

Public Hearing
Conditional Use Permit
August 30, 2004
Eureka Town Hall

The public hearing was opened at 7:02 p.m. by Chair Francie Madden.

Planning Commission members present were: Francie Madden, Cory Behrendt, Cheryl Monson, Butch Hansen and Rich Stevens. Treasurer Nanett Leine was present to record minutes.

Town board members Connie Anderson, Don Pflaum, Kenny Miller and Mark Malecha were also present as part of the audience.

Jeff and Andi Krapu are asking for a Conditional Use Permit to open a dog kennel at 24315 Dodd Blvd, Lakeville, MN.

Chair Francie Madden read the following information from the application: Building 96' x 36', heated and insulated, capability of boarding 50 dogs. Boarding only, 365 days a year. They are on 40 acres. There will be an outdoor exercise area.

Francie explained the procedure followed for the public hearing.

Jeff and Andi Krapu presented the planning commission with a packet outlining the proposed kennel.

Chair Francie Madden read a letter prepared by Bob Overby, Dakota County Office of Planning explaining that the proposed kennel is outside the 300 foot Shoreland zoning jurisdiction and that County Shoreland permits are not required.

A copy of the proposed boarding contract was included. They exercise the right to muzzle or bark collar in the case of excess barking. The owner will be notified to pickup pet if other measures fail.

Dick's Sanitation will remove all double bagged waste from the kennel once per week unless more pickup is needed.

The proposed sign (18' x 22') and location was presented. The building site was done by Skip Fredrickson. Planning Commission member Butch Hansen has checked the staking and measured distances to property lines.

There is an easement through Krapu's property to Belzer's. They share a common driveway.

The Kennel building will be built by 6 Keys Kennel, they specialize in Kennel building. Insulation specs minimum R-19 on walls and ceiling. Acoustical drop ceiling or sound drop ceiling tile and sound reflecting material on the walls. The insulating quality limits outside sound, there will be no windows in the run room. At 50 feet from the building you would probably hear the dogs, at 100 feet on a clear night, at 200 feet probably not.

The Krapu's are a member of the American Kennel Association.

The following questions were asked by the planning commission before the hearing was opened to public comment:

- ❖ Boarding only, no breeding.
- ❖ Short term boarding- approximately 2 weeks.
- ❖ Exercise area- outside with a shelter. The dogs will only be outside while the kennels are being cleaned.
- ❖ Floors will be cement with probably tile overlay. There will be drains going into a septic system. No solid waste. The kennel will have its own septic system.
- ❖ Outdoor lighting- sensor lights, similar to what already exists.
- ❖ Dumpster outside for solid waste. All waste double bagged.

Chair Francie Madden opened the floor to public comment:

Kevin Flaherty- 24320 Dodd Blvd. Lakeville

Moved to Eureka for quite, peaceful atmosphere, country setting. Krapu's are their friends they are very good people and will take good care of the animals the issue is the noise. Site line from this home is direct to the proposed site. An insulated kennel will hold the sound inside but all dogs need to be let outside, while cleaning. Kevin demonstrated with a video of dogs in a kennel (11 dogs) the level of noise inside, outside the insulated kennel and the outdoor exercise area.

He addressed health and safety issues. If dogs get loose, they could go to neighboring home, you do not know if the dogs are friendly. Anticipated traffic- his driveway is directly across from Krapu's, he was concerned about additional traffic, congestion and there are no turn lanes. Effects on value of property- no one will want to move to the country to live across from a dog kennel. It affects the Comprehensive plan. Is this an agricultural use?

Gloria Belzer- 24335 Dodd Blvd, Lakeville, MN

She explained that they moved to Eureka to get away from the traffic, streetlights and noise. Their home is 538 feet from the Krapu's home. They are surrounded by the Vermillion River and wetlands. Moved to enjoy the beauty, peace and tranquility of the area. When they moved to Eureka, there were no kennels, in April 2003 a kennel license was granted to neighbor. Now Krapu's are asking for a kennel license.

Krapu's are modeling their business after kennels will 80 to 100 dogs. The Belzer's refer this proposed business as a potential nuisance. Andi Krapu stated to her that they plan to have a dog grooming business and sell dog related items. Gloria has visited kennels and neighbors to kennels. She has never heard positive comments on kennel noise.

She asked if there is a cap on the number of dogs. The CUP stays with property, what about the new owners. Her concerns included: Increased traffic, existing driveway not intended for commercial use, no turn lanes on Dodd, decrease in value of property. Flood plain level, there are no ditches to control run-off and it drains toward the Vermillion River. Fecal coliform is in dog feces. Client parking could create a problem, fluid from cars. Lighting, traffic congestion, scenic views, noise and dog odors will create a nuisance. The Dakota County Traffic Department informed her that hazardous traffic conditions on Dodd Blvd, due to increased commercial use would need to be accessed and appropriate measures followed to allow for safe access

onto the driveway for commercial. This would need to be done by the County as part of the Conditional Use Permit.

How does a kennel fit into the comprehensive plan? This is not about Krapu's, Andi loves animals and cares for them compassionately. It is about a dog kennel and the negative impact it will have on the community.

Jeff Belzer- 24335 Dodd Blvd, Lakeville, MN

Lives 540 feet away from the proposed kennel. When dogs go outside they will bark and make a lot of noise and they will escape. He addresses the Ordinance: When issuing a CUP the board will consider health, safety, morals of the community. Which would include noise 24 hours a day.

Boarding 50 dogs is a commercial use, not agricultural. Anticipated traffic conditions, affect of values and scenic views. Property values will be lower. Barking is a nuisance. Effect on the COMP Plan: putting a commercial use into a residential area. Driveway was not built for commercial use. Consider the environment, asking for an environmental assessment worksheet, what the effects of a dog kennel on the Vermillion River. He referred to the nuisance ordinance- no noise (barking), odors (Smell of dogs), solid waste (which dogs do) shall be permitted in any district that in any way have any objectionable effect upon adjacent (Belzer's) or nearby property (Neighbors). This is a use that they do not condone and are creating a nuisance by allowing it. 8134 It shall be unlawful to create a nuisance affecting the health and peace of any person. By allowing this you would be creating a nuisance.

Patrick Kelly- Attorney representing Mr. and Mrs. Belzer and Mr. and Mrs. Flaherty.

He submitted a letter dated August 30, 2004 an analysis of the ordinances, COMP Plan and application criteria necessary of a conditional use. He stated that you need to balance residential use and agricultural uses. This is a commercial use. When referencing the Ordinance in agricultural use- boarding of animals does not have specific reference to kennel. Need to consider impact on the immediate area, impact on residential use.

Rick Ruzicka Owner of Animal Control Incorporated, White Bear Township

He has been in business for 23 years in White Bear Township. He came to testify to noise and nuisance. It is very difficult to contain noise; there are no buffers that would stop barking. Noise from inside of the building can be heard 100 feet away. Their business is located in industrial park (commercial). He currently wants to build a new facility; it is difficult to find a location because you need a commercial area to build a facility. Having that many animals it is a commercial facility.

Patrick Kelly

COMP Plan zoning is to keep rural atmosphere residential agricultural atmosphere. Kennels are usually placed in industrial area.

Rick Ruzicka- Waste disposal at his kennel- 1500 gallon holding tank that is pumped twice a week .plus solid waste dumpster that is picked up every three days.

Pat Korba- 24810 Dodd Blvd, Lakeville, MN

Lives in Eureka Township because it is a rural area. Protesting the proposed kennel, does not want increased traffic. Opening door to others. Keep it rural

Ray Kauffenberg- 24510 Dodd Blvd, Lakeville, MN

Talking about ordinances of today but also need to look at the future. He was part of the envisioning committee, they did a survey of residences, of what is important to the community. He addressed issues that are important to the community. Clean air- risk of manure odors, clean water- feces, urine run-off toward river. Crime- increase of people in area including employees and customers. Peace and quiet- noise pollution, taking away rights of neighbors. Agriculture/ horticulture- not agricultural use. Lower property values- less tax revenue for township. Open space and natural area- 200 feet of kennel area, dogs, noise and odor. Undesired and banned in many areas. Light pollution- significant a 24/7 parking area. Sense of community- Proposal over objection of neighbors and disinterest of the community they are not contributing to the sense of community. What is the motivation? The planning commission role is to uphold the current ordinances and also think about the future of the township. Suggesting that the request be turned down.

Terri Petter- 24005 Dodd Blvd, Lakeville

Owens neighboring dog kennel, she has not had any complaint about barking dogs. She has 5 kennels, but usually only has one or two dog boarded at a time.

Jay Donnelly- Walnut Ridge, Scott County approximately 1 mile west in a housing development of 30 + houses and 70 kids.

He commented on behalf of ten or so neighbors on concerns of the proposed kennel. They had concerns of dog getting loose. Kennels should be allowed, but in a proper place.

Jim Friedges- New Market

He was asked to attend the meeting by concerned citizens. Environmental goals with fecal coli form, that Eureka Townships priority would be, not to allow this type of facility that close to the river.

Ed O'brien- 24525 Dodd Blvd, Lakeville

Number one concern is noise. Second concern would be waste. Whatever consideration that give Krapu's consider future development in the neighborhood, additional traffic and scenic views.

Chair Francie Madden commented that there is an Ordinance permitting dog kennels. The Conditional Use Permit is reviewed annually.

Cara Monson- 10391 250th St W, Lakeville

If the dogs are outside one at a time. She does not have a problem with the kennel.

Hearing no more public comments Chair Francie Madden closed the public hearing at 8:08 PM.

Chair Francie Madden read Ordinance No. 2 on Dog Kennels. She checked with Lakeville, they allow dog kennels, but not in a residential neighborhood. In the Ag district or Commercial district you may apply CUP for a dog kennel. Over 3 dogs need a permit, no maximum amount of dogs, does relate to land owned (less than 10 acres- 20 dogs) Farmington allowed only in Ag district, issued on case by case basis. Castle Rock Ordinance almost identical to Eureka Township's ordinance.

The planning commission asked follow up questions to Krapu's

- No employees to start, only family members.
- Kennel at capacity only 30 days per year.
- Black top parking area. 10-12 vehicles.
- Drop off and pick up dogs by appointment.
- Willing to put in trees as a buffer to screen view.
- Number of requested capacity is not negotiable. Sizeable investment. At 35% capacity on the average.
- No sales or grooming the first year, maybe later.
- Driveway paving as close to possible to commercial 6" thick.
- System installed to make dogs stop barking. (Inaudible)
- Isolation kennel for barking dogs.
- No license/ operating permit needed by State of Minnesota to operate a kennel.
- Windows for natural lighting are required by State Law.
- Kennels have solid walls between.

Chair Francie Madden commented that in order of priority concerns are: noise, safety from dogs and highway safety.

The planning commission asking for building plans with noise abatement. Suggested R Value of 38, kennel design with location of the dumpster.

Conditions of Conditional Use Permit if approved:

1. Trees for screening.
2. Fenced in exercise area. (for walking dogs)
3. Noise abatement.
4. Paved parking area.
5. No grooming or sales of products
6. Limit to 10 dogs outside at one time.
7. Dumpster enclosed and pickup at least once per week.

A motion by Cheryl Monson: to pass onto the town board for approval with recommendations as stated above. Motion seconded by Butch Hansen.

Discussion followed. It was decided to recess meeting until Tuesday September 7, 2004- after the other public hearing approximately 9:00 pm., so requested documents can be presented to the planning commission.

Cheryl Monson withdrew her motion, Butch Hansen withdrew his second.

A motion by Cheryl Monson: To pass onto the board with the exception of the building plan, kennel plan and plot design that will be brought before the planning commission at the planning commission meeting on September 7, 2004. Motion seconded by Butch Hansen. Motion Carried.

Meeting recessed at 8:50 pm.