

CITY OF COLUMBUS
PUBLIC HEARING IN INTERACTIVE TECHNOLOGY MEETING FORMAT
STATUTES SECTION 13D.021
ORDINANCE 23-01 – CHAPTER 7A AMENDMENT – SMALL ANIMAL FACILITIES
04-05-2023

The 04-05-2023 Public Hearing a to consider a City Code amendment revising or establishing use definitions, revising commercial animal facilities in Commercial, Mixed Use, and Industrial zoning districts, adding the Commercial/Industrial Light (C/I-L) district to the list of approved zoning districts, and updating performance standards for landscaping with the current list of districts was called to order by Chair Lynn Carver-Quinn at the City Hall at 6:50 PM. Present were Planning Commission members Barb Bobick, and Bethany Barrette, Citizen Helper Ron Hanegraaf, City Administrator Elizabeth Mursko, Council Planning Commission Liaison Janet Hegland, City Planner Dean Johnson, and Associate Planner Frank Koenen.

In attendance via interactive technology were Christine Lind

Also, in attendance in person were Matthew Weiland, Jesse Preiner, Myron Angel, Cindy Angel, Jason Degerstrom, Jay Olson, Kysa Thilgen-Anglin, Bryan Anglin, Sue Wagamon, Rob Busch, Ruth Miles, Glen Miles, Greg Newille, Kelly Jordan and Steve Hursch.

The meeting was held in an interactive technology meeting format.

Carver-Quinn: Number 8 is a public hearing for Ordinance 23-01 Chapter 7A Amendment, small animal facilities, enclosure C pages, EC one through EC 56. And Frank, are you?

Koenen: I can read the public notice.

Carver-Quinn: Pardon me?

Koenen: I can read the public notice.

Mursko: You can waive the reading. You'll have to say that, though. I think at this time we'll waive the reading of the public hearing notice.

Carver-Quinn: What was that?

Mursko: For the for the ordinance, we'll waive the reading of the public notice.

Carver-Quinn: Okay, the public notice for...

Koenen: Sorry this is my first time too Lynn, so I'm right there with you.

Carver-Quinn: Okay, does anybody have? I'll open the public hearing since there's nobody to talk on it.

Mursko: You can ask, I don't know if there's anybody here.

Carver-Quinn: Does anybody here have any discussion on the small animal ordinance, in the audience? Hearing none, then we'll close the public hearing.

Hanegraff: Got to ask for anybody online.

Carver-Quinn: Ohh anybody online, sorry. No, now I'll close.

Unidentified Person on Zoom: I've been attending the meeting via zoom.

Mursko: I'm sorry. Is there someone on zoom that would like to speak?

Carver-Quinn: I thought I heard somebody. Is there anyone on zoom that would like to speak? Okay, hearing none we'll close the public hearing.

D Johnson: Well, the city is the applicant. I would be happy to give a brief summary on behalf of the applicant and take any questions that you may have.

Carver-Quinn: Okay.

D Johnson: The information that you had in your packet is on page.

Unidentified Person on Zoom: It was the neighbor, Kaisa and of course, the Miles.

Carver-Quinn: Okay.

D Johnson: So Pages EC 9 through 12 in your packet is what I'm going to be referring to, and I think all of you were here, including some of the Council members that are here this evening, were present at a Joint meeting where we had discussions of this, this particular ordinance is amending the existing zoning ordinance. It pertains primarily to animal facilities, but it also includes a couple of housekeeping amendments and this has 7 sections in the ordinance, and they're spelled out as section Roman numeral one through Roman numeral 7. I'm just going to walk through them on the first page of this ordinance section one amends section 7A-21 of the existing zoning ordinance, which is our definitions section, and it adds several new and amends one existing definition in the ordinance. I'm not going to read any of these, but that is what all of Section 1 is. Section 2, on the next page is actually a housekeeping amendment. Some of you are aware that last fall we adopted a new zoning district called the Commercial Industrial Light District and that was not included in our introductory section of the zoning code, which identifies all of our zoning districts. So, this was an opportunity to do some housekeeping and now add the commercial industrial light district and that's kind of a table of contents, if you will, in the ordinance. Section 3 includes pretty much the meat of the ordinance as it relates to animal facilities, and you can see strike through an underlined provisions where we have added language in the ordinance and it clarifies within several different zoning districts the Mixed-Use Medium, Mixed-Use High Density, the Community Commercial, the General Business, the Light Industrial District, the Commercial Industrial District and the new Commercial Industrial Light District. What animal facilities are included and they are primarily Animal Hospital or clinic and grooming facilities. Without going into more detail, you can read those specifics. Section 4 regards the primary change in the previous permitting provisions of our ordinance as it related to Commercial Dog Kennels and essentially it has been gutted, removed. There were two large provisions in section 7A-809 B and C we've eliminated those in their entirety and this new provision basically says that we are not allowing animal boarding, animal daycare, commercial dog kennels and other animal established in any of the commercial districts. We still allow grooming in several of those, but otherwise no kennels or daycares. The question has come up in the past about the one existing daycare facility that you have next to the racetrack, that remains a legal non-conforming use, so it has no impact on them. They operate and will continue to operate with a valid conditional use permit. The next section number five is another kind of housekeeping element. It went into the parking provisions of the ordinance and we really didn't have anything pertaining to grooming facilities or animal clinics for that matter, and so we've made a

reference in that section regarding parking facilities. Item number six is another housekeeping element and that is we had to make some changes regarding our Mixed-Use Districts and add the new Commercial Industrial Light District as it relates to landscaping facilities so that one had nothing to do with animal facilities, it was housekeeping. And then section seven is simply the adoption procedures. So, these strike through provisions that you see now are the result of the recommendations that came from our, I think it was our March 1st work session. So, if you have any questions, I'd be happy to entertain them.

Carver-Quinn: I would like to entertain a motion that we send this to the City Council.

Mursko: Madam Chair, I just have one comment on the report.

Carver-Quinn: Oh, sorry.

Mursko: So, no, no worries there. So, what you have before you is the study report which is a moratorium study and then you have the ordinance. So, this will be a two-motion process. So, the report was drafted by our Associate Planner. I have two recommendations for changes and then you have the ordinance amendment and those will be taken in two different motions because one is the study report that was prepared because there was a moratorium in place. And the second one is for the ordinance amendment because that's the recommendation of the study. You know what I mean? So, the ordinance amendments is the outcome of this study. So, looking on page EC3, if you look at the second paragraph, I'll just there's only two amendments that I'm offering and this is what happens when you read something, you put it down for two weeks and then you pick it up again and look at it again. So, in the second paragraph, my recommendation is that after the word felt that you strike all the way up to the word voted and you replace it with "further discussion and study was warranted". And then it would say and voted to recommend a moratorium for commercial small animal pet uses. And so there would be a new that would be a new sentence. And then my second recommendation is in the third paragraph, and that is, it would say during the process and you would cross out of creating the conditional use permit and then just continue the sentence. So, the sentence would read "during the process it was discovered that the State of Minnesota did not regulate either commercial dog kennels or pet daycare.

Huntosh: I'm completely lost.

Mursko: And I don't know if anybody else has any recommendations or whether you think those two recommendations are appropriate and you can either accept them or you can say no, I'd rather have different words, so this is your report and your recommendation to the Council. So, it really is at your discretion whether you choose to accept changes or again even amend my changes if you feel other language is better.

Carver-Quinn: Thank you.

Huntosh: Can I ask? I was a little slow on your first deletion in paragraph two, so you deleted felt the business was not fit for the area.

Mursko: Yep, from the word "the" I struck all the way to the word "and". So, the next and replaced it with further discussion and study was warranted and voted to recommend a moratorium for Commercial Small Animal Pet Uses, and that would just be one continuous sentence.

Huntosh: Okay, thank you.

Mursko: Yep, so the new sentence would say “Dog training was not listed as a use and the Planning Commission felt further discussion and study was warranted and voted to recommend a moratorium for Commercial Small Animal Pet Uses.”

Carver-Quinn: Anybody have any additions? Discussion?

Mursko: Madam Chair, you have one comment.

Hegland: Me over here. I have I just have a question on something you said Dean, the existing dog, doggy daycare I thought I heard you say it would remain legal non-conforming, but I thought our decision was that it would be because it was approved with the CUP prior to when we're going to adopt this new ordinance, it would be legal conforming.

D Johnson: It is, that was the wrong choice of word.

Hegland: Okay, good. That's what I wanted to make sure.

D Johnson: We create in other ordinance provisions, legal non-conforming uses, which again when Elizabeth gets questions from title companies is allowed, legal non-conforming is fine. It's an illegal non-conforming that you have trouble with. In this case we put a provision if it was built before whatever 2023, it remains legal, but none from this point forward.

Hegland: Right, okay. I just wanted to make sure I understood because I knew that that was what we intended.

D Johnson: That was a verbal faux paw.

Hegland: Thank you. Perfect.

Mursko: And just for clarification, it's in 7A 683 Q and the language is in there. It says “small animal indoor boarding, grooming or daycare facility lawful permitted in the district prior to January 1st, 2023 is included.”

Hegland: Thank you.

At this time Chair Carver-Quinn closed the public hearing. Hearing closed at 7:03 PM.

Carissa Kranz

Respectfully submitted: Carissa Kranz, Permit Coordinator