

Carver County Planning Commission
Regular Meeting - **Tuesday, October 17, 2023**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of September 19, 2023, regular meeting
Pages 1-1 through 1-3
- 2.) **File #PZ20230039** – Public hearing on application by Laura Zimmermann
for a Conditional Use Permit. (Commercial Kennel)
Waconia Township Pages 2-1 through 2-35

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – September 19, 2023
Minutes

Members Present: Scott Wakefield, Scott Hoese, Matthew Kerber, Greg Grazzini, Frank Mendez

Members Late: None

Members Absent: Andy Steinhagen, John P Fahey

Staff Present: Christina Neel, Nancy Buckentine

Pursuant to due call and published notice thereof, the September 19, 2023, regular meeting of the Carver County Planning Commission was called to order by Chairman Wakefield at 7:00 p.m.

Chairman Wakefield announced the roll call indicated five members are present, noting the absence of Steinhagen and Fahey.

Agenda – A motion was made by Hoese to approve the agenda as printed. Kerber seconded the motion for approval. All voted aye. Motion carried.

Minutes – A motion was made by Hoese and seconded by Grazzini to approve the minutes from the August 15, 2023, regular meeting. All voted aye. Motion carried.

File #PZ20230027 – Valley Paving (continued) – Chairman Wakefield called the continued public hearing to order at 7:02 p.m. to consider a request by John Wokasch & Brent Carron, representing Valley Paving, Inc. The purpose of the public hearing was to consider a request to operate a concrete crushing plant as an interim use under the mining/land reclamation standards pursuant to Chapter 152 of the County Code. The property is located in Section 9 of Dahlgren Township.

The following were present: Brandt Sylvester (Sr. Project Mgr/Valley Paving), Brian Gennrich

The following items were entered into the record:

Exhibit H – Signed Township Recommendation form

Exhibit I – 60-day Law Letter

Exhibit J – Staff Report addressed to the Planning Commission and Dahlgren Township dated September 12, 2023, and all attachments

Neel used an aerial map to illustrate the approximately 190-acre parcel owned by SSP Landholdings, LP & Lowell & Kathleen Peterson consisting of agricultural production land, an apple orchard, wooded acres, the Hwy 212 corridor and a seasonal commercial business (Scream Town). Valley Paving, Inc. has an active administrative permit for a temporary concrete crushing operation which will expire on December 1, 2023, and is requesting an Interim Use Permit to continue to operations related to crushing aggregates and stockpiling recycled concrete and asphalt pavement. These products are planned to be used with the on-going Hwy 212

reconstruction and other local road projects within the County. The stockpiling will be up to 20,000 cubic yards of materials on approximately 3.5 acres of the site. Work vehicles at the site include the portable crushing plant, conveyors, excavators, haul trucks, water truck and a bulldozer. The typical construction is from May through November, dependent upon weather. This site plans to have approximately 20 haul dates per year from 7:00 a.m. to 7:00 p.m. On dates when no crushing or hauling occurs, the site is used for storage of stockpiled materials with no vehicle traffic. Valley Paving estimates approximately 15-20 days of crushing will take place during the 2024 construction season. The location of the portable crushing equipment has been chosen to limit sounds by using the trees and stockpiles of materials to help block and minimize the noise. The nearest residence is approximately 1,035 feet from the location of the proposed crushing site. In August, the Planning Commission voted to continue this public hearing until the Township Recommendation form was received. Staff also sent a 60-day law letter to the applicant extending the decision deadline until November 15, 2023. The Dahlgren Town Board reviewed this request at their September 11, 2023, meeting and recommended approval of the request without any additional considerations or comments. Neel read the proposed conditions for consideration if the request is approved.

Chairman Wakefield asked the applicant read and agrees with the proposed conditions of the permit.

Brandt Sylvester, Sr. Project Mgr for Valley Paving, confirmed he read and agrees with the proposed conditions for approval. He added that erosion control and stormwater measures are already in place with the administrative permit under which they currently operate. They propose to continue with that plan if this IUP is approved. He stated they intend to use the processed aggregate materials on Hwy 212 project, a City of Cologne project and other jobs in the area, which will be a much more cost-effective product for the County by eliminating many miles of trucking/hauling.

Brian Gennrich, Dahlgren Township supervisor, confirmed the Township's recommendation for approval of the request.

A motion was made by Grazzini to close the public hearing. Kerber seconded the motion to close. Chairman Wakefield called for a vote on the motion. All voted aye. The public hearing was closed at 7:10 p.m.

Hoese asked for more information about the proposed 20 days per year for hauling of the product.

Mr. Sylvester explained the crushing of materials would take place about 15-20 days a year. When they haul the materials out, it would be done at approximately 2,000-4,000 ton a day. The large production quantities would involve about 100 trips per day with about 8 trucks because the projects are in the area.

Hoese mentioned the dust control requirement and noted that ScreamTown is also required to use dust control measures. He asked if they would be following the same procedures with the gravel hauling.

Mr. Sylvester replied that a water truck would be on site on the heavy hauling days to control the dust. If conditions are such that the water truck is not effective, then other measures such as calcium chloride will be applied as dust control.

Hoese stated he received a call from ScreamTown stating that they have already applied the dust control. Hoese asked if the dust control would be required all the time since they are using the same road.

Mr. Sylvester stated they will work together with ScreamTown if the calcium chloride becomes ineffective with the gravel hauling use. There is a portion of road that veers off from the main access for which Valley Paving is responsible for the dust control. An aerial map was used to indicate the location of the access roads on the parcel.

Hoese also asked if dust is created during the crushing process and what measures will be taken to minimize that dust.

Mr. Sylvester replied that a water truck will be on site for the crushing also and can spray into the crusher to reduce any dust that is produced.

Wakefield asked for more information about the City of Cologne project.

Mr. Sylvester stated that project is called the Benton Creek project and involves reconstruction of some city streets and curb and gutter replacement. The old curb and gutter is being hauled to this site to be crushed and recycled into Class 5 base material. And there will also be some reclaimed asphalt from the roadway to be processed. They have been very strict with their haulers that only concrete and asphalt product is hauled to the ScreamTown site. There will be no black dirt or muck from the Hwy 212 project.

A motion was made by Hoese to **approve and issue Resolution #23-15** incorporating the findings of fact and staff recommendations approving the Interim Use Permit for the operation of temporary concrete and recycled asphalt pavement activities. Mendez seconded the motion for approval. Chairman Wakefield called for a vote on the motion for recommending approval of the request to the County Board. All voted aye. Motion carried.

Adjournment

Having no other business to discuss, a motion was made by Mendez and seconded by Kerber to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:18 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

October 9, 2023

TO: Carver County Planning Commission & Waconia Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Commercial Kennel)

FILE #: PZ20230039

APPLICANT: Laura Zimmerman and Douglas Pritchard

OWNER: GLE LLC

SITE ADDRESS: 13950 Hwy. 5, NYA, 55397

PERMIT TYPE: Commercial Kennel

PURSUANT TO: Carver County Code Section 152.079 (C)(4)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-510-0080

STAFF ANALYSIS:

1. GLE LLC (Lyle Braun) owns an approximately 3.55-acre parcel located in Section 31, Waconia Township. The property is improved with an existing commercial building of approximately 11,400 square feet, fenced enclosed areas, and an accompanying parking lot. The remainder of the lot consists of a portion of agricultural production farm field and tree lines. The property is part of the Hydes Lake Shores Subdivision (Lot 1, Block 2) Plat from 1994, and is located in the Agricultural Zoning District, Shoreland Overlay District (Rice Lake) and the Carver County Water Management Organization (CCWMO) - Carver Creek watershed.
2. Prior to the application for a Commercial Kennel Conditional Use Permit (CUP), the applicants obtained a variance (V-PZ20230028) to operate a Commercial Kennel from a parcel less than the required 5-acre size, on a property without a single-family dwelling for the owner to occupy and homestead, with an operational area located within the 1,000-foot setback from a neighboring residence and within ½-mile of 12 neighboring residences. In addition, the property was granted a conditional use permit in 1997 and later amended (CU-PZ20020009) to operate a Farm-Related Business (Veterinarian Clinic and Feed Supply Store). A variance (V-10632) was also granted (in 1997) to install a monument sign with greater square footage than otherwise allowed.
3. The applicant is requesting a Conditional Use Permit to operate a Commercial Kennel to board up to 50 dogs for daily and overnight stays. The CUP request is pursuant to Section 152.079 (C)(4) of the Carver County Code, which reads as follows:

§ 152.079 CONDITIONAL USES—ACTIVITIES CENTERED AROUND A HOME OR A HOME/FARM COMBINATION.

(A) Minimum criteria for issuance of permit:

- (1) Minimum five-acre lot size; unless another size is specified under a particular provision;
- (2) Sewage can be managed in accordance with Chapter 52 of this code of ordinances;
- (3) Land is not subject to the land use restrictions of an AG preserve covenant;
- (4) The activity shall be located on a hard surfaced (blacktop or concrete) road unless written approval for location on a township road is given by the affected township or townships. The town board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect;
- (5) There is a single-family home on the parcel occupied as a homestead by a principal of the activity; or a single-family home will be constructed or homesteaded before the CUP for the activity is issued;

- (6) The scale and operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs—traffic capacity or roads, waste disposal or management, fire or police protection, sewage disposal—that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions:

- (1) Permit shall be subject to administrative review or compliance review as set by the permit. A change in ownership, operations or operator shall be cause for the permit to be reviewed to determine whether an application for an amendment or similar consideration is necessary.
- (2) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The operational plan and site plan shall become part of the permit.
- (3) Outside storage is prohibited unless the storage area is adequately screened from nearby roads and residences.
- (4) The operational plan and site plan shall become part of the permit.
- (5) The applicant must submit a copy of workers' compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (6) All buildings utilized by the operation must meet the State Building Code.

(C) Activities.

- (4) Commercial kennels under the following conditions:
 - (a) The facility is 1,000 feet from any residence except that of the owner and a minimum of ½-mile from ten or more homes existing prior to application for a permit under this provision;
 - (b) An appropriate manure and waste treatment system shall be provided for the kennel operation;
 - (c) Confinement and shelter is provided through the use of fences and structures.
4. The commercial building on the subject property became available after a veterinary clinic ceased operating at this location in 2021. Recognizing that the building was constructed with small animal care in mind, with components such as a large unfinished warehouse space for farm-related supplies that could be adapted for re-use as an indoor play area for dogs, the applicants Laura Zimmerman and Doug Pritchard have applied for a CUP to operate a canine daycare and boarding facility on the property. This represents a relocation of their Carver Canines dog day-care business which they currently operate from their home in the City of Cologne.
5. The applicant's letter (dated September 21, 2023) provides background information and an operations plan for the business. Carver Canines' proposed operating hours are Monday – Friday 7:00AM – 7:00PM and weekends (Saturday, Sunday) 7:00AM – 6:00PM. "All drop-offs and pick-ups will be limited to those hours." The operations plan proposes a maximum of 17 employees plus two owners, with a maximum of five staff and a minimum of one staff member for the overnight shift. The proposed maximum number of boarded dogs is 50, with an estimated daily range of 20 to 50 dogs. The narrative notes that boarding the maximum of number of dogs within a building this large is "a highly conservative use of the space." As evidence, the applicants provide a pet industry space standard that supports this position. The letter outlines the method of screening dogs prior to boarding and monitor new dogs to assess compatibility with other boarded dogs. The applicants describe various methods used to minimize instances of dog barking. The narrative states that Lyle Braun, the owner of the property "has actively supported the Carver Canines variance request as well as the current CUP application."
6. The submitted site plan (dated July 6, 2023) shows the existing property improvements, which include the approximately 11,400 square foot building, a parking area with both asphalt and gravel surfaces, and driveways leading to Hwy. 5 and Rome Avenue. The survey also shows two proposed fences, enclosing an approximate 6,800-square foot area, which the narrative identifies as outside dog-run areas. There is no proposed expansion of the existing building.
7. The applicants' letter states that expected number of customers per day will be "in the range of 10 at peak times, 25 per day maximum. Assuming an average of 5 staff and the owners (1 vehicle), the total estimated number of trips in and out will be in the range of 50 to 62 per day." Per the Waconia Town Board recommendation, vehicle access to the facility is proposed via the Rome Avenue driveway. "Customers will pull up to the entrance to the facility and transfer their dogs via a Sally Port which is already a purposed built feature of the facility. The Sally Port provides a confined space for Carver Canines employees to transfer each dog from the car to and from the interior of the facility."

8. The applicants have proposed steps to minimize the impact of dog barking on neighbors. The narrative states: *"In an effort to provide noise mitigation in response to neighbor's concerns expressed during the variance public hearing, the applicant proposes to follow the Township Board's recommendation and insulate interior spaces to dampen barking sounds. The warehouse will be finished; including building a ceiling - either drywall or metal, and use blown in fiberglass above. On the walls, the applicant is exploring options with their contractor for the best material to use for sound buffering. One option would be vinyl back fiberglass bats, with something in addition to just the vinyl backing down low in the space, such as vinyl faced fiberglass, with plywood covering the lower 6 feet portion."*

The applicant has supplied a document (dated September 27, 2023) displaying several fence options to enclose the proposed outdoor dog exercise areas. Due to its ability to eliminate visibility of the surrounding area, thus potentially decrease dogs barking at passing vehicles and persons, and its ability to contain sound, staff recommends a wood fence option.

9. The applicants have submitted a Facility Floor Plan Sketch (dated September 21, 2023) showing purposes of the rooms and spaces (boarding suite, lobby, kennels, indoor play areas, etc.) and the proposed outdoor play areas.
10. The submitted narrative states that Lyle Braun, the current owner of the property, reports within the 15-year history of the veterinary clinic, "There was never a complaint lodged with Carver County regarding excessive barking or other noise." Staff checked internal commercial kennel CUP records for the six existing commercial kennels in the townships and did not find a reported noise complaint from any of the facilities. In response to a staff inquiry Nicole Robinson, Records Supervisor for the Carver County Sheriff's Office, stated in an email dated August 10, 2023: "After doing some search I was unable to find any complaints on the dog kennels you had sent. A few of them looked fairly remote as well so no neighbor complaints either."
11. The submitted parking plan (dated October 3, 2023) shows 19 parking spaces, including one handicap accessible space, on the gravel and asphalt surfaces east of the building. There is no required parking standard for commercial kennels or similar animal service- oriented businesses in the zoning code (§ 152.038). However, the zoning code states: "Spaces for uses not listed shall use be calculated by the land management department based on, but not limited to, the characteristics for similar uses and professional studies prepared by American Planning Association or Institute of Traffic Engineers." A review of the several standards established in US communities indicates that the parking plan provides an adequate parking supply based on the planned maximum of six worker/owner vehicles during the largest shift and an estimated peak time parking lot use of ten customer vehicles. For instance, the American Planning Association Parking Standards guide lists the City of St. Cloud, MN parking standard requiring "1 space for each 600 square feet of gross floor area" for an animal boarding facility. This equates to 19 required spaces for the 11,400 square-foot building in which Carver Canines proposes to operate.
12. Signage on the property currently consists of signage on the front building façade and the 48 square-foot monument sign allowed by the 1997 variance. A condition of the variance states: "Other than temporary and promotional signs as permitted by the Ordinance, no additional signs shall be constructed on the property." Therefore, the signage on the building must be removed to be in compliance with the 1997 variance and Carver County sign code.
13. The proposed commercial kennel is located on property in the Shoreland Overlay District, and the proposed use complies with the requirements set forth in zoning code sections 152.108 and 152.135. With the granting of variance PZ20230028 and review of the submitted CUP materials, the proposal appears to meet the Commercial Kennel standards of the Zoning Code.
14. Regarding dog waste management, the applicants plan on using a garbage service provider rather than the septic system for waste removal. Further, the applicant believes waste management will be less of a burden since "the proposed maximum of 50 dogs is significantly less than the business activity of the former veterinary clinic, which included small animal appointments, surgeries, pet grooming and boarded animals."

15. Jacob McLain, Senior Environmentalist with Carver County Environmental Services, reviewed the application materials and in an email dated October 4, 2023, stated:

"The septic system is sized for 600 GPD. With the employees that they have listed, and the maximum number of dogs listed at 50 per day, the system should be sized properly. Per Carver County Zoning Code 152.122 before any permit or variance is issued for a property with an SSTS located in shoreland area a compliance inspection must be completed. Staff will look at the design flow for the new operation to see if it meets the current design capacity of the septic system. It may be beneficial to the new owners to have some sort of a maintenance schedule (i.e. regular pumping) created for the system to ensure longevity."

Though the Carver Canines operations plan references a garbage service to haul away dog waste, Mr. McLain further comments:

"At other boarding sites that I have seen in the past they do pick up the solid waste of the dogs, but the urine and wastewater from washing the dogs usually goes into the system via a floor drain. I think the dogs will have a minimal impact on the system, but there will be an impact. Also, the reason that I mentioned a maintenance plan is because I see the system has an effluent filter that should be cleaned at least every 6 months to avoid backup of the system, with perhaps more frequent cleaning required due to dog hair accumulation."

16. Taylor Huinker, Department of Natural Resources (DNR) Area Hydrologist, reviewed the application, and in an email dated October 2, 2023, reported that she had no comments.
17. The Minnesota Department of Transportation (MNDOT), the road authority for Hwy 5, was sent the application materials for review. As of the time of the writing of this staff report, no response had been received.
18. The Land Management Department has received comment letters to the proposed commercial kennel from the following homeowners:
- a) Greg & Dawn Kortuem – 10575 Rome Ave, Young America, MN 55397
 - b) Beth Peterson – 10535 Rome Ave, Young America, MN 55397
 - c) Rachel & Mark Slater – 10545 Rome Ave, Young America, MN 55397
 - d) Jeff & Kari Lenzmeier – 13525 102nd Street, Cologne, MN 55322

In addition, the applicant submitted to the Land Management Department a flyer that had been distributed to neighboring residents. Ms. Zimmerman wrote and submitted a rebuttal to several statements included in the flyer.

19. The Waconia Town Board reviewed and recommended approval of the request at their August 28, 2023, Town Board meeting with the following comments:
- 1. *Applicant should consider screening trees on the south and west sides of the property;*
 - 2. *That sound attenuation be installed in the building;*
 - 3. *Applicant should consider using Rome Avenue rather than Highway 5 as the main access to the facility since there is a left turn lane and bypass lane for the entry onto eastbound Highway 5.*

BOARD CONSIDERATION:

If the Planning Commission recommends approval of the CUP application for a Commercial Kennel located at the property, the previous CUP (#PZ2002009 and any other prior permits, amendments or renewals for a Farm Related Business), would be terminated upon final approval (and recording) of the new CUP #PZ20230039. The following conditions should be attached to the new CUP:

- 1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.

2. The Commercial Kennel shall operate in accordance with the operational plan (dated: September 21, 2023), site plan (dated: July 6, 2023), fencing options document (dated September 27, 2023), Facility Floor Plan Sketch (dated September 21, 2023), and parking plan (dated October 3, 2023). These plans shall be attached to and become part of this permit. This Commercial Kennel request only allows for up to a total of 50 dogs, the use of the existing building, immediate surrounding area for outdoor (fenced) play areas, and vehicle parking/access as part of the activity. Changes in the use of existing building or the construction of a new building(s) or any plans to enlarge the facility in the future, would require the applicant to apply and receive a new Conditional Use Permit.
3. The existing building shall not be improved to the extent that the improvements constitute a dwelling, as defined by the MN Building Code and/or the County Building Official's determination, unless a Building Eligibility is transferred to the parcel and all proper building and SSTS permits are obtained.
4. The facility would be open to the public Monday – Friday 7:00AM – 7:00PM and weekends (Saturday, Sunday) 7:00AM – 6:00PM and otherwise only in the case of a veterinary emergency. All drop-offs and pick-ups will be limited to the public hours of operation. Changes to the months, days and/or hours of operation would require the submittal of a new CUP application.
5. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Any site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits. The permittee shall comply with all Carver County Shoreland Regulations.
6. The Permittee shall comply with the road authority's (Rome Avenue - Waconia Township AND Hwy 5 - MnDOT) access requirements, improvements and/or standards, if applicable. Parking along Township and County rights-of-way shall be prohibited.
7. The Permittee shall submit Certificate of Workers' Compensation Insurance to the Land Management Department annually when there are additional employees beyond the owner/operator. The insurance shall be maintained for the duration of the CUP.
8. The Permittee shall comply with all conditions specified in Variance #PZ20230028 and Variance #10632 regarding the operation of the commercial kennel, operational area location, and property signage.
9. The Permittee shall at all times comply with the County standards as detailed in Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, Chapter 54 – Feedlot regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations.

OR

If the Planning Commission recommends denial of the permit application, the deficiencies found in Section 152.251 (Required Findings) of the Carver County Zoning Code, should be referenced, as follows:

§ 152.251 REQUIRED FINDINGS.

An order for the issuance of a CUP or IUP can be adopted only if all of the following are found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings:

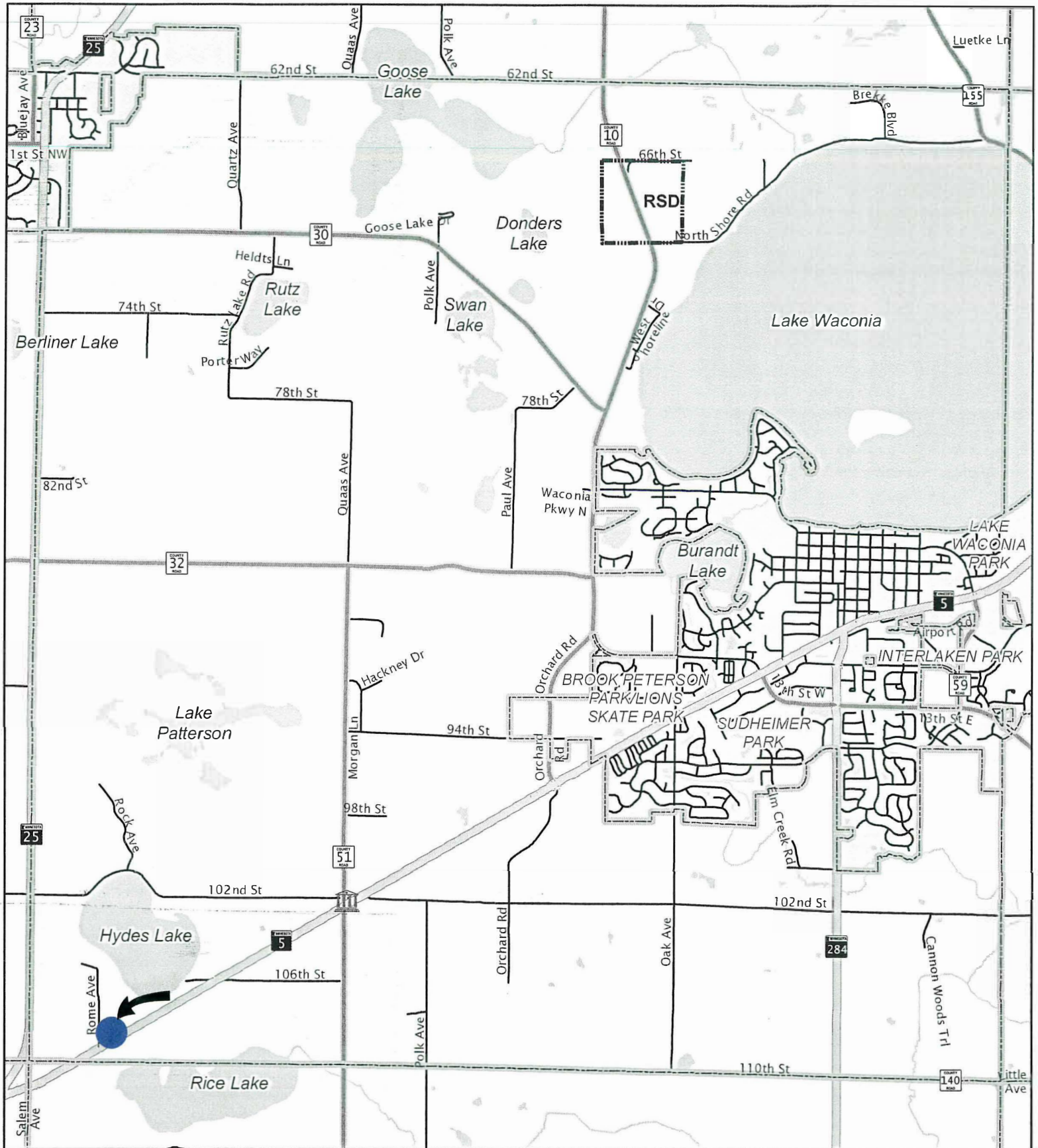
- (A) The conditional or interim use is permitted as a permitted conditional or interim use within the zoning district, and meets all requirements of this chapter and any other county, regional, state, or federal laws, ordinances, rules or regulations.
- (B) The conditional or interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- (C) The establishment of a conditional or interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- (D) The effects of the proposed use will not be detrimental to the health, safety and welfare of Carver County or to the occupants of the immediate neighborhood.

- (E) That adequate utilities, access roads, drainage and other facilities have been or are being provided.
- (F) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use if these measures are applicable.
- (G) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance if these measures are applicable.
- (H) The use or development conforms to the County Comprehensive Plan.
- (I) The use or development is compatible with the land uses in the neighborhood.
- (J) A public hearing was held pursuant to § 152.285 and M.S. § 394.26, as it may be amended from time to time.

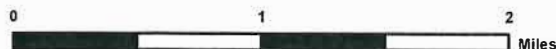
OR

If the current application fails, or it is withdrawn, the Farm Related Business CUP (#PZ20020009) would remain in full force and effect. The existing use (veterinary clinic and farm supply store) runs with the land, regardless of the property ownership, unless the operator violates the terms and conditions (and subsequent action is taken).

WACONIA TOWNSHIP

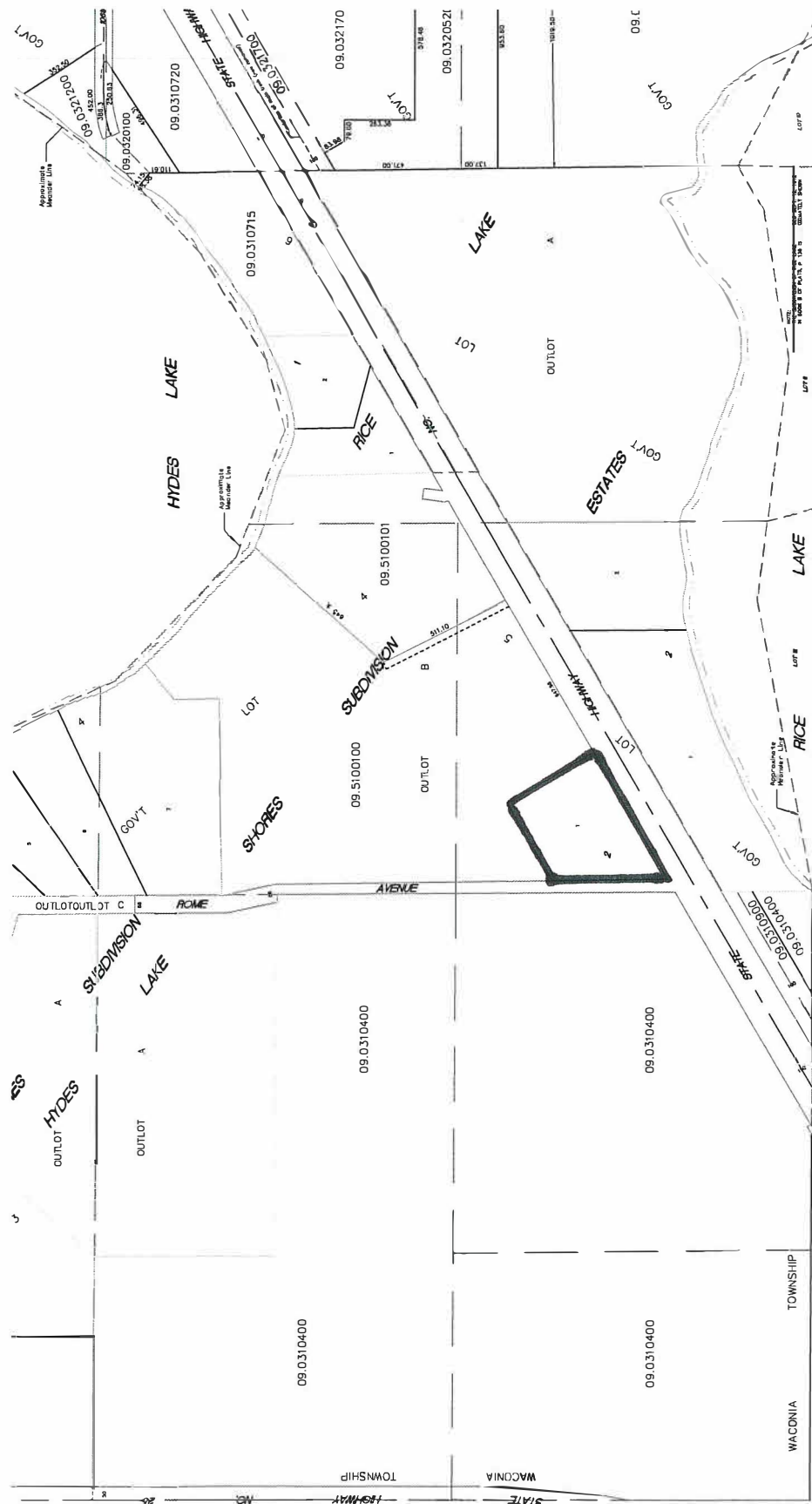


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



Map Created by Carver County GIS

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2253 Naples Avenue
Cologne, MN 55322

September 21, 2023

Carver County Planning Commission
600 East 4th St.
Chaska, MN 55318

Re: Conditional Use Permit Application for 13950 Highway 5, Norwood Young
America 55397

Block 2, Lot 1, Hydes Lake Shores, Carver County Minnesota

Dear Members of the Carver County Planning Commission and Staff,

Applicant Carver Canines LLC respectfully requests that the Carver County Planning Commission issue a Conditional Use Permit ("CUP") pursuant to Carver County Zoning Code section 152.079 (4) (conditional uses—activities centered around a home or a home/farm combination) to allow the property located at 13950 Highway 5, Norwood Young America 55397 (the "Property") to be used as a Dog Kennel. Applicant's Variance Request Application (File Number PZ20230028, Approval Date: July 28, 2023) is incorporated by reference as part of this CUP application.

Background of the Property

The Property at 13950 Highway 5, Norwood Young America 55397, consists of 3.55 acres and is legally described as Block 2, Lot 1, Hydes Lake Shores, tax parcel number 09.5100080. The Property is located in the Agricultural Zoning District, the Carver Creek Watershed and the Rice Lake Shoreland Overlay District (Natural Environment Lake). According to Findings of the Carver County Board of Commissioners in 2002, the parcel for the Property was created in 1994. The property is improved with a commercial

building, which was originally about 7800 square feet and later expanded. (See County Board Order PZ20020009, dated June 3, 2002, Findings of Fact 1, 2 (hereinafter "2002 Order").)

On December 27, 1990, the Board of Commissioners issued Conditional Use Permit #8219 allowing a farm-related business. The permit allowed Dr. Ralph Molnau to construct a commercial building and operate the Countryside Veterinarian and Feed Supply Store. In 2002, the Board of Commissioners issued a conditional-use permit to allow Dr. Molnau to expand his veterinary clinic operation with a 40' x 56' accessory building and a 16' x 60' addition on the south side of the existing commercial building, for total square footage of approximately 11,000 square feet.

The Property is currently owned by GLE, LLC, a Minnesota limited liability company. The Property is currently leased by WellHaven PetHeath, MN LLC ("WellHaven"), pursuant to an Assignment, Assumption and Amendment of Lease ("Amendment") dated October 29, 2018. WellHaven ceased providing veterinary services at the Property in 2021.

GLE, WellHaven and Carver Canines have entered into a Sublease Agreement, under which Carver Canines will take over possession of the Property. The proposed Sublease Agreement incorporates the terms and conditions of the October 29, 2018 Amendment. Performance of the Sublease Agreement is contingent on Carver Canines' receiving the required variances and a conditional-use permit (CUP) to lawfully operate a dog kennel on the Property.

Lyle Braun, an officer of GLE, signed the CUP Application as Owner of the property has actively supported Carver Canines Variance Request as well as the current CUP Application.

Procedural Background

On June 28, 2023, Applicant filed a Variance Request with the Carver County Board of Adjustment seeking four variances from the requirements set forth in Zoning Code § 152.079: (1) the minimum lot size; (2) the requirement of the described single-family home; (3) the requirement that the kennel be located 1,000 feet from any residence other than the owner's; and (4) the requirement that the kennel be located at least one-half mile from ten or more existing homes. The Board of Adjustment approved all four variances on August 2, 2023. On August 28, 2023, Applicants received a recommendation of approval for its CUP Application from the Waconia Township Board. The Waconia Township Board recommendation included the following comments:

1. Applicant should consider screening trees on the South and West sides of the property;
2. That sound attenuation be installed in the building;

3. Applicant should consider using Rome Avenue rather than Highway 5 as the main access to the facility since there is a left turn lane and bypass lane for entry onto eastbound Highway 5.

Applicable Regulations

Section 152.079 of the Carver County Zoning Code specifically allows commercial kennels. The relevant language states that a commercial kennel is permissible if:

- (a) The facility is 1,000 feet from any residence except that of the owner and a minimum of ½-mile from ten or more homes existing prior to application for a permit under this provision;
- (b) An appropriate manure and waste treatment system shall be provided for the kennel operation;
- (c) Confinement and shelter is provided through the use of fences and structures.

The Carver County Variance Commission granted Applicant relief from section 152.079(a) in its August 2, 2023 decision. The requirements set forth in paragraphs (b) and (c) are addressed below. As such, the section 152.079(a) zoning issues of the subject property have been fully adjudicated in Applicant's favor.

Proposed Use

Carver Canines proposes to use the property as a canine daycare and boarding facility. The facility will operate 24/7. Proposed regular business hours are: Monday through Friday from 7:00 AM to 7:00 PM, and Saturday and Sunday from 7:00 AM to 6:00 PM. All drop-offs and pick-ups will be limited to those hours.

Proposed Use Plan

Applicant believes the number of customers per day will be in the range of 10 at peak times, 25 per day maximum. Assuming an average of 5 staff and the owners (1 vehicle), the total estimated total number of trips in and out will be in the range of 50 to 62 per day.

As recommended by the Waconia Township Board (CUP Application Page 5), traffic to and from the facility will be via Rome Avenue rather than Highway 5 as the main access to the facility since there is a left turn lane and bypass lane for entry onto eastbound Highway 5. Customers will pull up to the entrance to the facility and transfer

their dogs via a Sally Port which is already a purposed built feature of the facility. The Sally Port provides a confined space for Carver Canines employees to transfer each dog from the car to and from the interior of the facility. Dogs will be leashed at all times. The process will be reversed during pick up. Space within the facility parking area will be configured to efficiently manage dog unloading and loading.

Carver Canines plans to employ up to 17 employees plus 2 owners (19 total) for the business. Projected daily staffing is as follows:

1st Shift: 6:00 AM – 2:00 PM – 5 Staff
2nd Shift: 2:00 PM – 10:00 PM – 2 to 5 Staff
2:00 PM – 6:00 PM – 5 Staff
6:00 PM – 10:00 PM – 2 Staff
3rd Shift 10:00 PM – 6:00 AM: 1 staff (*on site not sleeping*)

Please note that many boarding facilities do not have overnight staff. Carver Canines will staff 24/7 for quality care and safety reasons.

There is adequate on-site parking for the 5 staff and the owners who may be present from time to time during the first and second shifts.

Applicant proposes for purposes of this CUP that the maximum number of dogs which can be boarded daily is 50. The estimated daily range is 20 to 50 dogs. This is a highly conservative use of the space. The current facility comprises 11,400 sq ft of indoor space. The facility currently has an indoor area for a dog play area.

According to the PIAA (Pet Industry Association) Standards and Guidelines for Best Practice Boarding Facilities/Establishments and Doggy Day Care Centers the minimum floor area devoted to exercise areas for 50 dogs is 1,927 sq ft.:

(<https://static1.squarespace.com/static/5f48759535baa45c767263f5/t/600a0a2f315fe4213be81340/1611270708405/SG+Boarding++and+Doggy+Day+Care++June+2016.pdf>)

(The pertinent information is found on page 41.)

All dogs will be screened prior to being accepted for daycare or boarding. We require meet and greets before confirming booking. New dogs' behavior is closely monitored in with other dogs who are well socialized and non-aggressive. New dogs are introduced into the milieu on one-to-one dog basis first. More dogs are gradually added.

All dogs will be supervised. When outside, barking is addressed with reasonable dispatch. If a dog is barking, there is always a reason. Applicant's approach is to address the reason to stop the barking. Does the dog want to come in? We bring it in. Does the dog want another dog to engage, but the other dog isn't interested? We move the dog to a different group. Does the dog need water? We make sure the bowls are full. Does the dog want a toy that's out of reach? We get the toy. Applicant currently cares for a several

dogs which the owners know are very vocal. These dogs have owner-supplied bark collars to control outdoor barking. Applicant also uses a spray bottle of water to discourage barking. These methods seem to work well. Applicant will continue to use both with individual dog owner's consent.

Lyle Braun, the current owner of the property managed the former veterinary clinics housed in the facility for 15 years. He states that during that period there was never a complaint lodged with Carver County regarding excessive barking or other noise.

Appropriate manure and waste treatment system

Applicants plan to continue using the former tenant's (Wellhaven Veterinary Services) garbage service provider for manure removal rather than relying on the facility's present septic system. The proposed maximum of 50 dogs is significantly less than the business activity of the former veterinary clinic, which included small animal appointments, surgeries, pet grooming and boarded animals.

Confinement and Shelter

In an effort to provide noise mitigation in response to neighbor's concerns expressed during the variance public hearing, the applicant proposes to follow the Township Board's recommendation and insulate interior spaces to dampen barking sounds. The warehouse will be finished; including building a ceiling - either drywall or metal, and use blown in fiberglass above. On the walls, the applicant is exploring options with their contractor for the best material to use for sound buffering. One option would be vinyl back fiberglass bats, with something in addition to just the vinyl backing down low in the space, such as vinyl faced fiberglass, with plywood covering the lower 6 feet portion. Applicant also proposes the addition of a fenced in, outdoor play area on the Northeast side of the facility of approximately 6,400 square feet, as indicated on the Site Drawing.

For better management and to minimize noise, Applicant will divide the dogs into three groups. Small dogs will use the current fenced-in area in front. Large dogs will be outside in the back, split into two areas based on number of dogs and the general situation.

External Signage

The facility currently has a 4x8 foot (32 sq ft) sign perpendicular to Highway 5. There is currently a variance for approving an oversized sign with a size not to exceed 48 Square Feet (Variance #10632 dated April 2, 1997).

There is also signage on the building itself. The letters on the building are 20 inches tall and vary in width. It is not clear whether the building signage is compliant with regulations. Applicant will make any required modifications to bring the building signage into compliance.

Further Considerations

As recommended by the Waconia Township Board, Applicant will consider planting trees for screening on the South and West sides of the property.

Lyle Braun, the current owner of the facility, will be personally involved in Applicant's ongoing business operations. Mr. Braun's cell phone number has always been linked to the location and anybody can call if they have issues with the Applicant's operations.

The Waconia Township Board has endorsed Applicant's CUP Application Request. The City of Norwood Young America, through its Economic Development Director, also actively supports Applicant's efforts to find its new business home in Carver County.

Sincerely,
CARVER CANINES LLC

Laura Zimmerman

EXHIBIT 1: Facility Floorplan Sketch (Attached)

FACILITY FLOOR PLAN SKETCH



OUTDOOR SMALL LOG
PLAY AREA

OUTDOOR
PLAY AREA

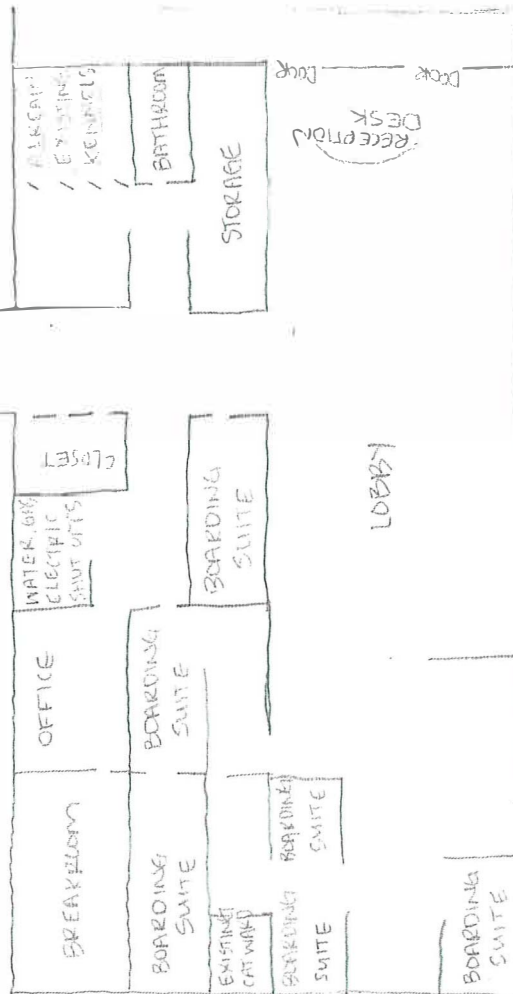
OUTDOOR
PLAY AREA

FENCE

FENCE

FENCE

BREEZEWAY
EXITS



EXISTING
OFFICE

INDOOR
PLAY AREA

INDOOR
PLAY AREA

INDOOR
PLAY AREA

INDOOR
PLAY AREA

OVERHEAD
DOOR

OVERHEAD
DOOR

OVERHEAD
DOOR

PARKING LOT

MAIN
ENTRY/EXIT

2-16

Sept. 21, 2023

I've attached some fence examples of what we're envisioning for the outdoor space at Countryside.



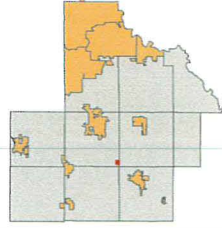


CARVER CANINES PARKING PLAN



Date: 10/3/2023

This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.





Township Presentation & Recommendation Form

PARCEL # <u>09-510-0080</u>	Permit # <u>PZ10230039</u>
Owner's Name: <u>GLE, LLC</u>	Owner's Mailing Address: <u>624 East 13th Street</u>
City: <u>Glencoe</u>	Owner State: <u>MN</u> Owner Zip: <u>55336</u>
Applicant (if other than owner): <u>Laura Zimmerman, dba Carver Canines LLC</u>	Site Address: <u>13950 Highway 5, Norwood Young America 55397</u>

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request:						
See Description of Request on Page 4 above						
Date of County Public Hearing: <u>10/17/23</u>			Date of Township Meeting: <u>August 14, 2023</u>			

Actions:

Township Action Taken:	☒ Recommends approval and use of the Township Road (if applicable) with the following comments: ☐ Recommends denial for the following reasons: ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:
<i>Consider more screening trees on South & West side Sound attenuation in back yard - Consider more access from Tenna Avenue since there is a red tree line and Tenna bypass lane if you are going east</i>	

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

Signature of Applicant: <u><i>Laura Zimmerman</i></u>	Date: <u>8/29/23</u>
Signature of Township Official: <u><i>[Signature]</i></u>	Date: <u>8-28-23</u>

2-20

Document Number: **A763477**

Filed and/or Recorded on
Aug 9, 2023 3:22 PM

Office of the County Recorder/Registrar of Titles
Carver County, Minnesota
Kaaren Lewis, County Recorder

Deputy NV

Document Recording Fees \$ 0.00

Document Total \$ 0.00

Requesting Party: LAND MANAGEMENT
Pages: 6

This cover page has been added to this document by Carver County Land Records
and is now an official part of this recorded document



**CARVER
COUNTY**

COUNTY OF CARVER
State of Minnesota

FILE #: PZ20230028

APPLICANT: Laura Zimmerman and Douglas Pritchard

PROPERTY OWNER: GLE LLC

SITE ADDRESS: 13950 Hwy 5 NYA, MN 55397

VARIANCE TYPE: Commercial Kennel Setbacks, Reduced Lot Size, Homestead Requirement

PURSUANT TO: County Code Section 152.079 (A)(1) & (5); (C)(4)(a)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-510-0080

Drafted by: Land Management
Return to: Land Management

**BOARD OF ADJUSTMENT
FINDINGS OF FACT AND ORDER**

A public hearing was held on this matter on August 2, 2023, by the Carver County Board of Adjustment. Upon the evidence presented at said hearing by the applicant and other persons named and all the files, records, and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. Laura Zimmerman and Douglas Pritchard currently operate a commercial kennel (Carver Canines) from a property in the City of Cologne. They are seeking to relocate the business to a property owned by GLE LLC in Waconia Township. The property is an approximate 3.55-acre parcel located in the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 31, Waconia Township. The parcel is improved with an existing commercial building of approximately 11,400 square feet and a parking lot. As a veterinary clinic and feed store the property was granted Conditional Use Permit PZ20020009 for a farm-related business. The property is part of the Hydes Lake Shores Subdivision (Lot 1, Block 2) Plat from 1994, and is located in the Agricultural Zoning District, Shoreland Overlay District (Rice Lake) and the Carver County Water Management Organization (CCWMO) - Carver Creek watershed.
2. The applicants, Laura Zimmerman and Doug Pritchard, are requesting variances from the Zoning Code which would allow them to apply for a Conditional Use Permit (CUP) to operate a commercial dog kennel. The proposed commercial kennel would operate from a 3.5-acre parcel (where 5 acres is the minimum), on a property without a single-family dwelling for the owner to occupy and homestead, located within the 1,000-foot setback from a neighboring residence (approximately 420 feet), and within ½-mile of 12 neighboring residences (where 9 is the maximum number), as required by the Zoning Code; therefore, variances have been requested pursuant to Sections 152.079 (A)(1), (A)(5) and (C)(4)(a) of the Zoning Code.
3. The existing CUP for the property (#PZ20020009), which permitted a veterinary clinic and feed supply store as a farm-related business, allowed for a business with 5 full-time and 3 part-time employees and a total of 59.5 operating hours per week. The owner was a veterinarian who conducted house calls for his patients. The CUP was issued under Ordinance 32S, Section 3.0305. The standards for a farm-related business at that time did not include a minimum lot size requirement. The Zoning Code did require a residence to be occupied and homesteaded by the business owner, but it was a relatively new requirement. The CUP subsection included this exception for businesses that became non-conforming with the adoption of Ordinance 32S: "Permitted operations, existing on March 21, 2000, shall not be

restricted by this provision..." Hence, the 2002 CUP did not require the owner to live on the property. The veterinary clinic and feed store was originally permitted by CUP #8219, issued in 1990. In 1997, Variance #10632 was issued to allow for the construction of a 48 square foot sign for the business.

4. The applicants' letter (dated June 26, 2023) describes the requested variances and presents reasons for the Board to grant them. The narrative notes that a previous CUP issued to the property, implying "the Board of Commissioners already made a finding with respect to the lot size in the 2002 Order." The narrative mentions that the property size was created by a 1994 plat that was not initiated by the applicants, thus a pre-existing condition. The narrative asserts that since the "current buildings will physically remain as they have been for the past 21 years," then the lot-size variance will not alter the essential character of the locality. Jim King, CFO of WellHaven Pet Health that currently leases the property, stated: "[t]his place was clearly built with boarding and overnight kenneling in mind. It has much larger boarding spaces than the rest of our clinics and is set away from dense populated areas which lends to boarding. Wellhaven does not kennel dogs overnight but believes that the former owner did." The narrative states that there is no additional adjacent land for purchase to increase the size of the lot.
5. The narrative addresses the homesteaded owner requirement, stating: "Requiring a single-family house on the Property would materially contradict the findings and ruling set forth in the 2002 Order." The letter states the absence of single-family house will not alter the essential character of the locality and "building a house would involve substantial disruption to Applicant's business plan and require a change to the Applicant's personal living situation." Furthermore, in relation to the proximity of one neighboring home built in 1993 within 1,000 feet of the proposed kennel, the narrative notes that the subject property's use of "housing of small domestic type pets/animals" allowed by the 1990 CUP, predates the construction of the house, implying that the veterinary clinic and supply store qualifies for protection as a nonconforming use and structure as found in Section 159.009 of the Zoning Code. Similarly, the narrative states that the houses in one half-mile proximity "are due to circumstances unique to the Property, a situation not created by the Applicant. The buildings and primary usage of the facility to house small domestic type pets/animals, predates all but four of the affected uses as well as the enactment of the current Zoning Code." The narrative repeats the assertion that the subject property's "buildings were lawfully existing when the Zoning Code was enacted, such that they qualify as permitted nonconforming uses and structures under section 152.009." Finally, the narrative notes the Waconia Township Board recommendation of approval and the letter of support from the Karen Hallquist, City of Norwood Young America's Economic and Community Development Director.
6. The narrative describes the proposed use and operating standards. The applicants propose "a canine daycare and boarding facility. The facility will operate 24/7. Proposed business hours are: 7:00AM – 7:00PM Monday through Friday. 7:00AM – 6:00PM Saturday and Sunday." The estimated average number of customers is about 25 per day, with 10 customers on the site at peak times. Carver Canines proposes a total of 17 employees, plus two owners at this facility, with a maximum of 5 staff during the largest shift. One staff member will work overnight. "Carver Canine will staff 24/7 for quality care and safety reasons." The proposed maximum number of boarded dogs is 50, with an estimated daily range from 20 to 50 dogs. Fenced outdoor play areas are proposed at the rear and front of the building. "For better management and to minimize noise, Applicant will divide the dogs into 3 groups. Small dogs will use the current fenced in area. Large dogs will be outside in the back, split into two areas based on the number of dogs and the general situation."
7. The submitted survey (dated July 6, 2023) shows the existing property improvements, which include the approximately 11,400 square foot building, a parking area with both asphalt and gravel surfaces, and driveways leading to Hwy. 25 and Rome Avenue. The survey also shows two proposed fences, enclosing an approximate 6,800-square foot area, which the narrative identifies as outside dog-run areas. There is no proposed expansion of the existing building. The applicants also submitted a Property Exhibit (dated July 6, 2023) which shows the area surrounding the subject property with dimensions from the proposed kennel operational area to neighboring residences.
8. The granting of the variance would not be in conflict with the intent of the Comprehensive Plan. The Comprehensive Plan's County Policy LU-19 recognizes that certain non-agricultural / non-residential uses are appropriate and even essential in the rural area. At the public hearing it was noted by a member of the Board and residents that there are a scarcity of kennel operations in the County – currently seven are permitted by CUP's.

9. The granting of the variance is in harmony with the general purpose and intent of the official control. The official controls pertaining to the request is the separation distance of 1,000 feet from the operational area to any residence not on the same property and a maximum number of residences within a half-mile radius, as well as a minimum lot size. These standards involve physical distances that enforce a buffer area around a commercial kennel for the reason that this type of land use creates noise that is atypical to an agricultural area. At the public hearing the applicants and residents noted that the subject property is surrounded by trees, access is from a County, not local, road, and the applicants provided a letter of support from the neighbor nearest the proposed kennel location.
10. The variance request is consistent with the intent of the Zoning Code to have home-based businesses. The requirement for business owners to reside within a dwelling on the property in which the business operates was established by County Board action in 2000 that excluded existing businesses. The existing commercial structure without an accompanying dwelling, in which the applicants seek to re-locate their businesses, was originally permitted by a 1990 CUP.
11. The neighborhood is comprised of large agricultural uses, home-based commercial uses, a community solar garden, and several small acreage residences. This request would not cause a substantial change in the physical character of the neighborhood, nor would it have a negative impact on government services.
12. The granting of the variance would not materially or adversely affect the safety of persons residing or working in the area adjacent to the property. The granting of the variance may have an impact on nearby neighbors due to the number and consistent overnight boarding of dogs, however the applicants and current neighbors of Carver Canines offered public testimony that the business's unique methods of kennel management differs from standard kennel operating procedures and they expect dog barking to be kept to a minimum.
13. The applicants would be required to apply for a Commercial Kennel CUP pursuant to the Zoning Code on a lot under 5 acres in size, on a property without a single-family residence for the owner to homestead, within 1,000 feet of a neighboring residence, and within a ½ mile of more than 9 residences not on the subject property. The site plan of the kennel operation would be reviewed by the Planning Commission as part of a CUP request. The conditions of the CUP would address the specific requirements for the project. If the CUP is denied, the variance would be considered null and void.
14. Land Management staff received letters of support for the variance from Jazzlen and Zachary Newell (dated July 18, 2023), Jodene Diedrich (dated July 18, 2023), Karen Halquist, City of NYA (dated May 1, 2023), Michelle Rotell (dated July 26, 2023), Jon Horman (dated August 2, 2023), Beth and Tim Peterson (dated June 13, 2023), Rob and Diane Miller (dated June 20, 2023), John Kittleson (dated June 14, 2023), Mary Reynolds (dated June 14, 2023), and Bob and Nancy Kaczewski (dated June 14, 2023). Letters opposing the request were received from Shannon and Mike Lovich (dated July 15, 2023), Gail Voller (July 17, 2023), Mary Teborg (dated July 28, 2023), Matt Bergmann (dated August 2, 2023), and "Anonymous Neighbor" (dated August 2, 2023).
15. This application was reviewed by Jacob McLain of Carver County Environmental Services and in an email dated July 24, 2023, stated: "Per Carver County Zoning Code 152.122, before any permit or variance is issued for a property with an SSTS located in shoreland area a compliance inspection must be completed. If the variance requests are approved and there is a CUP application, we will have to look at the design flow for the new operation to see if it meets the current design capacity of the septic system."
16. MN DNR and MN Department of Transportation reviewed the variance application and in emails (both dated July 16, 2023) stated that they had no comments.
17. The Waconia Town Board has reviewed the variance requests and recommended approval at their June 12, 2023, Town Board meeting. The Town Board did not ask for any conditions to be attached to their recommendation.
18. The Board of Adjustment has considered all the factors required by Section 152.215 of the Carver County Code and by a motion-to-approve vote of 5 to 1 finds that the grounds for a variance are hereby satisfied.

ORDER # PZ20230028

IT IS HEREBY ORDERED: That the application of Laura Zimmerman and Douglas Pritchard for a variance to locate a commercial kennel on a 3.5-acre parcel, on a property without a single-family dwelling for the owner to occupy and homestead, on a property located within the 1,000-foot setback from a neighboring residence, and within ½-mile of 12 neighboring residences pursuant to Sections 152.079 (A)(1) & (5); (C)(4)(a) of the Carver County Zoning Code, for property legally described on the attached Exhibit "A", is hereby **approved** with the following conditions:

1. Prior to the commencement of the proposed Commercial Kennel business operation, the permittee shall obtain the required Conditional Use Permit and applicable building permit(s). All work shall be done in accordance with the submitted plan. The business activity shall meet all other requirements of the Carver County Zoning Code and other Carver County Code of Ordinances, if applicable. If the Conditional Use Permit request were to be denied by the County Board, this variance request shall be considered null and void.
2. If the future CUP application is approved, the approved operational area shall not be located closer than 420' from the neighboring residence.

Gerald Bruner

Gerald Bruner (Aug 8, 2023 07:18 CDT)

Gerald Bruner, Chairman

Carver County Board of Adjustment

08/08/23

Date

IF ANY WORK OR ACTION, AS PERMITTED BY THIS ORDER IS NOT COMPLETED WITHIN ONE YEAR OF THE ISSUANCE OF THIS ORDER, THEN THIS ORDER SHALL BECOME NULL AND VOID UNLESS AN EXTENSION OF TIME IN WHICH TO COMPLETE THE WORK IS GRANTED BY THE BOARD OF ADJUSTMENT.

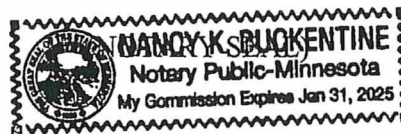
State of Minnesota

County of Carver

I certify that the foregoing document, BOARD OF ADJUSTMENT FINDINGS OF FACT AND ORDER, dated August 2, 2023, and containing five (5) pages, is a true and correct copy of an electronic document bearing one or more electronic signatures this 8th day of August 2023.

Nancy K Buckentine
Nancy K Buckentine

Signature of Notary Public





SURVEY NOTES

- The purpose of this sheet is to show approximate locations of homesteads to the subject property. Dimensions are shown to the nearest approximate foot.



NOT TO SCALE

PROPERTY EXHIBIT

CONTACT

CARVER CANINES

LOCATION

13950 MN-5, Norwood
Young America, MN

#	DATE	REVISION
1	06/06/23	ADD DISTANCES
2	06/06/23	PROPOSED FENCE
3	06/19/23	DEDUCTION TO BLDG
4	07/06/23	DEDUCTIONS TO BLDG

I HEREBY CERTIFY THAT THIS PLAN OF REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL SERVITOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

NOT VALIDATED
DATE 6/1/2020

DRAWN BY

100

W3

[illegible]

2023-09-01 23

LEAD-OUT DETAILS

2 OF 2



Donovan Hart

From: Tim and Beth Peterson
Sent: Thursday, August 10, 2023 5:09 PM
To: Donovan Hart; 1goose@frontiernet.net
Subject: Kennel at Countryside Vet

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Donovan and Sue,

My name is Beth Peterson. My family and I live on Rome Avenue and I am writing to you today in regards to the proposed dog kennel that may move into Countryside Vet. The owner of Carver Canines stopped at my home about two months ago and I spoke to her briefly. I was under the impression that it would be a small business, with a limited number of dogs. At the time my husband and I thought it would be a good idea to have a business in this vacant space. Now after receiving more information we feel 50 dogs is too many for this small space. I walk or run almost every day on the gravel road and when the vet was open and occasionally had a dog overnight in the kennel it would bark at me. It was disturbing and interrupted a peaceful evening. That was only one dog. I can't imagine 50 dogs. That number of dogs need much more space to run and play then the allotted 3.5 acres. I feel this business will dramatically change our beautiful neighborhood that we have here. Tim and Beth Peterson do not support this business.

Thank you,
Beth Peterson

Donovan Hart

From: Dawn Kortuem
Sent: Friday, August 11, 2023 9:19 AM
To: Donovan Hart
Subject: Proposed Business Carver Canines at 13950 Hwy 5, NYA,, MN 55397

Follow Up Flag: Follow up
Flag Status: Flagged

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Donovan Hart, Waconia Township Board Members, Sue Goede, Tim Lynch

We are opposed to the Carver Canines moving into the Countryside Vet property as it will drastically alter the character of the locality.

This property was/is an optional purchase for this business owner. The business owner should be searching for a property that doesn't require all these variances. We are pro-business and pro-entrepreneurship, but this just doesn't seem like the appropriate location for the business.

Rules were made with protection of neighbors in mind. To grant variances and conditional use permits so that neighbors are negatively impacted is NOT right.

It is especially alarming that so many dogs will be able to occupy so little space, on a property that is not homesteaded or occupied by the owner, especially with no noise mitigation plan in place. How can this be allowed when there are statues protecting this from happening?

I'm wondering if the section of Rome Ave that is private will be affected by additional traffic and if so, will the township take over the maintenance of the private section or put up additional signs clearly marking "Private Road", or "Dead End" if they allow this business to proceed.

Please don't allow this business to change our quiet, country neighborhood.

Thank you,
Greg & Dawn Kortuem
10575 Rome Ave, Young America, MN 55397

Donovan Hart

From: Rachel
Sent: Friday, August 11, 2023 11:11 AM
To: Donovan Hart
Cc: Mark
Subject: Carver Canines

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Donovan

We live on Rome Ave. and will be directly impacted by the proposed plan of Carver Canines moving into the Countryside Vet property.

FYI – for the record we are opposed to Carver Canines moving into the Countryside Vet property based on all the variances needed and changes proposed which will disrupt our neighborhood.

We will attend the Waconia Township meeting on Monday 8/14 to voice our concerns.

Please let us know you received this email.

Thanks,
Rachel & Mark

Rachel Slater

10545 Rome Ave.
Young America, MN 55397

Donovan Hart

From: Jeff Lenzmeier
Sent: Monday, August 14, 2023 6:24 PM
To: Donovan Hart
Subject: Kennels

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

To: Donovan Hart,

We have some concerns about Carver Canines moving into the Countryside Vet property as it will drastically alter the character of the locality for our lake neighbors. Based on the proposed plan, the business will include:

- 1300% INCREASE in outdoor kennel space (from 480 sq ft to 6800 sq ft)
- 316% INCREASE in # of dogs onsite (from 12 to 50 dogs)
- 78% INCREASE in business operating hours (from 46 hours/week to 82 hours/week)
- 40% INCREASE in business operating day (from 5 to 7 days/week)
- No noise mitigation plan in place

Our concern is that there are multiple variances being allotted. So, with this project being allowed so many variances, is it really a good place for this type of business?

Thank you,

Jeff and Kari Lenzmeier

13525 102nd St.

PROPOSED DOG KENNEL AT COUNTRYSIDE

MEANS 50 BARKING DOGS OUTSIDE

What Happened

On 8/2/23, the Carver County Board of Adjustment passed four variances allowing Carver Canines to bypass ordinances for 19950 Hwy 5 (corner of Rome Ave & Hwy 5, formerly Countryside Vet):

- Allowing operation of a 50-dog kennel outside on 3.5 acres (Carver County requires 5 acres)
- Allowing operation of a dog kennel within ½ mile of 12 houses (Carver County requires no more than 9 houses)
- Allowing operation of a dog kennel on a property not homesteaded or occupied by the owner (Carver County requires property to be homesteaded and occupied by the owner)
- Allowing operation of a dog kennel within 420 ft of a property (Carver County requires 1000 ft)
- Read more going to www.carvercountymn.gov under Board of Adjustment and August Meeting.

Voicing Your Concern Is Critical

- **8/14 @ 8 p.m.:** Attend Waconia Township Meeting at 12777 102nd St. Cologne, MN 55322 to voice your questions and concerns for any adverse effects this will have to Sue Goede (Clerk) lgoose@frontiernet.net.
- **ASAP:** Email concerns for any adverse effects to Donovan Hart at dhart@co.carver.mn.us.
- Look out for the Carver County meeting notice for the Conditional Use Permit (CUP) for Carver Canines.
- Contact your Carver County Commissioner Tim Lynch at 952.303.9458 or tlynch@co.carver.mn.us with your concerns.

BIG Change From Current Use

- **1300% INCREASE** in outdoor kennel space (from 480 sq ft to 6,800 sq-ft outdoor space)
- **316% INCREASE** in # of dogs onsite (from 12 to 50 dogs)
- **78% INCREASE** in business operating hours (from 46 hours/week to 82 hours/week)
- **40% INCREASE** in business operating days (from 5 to 7 days/week)
- No noise mitigation plan in place. Inexperienced operator, currently operating dog daycare out of their a home.
- "A chorus of barking dogs can reach 115 decibels" according to Industrial Safety & Hygiene News. This is the same level as a chainsaw or snowmobile.

TITLE OF FLYER: PROPOSED DOG KENNEL AT
COUNTRYSIDE MEANS 50 BARKING DOGS OUTSIDE
(FALSE)

FACT: This is a gross misrepresentation of our business. This was written by someone who does not understand our business model and clearly lacks the knowledge of our intentions at Countyside and how we plan to operate. We never said we would have 50 dogs outside at a time.

On flyer: "Allowing operation of a 50-dog kennel outside"
(THIS IS FALSE)

FACT: We will not be putting in ANY outdoor kennels and NO DOGS will be kenneled outside.

On flyer: "1300% INCREASE in outdoor kennel space (from 480 sq ft to 6,800 sq ft of outdoor space) (THIS IS FALSE)

FACT: The outdoor kennels that are already existing will remain, however we will not be putting in ANY outdoor kennels and NO DOGS will be kenneled outside.

On flyer: "316% INCREASE in # of dogs onsite (from 12 to 50)
(THIS IS FALSE)

FACT: There are 12 inside main boarding kennels, 4 inside surgery kennels, 6 various cages that were used to hold animals, 4 grooming cages, 4 cat kennels and 5 outdoor kennels. Sometimes very small dogs would prefer the cages or cat kennels because they felt more confined and protected. There were some favorite repeat clients (dogs) that if they were kept in a cat kennel, they would let them run around in the receptionist area and interact with the receptionists. There is also a 6X6 kennel in the warehouse that they housed dogs in for an isolation kennel when needed. There were also times that they housed dogs in the office in the warehouse. There were times where they would have to board dogs in exam room 3. If there were 2 or 3 dogs from the same family they would be housed together since that is what they are used to at home. Different days brought different solutions. Not sure where the number 12 came from, but typically they always had a lot more dogs than that and on weekends it was not unusual to have more than 20 dogs there. It depended on the season and the holidays.

On flyer: "78% INCREASE in business operation hours (from

46/hrs/wk to 82/hrs/wk) and 40% INCREASE in business operating days (from 5 to 7 days/week) (BOTH OF THESE ARE FALSE)

FACT: The vet clinic really was a 24 hour a day place of activity if the patients warrant it. On a typical day they would have 20 appointment slots for routine care, 3 surgeries scheduled and grooming appointments on top of that. Clients would come and go throughout the day to buy food or other pet supplies, pick up prescriptions...etc. There was also the feed side of things that generated customer traffic.

Surgery patients would be dropped off by 7:00AM and a couple nights a week they were open until 7:00PM. Saturdays were usually from 8:00AM-2:00PM but would often stretch to 3:00 or 4:00 with emergencies.

They contracted with Carver County and McLeod County to take impounds. They contracted with Chaska PD to take arrestee's dogs. This was a 24/7/365 business. They were always on-call and many nights had to meet deputies there to intake a dog. The police would also call us about dogs being hit by cars so they would be doing surgeries at night if needed.

On flyer: "No noise mitigation plan in place. Inexperienced operator, currently operating dog daycare out of their home."
(THIS IS FALSE)

FACT: We do have several ideas/solutions regarding noise mitigation both inside and outside. These plans were not vocalized at the variance hearing because the Board of Adjustment doesn't deal with those things/base decisions on granting variances on that. They are there for zoning and usage purposes. You don't get into the business operation part until the CUP phase, which we aren't at yet, therefore discussion never came up. ALSO, no residents ever bothered to ask us if we have a noise mitigation plan in place. This was an assumption that was made and is baseless.

I have experience boarding dogs since 2012 and we established Carver Canines, LLC in 2019 therefore have many years of experience. Just because we do this out of our residence doesn't mean we are any less experienced or knowledgeable about how to care for dogs or run a business. The majority of entrepreneurs start their business in their residence. The claim on the flyer was made up by someone who has never met us, never spoken to us, has no idea what our background or training is and has never had an experience with us regarding our operation. I have taken many dog training courses, learned about dog behaviors, and am certified in K9 CPR and First Aide. AGAIN, no one has reached

out to us to ask us about our experience or training. This was a personal attack on us and our business and is again, baseless.

Laura Zimmerman (Carver Canines)
Laura Zimmerman 8/17/23

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-510-0080

FILE # 20230039

APPLICANTS: Laura L Zimmerman

OWNER: GLE, LLC

Lot 1, Block 2, Hydes Lake Shores, Section 31, Township 116, Range 25 West,
Carver County, Minnesota.