

**City of Columbus  
Regular Planning Commission Meeting  
January 2, 2013**

The January 3, 2013 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:00 p.m. by Chair Barbara Hvass at the City Hall. Present were Commission members Andy Anderson, Myron Organ, Mike Myers, Jesse Preiner, Jody Krebs, and Garth Sternberg; City Administrator Elizabeth Mursko, Mayor Dave Povolny, and Recording Secretary Karen Boland.

Also in attendance were City Council members Denny Peterson, Bill Krebs, Jessie Messina and Jeff Duraine; Sue Copeland, Dan Mike, Mary Foster, Tom Sibbald, Angela Roemhild, and Kathy Osterberg.

**AGENDA APPROVAL**

*Motion* by Anderson to approve the Agenda as presented. Second by Krebs. Motion carried.

**APPROVAL – HIGGINS RESIDENTIAL KENNEL IUP PUBLIC HEARING MINUTES OF DECEMBER 19, 2012**

*Motion* by Krebs to approve the minutes from the Higgins Residential Kennel IUP Public Hearing held on December 19, 2012 as written. Second by Anderson. Motion carried.

**APPROVAL – LAUDERBAUGH RESIDENTIAL KENNEL IUP PUBLIC HEARING MINUTES OF DECEMBER 19, 2012**

*Motion* by Krebs to approve the minutes from the Lauderbaugh Residential Kennel IUP Public Hearing held on December 19, 2012 as written. Second by Anderson. Motion carried.

**APPROVAL – COPELAND RESIDENTIAL KENNEL IUP PUBLIC HEARING MINUTES OF DECEMBER 19, 2012**

*Motion* by Organ to approve the minutes from the Copeland Residential Kennel IUP Public Hearing held on December 19, 2012 as written. Second by Krebs. Motion carried.

**APPROVAL – 7745 WEST BROADWAY VARIANCE PUBLIC HEARING MINUTES OF DECEMBER 19, 2012**

*Motion* by Krebs to approve the minutes from the 7745 West Broadway Variance Public Hearing held on December 19, 2012 as written. Second by Anderson. Motion carried.

**APPROVAL – 18246 LYONS STREET VARIANCE PUBLIC HEARING MINUTES OF DECEMBER 19, 2012**

*Motion* by Krebs to approve the minutes from the 18246 Lyons Street Variance Public Hearing held on December 19, 2012 as written. Second by Anderson. Motion carried.

**APPROVAL – ORDINANCE AMENDMENT PUBLIC HEARING MINUTES OF DECEMBER 19, 2012**

*Motion* by Preiner to approve the minutes from the Ordinance Amendment Public Hearing held on December 19, 2012 as written. Second by Anderson. Motion carried.

## **APPROVAL - REGULAR PC MEETING MINUTES OF DECEMBER 19, 2012**

*Motion* by Krebs to approve the minutes of the December 19, 2012 regular Planning Commission meeting as written. Second by Anderson. Motion carried.

### **COPELAND IUP DISCUSSION - CONTINUED**

Hvass explained that the discussion was continued because of complaints at the public hearing that the dogs were not properly cared for. Hvass visited the kennels and found the dogs appeared healthy and had adequate space, food and water. Krebs said she and Anderson spoke with one of the neighbors with concerns about the kennel. They explained the rules to apply for a kennel IUP, and that Copeland has met the requirements --including an inspection which found the kennel to be in compliance. Krebs and Anderson also explained steps neighbors can take in the future if they are concerned about the animals.

Mursko was asked about inspections and explained that all kennels are inspected once during a three-year-period. The only annual review is administrative. It involves reviewing the dogs being kept, rabies shot records, and making sure the compliance plan is being followed.

Anderson cited the Department of Agriculture Best Management Standards for Care of Dogs and Cats. He pointed out the sanitation standards of these Best Practices, which state animal confinement areas should be thoroughly cleaned daily and impervious surfaces disinfected at least once a week. Following these Best Management Standards is a condition for a residential kennel IUP. Anderson wanted to make sure Copeland has received the Planner's memo which includes the conditions for the IUP. Copeland said she has. He added that he and Krebs drove the access road adjacent to the kennels and from what he could see, contrary to the anonymous letter received by the PC at the public hearing, the kennels were adequate.

Krebs said neighbors were concerned about cleanliness of the kennels on a regular basis. She asked if there would be a cost to Copeland if the PC added a condition requiring extra inspections during the first year. Mursko said there would not be an extra charge if inspections did not exceed what is put into the IUP conditions.

*Motion* by Krebs to add a condition (#25) that there be four additional inspections of the kennel during the first year of the IUP. Second by Anderson. Votes as follows: Sternberg – aye; Krebs – aye; Preiner – aye; Myers – aye; Organ – nay; Anderson – aye; Hvass – nay. Motion carried. Some PC members expressed concern that four might be too many additional inspections.

*Motion* by Krebs to forward to the City Council the application of Susan Copeland for an Interim Use Permit to operate a Residential Kennel with a recommendation for approval based on the findings of fact and recommendations in the Planner Memo dated December 13, 2012, with the added condition (#25) noted above, and a change to finding #8 to reflect the current number (10) of adult dogs. Second by Preiner. Motion carried.

### **Findings of Fact**

1. An IUP application for a Residential Dog Kennel IUP was received from Susan Copeland (hereafter the "Applicant"), 14115 Lake Drive NE (hereafter the "Property"), on November 28, 2012.

2. The application was found to be complete.
3. The 60-day review for the application terminates on January 27, 2013. The 120-day review, if necessary, will terminate on March 29, 2013.
4. The Applicant keeps dogs as pets and for breeding.
5. The Applicant has held a City license for keeping dogs since 1985.
6. The Property is zoned Commercial/Industrial and contains a legal nonconforming residence.
7. The Property contains 4.39 acres, according to Anoka County records.
8. The Applicant currently has 10 adult dogs on the Property.
9. Based upon the size of the property, a maximum of six adult dogs is allowed.
10. All dogs are kept within outdoor kennels.
11. The outdoor kennels are individually fenced.
12. The existing outdoor kennels are located approximately 10 feet from the nearest property line (southerly and northerly).
13. There are no adjacent residences within 150 feet of the outdoor kennels.
14. The Applicant's Compliance Plan indicates gradual compliance with the maximum number of allowable adult dogs through natural attrition of existing dogs.
15. The application for a Residential Dog Kennel IUP is consistent with the kennel regulations in the City Code.
16. The Planning Commission conducted a public hearing on the proposed IUP on December 19, 2012.

### **Recommendations/Conditions**

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Susan Copeland Residential Dog Kennel IUP, subject to the following minimum conditions:

1. After implementation of the Compliance Plan, the applicant shall be allowed to keep a maximum of six dogs, over the age of six months.
2. Breeding, training, showing, and selling of the permitted dogs are allowed.
3. All dogs require up-to-date rabies vaccinations.
4. All dogs allowed out of doors will be contained on the Applicant's Property by a security fence or privacy fence or will be under supervision and voice control.
5. Dogs kept out of doors unattended for six or more hours shall have access to water and shelter.
6. Dog kennels shall be kept in the current location or in any other location consistent with Section 7A-809 of the City Code.
7. Dogs shall have access to clean water at all times.
8. Dogs shall be fed nutritious foods on a daily basis.
9. Food and water supplies and containers shall be kept in sanitary conditions.
10. Dog food shall be kept in locations and containers sufficient to prevent vermin infestation.
11. All dogs, including those under the age of six (6) months, shall be kept in safe conditions and treated in a manner promoting the dogs' health and comfort.
12. Dog excrement shall be removed and disposed properly from out-of-doors containment areas on a regular basis to prevent odor and infestation.

13. All other applicable requirements and provisions for animal control, as described in Chapter 4 of the Columbus City Code, shall be met.
14. Dogs shall not be allowed to habitually bark and cause a public nuisance, as described in Chapter 5 of the Columbus City Code.
15. The Applicant shall operate the Residential Dog Kennel consistent with all other requirements of the Columbus City Code.
16. Dogs shall be kept and provided for in a manner consistent with the Minnesota Department of Agriculture's "Best management Practices for Care of Dogs and Cats by Dealers, Commercial Breeders, and Brokers," pursuant to 1994 Minnesota Laws, Chapter 642, Section 8, as may be amended from time to time.
17. The Applicant shall operate the Residential Dog Kennel consistent with the application submitted to the City and according to all other federal, state, and local laws, rules, regulations, guidelines, and ordinances.
18. The Applicant shall allow City personnel and its agents access to the Property at any time, upon reasonable notice, to inspect the facilities.
19. The Applicant shall complete the annual permit review requirements established by the City.
20. IUP fees are intended to cover the City's costs in administering kennel permitting, including at least one on-site inspection.
21. The costs of additional inspections and remedial actions, required as a result of prior inspection follow-ups or resulting from complaints about the facility, shall be borne by the Applicant.
22. Issuance of a Residential Dog Kennel IUP is not a substitute for or intended to replace other applicable requirements for permits, licenses or regulations by federal, state, or other units of government.
23. The term of the IUP shall be ten years from the date of City Council approval of the IUP, contingent upon annual administrative review and the 5-year, mid-term compliance determination.
24. Violations of the conditions of the Residential Dog Kennel IUP shall be grounds for permit revocation.
25. During the first year of this IUP four on-site inspections shall take place in addition to any inspections referenced in 18, 20 and 21 of these recommendations/conditions.

## **COMMUNITY PLANNING DISCUSSION**

Mursko reported that the EDA recently approved a business retention and expansion program put on by the University of MN to inventory businesses to look at their growth, their needs, and whether the community can help them. Volunteers are being sought for that program. PC members are being asked to look at how community planning can encourage and bring in businesses in the future. She presented a zoning map. Anderson had asked about residential housing. Mursko pointed out the areas zoned Suburban Residential Overlay.

Anderson stated that the City has a tax situation involving fiscal disparities. Fiscal disparities are based on population as well as business development. The City is getting no population increase, and has even decreased in the last two censuses, and so the City's businesses are paying into this fiscal disparity program and not drawing any money out, because of the threshold that's been set.

Unless we increase the population as well as businesses, we increase the money businesses are paying into that fiscal disparity pool. He feels we need to address population increase.

Krebs handed out news articles given to her by a community member. The communities of Lakeville and Medina are referenced in the articles. Krebs said we have similar demographics in terms of total population, with the convergence of 35E and 35W, and with the amount of wetlands. These communities have seen growth with changing lot sizes to accommodate multi-type housing. Krebs said 7A – 752 talks about the quad housing, but doesn't address single family dwellings in a smaller lot size. She talked with City Attorney, Julie Perrus about this. Perrus said three key areas for an equitable balance in our community would be population, strong businesses, and job potential within the community. Krebs said she feels more could be done to the zoning in the Suburban Residential Overlay district to encourage development.

Mursko pointed out that that the Suburban Residential Overlay district came out of the Comp Plan amendment two years ago. She said the area has not even been marketed. Amending the Comp Plan again is possible, but changing the Plan too frequently and having no continuity may do more harm than good in bringing people and businesses to the area.

Senior housing was discussed. Anderson prefers units for ownership, rather than rental, so that residents have a stake in the community. Myers is concerned about access to the SR district southeast of the freeway. Sewer and water was also discussed. The access to the SR district north west of the freeway is more accessible and has sewer and water in place.

Mursko again said the EDA is trying to jump-start development. No one has approached the City in 2 ½ years, so the thought is to go out and pursue the growth.

City Council member Bill Krebs addressed the PC. He said the articles on the communities of Lakeville and Medina talk about a focus on single-family homes. These are more appealing to younger people, and interest rates are low. He feels the section between Hornsby and 145<sup>th</sup> is ideal for developing single-family homes.

Anderson feels we need someone to approach realtors and entice them to our community. We have to start exploring who will represent Columbus. He asked the average age of the citizens of Columbus. Mursko gave some estimates: 26% of Columbus are married couples with children. The rest are either 55 and older, a husband and wife household, or over the age of 70. She thinks 15% of the total are people living by themselves. She suggested that before bringing in developers, there should be some agreement on what the PC would like to see in the area, e.g. villa-type housing, mixed density, a mix of housing and commercial development together.

Krebs noted in the Comp. Plan, Chapter 4, page 24, in the description of the I35 Corridor/ Suburban Residential the minimum density is three units per acre. The PC agreed that the first step is to market the area for housing. Mursko asked if the PC will host developers who are willing to come in. Will they tell them about the City and present various aspects: the transportation plan, the park plan, the community plan, etc.? Members agreed that they would take on this role.

Mursko believes transportation and road planning also need to be look ed at in 2013.

Mayor Povolny asked the PC to look at development of a City Center. PC members should consider the look and feel for a City Center, as well as a location. He recommended the area between the Holiday Station and Zurich, down to the racetrack. This needs to be looked at before the realignment of East Freeway Drive. He also thinks it's important to bring new people into the community with new ideas, and develop some higher density areas. We are trying to stay on the fiscal disparity slope. Because that is normalized per year, it would not be good for the City to gain all its population in one year nor gain all its commercial/industrial population in one year.

#### **PUBLIC OPEN FORUM**

There was no topic raised for discussion for Open Forum.

#### **CITY COUNCIL LIAISON REPORT**

Mayor Povolny reported that he, Mursko, and Council member Duraine attended the Fire Board meeting. The main topic was the new Forest Lake City Center. Their concerns were the effects of taxes on Columbus residents. There are many unknowns at this point, including what percentage of the building will actually be allocated to the fire department. Columbus will be 20-22% responsible for that portion. Columbus has been given nothing in writing and has little input into how this is done, but will try to keep abreast of it.

#### **CITY ADMINISTRATOR'S REPORT**

Mursko said there is one application in for the January 16<sup>th</sup> PC meeting. She believes there will also be meetings in February.

#### **PLANNING COMMISSION MEMBERS' REPORT**

##### **MYERS COMMENT**

Myers said that he has made the decision to not seek reappointment to the Planning Commission. This will be his last meeting. He said he made this decision following his presentation regarding the ordinance amendments at last week's City Council meeting. He feels the CC does not recognize or consider the work of the PC.

##### **ANDERSON COMMENT**

Anderson is seeking reappointment to the Planning Commission.

#### **ATTENDANCE - NEXT CC MEETING**

Anderson is scheduled to attend the City Council meeting on January 9, 2013.

*Motion* by Krebs to adjourn. Second by Anderson.

Meeting adjourned at 8:12 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary