

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
MAY 1, 2013

**1. CALL TO ORDER**

The City of Apple Valley Planning Commission meeting was called to order by Chair Melander at 7:00 p.m.

Members Present: Tom Melander, Ken Alwin, Tim Burke, Paul Scanlan, David Schindler, and Brian Wasserman.

Members Absent: Keith Diekmann

Staff Present: City Attorney Sharon Hills, City Planner Tom Lovelace, Planner Kathy Bodmer, Assistant City Engineer David Bennett and Department Assistant Joan Murphy.

**2. APPROVAL OF AGENDA**

Chair Melander asked if there were any changes to the agenda. Hearing none he called for a motion.

City Planner Tom Lovelace noted there were several Mankato State University students from the Urban Planning and Management extension class to observe the process of the Apple Valley Planning Commission.

MOTION: Commissioner Alwin moved, seconded by Commissioner Burke, approving the agenda. Ayes - 6 - Nays - 0.

**3. APPROVAL OF MINUTES APRIL 17, 2013.**

Chair Melander asked if there were any changes to the minutes. Hearing none he called for a motion.

MOTION: Commissioner Burke moved, seconded by Commissioner Schindler, approving the minutes of the meeting of April 17, 2013. Ayes - 6 - Nays - 0.

**4. CONSENT ITEMS**

**A. Consistency of Cemetery Expansion with 2030 Comprehensive Plan** – Consider resolution finding that the acquisition for the expansion of the Lebanon Cemetery is consistent with the Apple Valley 2030 Comprehensive Plan. **(PC13-24-P)**

LOCATION: Lebanon Cemetery, SE corner of Pilot Knob Rd and CSAH 42

PETITIONER: City of Apple Valley

MOTION: Commissioner Burke moved, seconded by Commissioner Wasserman, approving **Resolution No. 2013-01** finding that the acquisition of the real property for the

expansion of the Lebanon Cemetery is consistent with the Apple Valley Comprehensive Plan. Ayes - 6 - Nays - 0.

## 5. PUBLIC HEARINGS

--NONE--

## 6. LAND USE/ACTION ITEMS

**A. Dog Day Getaway** – Finding of similar use for dog daycare facility in an “I-1” (Limited Industrial) zoning district (which are deemed permitted uses in “I-2” (General Industrial) zoning district), and consideration of conditional use permit to allow for 15' x 54' (810 sq. ft.) outdoor pet relief area in conjunction with a dog daycare operation. **(PC13-11-C)**

LOCATION: 14607 Felton Ct.

PETITIONER: Dog Day Getaway and Hebert and Associates, Inc.

Planner Kathy Bodmer stated the petition was for zoning interpretation of "Finding of Similar Use" for dog daycare facility in an "I-1" (Limited Industrial) zoning district which are deemed permitted in the "I-2" (General Industrial) zoning district and Conditional Use Permit (CUP) for a 15' x 54' (810 sf) outdoor pet relief area in connection with a dog daycare facility at 14607 Felton Court.

She stated the owners of Dog Day Getaway would like to move their existing pet daycare business into the newly constructed Apple Valley Business Campus at 14607 Felton Court. The new facility would allow the owners to expand their business from 6,600 sf presently to approximately 9,000 sf in the new location.

The Apple Valley Business Campus property is located within the "I-2" (General Industrial) zoning district which allows any use listed as a permitted use in the "I-1" (Limited Industrial) zoning district. The I-1 zoning district allows animal clinics as a permitted use, with outdoor pens allowed by conditional use permit.

Carey Edwards and Nicole Boe, Dog Day Getaway, provided additional information.

Discussion followed.

**MOTION:** Commissioner Alwin moved, seconded by Commissioner Burke, approving a Finding that a dog daycare facility is a use similar to an "animal clinic" as an enumerated permitted use in "I-1" (Limited Industrial) zoning districts which are deemed permitted uses in "I-2" (General Industrial) zoning districts.

**MOTION:** Commissioner Alwin moved, seconded by Commissioner Burke, approving a Conditional Use Permit (CUP) for a 15' x 54' (810 sf) outdoor pet relief area in connection with a dog daycare facility at 14607 Felton Court, Suites 101 to 103, subject to compliance with all City ordinances and the following conditions:

- a. Approval of the conditional use permit is subject to a finding by the City Council that the dog daycare use is a similar use to an animal clinic which is a permitted use in the "I-2" (General Industrial) zoning district.
- b. An outdoor pet relief area is permitted at 14607 Felton Court, Suites 101- 103, at the location on the property specifically depicted in the Site Plan dated April 26, 2013, and attached hereto as Exhibit A.
- c. The 15 x 54' outdoor pet relief area shall be permitted only in conjunction with the continued operation of a dog daycare facility.
- d. The outdoor pet relief area shall be constructed in accordance with the drawing "LH1 - Suites 101-103 Plan and Details" dated April 25, 2013, and attached hereto as Exhibit B.
- e. The outdoor pet relief area shall be constructed, operated and maintained in accordance with the Outdoor Pet Relief Area Construction, Operation and Maintenance Requirements, attached hereto as Exhibit C.
- f. A sanitary sewer fee shall be charged for the storm water that enters the City's sanitary sewer system. The sanitary sewer fee will be calculated by the City Engineer, based upon average annual precipitation in the region, which will be set annually. The additional sanitary sewer fee will be charged and payment will be collected with the City's quarterly municipal utility billing. The outdoor pet relief area shall be screened with a minimum five foot (5') tall maintenance-free fence such as vinyl clad or wood composite, but not chain link.
- h. Any dog in the outdoor area must be accompanied by an adult attendant. No dogs shall remain unattended in the outdoor pet relief area.
- i. The business operator shall ensure that the dogs do not bark when they are outside [subject to a revision by City Staff to further define "excessive" or "nuisance" barking].
- j. The outdoor pet relief area and exterior area immediately adjacent to this use shall be maintained in a clean and sanitary condition at all times. All solid waste must be removed a minimum of once per day and disposed of in a sanitary manner. The liquid waste shall be managed by flushing the outdoor area with water and sanitizing the area once per day using an environmentally sensitive cleaning and sanitation product.
- k. The exterior of the premises outside the fenced area shall be maintained in a clean and sanitary manner with all solid waste removed each day and disposed of in a sanitary manner.
- l. The outdoor pet relief area shall be used only as an outdoor pet relief area and shall not be used as an outdoor kennel, dog run, materials storage, or any other use not specifically identified in the conditional use permit.

Ayes - 6 - Nays - 0.

## **7. OTHER BUSINESS**

### **A. Review of upcoming schedule and other updates.**

City Planner Tom Lovelace stated that the next Planning Commission meeting would take place Wednesday, May 15, 2013, at 7:00 p.m.

**8. ADJOURNMENT**

Hearing no further comments from the Planning Staff or Planning Commission, Chair Melander asked for a motion to adjourn.

MOTION: Commissioner Schindler moved, seconded by Commissioner Burke to adjourn the meeting at 7:22 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy  
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 5/15/2013.