



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: August 25, 2010
TO: Zoning Committee
FROM: Patricia James *PM*
RE: Z. F. # 10-506-183 Sandra Belisle
360 Clifton St.

On July 8, 2010, the Zoning Committee held a public hearing on Ms. Belisle's application for a change of nonconforming use permit to add animal day care and boarding to the previously-approved pet grooming business at 360 Clifton. At the close of the hearing, the Zoning Committee requested that staff further study the request and provide alternative findings that could be used to approve the application, as well as examining if the appropriate application was made or if it should have been for enlargement of nonconforming use, and to look at parking requirements.

Staff from PED, DSI, and the City Attorney's Office met to discuss these issues as part of the further study. Zoning ordinances from other communities were also researched online. DSI Animal Control staff visited the site but since the owner was not present, they were not permitted into the back yard or basement, where the boarding/day care would occur. Their recommendations are therefore based on the plans submitted by the applicant with the nonconforming use permit application.

Staff's recommendation to deny the addition of day care and boarding has not changed. However, in response to the direction of the Committee, additional findings are discussed and provided below.

I. Application type

When Ms. Belisle applied for a re-establishment of nonconforming use permit for the property at 360 Clifton Street, she described her business as pet grooming, and the application was processed in accordance with that description. The Planning Commission found that pet grooming was equally appropriate to the previous use of the property as a beauty salon.

Ms. Belisle now states that she had provided day care and boarding services in her previous location (a building zoned B3 General Business that also included a veterinary clinic) and that she always intended to continue providing these services but did not mention this in her application or testimony. This omission resulted in the Planning Commission making findings that did not address all aspects of her intended business.

The original application should have been for re-establishment of nonconforming use from beauty salon to household pet boarding, pet day care, and pet grooming (in decreasing order of intensity).

It can be argued that requesting the addition of these more intensive uses at this time more closely fits an application for enlargement of nonconforming use. However, the findings for this type of application generally relate to changes to the structure as opposed to changes to the use. The findings for a change of nonconforming use better cover some of the issues involved with intensifying and broadening nonconforming uses at a particular location. This memo therefore includes the required findings for both application types.

II. Additional findings for enlargement of nonconforming use

§ 62.109(d) Enlargement of nonconforming use states that *[t]he planning commission may permit the enlargement of a nonconforming use if the commission makes the following findings:*

1. *The enlargement will not result in an increase in the number of dwelling units.* This finding is met. No dwelling units are proposed as part of the added uses.
2. *For enlargements of a structure, the enlargement will meet the yard, height and percentage of lot coverage requirements of the district.* No enlargements of the structure are proposed.
3. *The appearance of the enlargement will be compatible with the adjacent property and neighborhood.* This finding can be met provided the fence surrounding the outdoor exercise area is maintained and the area within the fence is kept clean and free of refuse and waste. The vending machines on the Jefferson side of the property should be removed, as retail sales is not a part of the application and would be a further expansion of the types of uses on the site.
4. *Off-street parking is provided for the enlargement that meets the requirements of section 63.200 for new structures.* This finding is **not** met. Four off-street parking spaces were required under the previous nonconforming use permit, based on the former beauty shop use. The newly adopted off-street parking requirement for a retail sales and services business is 1 space per 400 sq. ft. of gross floor area. The building appears to be approximately 770 sq. ft. in area using the outside circumference, for a total of 1540 sq. ft. for both the main floor and basement area where the day care and boarding will occur. Under this formula, 4 off-street parking spaces would be required. It appears that 3 off-street spaces can be provided in the small unfenced area at the rear of the property. The applicant states that some of her employees walk to take the bus to work, and that there is ample on-street parking on Jefferson and Clifton. Therefore, the parking appears to be adequate, but does not meet the requirement that the enlargement meet the standards for new structures.
5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. Day care and boarding of animals is first permitted in the B5 or industrial districts. Rezoning this small parcel to an industrial classification would be spot zoning and inappropriate to surrounding land uses.
6. *After the enlargement, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare.* This finding can be met for animal day care provided the business is operated in accordance with additional conditions regarding sanitation, ventilation, hours of outdoor use, and animal care as required or recommended by state statutes, city ordinances, and the Minnesota Animal Humane Society.

Cat and dog day care is a permitted use in residential districts as a home occupation provided that no more than three total animals (including the homeowner's animals) are at the location. In addition, grooming clients may need to leave their animals for the day. A new nonconforming use permit could be approved for the more intense use of animal day care and the accessory use of dog and cat grooming.

The finding **cannot** be made for animal boarding. In the past, Saint Paul's zoning regulations only permitted pet boarding in veterinary clinics, and veterinary clinics were first

permitted in the B3 General Business district. Pet grooming and day care were not addressed at all. In 1984 the Planning Commission approved a determination of similar use that found a veterinary office and clinic was appropriate in the BC zoning district because no boarding of animals would take place, only house pets would be treated, and animals would only be kept overnight occasionally (and as part of treatment). This would indicate that boarding remained a B3 use when associated with a veterinary clinic.

Research turned up no city in the country that permits animal boarding in residential zones. This use is largely restricted to industrial zones, although some communities permit boarding and day care in commercial zones. St. Louis Park permits "animal handling" (which includes day care and boarding) in its commercial districts. Seattle permits dog day care in industrial and downtown districts, including limited boarding (no more than 30% of the gross floor area of the pet day care center). In 2007, the Planning Commission approved a determination of similar use (Zoning File # 07-064-978) that found dog day care similar to other B5 uses provided certain conditions were met. One of these conditions was that there be no overnight boarding of the animals. Since there is no evidence that any city allows animal boarding in residential areas, it appears that there is broad consensus that this use is not appropriate in residential areas.

7. *The use is consistent with the comprehensive plan.* This finding is met. The Randolph and Victoria intersection is within an area identified as "mixed use corridor," on the future land use map of the Land Use chapter of the Comprehensive Plan. The plan finds that mixed use corridors are suitable for a mix of residential, commercial, retail, office, small scale industry, institutional, and open space uses.
8. *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the enlargement.* This finding is met. The petition was found sufficient on June 14, 2010: 10 parcels eligible; 7 parcels required; 7 parcels signed.

The application for a permit shall include the petition, a site plan meeting the requirements of section 61.400, floor plans, and other information as required to substantiate the permit. This finding is met. Sufficient information has been submitted for the nonconforming use permit. However, additional information will be required for the new Certificate of Occupancy and license.

III. Additional findings for change of nonconforming use

The relevant finding from the staff report for a change of nonconforming use is in Section H.4. Alternative language is provided below:

Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed, if the commission makes the following findings:*

- a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met for animal day care but not boarding. Animal (dogs and cats only) day care is permitted as a home occupation in residential districts. A commercial day care operation at this location, provided the number of animals kept in care conforms to relevant standards of humane treatment, is equally appropriate as the previous pet grooming use.

This finding is **not** met for animal (cat and dog) boarding. In the past, Saint Paul's zoning regulations only permitted pet boarding in veterinary clinics, and veterinary clinics were first permitted in the B3 General Business district. Pet grooming and day care were not addressed at all. In 1984 the Planning Commission approved a determination of similar use that found a veterinary office and clinic was appropriate in the BC zoning district because no

boarding of animals would take place, only house pets would be treated, and animals would only be kept overnight occasionally (and as part of treatment). This would indicate that boarding remained a B3 use when associated with a veterinary clinic.

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- b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding may be met. The applicant states that day care and boarded animals will arrive by appointment, similar to the existing pet grooming business. Depending on the number of animals in the day care or being boarded, the traffic generated may be similar to the existing pet grooming business.
- c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding can be met for animal day care but not for animal boarding, provided the business is operated in accordance with additional conditions regarding sanitation, ventilation, hours of outdoor use, and animal care as required or recommended by state statutes, city ordinances, and the Minnesota Animal Humane Society.

Cat and dog day care is a permitted use in residential districts as a home occupation provided that no more than three total animals (including the homeowner's animals) are at the location. In addition, grooming clients may need to leave their animals for the day. A new nonconforming use permit could be approved for the more intense use of animal day care and the accessory use of dog and cat grooming.

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- d. *The use is consistent with the comprehensive plan.* This finding is met. The Randolph and Victoria intersection is within an area identified as "mixed use corridor," on the future land use map of the Land Use chapter of the Comprehensive Plan. The plan finds that mixed

use corridors are suitable for a mix of residential, commercial, retail, office, small scale industry, institutional, and open space uses.

IV. Conditions of approval

The following proposed conditions of approval are taken from Minnesota Statutes Sec. 346.39, the licensing regulations of the City of Saint Paul found in Legislative Code Sec. 348 (which are based on and similar to the state statutes), and the Animal Humane Society's tips for choosing a boarding kennel.

1. The applicant shall obtain the required licenses from the City of Saint Paul. Operation of the business shall be in compliance with Minnesota Statutes and City of Saint Paul licensing requirements.
2. Day care may be provided only to dogs and cats that are household pets per City of Saint Paul licensing regulations.
3. Cats and dogs in day care must be kept in separate rooms.
4. The number of animals permitted in each area (if both dogs and cats are in day care) shall be determined by animal control staff in the Department of Safety and Inspections after inspection of the premises. Animal control staff may consult with the Minnesota Animal Humane Society.
5. There shall be no stacking of occupied kennels. DSI animal control staff shall review and approve the proposed layout and may consult with the Minnesota Animal Humane Society. Each animal shall have some private space, and the kennel must permit the animal to turn around freely, easily stand, sit, and lie down
6. The applicant shall submit dimensioned floor plans to the Department of Safety and Inspections to ensure that the area where animals are kept meets code requirements, and any changes required to comply with code requirements shall be completed before animals are kept in that area.
7. Written operating procedures, such as those recommended by the Pet Care Services Association or the Animal Humane Society (AHS) shall be developed and filed with the Animal Control section of DSI. These procedures must be approved by the Animal Control section in consultation with the State of Minnesota Humane Agent and must be followed for the life of the business. These procedures must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.
8. Animals must be provided the opportunity for periodic exercise. However, dogs shall not be permitted in the outdoor exercise/relief area after 8:00 p.m. and before 7:00 a.m. Monday through Saturday.
9. The number of employees/independent contractors for dog grooming shall be limited to seven (7). Up to two (2) additional employees/independent contractors may be added for day care. At least one employee/independent contractor shall be assigned to monitor and supervise the animals in day care, in both the outdoor and indoor areas.
10. The hours of operation for both grooming and day care shall be Monday through Saturday, 7:00 a.m. to 8:00 p.m.
11. Four off-street parking spaces shall be provided at the rear of the property and constructed as required by site plan review staff in DSI.
12. Signs for the business shall comply with the sign regulations for size and placement unless a variance is approved by the Board of Zoning Appeals.

2009 Minnesota Statutes

346.39 DOGS AND CATS.

Subdivision 1. **Food.** Dogs and cats must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. Feed standards shall be those recommended by the National Research Council.

Subd. 2. **Water.** Dogs and cats must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

Subd. 3. **Transportation and shipment.** When dogs or cats are transported in crates or containers, the crates or containers must be constructed of nonabrasive wire or a smooth, durable material suitable for the animals. Crates and containers must be clean, adequately ventilated, contain sufficient space to allow the animals to turn around, and provide maximum safety and protection to the animals. Exercise for 20 to 30 minutes and water must be provided at least once every eight hours. Food must be provided at least once every 24 hours or more often, if necessary, to maintain the health and condition of the animals.

Subd. 4. **Shelter size.** A confinement area must provide sufficient space to allow each animal to turn about freely and to easily stand, sit, and lie in a normal position. Each confined animal must be provided a minimum square footage of floor space as measured from the tip of its nose to the base of its tail, plus 25 percent, expressed in square feet. The formula for computing minimum square footage is: (length of animal plus 25 percent) times (length of animal plus 25 percent), divided by 144. A shaded area must be provided sufficient to protect the animal from the direct rays of the sun at all times during the months of May to October.

Subd. 5. **Exercise.** All dogs and cats must be provided the opportunity for periodic exercise, either through free choice or through a forced work program, unless exercise is restricted by a licensed veterinarian.

Subd. 6. **Group housing and breeding.** Animals housed together must be kept in compatible groups. Animals must not be bred so often as to endanger their health.

Subd. 7. **Temperature.** Confinement areas must be maintained at a temperature suitable for the animal involved.

Subd. 8. **Ventilation.** An indoor confinement area must be ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the ambient temperature rises to a level that may endanger the health of the animal.

Subd. 9. **Lighting.** An indoor confinement area must have at least eight hours of illumination sufficient to permit routine inspection and cleaning.

Subd. 10. **Confinement and exercise area surfaces.** Where applicable, the interior surfaces of confinement and exercise areas, including crates or containers, must be constructed and maintained so that they are substantially impervious to moisture and may be readily cleaned. They must protect the animal from injury and be kept in good repair.

Subd. 11. **Drainage.** Where applicable, a suitable method must be used to rapidly eliminate excess fluids from confinement areas.

Subd. 12. **Sanitation.** Food and water receptacles must be accessible to each animal and located so

ST. PAUL CODE OF ORDINANCES

| **Sec. 348.05. - Regulations.**

- (a) *Premises.* The licensed premises must be approved under the Saint Paul zoning code and the department of safety and inspections as suitable to house animals. The animal control division of the department of safety and inspections shall inspect the premises proposed to house animal day care and animal boarding to determine whether the facilities are suitable for animal day care or animal boarding. Once per year, the animal control division shall re-inspect the facilities to determine continued suitability. Nothing in this section shall prevent animal control officers to inspect the premises more often than once per year. The premises shall meet the following minimum criteria:
- (1) The facility shall be structurally sound, maintained in good repair, and designed so as to protect the animals from injury and restrict the entrance of other animals.
 - (2) Each animal shall be provided with adequate floor space to allow such animal to turn about freely and to easily stand, sit and lie in a comfortable and normal position.
 - (3) Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.
 - (4) Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable food.
 - (5) Provision shall be made for the removal and disposal of animal and food wastes, bedding and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.
 - (6) The facility shall be sufficiently heated or cooled when necessary.
 - (7) The facility shall have interior walls, ceiling and floor surfaces constructed of materials which are resistant to the absorption of moisture and odors, or which surfaces shall be treated with sealant or with paint. Floor surfaces shall not be made of unsealed wood. Interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris.
 - (8) Outdoor facilities shall be constructed to provide shelter from excessive sunlight, rain, snow, wind, heat, cold or other elements.
 - (9) Outdoor facilities shall provide sufficient space for the proper exercise and movement of each animal contained therein.
 - (10) Outdoor facilities shall be enclosed by walls or fences sufficient to keep animals within and to prevent entrance of other animals.
- (b) *Animal requirements.* The licensee shall have for each animal housed in the animal day care or animal boarding facility:
- (1) Proof of a current license from the jurisdiction where that animal resides; and
 - (2) Proof that the animal meets all vaccination requirements in place in the city; and
 - (3) A current veterinary certificate verifying that the animal is free from intestinal parasites; and
 - (4) The name and address of the owner of the animal.
- (c) *Animals declared dangerous.* An animal day care or animal boarding facility may not house an animal that has been declared dangerous or potentially dangerous by any jurisdiction including but not limited to the city or state.
- (d) *Sanitation standard.* Animal feces shall be removed a minimum once per day or more often if necessary to ensure no odors can be detected from neighboring property.
- (e) *Animal rescue not allowed.* Animal day care and animal boarding facilities cannot rescue animals or house rescued animals.
- (f) *Home occupation limitation on number of animals.* Home occupation animal day care and animal boarding facilities shall house no more than a total of three animals including any animals residing in the home.
- (g) *Cages.* Each animal shall be provided with a cage or separate individual enclosure. The enclosure shall have adequate floor space to allow such animal to turn about freely and to easily stand, sit and lie in a comfortable and normal position.

(C.F. No. 08-567, § 5, 6-25-08)

http://www.humanesociety.org/animals/resources/tips/choosing_boarding_kennel.html

What to look for

On your visit, ask to see all the places your pet may be taken. Pay particular attention to the following:

Does the facility look and smell clean?

Is there sufficient ventilation and light?

Is a comfortable temperature maintained?

Does the staff seem knowledgeable and caring?

Are pets required to be current on their vaccinations, including the vaccine for canine kennel cough (Bordetella)? (Such a requirement helps protect your animal and others.)

Does each dog have his own adequately sized indoor-outdoor run or an indoor run and a schedule for exercise?

Are outdoor runs and exercise areas protected from wind, rain, and snow?

Are resting boards and bedding provided to allow dogs to rest off the concrete floor?

Are cats housed away from dogs?

Is there enough space for cats to move around comfortably?

Is there enough space between the litter box and food bowls?

How often are pets fed?

Can the owner bring a pet's special food?

What veterinary services are available?

Are other services available such as grooming, training, bathing?

How are rates calculated?



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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Web: www.stpaul.gov/dsi

August 12, 2010

Sandra Belisle
Sandy's Professional Dog & Cat Grooming
360 Clifton St
Saint Paul, MN 55102

Re: 360 Clifton, Pending Pet Boarding – Commercial License Application, ID #20070000410

Dear License Applicant:

As stated in a previous letter to you dated 12/7/2009, in order for the Department of Safety and Inspections (DSI) to continue processing your above referenced license application, requirements including, but not necessarily limited to the following must be met:

1. Obtain City of Saint Paul Zoning approval for the addition of this business activity to the current pet grooming facility. *You've submitted a Change of Nonconforming Use Permit (NCUP) application to the City of Saint Paul's Department of Planning and Economic Development (PED) to review your proposed additional business activity. You should be advised that, if the NCUP is denied, DSI could not continue processing your license application and would recommend that your request be denied unless you were to submit a written request to withdraw it.*
2. Submit a petition of support from at least seventy-five (75) percent of the owners of all private residences, dwellings, and apartment houses located within one hundred fifty (150) feet of the premises. As stated in the previous letter, the signature petition form you submitted with your license application does not comply with DSI requirements. Specifically, it does not state the business name, the address, or the activity for which you are seeking the signatures; and it did not have each persons printed name, address, and telephone number next to the signatures. Because of this, we could not accept the signatures submitted with your license application towards meeting the petition of support requirements. *However, you submitted a different petition with your NCUP application to PED. Although this petition does not meet DSI requirements (i.e., there are no phone numbers), because PED accepted this petition form, DSI will count the people that signed the NCUP petition towards meeting the license petition requirements. Including these signatures towards meeting licensing petition requirements results in you having obtained 5 out of 9 potential signatures, or in other words 55% support. You must submit 2 additional supportive signatures to satisfy licensing petition requirements. Enclosed you will find a list of the remaining potential properties (highlighted in yellow) to obtain supportive signatures from (**NOTE: you must include a telephone number for any future signers of a petition**).*
3. Submit a written explanation (i.e., business plan) stating how you intend to operate the new business activity. This plan should reflect any conditions, requirements, and or limitations placed on any approved NCUP (should your NCUP application be approved). Your plan should include information such as, but not necessarily limited to the following: a description of the services you intend to offer (i.e., boarding, day care, etc.), the maximum number of animals to be housed at the facility at any one time, the maximum and minimum length of stay for individual animals, the hours the facility will be staffed, how you intend to monitor the animals during non-staffed hours (if applicable), where on the property the animals will be housed, etc. *You have not yet submitted a business plan to DSI Licensing Section.*
4. Obtain DSI Animal Control inspection approval. You may contact Bill Stephenson, DSI Animal Control Manager, at 651-266-1110 to arrange for this inspection approval if you have not already done so. *You have not yet obtained this approval.*

Please note that, *if you are unable to obtain City Zoning approval and/or meet the minimum petition support requirements, your license application cannot be approved. **Please complete items #1-3 referenced above (as applicable) within two (2) weeks of any decision regarding your NCUP application.***

Finally, if a NCUP permit is approved for some other type and/or variation of your proposed business activity (e.g., animal day care without the overnight boarding of animals) you will still be required to obtain a City license (i.e., Animal Day Care License) before you may begin operating such a business.

As stated in a letters to you dated 12/07/2009, 09/04/2009, and from Kris Schweinler (DSI Senior License Inspector), *animal boarding and/or day care is not permitted under your Pet Shop license. If you are currently providing any type of animal boarding and/or day care activities at this location, you are doing so without the required City license. Failure to take appropriate action in this matter will result in adverse action being taken against your Pet Shop license, and may result in the denial of your Pet Boarding – Commercial license application request.*

I have enclosed a copy of all referenced letters, an example license petition form, and a list of property owners within one hundred fifty (150) feet of your property (NOTE: the owners highlighted in yellow are who you may attempt to obtain the two (2) additional supportive signatures from). If you have any questions regarding this matter, I may be contacted at 651-266-9106. Alternatively, in my absence you may also contact Larry Zangs, DSI Project Facilitator, at 651-266-9109 (or via email at larry.zangs@ci.stpaul.mn.us).

Sincerely,

Jeffrey Fischbach,
DSI Inspector III
enc.

- c. Christine Rozek, DSI Deputy Director
- Bill Stephenson, DSI Animal Control Manager
- Corinne Tilley, DSI – Zoning Section
- Larry Zangs, DSI Project Facilitator
- James Perucca, DSI Fire Inspection
- Patricia James, City of Saint Paul PED
- Jane Prince, License Applicant Representative

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Sandra Belisle **FILE #** 10-506-183
2. **APPLICANT:** Sandra Belisle **HEARING DATE:** July 8, 2010
3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Change
4. **LOCATION:** 360 Clifton St, SE corner at Jefferson
5. **PIN & LEGAL DESCRIPTION:** 112823130033, Ramseys Sub Of B21 Stinson Br Lot 34 Blk 21
6. **PLANNING DISTRICT:** 9 **PRESENT ZONING:** R4
7. **ZONING CODE REFERENCE:** §62.109(c)
8. **STAFF REPORT DATE:** June 29, 2010 **BY:** Patricia James
9. **DATE RECEIVED:** June 9, 2010 **60-DAY DEADLINE FOR ACTION:** August 8, 2010
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- A. **PURPOSE:** Change of nonconforming use to add pet day care and boarding to existing pet grooming business
- B. **PARCEL SIZE:** 45.3 ft. (Clifton) x 118.6 ft. (Jefferson) = 5,373 sq. ft
- C. **EXISTING LAND USE:** C-Pet Shop/Grooming
- D. **SURROUNDING LAND USE:**
North: Bar/restaurant, community garden, Interstate 35E (B2, R4)
East: Low density residential (R4)
South: Low density residential (R4)
West: Monroe Athletic Field (R4)
- E. **ZONING CODE CITATION:** §62.109(c) authorizes the planning commission to allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed or to a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed, upon making certain findings (see Section H below).
- F. **HISTORY/DISCUSSION:** In 1950, the property at 360 Clifton was rezoned from "B" Residential to Commercial for a confectionery store selling school supplies and snacks. The zoning was changed to R4 One-Family Residential in 1975 as part of the adoption of a new Zoning Code. The property was used for many years as a beauty shop/salon. In 2005, applications for tattooing businesses were denied by the Planning Commission (Zoning Files 05-139-469 and 05-180-955). The Planning Commission approved a re-establishment of nonconforming use permit for the present applicant's pet grooming business in 2006 (Zoning File 06-273-087).
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 9 Council had not commented at the time this staff report was prepared.
- H. **FINDINGS:**
1. The applicant's current nonconforming use permit was approved by the Planning Commission on December 15, 2006, subject to the following conditions: 1. The number of employees/independent contractors shall be limited to 7. 2. The hours of operation shall be Monday through Saturday, 7:00 a.m. to 8:00 p.m. 3. Four off-street parking spaces shall be provided at the rear of the property and constructed as required by site plan review staff in the Office of License, Inspections, and Environmental Protection (LIEP). 4. Signs for the business shall comply with the sign regulations for size and placement unless a variance is approved by the Board of Zoning Appeals.
 2. It appears that the property is in compliance with conditions 1, 2, and 4. However, the garage has been removed, and there are now only 1 or 2 off-street parking spaces on the lot rather than the 4 required by the Planning Commission in the 2006 permit. The area previously occupied by the garage has been fenced in along with the rest of the back yard and is now used for outdoor storage and a dog exercise area, based on photos provided by the applicant. Further, as part of this application, on-street parking for both employees and customers is proposed.

3. In response to a complaint that animal boarding was occurring on the site, staff in the Department of Safety and Inspections (DSI) notified the applicant that animal daycare and boarding could not occur without a license for these activities, and that a rezoning of the property to an industrial classification would also be needed, based on a Zoning Administrator's 2007 statement of clarification that animal day care was similar to uses in the IR, I1, and I2 districts. The applicant is instead applying for a change of nonconforming use. The following changes are being proposed to the business's operation to accommodate the new uses: 1) one additional staff member would be added, bringing the total to eight (8) plus the owner. 2) The use would expand to include an outdoor exercise area in the back yard for the day care and boarded animals, where, according to the application, they would spend much of the day. These animals would be supervised by the additional staff person. The application does not make clear the hours of work for the additional staff, including if the staff would stay at the business at all times when animals are being boarded or if the animals would at times be in the building or outdoors without an employee or the owner present. 3) Animals would be boarded for up to eight (8) days. 4) The applicant states that the number of boarders and length of stay will be "strictly limited," but does not provide a specific total number of animals that would be boarded at any one time. According to the plan and photos provided by the applicant, three cat cage areas and six dog cage areas are shown. It appears that some smaller cages would be stacked, so more than nine animals could potentially be accommodated. 5) The business would have one or two staff present to supervise the boarded animals for some duration of time on Sunday, increasing activity on the site to seven days per week, although the level of activity would be less on Sunday because the pet grooming business would be closed.
4. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed, if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is not met. The existing pet grooming business is classified as a service business, similar to the previous beauty shop use. These businesses are first permitted in the TN1 Traditional Neighborhood and OS Office Service districts. The Zoning Administrator has issued a statement of clarification that finds commercial animal daycare (having more than three animals total) is similar to uses first permitted in the IR Light Industrial Restricted zoning district. The statement of clarification also found that animal day care for no more than three total animals (including the homeowner's animals) is a permitted home occupation. While the applicant has not provided a specific number of animals for the day care and boarding, the basement appears to be set up for more than three animals. Therefore, the proposed use is first permitted in a less restrictive district than the existing use, and it is not equally or more appropriate to the neighborhood than the existing nonconforming pet grooming use.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding may be met. The applicant states that day care and boarded animals will arrive by appointment, similar to the existing pet grooming business. Depending on the number of animals in the day care or being boarded, the traffic generated may be similar to the existing pet grooming business.
 - c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is not met. The daycare and boarding proposal states that the animals will spend "most of each day" in an outdoor exercise area, which creates an outdoor use where one is not present

now. The application states that an employee will supervise the animals and will clean up after them. However, the zoning administrator's statement of clarification states that animal day care must be within a completely enclosed building in the IR and I1 districts, and that outdoor exercise areas are permitted in I2 districts only if the property does not adjoin a property occupied by a residential use. In this instance, besides the fact that the property is zoned R4 One-family Residential, it also adjoins a residential use to the south and abuts a residential use to the east. Having an unspecified number of animals outdoors during the day creates a situation that could be detrimental to the existing character of development in the immediate neighborhood and is inconsistent with the zoning administrator's statement of clarification. Depending on the operation of the business and the level of supervision provided for the animals, the use may be one that does not endanger the public health, safety, or general welfare.

d. *The use is consistent with the comprehensive plan.* This finding is met. The Randolph and Victoria intersection is within an area identified as "mixed use corridor," on the future land use map of the Land Use chapter of the Comprehensive Plan. The plan finds that mixed use corridors are suitable for a mix of residential, commercial, retail, office, small scale industry, institutional, and open space uses.

5. Although not required by the zoning code for a change of nonconforming use, the applicant has also submitted a consent petition for the proposed use signed by owners of seven of the ten parcels within 100 ft. of 360 Clifton.

I. **STAFF RECOMMENDATION:** Based on findings 1, 2, 3, and 4, staff recommends denial of the change of nonconforming use to add pet day care and boarding to an existing pet grooming business.



NONCONFORMING USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only
File # 10-506183
Fee: 650⁰⁰
Tentative Hearing Date: 7-8-10

#9
112823130033

APPLICANT

Name Sandra K. Belisle
Address 360 Clifton Street
City St. Paul St. MN Zip 55102 Daytime Phone 651-644-6475
Name of Owner (if different) _____
Contact Person (if different) Sandra R. Boehm Phone 651-290-9119

PROPERTY LOCATION

Address / Location 360 Clifton Street St. Paul, MN 55102
Legal Description Lot34, Block 21, Ramsey's Subdivision of Block 21, Stinson, Brown and Ramsey's Addition to St. Paul Current Zoning R4
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 102, Subsection i, Paragraph 3 of the Zoning Code.

- the permit is for: Change from one nonconforming use to another (para. 3 in Zoning Code)
 Re-establishment of a nonconforming use vacant for more than one year (para. 5)
 Legal establishment of a nonconforming use in existence at least 10 year (para. 1)
 Enlargement of a nonconforming use (para. 4)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

CHANGE IN USE: Present / Past Use Dog and Cat Grooming / Beauty Shop

OR

RE-ESTABLISHMENT: Proposed Use Dog and Cat Grooming, Boarding and Day Care

Additional information for all applications (attach additional sheets if necessary):

SEE ADDENDUM TO APPLICATION AND EXHIBITS.

OK 1722455
650⁰⁰

Attachments as required: Site Plan Consent Petition Affidavit

Applicant's Signature Sandra K Belisle Date 6-9-10 City Agent [Signature] 6-9-10

**ADDENDUM TO
NONCONFORMING USE PERMIT APPLICATION**

Background. The Applicant has been grooming cats and dogs in the City of St. Paul since 1973 when she established her own business on Asbury Street. She moved her business to a new location on Hamline and Thomas in 1976. In 1990 she moved to a location on Snelling Avenue where she stayed until moving to the present location after obtaining a Nonconforming Use Permit.

When the Applicant purchased the building in 2006 it had been vacant for over a year. The immediate neighborhood was, and is, residential, but the building had been used as a beauty salon for over 30 years and there is a bar, Tavern on the Avenue, across the street on Jefferson Avenue. As shown by the pictures taken in 2006, both the interior and the exterior would have required major renovations to be used as a residence. For example, there is no kitchen and there is only a half-bath. By contrast, both the interior and the exterior are well suited to being used as a dog and cat grooming salon.

As stated in her original Application, the Applicant's goal has been to give the building the look of a cottage, thereby blending well with the homes in the neighborhood. In spite of the current difficult economic times, the Applicant has made a number of improvements to the property (See the pictures taken in 2010):

- a. removed the garage which was in poor condition;
- b. installed a privacy fence in the back yard;
- c. installed a new furnace and central air conditioner;
- d. installed new fixtures in the "tub room";
- e. added flower boxes and signs to the front of the building; and
- f. painted and prepared the basement for boarding animals.

Purpose. In order to meet the needs of her customers and remain competitive with other grooming salons, the Applicant seeks a permit which would allow her to offer day care and boarding services to her grooming customers.

1. The proposed use is equally appropriate to the neighborhood.

Many of the potential boarding customers are already grooming customers. Like the grooming customers they will only be on the premises to deliver and pick up their pets. The only additional worker will be a full-time helper to exercise, feed and clean up for the boarders. The boarders will be kenneled and fed in the basement which is not needed for performing the grooming services. They will spend most of each day in the backyard

which is already fenced and partitioned so that animals can be separated, if necessary. Therefore, it will not be necessary to alter the existing structure in order to accommodate the boarders. The hours and days of operation would remain the same except on Sunday an attendant would come to care for the animals being boarded.

2. The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.

Like grooming customers, boarding customers will be limited in number and required to have an appointment. Their appointments will be staggered so that they will arrive at different times, leave their pet and return one to eight days later to pick up their pet.

As shown by the attached pictures, there is adequate parking on Jefferson and Clifton for groomers and for customers dropping off or picking up their pets. If necessary, the Applicant could approach the owner of the bar located across the street on Jefferson, about using their parking lot during the hours the bar is closed.

3. The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.

All of the groomers are either experienced in handling animals or being trained by an experienced professional. They will be available on the premises six days a week to help if a problem arises with the boarders. The only day the helper will be alone with the boarders will be Sunday and the Applicant will be present herself until the helper is experienced enough to handle the animals herself. In addition, the boarders will be carefully screened for size, health and behavior problems. Finally, the number of boarders and the length of stay will be strictly limited.

4. The use is consistent with the comprehensive plan.

As pointed out in Applicant's 2006 Application, Objective 5.11 encourages neighborhoods to include a mixture of land uses. The Applicant's plans for the building continue to create an attractive link between the homes on its side of Jefferson and the businesses on the other side of Jefferson.

Conclusion. Changing the Nonconforming Use Permit to include boarding and day care for animals would require minimal changes in the operation of the Applicant's business. At the same time it would generate much-needed additional income and allow the Applicant to offer the same services as a number of her competitors. If the Permit is granted, the Applicant will apply for an animal boarding and day care license and take whatever steps are necessary to meet the governing regulations.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Sandra K. Belisle,
(name of applicant)

to establish a dog and cat grooming, boarding and day care business,
(proposed use)

located at 360 Clifton Street St. Paul, Minnesota,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
360 Clifton Street	Gregory A. Lehman	<i>[Signature]</i>	5-28-2010
364 Clifton Street	Hilary A. Major	<i>[Signature]</i>	5/28/10
	Philippa I. Stelter	<i>[Signature]</i>	5/28/10
368 Clifton Street	Robin R. Reich	N/A	06/04/10
372 Clifton Street	Jason R. Spangler	<i>[Signature]</i>	
	Kathryn Spangler		
357 Fulton Street	Stephen R. Pastick	<i>[Signature]</i>	5-15-10
	Barbara A. Pastick	<i>[Signature]</i>	5-15-10
363 Fulton Street	Shirlene Perrin	<i>[Signature]</i>	5-13-10
367 Fulton Street	Edna Sandoval	<i>[Signature]</i>	5-13-10
373 Fulton Street	Carl B. Velander	N/A	
	Deborah Velander		
397 Clifton Street	Ind. School Dist. 625		

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

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(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
825 Jefferson Ave.	Beverly Ann Stickney	<i>Beverly Ann Stickney</i>	6-2-10
	Jeffrey Jay Stickney	<i>Jeffrey Jay Stickney</i>	6-2-10

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL
USE PERMIT OR A NONCONFORMING USE
PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Sandra K. Belisle, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Sandra K. Belisle

NAME

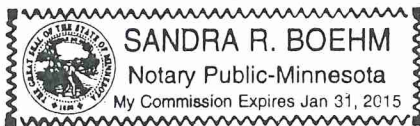
360 Clifton Street St. Paul MN 55101
ADDRESS

651-644-6475
TELEPHONE NUMBER

Subscribed and sworn to before me this

4th day of June, 2010.

Sandra R. Boehm
NOTARY PUBLIC



ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

CUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 6-9-10

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: 6-14-10

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 10

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: 7

PARCELS REQUIRED: _____

PARCELS SIGNED: 7

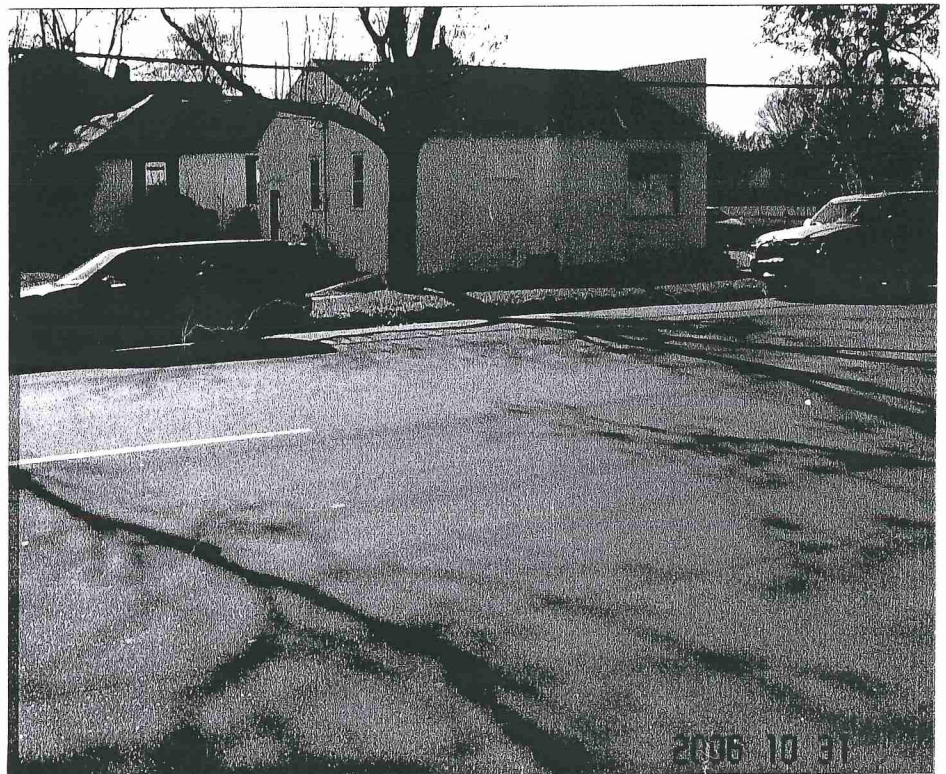
PARCELS SIGNED: _____

CHECKED BY: Paul Dubruel

DATE: 6-14-10



CORNER OF JEFFERSON AND CLINTON



JEFFERSON AVENUE

EXHIBIT A

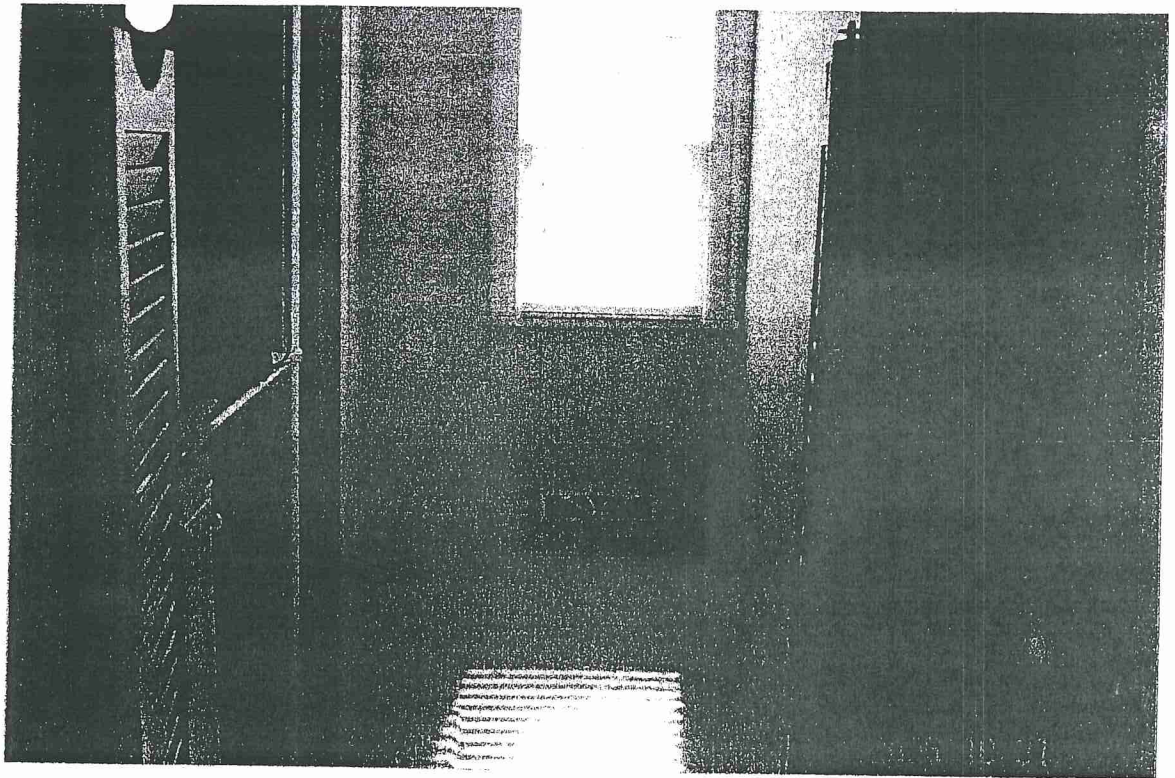


BACK YARD

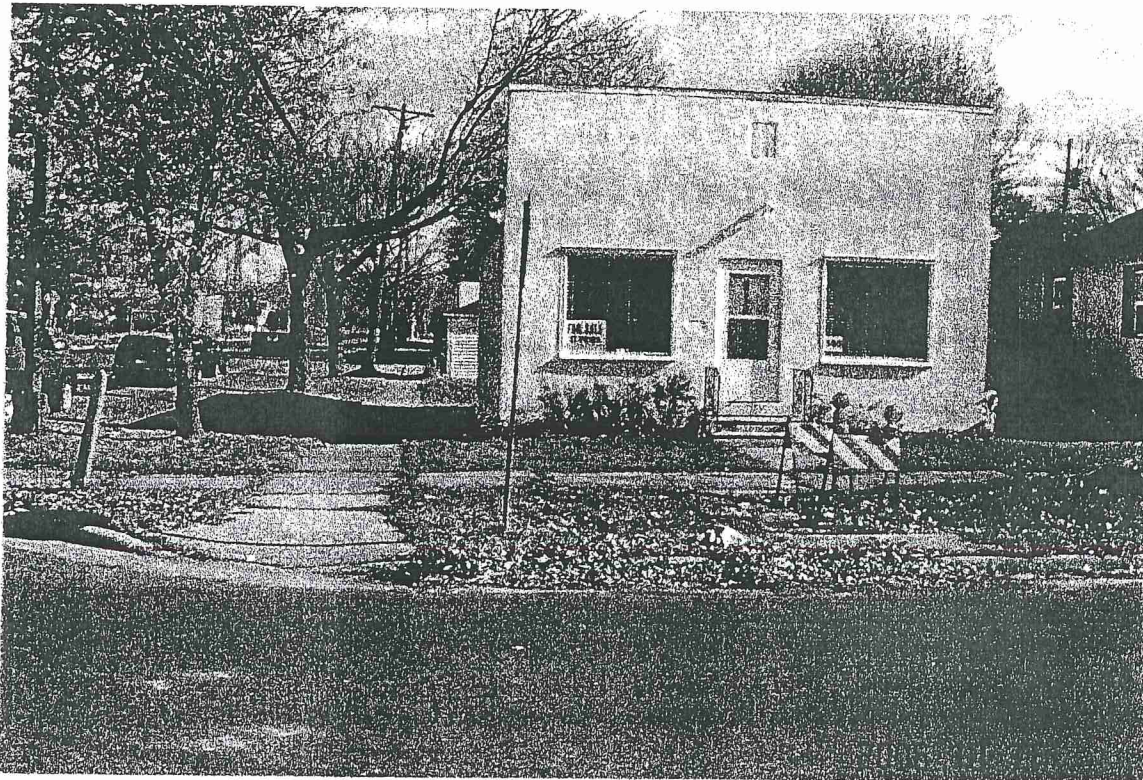


PARKING SPACE

EXHIBIT A

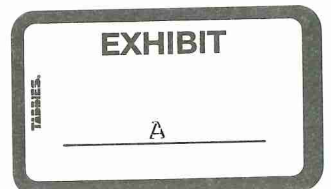


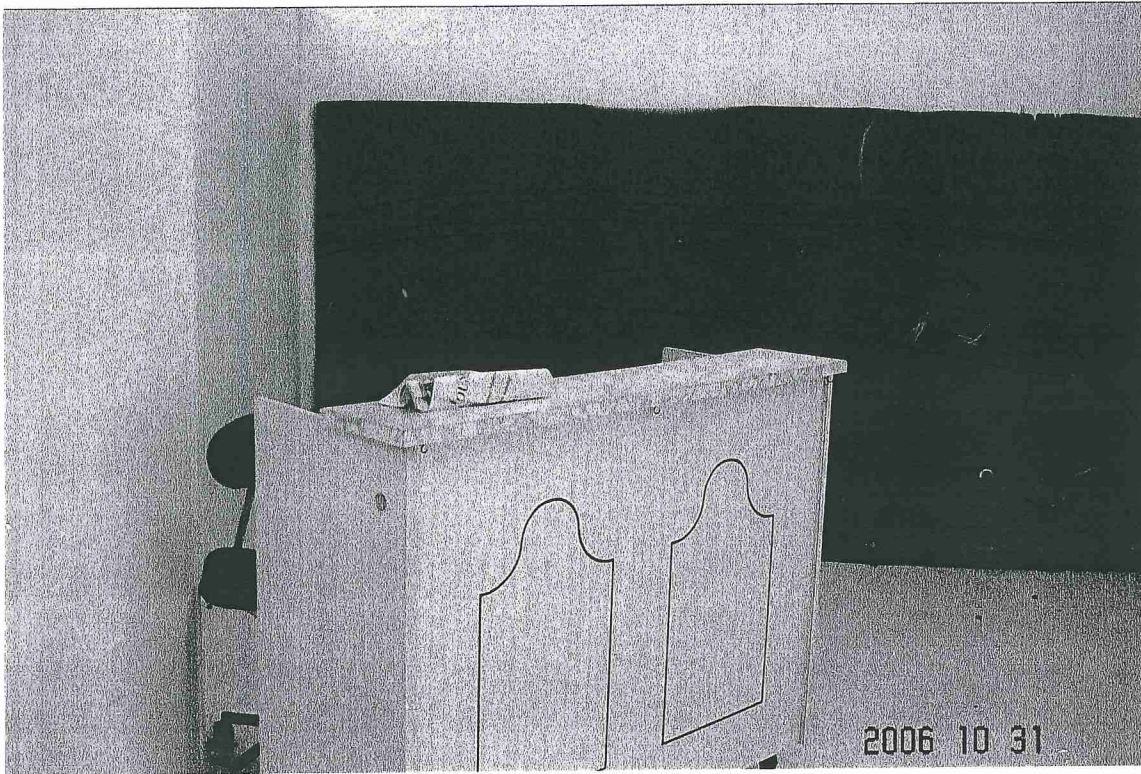
LARGE DOG GROOMING AREA



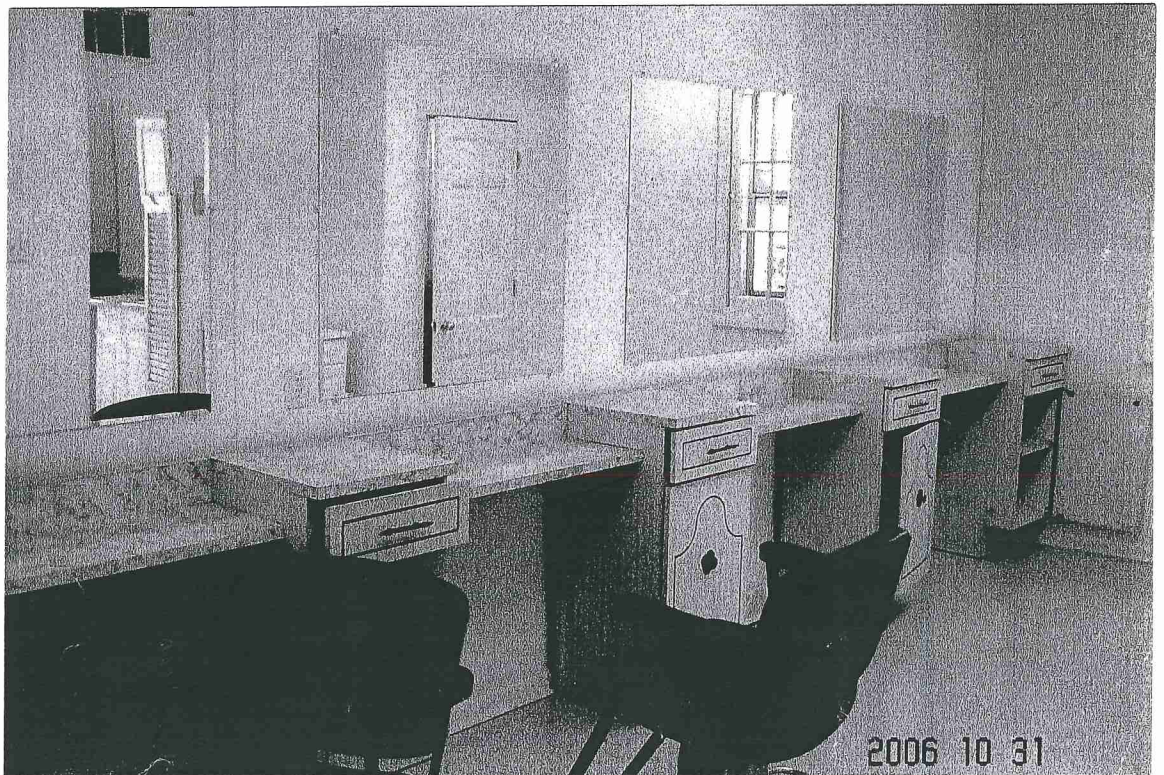
360 CLIFTON STREET

EXHIBIT A





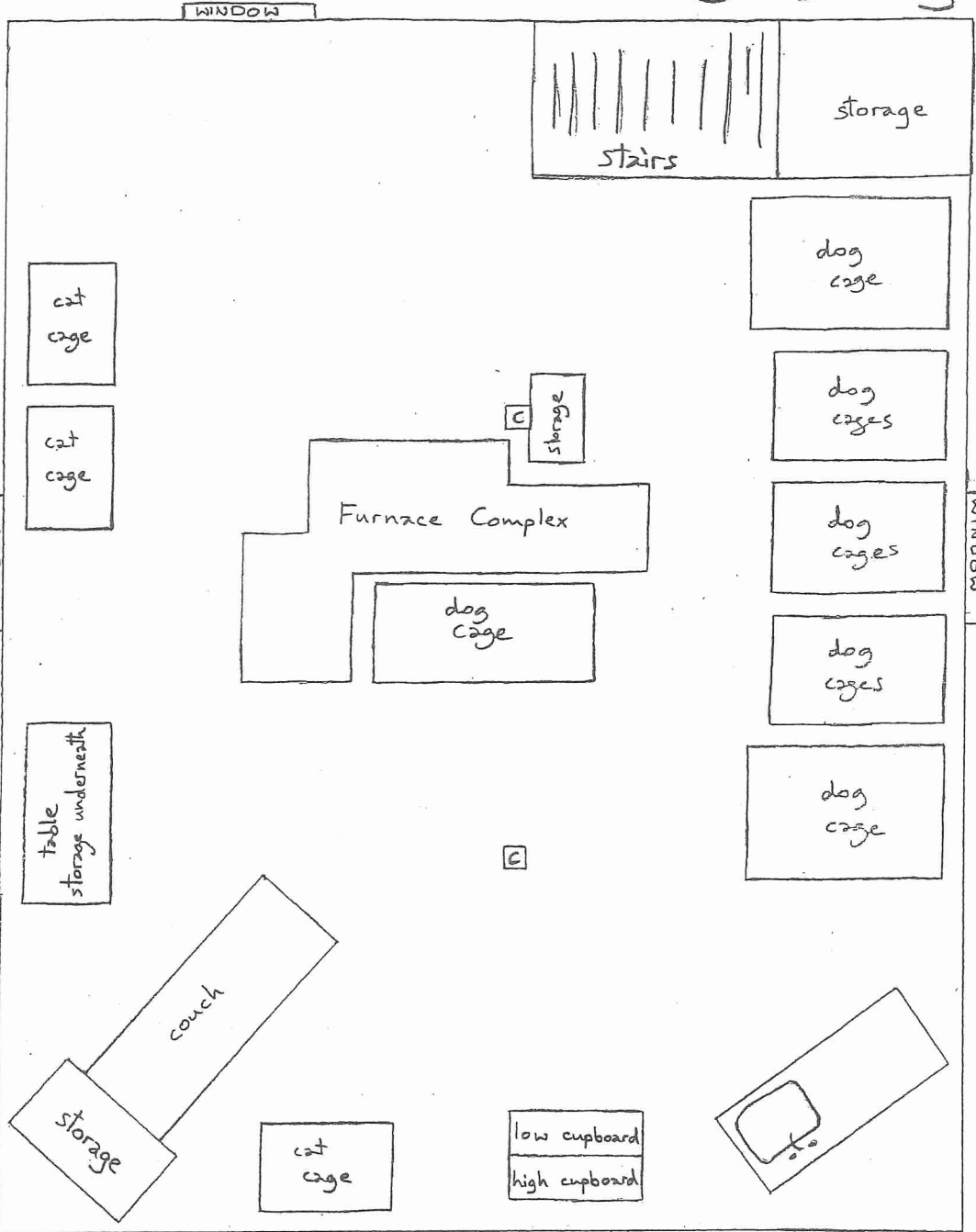
RECEPTION DESK



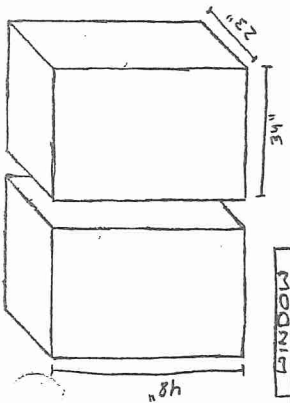
GROOMING STATIONS

EXHIBIT A

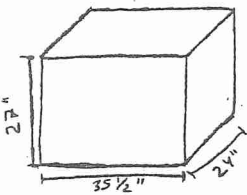
Basement at Sandy's Professional Dog & Cat Grooming



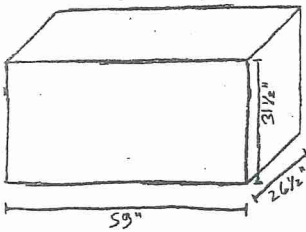
Front View
Cat
Cages



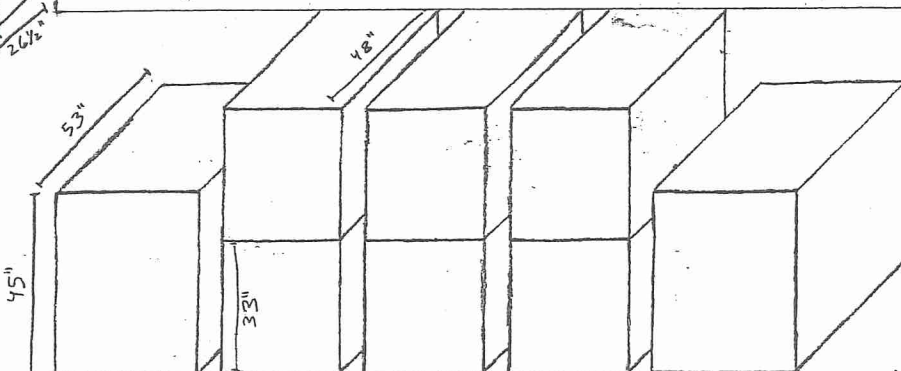
Single
Cat Cage



Single
Dog Cage



Front
View
of
Cages



Scale
1:48

1 foot





Site at 360 Clifton



Jefferson frontage of site



Rear of site



Across Jefferson



Across Jefferson



Across Clifton, SW corner Clifton and Jefferson



South of site on Clifton

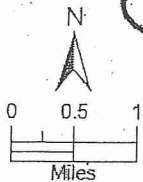
GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006



bing™

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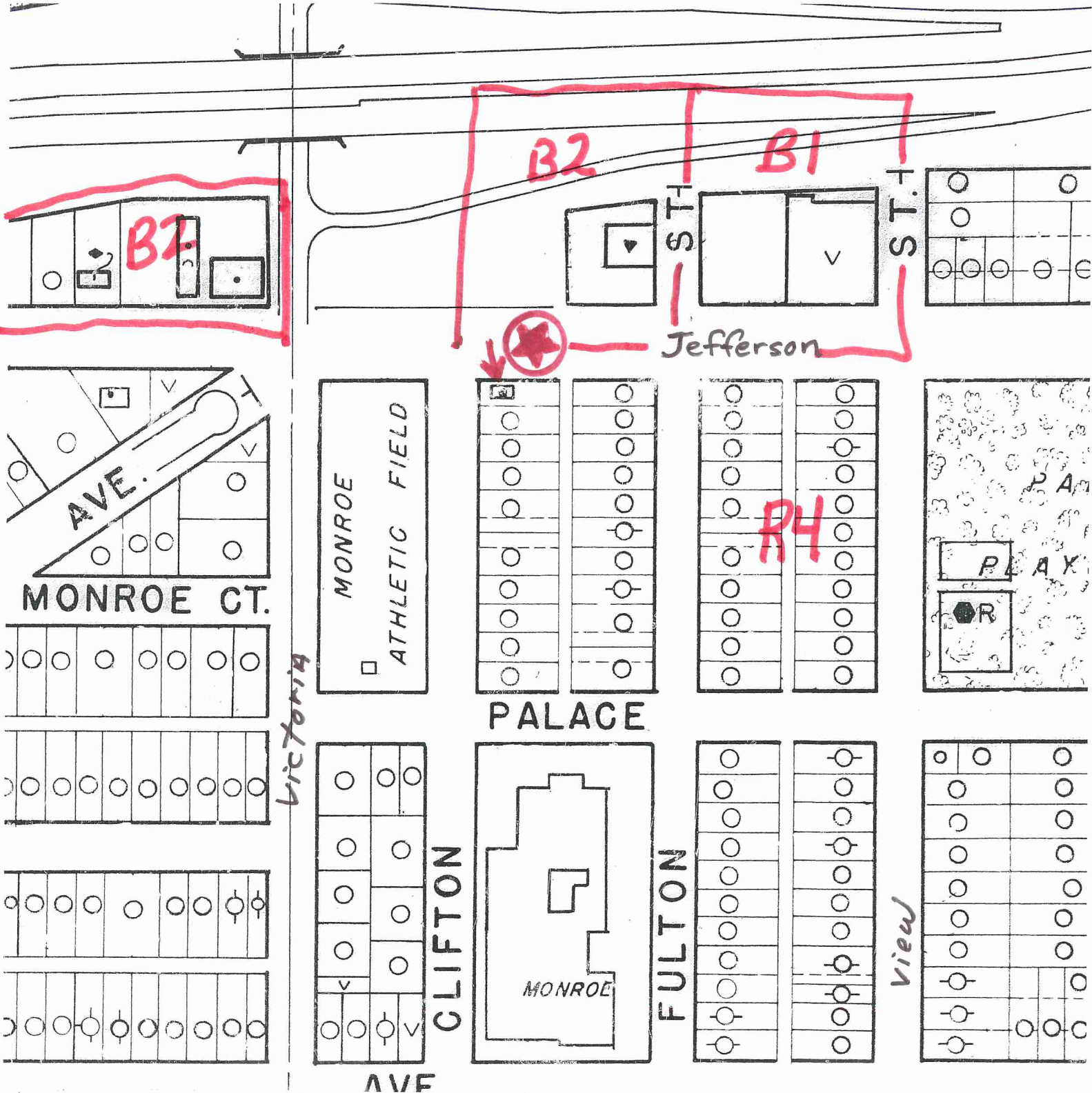


Source: City of Saint Paul

CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE - MIDWAY
12. ST. ANTHONY
13. UNION PARK
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

10-506183



APPLICANT Sandra Belisle
 PURPOSE CH6 Nonconforming Use
 FILE # 10-506183 DATE 6-14-10
 PLNG. DIST. 9 MAP # 27

SCALE 1" = 400'



- LEGEND
- zoning district boundary
 - subject property
 - one family
 - two family
 - multiple family
 - commercial
 - industrial
 - vacant
 - north