



ARDEN HILLS  
MEMORANDUM

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**DATE:** January 8<sup>th</sup>, 2020

PC Agenda Item **3.A**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Joe Hartmann, Associate Planner  
Mike Mrosła, Community Development Manager/City Planner

**SUBJECT: Planning Case #19-017 –Public Hearing Not Required**  
**Applicant:** Richard and Louise Routhe  
**Property Location:** 1261 County Road E  
**Request:** Conditional Use Permit Amendment

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### **Requested Action**

Richard and Louise Routhe (“The Applicants”) are requesting a Conditional Use Permit Amendment to remove some provisions of their Special Use Permit for the Arden Shoreview Animal Hospital (“Subject Property”), which is now a permitted use by right under the current Zoning Code. The Subject Property is located at 1261 County Road E.

### **Background**

#### **1. Overview of Request**

The Subject Property is a veterinary clinic facing County Road E in the B-2 General Business District that has been in continuous operation since 1984. At the time, a veterinary clinic was not a permitted use for the Subject Property within the B-2 District. However, on April 23<sup>rd</sup>, 1984, the City Council approved Special Use Permit Case No. 84-5 (“Case No. 84-5”) that gave the Applicants permission to operate a clinic, which the Zoning Code defines in City Code Section 1305.04 as a building for out-patient medical treatment of humans or small animals. Case No. 84-5 included conditions of approval such as a limit on the business hours and number of employees. When the City adopted its current Zoning Code in 1993, the Subject Property no longer needed a Special Use Permit to operate a clinic in the B-2 District because the clinic is permitted in the B-2 District under the current Zoning Ordinance as per Section 1320.05. However, under the current Zoning Ordinance, a clinic with an accessory use as a kennel for the boarding of animals still requires a Conditional Use Permit.

The current use of the subject property is not intensifying from its original approvals and there are no exterior modifications proposed site with this request. It is important to note that the subject property is non-conforming due to the size and setback requirements of the lot and a variance was granted as a condition of approval for Planning Case No. 84-5. Per the city attorney, the previously approved variance will carry over to the new Conditional Use Permit as a condition of approval. Staff note that in the 35 year history of the clinic operating at that location, there have been no code enforcement complaints regarding traffic and parking conditions and other nuisance characteristics, and Staff does not anticipate that approval of the Conditional Use Permit Amendment will have a negative impact.

## **Plan Evaluation**

### **Chapter 13, Zoning Regulations Review**

#### ***1. Changes in Conditionally Permitted Uses***

Conditional Use Permits may be amended when any structural alteration, enlargement or intensification thereof, or similar change not specifically permitted by the permit. The permit shall be amended solely for the proposed use of a particular site, not for a particular person or firm. When granting a Conditional Use Permit Amendment, the City may impose conditions as it deems necessary to serve and protect the health, safety, convenience and general welfare of the community.

#### ***2. 1355.04 Procedural Requirements for Specific Applications***

The Applicants are requesting that some of the language in their existing Special Use Permit be amended and that some of the language be removed. The language in the existing Special Use Permit Case No. 84-5 must be amended so that the new document conforms to the current format and style of Conditional Use Permits that the City employs. Once approved, the new language of the amended Conditional Use Permit will supersede the provisions in the previous Special use Permit document.

The Applicants request removing the language below from of paragraph two (2) of the existing SUP.

*“shall provide complete health, medical, surgical and emergency services to companion animals. In addition, it will provide "animal house call service" for elderly and handicapped animal owners in the area and a facility for the boarding of animals. Its hours of operation are to be 9:00 A.M. to 6:00 P.M. on Mondays through Fridays and 9:00 A.M. to noon on Saturdays. Emergencies are to be handled on an "on-call" basis.”*

The clinic is a permitted use by right in the B-2 district and has not been the city practice to regulate the operating hours or procedures of a clinic.

The Applicants request that paragraph three (3), sentence one (1) be removed from Special Use Permit.

*“The hospital shall have a maximum staff of five (5).”*

Staff concurs that sentence one (1) be removed regarding the maximum number of employees onsite. The current site was approved with 15 parking stalls. The Applicant has stated that maximum shift size is seven (7) employees. Veterinary uses are low trip generators with three (3) to four (4) visitors per hour at peak. The existing parking onsite is adequate to support the current use of the property. As a condition of approval, the property owners shall work with city staff to resolve the any parking concerns if complaints are received.

The Applicants request that the language in paragraph five (5) be removed.

*“The hospital building shall be constructed of brick and cedar. It shall have brick columns in front and a dark brown metal truss roof. Its signage shall comply with Arden Hills' Code requirements”*

Staff concurs that paragraph five (5) be removed. Any proposed building remodels, additions or signs shall be in accordance with the standards set forth in the City Code. Staff finds that requiring specific colors or materials used in the design of the building in a Conditional Use Permit is unnecessarily restrictive. Any changes to the exterior signage of the building can be handled through the permit review process. Staff determined that all future site and building plan requests would have to be completed in accordance with the plans submitted as part of a land use application. Any significant changes to the plans, as would be reviewed and approved by the Planning Commission and City Council.

The Applicants request that paragraph six (6) be removed.

*“The refuse area shall be located at the northwest corner of the building. It shall be screened. Refuse pickup shall be one or two per week”*

Staff finds that a requirement specifying the required number of weekly refuse pickups is unnecessary. According to City Code Section 660.06, “All properties are required to contract for garbage collection services unless proof of other legal disposing of waste can be demonstrated to the City upon request.” If the City receives complaints from the owners and occupants of surrounding properties regarding a violation of any condition set forth in the permit, violations of City Code may be cause for revocation of the permit. As a condition of approval, any future relocation of the trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. The location shall be approved by the Planning staff in writing.

Staff recommends adding the additional conditions of approval below to assist in protecting the health, safety, convenience and general welfare of the community.

1. All dogs shall be leashed when being transported in and out of the facility;
2. No outdoor kennels are permitted;
3. The outdoor examination area shall be enclosed by a six (6) tall privacy fence; and no animals shall be left unattended in the outdoor examination area.

### **Findings of Fact**

The Planning Commission must make a finding as to whether or not the proposed application would adversely affect the surrounding neighborhood or the community as a whole based on the aforementioned factors. Staff offers the following findings for consideration:

#### *General Findings:*

1. The Subject Property is located at 1261 County Road E in the B-2 General Business Zoning District.
2. The Subject Property is the Arden Shoreview Animal Hospital, defined as a clinic use in Section 1305.04 in the City Zoning Code.
3. At the time it received approval, an animal clinic was not a permitted use and required a Special Use Permit.
4. The Subject Property has been continuously operated as a clinic for 35 years.
5. The City's Zoning Code was amended in 1993 to allow clinics by right in the B-2 General Business District.

#### *Conditional Use Permit Amendment Findings:*

1. The Subject Property was previously granted a Special Use Permit to operate a veterinary clinic on the Subject Property in 1984 (SUP 84-5).
2. The Subject Property has not been expanded, renovated, or modified since the Special Use Permit was issued.
3. These are the first amendments to the SUP proposed since it was initially approved.
4. An application for amendment shall be administered in the same manner as required for a new application.
5. The Applicants are requesting the language in paragraph 2, sentence 3 be removed to allow for more flexibility to regulate the operating hours of a business.
6. The Applicants request that paragraph 3, sentence 1 be removed regarding the maximum number of staff members.
7. The Applicants request that the language in paragraph 4 sentences 1 and 2 be amended to read that the construction of the hospital shall be in accordance with the design standards set forth in the City Code.
8. The Applicants request that paragraph 5, sentence 2 be amended. Staff finds that a requirement specifying the required number of weekly refuse pickups is unnecessary.

### **Options and Motion Language**

Staff has provided the following options and motion language for this case. The Planning Commission should consider providing additional findings of fact as part of the motion to support their recommendation for approval or denial.

- Recommend Approval with Conditions: Motion to recommend *approval* of Planning Case 19-017 for a Conditional Use Permit Amendment at 1261 County Road E, based on the findings of fact and the submitted plans, as amended by the conditions in the January 8, 2019 Report to the Planning Commission:
  1. All dogs shall be leashed when being transported in and out of the facility.
  2. The property owners shall work with city staff to resolve the any parking concerns if complaints are received.
  3. Any future relocation of the trash enclosures shall utilize wooden gates and shall be constructed on three sides using the same materials and patterns used on the building. The location shall be approved by the Planning staff in writing.
  4. The use shall not emit offensive odors. Odors shall be vented by a duo-ventilation system.
  5. If nuisance complaints are received the City Council may amend this Conditional Use Permit establishing a maximum number of animals kenneled overnight via a council resolution.
  6. No outdoor kennels are permitted.
  7. Outdoor examination area shall be enclosed by a six (6) tall privacy fence.
  8. No Animals shall be left unattended in the outdoor examination area.
  9. If the City receives complaints from the owners and occupants of surrounding properties regarding a violation of any condition set forth in the permit, violations of City Code may be cause for revocation of the permit.
  10. Permittee is hereby granted a side yard setback variance of ten feet (10') and a rear yard setback variance of ten feet (10')-- i.e., ten feet (10') from the north and east property lines.
  
- Recommend Approval as Submitted: Motion to recommend *approval* of Planning Case 19-017 for a Conditional Use Permit Amendment at 1261 County Road E, based on the findings of fact and the submitted plans in the January 8, 2019 Report to the Planning Commission.
  
- Recommend Denial: Motion to recommend *denial* of Planning Case 19-017 for a Conditional Use Permit Amendment at 1261 County Road E, based on the following findings: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
  
- Table: Motion to *table* Planning Case 19-017 for a Conditional Use Permit Amendment at 1261 County Road E: *a specific reason and information request should be included with a motion to table.*

### Notice

A Conditional Use Permit Amendment requires a public hearing. A public hearing notice for this planning case was published in the Pioneer Press on December 27, 2019. The City has not received any public comments regarding this case. A public meeting notice was not required for this request because there are no residential properties within 1,000 feet of the Subject Property.

### **Deadline for Agency Actions**

The City of Arden Hills received the completed application for this request on December 19, 2019. Pursuant to Minnesota State Statute, the City must act on this request by February 17, 2020 (60 days), unless the City provides the petitioner with written reasons for an additional 60-day review period. With consent of the applicant, the City may extend the review period beyond the initial 120 days.

### **Attachments**

- A. Land Use Application
- B. Conditional Use Permit Amendment Request Letter
- C. Location and Aerial Maps
- D. Special Use Permit Case No. 84-5
- E. Special Use Permit Case No. 84-5 with applicant proposed strikethroughs
- F. Amended Conditional Use Permit