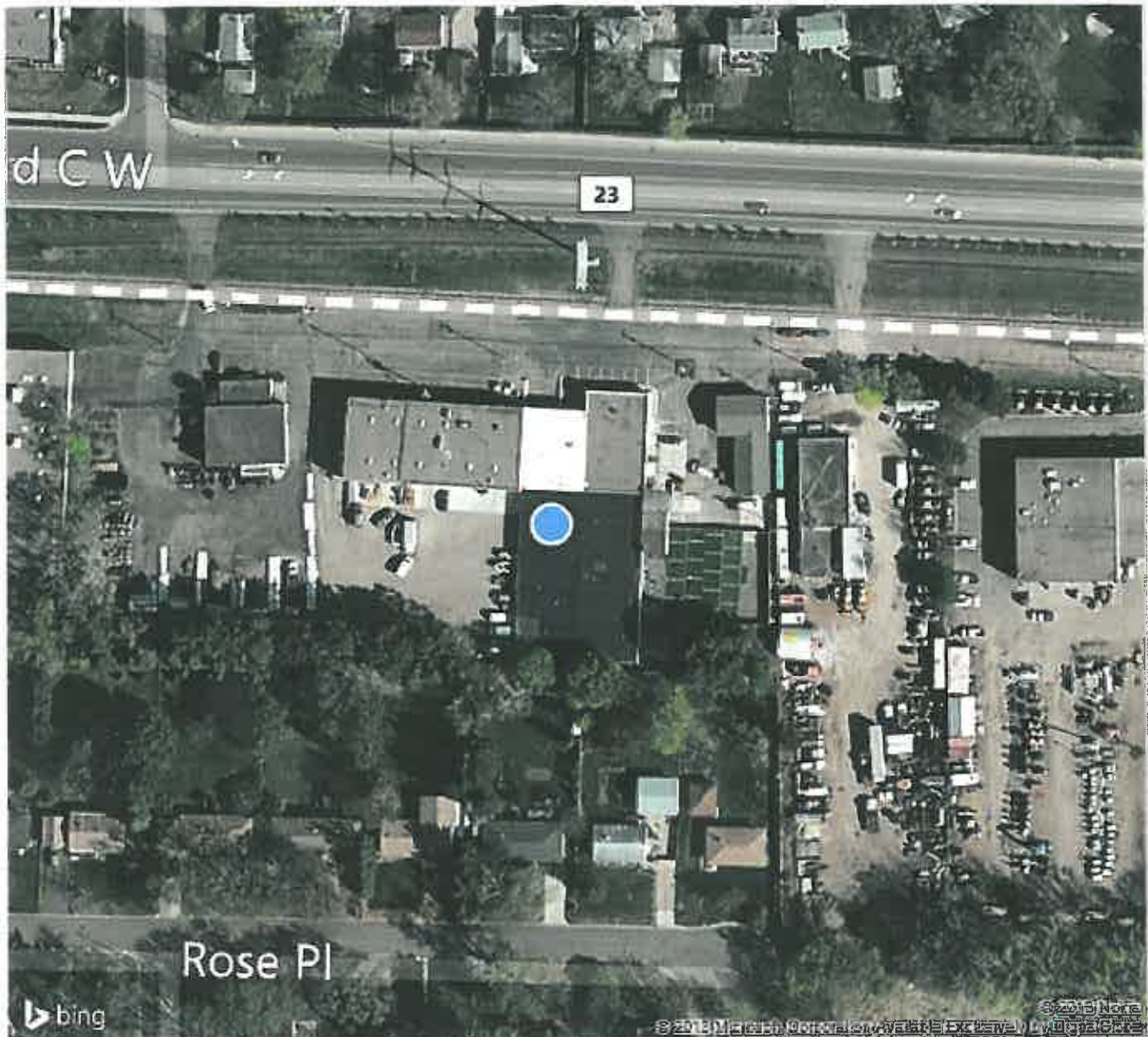
I watched most of the presentation to the Planning Commission and am generally supportive but have some concerns. Enclosed is a map of their current site off Co. Rd. C. The residential area fronting Rose Place is shielded from the industrial area North by a high barrier fence throughout the block. There can be little interaction between the residential area and the dogs. We observed a dog "outing" and while there was some barking, the staff seemed to keep them under good control. (We could hear barking from Rose Place, some 300 or so feet away).

At 2025 Rice, there is commercial property North and South. A single family residence just West and an apartment building diagonally across Elmer St. There will be more awareness of the animals at this location. School and transit buses stop here. Teasing or simple curiosity could precipitate barking at the enclosed area. Throwing objects over the fence or sticking fingers through it could make things much worse.

I think this may work, but would suggest an interim nonconforming use trial period with zoning changes now proposed.

Sincerely,


William Pearson



Bird's eye view maps can't be printed, so another map view has been substituted.

City of Roseville

ORDINANCE NO. _____

An ordinance amending selected text pertaining to conflicting fence regulations and requirements for animal boarding and daycare facilities in Chapters 1009 (Procedures) and 1011 (Property Performance Standards) of Title 10 “Zoning Code” of the Roseville City Code

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Purpose: The Roseville City Code is hereby amended to improve outdoor storage regulations by amending the definition and revising how and where outdoor storage is allowed.

SECTION 2. Chapter 1009 is hereby amended as follows:

1009.02: Conditional Uses

D. Specific Standards and Criteria: When approving the conditional uses identified below, all of the additional, specific standards and criteria shall apply.

1. Animal Boarding, Animal Day Care, Kennel: If outside exercise runs or other outdoor activities are contemplated, the following standards shall be met:

- a. Outdoor dog runs or exercise areas shall be located at least 100 feet from a residentially zoned property or property in residential use **or shall have the written support of all owners of such properties within 100 feet;** and
- b. Any portion of an outdoor kennel facing an adjacent property shall be screened from view by a solid fence, hedge or similar plant material ~~not to exceed 6 feet in height.~~

SECTION 3. Chapter 1011 is hereby amended as follows:

1011.08: Fences in All Districts

B. Residential Fences: The following standards shall apply to all fences constructed in any residential zoning district ~~or directly adjacent to any residential zoning district:~~

SECTION 4. Effective Date: This ordinance amendment to the Roseville City Code shall take effect upon passage and publication.

Passed this 21st day of October 2013

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 21st day of October 2013 at 6:00 p.m.

The following Members were present: _____;
and _____ were absent.

Council Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____
**A RESOLUTION APPROVING AN OUTDOOR COMPONENT OF AN ANIMAL
BOARDING AND DAYCARE FACILITY AS A CONDITIONAL USE AT 2025 RICE
STREET (PF13-015)**

WHEREAS, The Woof Room has applied for approval of the proposed conditional use and has a purchase agreement for the property at 2025 Rice Street, which is legally described in said purchase agreement as:

PIN: 13-29-23-14-0001

The South 150.0 feet of Block 1, Schwarz's Subdivision of Part of Lot 16 of Thornton's Subdivision of the North East Quarter of Section 13, Township 29 North, Range 23 West, except the West 83.0 feet thereof, also except the East 17.0 feet thereof taken for widening of the Rice Street, together with that part of adjoining vacated alley which accrued thereto by vacation thereof.

WHEREAS, the Roseville Planning Commission held the public hearing regarding the proposed CONDITIONAL USE on October 2, 2013, voting 6-0 to recommend approval of the use based on public testimony and the comments and findings of the staff report prepared for said public hearing; and

WHEREAS, the Roseville City Council has determined that approval of the proposed CONDITIONAL USE will not result in adverse impacts to the surrounding properties based on the following findings:

- a.** While an animal boarding facility doesn't appreciably advance the goals of the Comprehensive Plan aside from facilitating continued investment in a property, it does not conflict with the Comprehensive Plan;
- b.** The proposed use is not in conflict with such plans because none apply to the property;
- c.** With the attendant amendment to the zoning code, the proposed outdoor component to the dog day care facility can and will meet all applicable City Code requirements;

moreover, a conditional use approval can be rescinded if the approved use fails to comply with all applicable Code requirements or any conditions of the approval;

- d. An animal boarding/day care facility that is conducted entirely indoors is a permitted use in the CB zoning district and, not being adjacent to parks or other public facilities except for streets and a storm sewer, any potential impacts would be caused by pet waste and patron traffic. The outdoor component should not increase traffic noticeably beyond what could be expected for an indoor facility, and conditions to minimize impacts to the storm sewer system can be attached to an approval of the request. For these reasons, the proposal should not be expected to intensify any practical impacts on parks, streets, or public infrastructure;
- e. This applicant received approval of a similar facility in 2010 as an interim use, which was granted with a series of conditions to minimize impacts to the several residential neighbors of the previous location and, during the entire 3-year operation, City staff has received no complaints about noise, odors, or other nuisances. With some similar conditions attached to an approval of the present application, the proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare;
- f. The proposed facility would be more than 100 feet from the multi-family residential properties to the south and, although it is adjacent to one property in residential use, that property owner has written a letter of support for the proposal, included here as Exhibit A; and
- g. Proper screening of the outdoor area will be enforced as part of the administrative process of permitting the building and other site improvements in preparation of the site for occupancy of the proposed dog day care facility.

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE the proposed outdoor facility as a CONDITIONAL USE at 2025 Rice Street in accordance with Section §1009.02 of the Roseville City Code, subject to the following conditions:

- a. All solid pet waste shall be collected at least once each day, placed in bags to minimize odors, and deposited into the trash.
- b. The outdoor activity area shall be thoroughly cleansed and rinsed at least once each day during warm weather, and as soon as practicable after periods of freezing weather, with all of the rinse water being directed into a rain garden or other system approved by the City engineering staff.
- c. The applicant shall work with City engineering staff to ensure that the rate, volume, and contamination of storm water leaving the property are not increased as a result of the improvements related to the outdoor area.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member _____ and upon vote being taken thereon, the following voted in favor: _____; and _____ voted against.

WHEREUPON said resolution was declared duly passed and adopted.

Resolution – The Woof Room outdoor exercise area as conditional use at 2025 Rice Street (PF13-015)

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified Interim City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 21st day of October 2013 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 21st day of October 2013.

Patrick Trudgeon, Interim City Manager

(SEAL)

October 9, 2013

City of Roseville
Attn: Bryan Lloyd
2660 Civic Center Drive
Roseville, MN 55113

Re: Letter in support of The Woof Room's proposed outdoor area at 2025 Rice Street

To Whom It May Concern:

My name is Loren Hockemeyer, and I am the homeowner at 161 Elmer Street, Roseville, MN 55113. It is my understanding that The Woof Room, a dog daycare and boarding facility already located in Roseville, will soon be moving to 2025 Rice Street, a property located directly adjacent to my home. To my knowledge, I am the sole residential property owner located within 100 feet of The Woof Room's new location. My property is zoned Community Business and is a legal non-conforming residence.

I have been told about The Woof Room's operations. The Woof Room offers both daycare and overnight boarding for dogs, with open lobby and daycare hours of 7am-7pm on weekdays and 8am-6pm on weekends. Dogs are always supervised during both indoor and outdoor play time. In addition to outdoor visits during daycare hours, supervised groups of dogs staying in the hotel are brought outdoors to relieve themselves shortly after 6:00am and shortly before 10:00pm each day. The Woof Room has always had an outdoor fenced area for the dogs. I understand that groups of around 20 dogs use the outdoor area at one time and that The Woof Room's staff return the dogs indoors if barking ever becomes excessive. In addition to ensuring that noise is never an issue, The Woof Room has adequate cleaning policies in place to ensure that odor is never an issue as well. This includes immediately picking up dog droppings as they occur and cleansing the outdoor surface regularly.

The Woof Room is proposing that their outdoor area be located on the west side of the new location, which borders and is within 100 feet of my property. Under the current zoning regulation wording, a business of their nature is already allowed at the site, but the outdoor component would be required to be at least 100 feet from any residence. It is my understanding that the wording of the zoning rule can be changed to allow the outdoor space as proposed, with my permission. This proposed change has been approved by the Planning Commission and awaits final approval by the City Council, as well as my written understanding and consent.

I understand and am supportive of The Woof Room's business. I understand the proposed location of the outdoor area and, as the sole residential homeowner within 100 feet, I am sending this letter to offer my support and consent for the City Council to adjust the wording of the zoning regulation and to allow The Woof Room's outdoor area as they have planned and proposed it to be on the west side of the property and within 100 feet of my property.

Sincerely,

A handwritten signature in black ink that reads "Loren Hockemeyer". The signature is written in a cursive, flowing style.

Loren Hockemeyer