

**TOWN of MAY
WASHINGTON COUNTY
PLANNING COMMISSION
November 21, 2013**

The Planning Commission of the Town of May met for their regular meeting on Thursday, November 21, 2013, at 7:00 pm at the May Town Hall. Members in attendance were: Chairman John Arnason, Mark Dupre, Jyneen Thatcher, Chad Nelson, Lester Rydeen, Don Rolf, Steve Magner and Mark Dupre. Absent: alternate William Still. Also present: Nate Sparks, Town Planner; Bill Voedisch, Town Board Chair; John Pazlar, Supervisor; Linda Klein, Town Clerk. Chairman Arnason called the meeting to order at 7:00 pm.

Approval of Minutes – Arnason moved, seconded by Nelson, to approve the minutes of the August 29, 2013, meeting as presented. All approved.

Public Hearing

Small Business Interim Use Permit

Jim Reinitz has made application for an Interim Use Permit (IUP) to operate a small business kennel, including breeding and dog training, at his property located at 15420 Norell Avenue N. He currently operates a dog breeding and training facility on the site and made application upon notification he was operating without the required permit.

Since submitting the application, Reinitz informed the Town that he also intends to store third-party boats, RV's, etc. on his property, which is also a business use and needs a permit to operate. The planner had noted that, if the applicant is unable to define the storage business in time to be considered by the meeting, he would need to submit a separate application for that business.

The site is a 36 acre parcel zoned and guided Rural Residential with a single family house and a 5,400 square foot detached accessory building. The applicant currently has six dogs on site for training and breeding purposes and is proposing a breeding and training facility for hunting dogs. He is proposed that the 90' by 60' pole barn on the site will be used for the dog kennels. He will have 16 kennels in the building for the dogs, with four outdoor kennels used as temporary holding for dogs in outdoor training exercises. The request is for up to 16 adult dogs to be on the site at one time, not counting breeding litters. The applicant owns six dogs for breeding and will have two or three litters for puppies.

The applicant uses live birds for training, including a variety of bird cages for pheasants, ducks and pigeons.

Prior to the meeting, the planner had not received information on commercial storage of boats and RV's from November 15 to April 15 annually. He currently rents these 16 spaces to about 7 people. If the Town Board requires more information on this business, he recommended that a second application should be made. If the information is acceptable, it could be considered part of this application.

Jyneen Thatcher asked if the 3-year request is for both the kennels and the storage permits. Arnason stated that previously, a CUP ran with the land. An IUP does not need a time period assigned to it, as long as the same applicant runs the business on their property and an annual preview is satisfactory. Chad Nelson asked about the time periods of both the storage and the kennel business, i.e., do they both run at separate times or is there overlap. Magner asked about the length of an IUP and how that works. Sparks stated that if there is a violation of the rules of the IUP, a public hearing would be held regarding revocation of the IUP.

The planner discussed the Town nuisance ordinance regarding dogs, and the only violation documented for the applicant has been barking dog complaints. The planner also noted that the applicant will need to provide details on waste disposal.

Arnason moved, seconded by Rydeen, to open the public hearing. All approved.

Cheryl Reinitz stated that this operation is considered a bridge between their current careers and their retirement. She stated that this parcel has been in their family for many years. She stated that a good portion of the parcel is owned by extended family, and she asked for clarification regarding a screening requirement. Arnason asked Reinitz how long he has been training dogs, and he stated he has been doing this all his life. Since he retired, people have returned who bought puppies and have asked for additional training. He started breeding and training at this location approximately 13 years ago. He went up to 6 dogs 4 years ago. At this point, with combined breeding and training, Reinitz stated that the top level would be 16 dogs.

Ron Lawrenz, director Lee & Rose Warner Nature Center, on Norell Avenue N, reported that the staff and volunteers were reporting ongoing dog barking difficulties, which they reported to the Township. Lawrenz talked this over with Reinitz in September and they tried to find a solution. He noted that the Reinitz kennels are situated in a way that makes them a megaphone to the nature center property. Reinitz suggested bark collars that he could try, or perhaps fans so he wouldn't need to open the doors. Lawrenz stated that the new bark collars appeared to help the situation.

Sue St. Sauver, who lives on Norell south of the Reinitz property, wondered if the noise level will continue if they continue to have 16 dogs. Reinitz stated that he intends to keep the noise level down, and if anyone has a complaint, they should contact him directly.

Nelson asked about noise abatement in general, i.e., perhaps moving kennels to a location that would not carry the sound as easily.

Sue St. Sauver asked about training in the winter, and Reinitz stated that no training takes place in the winter when the building is used for storage.

Voedisch asked Lawrenz if staff had notice barking in years past. He replied that previously they had not had serious complaints, although there had been some barking in the past. This year, he stated that staff began wondering if there was a kennel nearby. Voedisch stated that, if 6 to 12 dogs was causing this big a problem, why would the Town allow them to have a permit for up to 16 dogs. Cheryl Reinitz stated that they are striving to find ways to abate the barking,

using bark collars, management of dogs, etc. Magner suggested that the Reinitz develop a noise abatement strategy prior to appearing before the Town Board next week. Arnason stated that if the commission and board were to approve the permit, they might ask the applicant to come forward again in one year to review the success of what they have done in terms of noise abatement.

Voedisch also noted that the building size (5,400 square feet) was granted based on the fact that this building would be used for agricultural use, which is what the ordinance allows if someone is to build a building of this size. Arnason stated that he believes that storage needs to be confined to long-term seasonal storage, which means 16 people park one vehicle in the fall and pick that vehicle up in the winter.

Rydeen moved, seconded by Dupre, to close the public hearing. All approved.

Dupre moved, seconded by Thatcher, to recommend to the Town Board that they approve the IUP request from the Reinitz's for a commercial kennel leaving the screening portion up to the discretion of the Town Board, with amendments by Arnason (1) applicants move 4 outdoor kennels on south side to behind the barn on west side and (2) ask applicants to come back mid-summer or fall, just to see how things are going (accepted by Dupre) with the following conditions:

1. If use were to become general dog boarding, the applicant would have to apply for an amendment to any permit that is issued;
2. The large east shed door must remain closed. If heat becomes an issue, a fan system should be installed in the building
3. The applicant shall meet the County Ordinance in regards to the handling of waste;
4. The applicant shall screen the front (east) and south side of the building, including the parking area and outdoor kennels and bird cages, with mature evergreens;
5. Any violation of the Town Code Section 501.10 dealing with dogs as a nuisance, will be grounds for initiating permit revocation proceedings, as well as any other remedies available to the Town;
6. The nature of the business and use shall conform to the general parameters represented in the application;
7. The facility is limited to 16 adult dogs in total and three litters of puppies per year;
8. No dogs can be boarded outside of the building.

Dupre moved, seconded by Rydeen, to recommend to the Town Board that they approve an IUP for storage business with the following two conditions:

1. Long-term seasonal storage as opposed to in-and-out storage;
2. No storage outside the building, and storage will consist of cars, boats, recreational vehicles, and the like. All approved.

**Public Hearing
Variance Review Criteria**

Planner Sparks advised that the intent of this ordinance is to get rid of the term ‘hardship’ in all the ordinance language and substitute ‘practical difficulties’ in all the sections where hardship is mentioned. He stated that he took the language from the Minnesota statutes and merged it into language that is consistent with the Town Code. Adopting these ordinance changes makes the Town consistent with Minnesota statutes.

Arnason moved, seconded by Rydeen, to open the public hearing. All approved.

Arnason moved, seconded by Rydeen, to close the public hearing. All approved.

Arnason moved, seconded by Dupre, to approve Ordinance (include numbers) modifying the Town Code to make it consistent with the new variance criteria as stated in State Statutes. All approved.

**Public Hearing
Variance Review Criteria**

Voedisch brought forward an ordinance modification raising the building height for a 2,500 square foot building from 18 to 21 feet.

Arnason moved, seconded by Rydeen, to open the public hearing. All approved.

Arnason moved, seconded by Rydeen, to close the public hearing. All approved.

Arnason moved, seconded by Nelson, to approve of Ordinance 2013- raising the building height for a 2,500 square foot building from 18 to 21 feet. All approved.

Arnason moved, seconded by Rydeen, to adjourn. All approved.

Respectfully submitted,

Linda L. Klein
Town Clerk