

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Thomas Dunn, File #16-064-802, has applied for a Determination of Similar Use to determine whether dog day care and boarding is similar to other T3 traditional neighborhood district uses under the provisions of §61.106 of the Saint Paul Legislative Code, on property located at 1920 University Avenue West, Parcel Identification Number (PIN) 332923240032, legally described as Union Park northwesterly 12 feet of northerly 15 feet of Lot 151 and all of Lot 160 and Lot 161; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 22, 2016, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

1. The applicant requests that indoor dog day care and boarding be determined to be similar to uses allowed in the T3 traditional neighborhood zoning district. The applicant began operating a dog day care and overnight boarding business in February 2016 and intends to offer dog grooming soon. The business has six individual kennels for boarding and two rooms of "family style" kennels. During the day the applicant states that there are 5 to 15 dogs on site. The average stay for boarding is three days. The hours of operation are 7:00 am to 8:00 pm. Owners typically drop off their pets at the front of the building between 7:00 and 9:00 a.m. and pick them up between 5:00 and 7:00 p.m.
2. Zoning Code §61.106 states that *when a specific use is not listed in the zoning code, ... any person proposing such use may file an application for the planning commission to determine if a use is or is not similar to other uses permitted in each district. The ... planning commission shall make the following findings in determining one use is similar to another:*
  - (a) *That the use is similar in character to one (1) or more of the principal uses permitted.*

This finding is met. The dog day care and boarding activities that take place inside the building are similar in character to child day care and service businesses permitted in the T3 district. The applicant states that all of the company's activities, apart from dog walking, take place inside the building.

The applicant has taken steps to modify the building to limit impacts to adjacent buildings. The applicant states that the building has two-foot thick brick exterior

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

walls and that noise deadening rubber floors and noise absorption panels have been installed. The applicant adds that all waste shall be disposed of off-site on a daily basis and that no waste shall enter the sanitary sewer system.

The business uses nearby Iris Park as an off-site animal relief area. This has the potential for significant negative impacts on the maintenance and appearance of the park, above and beyond the impacts typically found with other T3 uses. The Saint Paul Department of Parks and Recreation submitted a letter addressing the use of Iris Park for animal relief stating that the department expects the negative impact on the park from animal waste and associated costs for repairs could be significant. In response to the determination by Parks and Recreation, the applicant plans to create an indoor relief area using artificial grass pads that can be spot cleaned during the day and soaked overnight in a chemical solution. Saint Paul City Animal Control stated that an indoor relief area is sufficient provided there is proper sanitation.

City ordinance §200.09 provides for cleaning up dog waste. The business is subject to the provisions of this ordinance.

- (b) *That the traffic generated on such use is similar to one (1) or more of the principal uses permitted.* This finding is met. Traffic generated by dog day care and overnight boarding would be similar to child day care and other service businesses permitted in the T3 district. There are three parking spaces in the front of the building for drop off and pick up. Additional parking is located at the rear of the property.
- (c) *That the use is not first permitted in a less restrictive zoning district.* This finding is met. Animal day care and overnight boarding are not listed as principal uses in the zoning code.

It should be noted that Zoning Code §65.453 defines veterinary clinic and provides standards and conditions for the use.

**Veterinary clinic.** An establishment for the routine examination, medical or surgical treatment and care of domestic household pets generally with overnight boarding facilities for pets in care but without kenneling of animals. *Standards and conditions:* All activity shall take place within completely enclosed buildings with soundproofing and odor control; outdoor kennels are prohibited. In traditional neighborhood and B2 business districts, there shall be no kenneling of animals not under medical treatment.

Veterinary clinics are first permitted in T2 and B2 zoning districts.

Saint Paul City Animal Control and the Saint Paul Animal Humane Society are located in Como Park in an R3 zoning district. Animal control is allowed as a municipal building and the Animal Humane Society is a nonconforming use.

- (d) *That the use is consistent with the comprehensive plan.* This finding is met. The proposed use is consistent with Objectives 5.1.1 and 5.2.1 of the Land Use chapter of the City's Comprehensive Plan. Objective 5.1.1 indicates that "good neighborhoods" have "a mixture of land uses." Objective 5.2.1 calls for compatible "mixed uses... in separate buildings in close proximity." The addition of dog day care and overnight boarding in this neighborhood will offer new services to residents.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code that the application for a Determination of Similar Use to determine whether dog day care and boarding is similar to other T3 traditional neighborhood district uses at 1920 University Avenue West is hereby approved, subject to the following conditions:

1. The use shall occur entirely indoors, except for dog walking.
2. An indoor pet relief area designed and maintained in accordance with Saint Paul City Animal Control shall be provided.
3. Public parkland shall not be used as a pet relief area. Commercial use of public parkland for dog day care and boarding is prohibited unless expressly authorized in writing by the Department of Parks and Recreation.
4. Prompt and proper disposal of waste shall be provided, pursuant to a plan that is submitted to, reviewed, and approved by the Department of Safety and Inspections.
5. The applicant shall obtain a city license for dog day care, boarding, and grooming from the Department of Safety and Inspections.
6. The maximum number of dogs using the day care, boarding, and grooming services shall be approved by Saint Paul City Animal Control to ensure animal safety.
7. The applicant shall submit a floor plan to the Department of Safety and Inspections so that the types of permits required can be determined. The relief area shall be identified on the floor plan.
8. The applicant shall make payment of all outstanding fees, including late fees required by §61.302(17), before the Department of Safety and Inspections issues a dog day care and boarding license.