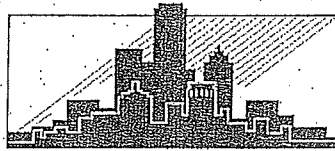


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Katharina E. Liston
Of Counsel

July 8, 2010

TO: Zoning Committee of the Saint Paul Planning Commission

FR: Jane Prince, Weinblatt & Gaylord PLC, 651 292-8770

RE: File No. 10-506-183, Sandra Belisle, 360 Clifton St.

Based on the following analysis, pursuant to the City of Saint Paul Zoning Code, I respectfully request, on behalf of the Applicant, Sandra Belisle, that the Zoning Committee recommend to the Planning Commission that the change in the nonconforming use permit at this 360 Clifton, be granted.

1. Pet boarding is an accessory use to pet grooming, under Section 65.910:
 - a. Under Section 65.910, an accessory use is defined as one which is clearly incidental to, customarily found in connection with, and located on the same zoning lot as the principal use to which it is related
 - b. Accessory uses allowed under the code include:
 - i. greenhouse located on premises incidental to a florist
 - ii. a small brewery operated in conjunction with a bar or restaurant
 - iii. an enclosed single-bay car wash operated in conjunction with an auto service station
 - iv. food shelves located in churches or community centers.
 - c. Like these accessory uses, the manner in which the Applicant operates her pet boarding and day care business does not materially increase the intensity of the use.
 - d. It is a standard business practice for groomers and (others involved in pet care and sale) to provide boarding and outdoor exercise areas to clients' pets. The Applicant has always provided this service, and applied for her nonconforming use permit in 2006, never representing that this was *not* part of her business.
2. The Zoning Administrator's "statement of clarification," dated February 2007, requiring animal boarding in I-2 districts, is not consistent with other uses of the code:

- a. Animal Boarding License, Chapter 348, calls for outdoor exercise space for animals, while the Zoning Administrator's statement requires that animal boarding occur in completely enclosed building.
 - b. In-home child care, including overnight care, for 10 children (from toddler to age 12) is permitted in Residential districts, arguably generating more noise, more traffic, and many more safety hazards than the boarding of a more limited number of cats and dogs.
 - c. An Auto Repair Station allowing the general repair of autos, trucks, motorcycles, engine rebuilding, and sale of gasoline, requires only a ten-foot landscaped buffer with screen planting and an obscuring fence from land zoned Residential.
 - d. Pet shops which presume the overnight boarding of animals are not restricted to I-2 zones
 - e. Veterinarians, who customarily provide overnight boarding of animals operate throughout St. Paul in more restrictive zoning areas.
 - f. This "statement of clarification" has not been enforced. There are animal day care and boarding facilities (with outdoor exercise areas) in more restrictive districts throughout St. Paul.
 - g. Ramsey County Animal Humane Society and the St. Paul Animal Control Facility – both including outdoor exercise space for animals - are both located in a Residential zoning district.
 - h. Since the "statement of clarification" was issued in Feb. 2007, what actions have been taken to study or memorialize this in the code? In the intervening years, with the growth of the business of animal day care, enforcement of this provision calls for a public process, in which pet owners and businesspeople engaged in pet care are part of developing the appropriate land use policy.
 - i. There are more than enough controls in the code, pertaining to sanitation and noise to enforce any problems that occur through the outdoor exercise and overnight boarding of animals as part of this business.
3. The Applicant's nonconforming use permit was issued *prior* to the Zoning Administrator's issuance of its "statement of clarification." The Applicant's current configuration should be grandfathered in, particularly given the number of similarly situated businesses that are not in I-2 districts.
- a. The Applicant purchased the building at 360 Clifton in 2006 with the good faith belief that the nonconforming use granted by the Planning Commission on December 15, 2006, for her pet grooming business was sufficient permission for her to carry out her longstanding business operation which included pet boarding.

She fenced the yard at 360 Clifton to have a safer and healthier environment for the animals she grooms and boards.

- b. As stated, the zoning code for the intervening 3 ½ years has not been amended to create a definition required for animal boarding. There are other uses, of greater intensity, that are allowed in more restrictive zoning districts.
- c. If the Applicant is not allowed to provide animal day care and boarding, her business may fail, causing not only her unemployment but that of six other groomers who work there.

4. The Zoning Committee should recommend to the Planning Commission to grant the change in the nonconforming use for the following reasons:

(1) The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use;

Though staff stated that this condition is not met, we argue otherwise. The proposed use is an accessory use that is a business standard. As pointed out above, it is as appropriate as a child care center for 10 children (including overnight care) which bring noise, traffic, and security concerns to a neighborhood.

(2) The traffic generated by the proposed use is similar to that generated by the existing nonconforming use;

Staff found this condition to be met.

(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; and

Staff states that this condition is not met. We argue vehemently to the contrary. Though it is not required, the Applicant has presented a petition signed by her neighbors, supporting this change. Her neighbors will testify today.

Ms. Belisle operates her pet care in such a manner that the public health, safety and welfare considerations are met. Animals are supervised and the fenced in yard is well-maintained and cleaned daily.

The Applicant's property is located on the edge of the R-4 district, on the corner of a busy street, across from Tavern on the Avenue, zoned B-2. Jefferson is a major thoroughfare, adjacent to the I-35E entrance ramp on Victoria.

(4) The use is consistent with the comprehensive plan.

Staff states that this condition is met.

The Planning Commission's findings may be a general rule or findings in a specific case.

Based on the "statement of clarification," which we believe is inconsistent with the Comprehensive Plan, we would suggest that the Planning Commission undertake a study and public process to resolve this use, which is not addressed in the zoning code.

In the meantime, we request that based on the Applicant's fulfillment of all the provisions of her nonconforming permit, and for the reasons stated above, that this change in the permit be granted.

OR IN THE ALTERNATIVE

4. *That the Zoning Committee recommend to the Planning Commission that it grant an enlargement of nonconforming use.*

The 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 condition is met.

(2) *For enlargements of a structure, the enlargement will meet the yard, height and percentage of lot coverage requirements of the district;*

This condition is met. The Applicant has installed a privacy fence that protects the animals and the surrounding neighbors. The activities contained therein are subject to noise and sanitation codes applied to every St. Paul property.

(3) *The appearance of the enlargement will be compatible with the adjacent property and neighborhood;*

This condition is met.

(4) *Off-street parking is provided for the enlargement that meets the requirements of section 63.200 for new structures;*

Parking is adequate for this business.

(5) *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use; and*

Though the Applicant has submitted the qualifying petition for rezoning, it is surprising to me that the staff has recommended rezoning of this parcel to I-2 in an R-4 district. The Applicant's property is on the corner of Clifton Street, across from an area zoned B-2. Changing this parcel to I-2 certainly looks like spot zoning.

(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 condition is met.

(7) *The use is consistent with the comprehensive plan; and*

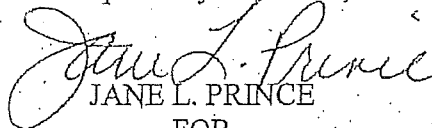
Staff has determined that the use is consistent with the comprehensive plan.

(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 condition is met.

For all the reasons stated here, we respectfully request that the Zoning Committee recommend to the Planning Commission that either the change or the enlargement of the nonconforming use permit be granted, to allow Ms. Belisle, the Applicant, to continue to operate her business, as she has done since purchasing her building and receiving her nonconforming use permit in 2006.

Respectfully submitted,


JANE L. PRINCE

FOR

WEINBLATT & GAYLORD PLC

ZF #10-506-183

support

*The Perrin Law Office
1076 West Seventh Street
St Paul MN 55102*

*PHONE 651-336-5668 FAX 866-419-1692
EMAIL SHIRLENERENEFPERRIN@YAHOO.COM*

July 7, 2010

Zoning Commission

Re: Public Hearing scheduled for Thursday July 8, 2010 regarding 360 Clifton Street and Sandra Belisle

To whom it may concern:

I reside at 363 Fulton Street. I have found Ms Belisle and her employees to be wonderful neighbors. I note that the building has been nicely taken care of. The appearance inside and out is clean and neat. I do not notice disruption from the business (dogs barking to excess). I bring my dog there for grooming and they treat him very well. I think she should be allowed to do pet daycare and boarding.

I have concerns as to what sort of person /business might move in next if she chooses to move. She might choose to move her business if she cannot expand a bit. Our neighborhood is in flux with many foreclosures. We should not take a good thing for granted. Ms Belise and her business are good for our neighborhood. She takes care of the property. She is good to her neighbors. One of her employees helped me weed my lawn and I thought that was very kind. My children go with me to her business to bring the dog and I feel that she is a safe neighbor for them to visit.

I have concerns that some neighbors confuse the barking of my dog and the Pasticks (next to me across the alley from Sandy's) with the dogs at 360 Clifton. Honestly since I heard there was complaining I have paid a bit more attention to our dogs. I am pretty upset that I let my dog bark at times when as I now know his barks could have been confused with the animals at Sandys.

Please consider that she is an asset to the community. Please consider that her request is a reasonable expansion for her business. Good neighbors are very important to me and my family.

Thank you for your consideration. I would have attended the public hearing if I did not have a full court calendar tomorrow. I can be reached at the number above with questions.

Shirlene Perrin

ZF # 10-506-183
Sandra Belisle
- letter of opposition

From: <rtt10@earthlink.net>
To: <patricia.james@ci.stpaul.mn.us>
Date: 7/4/2010 3:00 PM
Subject: pet grooming business

To whom it may concern:
I received a post card from the zoning committee regarding;

hearing date 7/8/2010

Sandra Belisle
360 Clifton St
St Paul MN 55102
File #10-506-183

Purpose: Change of nonconforming use to add pet day care and boarding to
existing pet grooming business

Due to the fact that I work from 8:00 to 4:30 every day and will not be able to get time off to attend this hearing regarding this matter, I still would like to be able to have something say in the matter.

I live two houses away from this business and I am very opposed of this business. you are always listening to dogs barking especially early in the morning. dogs are left out side for very long periods of time barking and whining. She(Sandra) was boarding dogs there last summer and due to all the complaints I believe the city made her stop or she couldn't leave them out side 24/7 which she did. The yard at this residence is very small and I don't think it is big enough to be boarding dogs at. The dogs really don't have any where to go. This is a very quite residential neighbor. I don't think I am the only neighbor with complaints of the noise. I don't think this is the place for a dog grooming business let alone a boarding house for dogs. I don't think you would like to listen to dogs barking all day at your house or be woke up at 6:30-7:00 on Saturday and Sunday to barking dogs.

Sincerely,

Robin Reich
368 Clifton St
St Paul MN 55102
(651) 222-0003
e-mail rtt10@earthlink.net

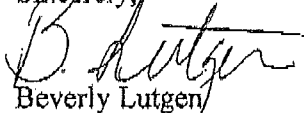
ZFH 10-506-183
Opposition

July 7, 2010
Zoning Committee
Planning & Economic Devt.
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102

Re: Change of Nonconforming Use 360 Clifton Street
SE Corner at Jefferson

Dear Zoning Committee,
I have lived on this block for more than thirty years. I am absolutely opposed to a change in the zoning. Words cannot express how strongly I feel about this issue. If Sandy's had wanted to have pet day care and boarding at this location, she should have made that clear when they applied for the original variance. This is an attempt to circumvent the process. We already have to listen to the irritating noise of barking dogs coming from that property seven days a week. Would you allow it three doors down from where you live?

Sincerely,



Beverly Lutgen
386 Clifton Street
St. Paul, MN 55102
651-222-7212

Cc: file

Request for Continuance

Date 7/8/10

Richard Kramer, Chair
Zoning Committee
City of Saint Paul
1400 City Hall Annex
Saint Paul, Minnesota 55102

Re: Zoning File # 10-506-183

Dear Mr. Kramer:

I am the applicant or the applicant's duly appointed representative for this zoning file.

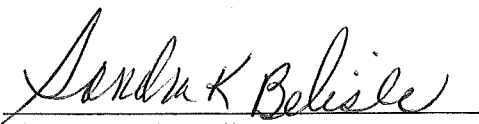
I request a continuance of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on 7-8-10.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for 7/16/10, will also be continued.

I request that the Zoning Committee continue the public hearing for this zoning file to 9-02-10, I understand that the Planning Commission would then be scheduled to make their decision on 9-10-10.

I am aware of and understand the statutory requirements found in Minn. Statute § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. §15.99 by 44 days to SEPT. 21, 2010, to accommodate the continuance I am requesting.

Sincerely,



Signature of Applicant or
Applicant's duly appointed
representative.

SANDRA K BELISLE

Printed name of Applicant or
Applicant's duly appointed
representative.