

PLANNING COMMISSION STAFF REPORT

Meeting Date August 18, 2020

REPORT TO: Melinda Coleman, City Manager

REPORT FROM: Michael Martin, AICP, Assistant Community Development Director

PRESENTER: Michael Martin, AICP, Assistant Community Development Director

AGENDA ITEM: Dogtopia, 2015 Woodlynn Avenue East
a. Conditional Use Permit Resolution

Action Requested: Motion Discussion Public Hearing

Form of Action: Resolution Ordinance Contract/Agreement Proclamation

Policy Issue:

Alissa Bert and Cindy Lang, of Dogtopia, are requesting a conditional use permit (CUP) to allow outdoor play areas for a dog daycare at 47 Century Avenue North.

Recommended Action:

- a. Approve the attached conditional use permit resolution to allow an outdoor play area for a dog daycare at 2015 Woodlynn Avenue East.

Fiscal Impact:

Is There a Fiscal Impact? No Yes, the true or estimated cost is \$0.

Financing source(s): Adopted Budget Budget Modification New Revenue Source
 Use of Reserves Other: n/a

Strategic Plan Relevance:

Financial Sustainability Integrated Communication Targeted Redevelopment
 Operational Effectiveness Community Inclusiveness Infrastructure & Asset Mgmt.

The city deemed the applicant's application complete on July 28, 2020. The initial 60-day review deadline for a decision is September 26, 2020. As stated in Minnesota State Statute 15.99, the city is allowed to take an additional 60 days if necessary to complete the review.

Background

Discussion

Proposed Use

Dogtopia, a new tenant at the Plaza 3000 North Annex shopping center located at 2015 Woodlyn Ave East is proposing to open a dog daycare with an outdoor recreational area as

an ancillary use. The proposed outdoor recreational area consists of a 1,000 square foot artificial turf area enclosed by an 8-foot-high composite privacy fence. The outdoor area would be located at the rear of the tenant space which currently consists of a parking lot. The fence and turf would extend approximately 20-feet away from the building to align with an existing door.

Dogtopia is proposing to provide daycare, boarding and spa services and would be open between 7 a.m. to 7 p.m. Monday through Friday and between 10 a.m. to 5 p.m. on Saturday and Sunday. The outdoor recreational area would be a supportive use to the principal use of Dogtopia operating from 9 a.m. to 4 p.m. Monday through Friday, 10 a.m. to 4 p.m. Saturday and Sunday.

Within Dogtopia, there will be a maximum of nine staff on-site at one time, and a ratio of one staff member to every 20 dogs. The maximum capacity of the existing Dogtopia will be 119 dogs. The outdoor area provides the daycare dogs an opportunity for outdoor play – but will not increase the overall capacity of the facility. The maximum number of dogs allowed outside at one time is 20 and the outdoor area will not be used overnight.

Zoning

Daycare centers are an allowed use within the shopping center zoning district, however, the city code requires a conditional use permit for any outside use. To move forward with this project, the applicant needs city council approval of a conditional use permit to allow an outdoor play area for the dog daycare.

Conditional Use Permit Standards

City code requires that the City finds that all nine standards outlined in the conditional use permit ordinance are met prior to approval. The standards are outlined in the reference information attached. Staff finds that the proposed conditional use permit for an outdoor play area for a dog daycare meets the conditional use permit standards.

Commission Review

Planning Commission

August 18, 2020: The planning commission will hold a public hearing and review this project.

Citizen Comments

Staff surveyed the 32 surrounding property owners within 500 feet of the site for their opinion about this proposal. Staff received one response:

1. I set out to find 2015 Woodlyn Avenue East. I did not find the actual location but found an address for the Pizza Hut and the bar which means that Dogtopia would be between two business establishments that work with food. I believe Pizza Hut is a carry-out establishment. I believe the bar serves food and liquor. However, I have never patronized either establishment.

I was shocked to think that a doggy day care could be located between two establishments that deal with food!! I find this surprising and disturbing!! I am not in favor of a doggie day

care this close to the two apartment buildings and the townhomes. I think a self-standing building in a less populated area would be a better choice.

I have been a pet owner owning both dogs and cats but not at the current time.

I just want to register my disapproval for the location of Dogtopia at 2015 Woodlyn Avenue East. I live in one of the townhomes on Chisholm Court North. (Sharon Boekhoff, 3069 Chisholm Court North)

Reference Information

Site Description

Site Size: 3.01 acres
Existing Land Use: Shopping Center

Surrounding Land Uses

North: Sibley Cove Apartments
South: Plaza 3000 Shopping Center
East: Birch Glen Apartments:
West: Auto Repair

Planning

Existing Land Use: Commercial (C)
Existing Zoning: Shopping Center (SC)

Standards for a Conditional Use Permit

Section 44-1097 of the conditional use permit ordinance states that a conditional use permit may be approved, or amended by satisfying all of the following standards for approval:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.
6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.

7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.

Attachments

1. Conditional Use Permit Resolution
2. Overview Map
3. Zoning Map
4. Land Use Map
5. Applicant's Narrative
6. Site Plan
7. Floor Plan
8. Exterior Elevation
9. Applicant's Plans (separate attachment)

CONDITIONAL USE PERMIT RESOLUTION

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

1.01 Alissa Bert and Cindy Lang, of Dogtopia, have requested approval of a conditional use permit.

1.02 The property located at 47 Century Avenue North is legally described as:

PIN: 022922120011; SECTION 2 TOWN 29 RANGE 22 E 178.13 FT OF S 100 FT OF N 10 ACRES TOGETHER WITH E 178.13 FT OF S 10 ACRES OF N 20 ACRES OF PART N OF NL OF WOODLYNN AVE OF N 1/2 OF NW 1/4 & W 90.31 FT OF S 33.18 FT OF N 681.33 FT & S 640 FT OF N 1321.33 FT OF W 329.31 FT LYING N OF NL OF SD AVE OF NE 1/4 (SUBJ TO RD & ESMTS) IN SEC 2 TN 29 RN 22

Section 2. Standards.

2.01 City Ordinance Sections 44-597(1) and 44-597(2) requires a Conditional Use Permit for any recreation use or exterior use.

2.02 General Conditional Use Permit Standards. City Ordinance Section 44-1097(a) states that the City Council must base approval of a Conditional Use Permit on the following nine standards for approval.

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would not exceed the design standards of any affected street.
6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.

8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.

Section 3. Findings.

3.01 The proposal meets the specific conditional use permit standards.

Section 4. City Review Process

4.01 The City conducted the following review when considering this conditional use permit request.

1. On August 18, 2020, the planning commission held a public hearing. City staff published a hearing notice in the Pioneer Press and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission recommended that the city council _____ this resolution.
2. On September 14, 2020, the city council discussed this resolution. They considered reports and recommendations from the planning commission and city staff.

Section 5. City Council

5.01 The city council hereby _____ the resolution. Approval is based on the findings outlined in section 5 of this resolution. Approval is subject to the following conditions:

1. The use of this property shall be limited to the type of operation described in this staff report. Any change in operations will require an amendment to the conditional use permit.
2. Hours of operation for dog pick-ups and drop-offs shall be limited to 7:00 a.m to 7:00 p.m.
3. Drop-off and pick-up services shall not block the public right-of-way and shall occur onsite within designated parking spaces.
4. Prior to the issuance of any permits, the applicant must:
 - a. Submit and receive approval for landscaping and grading from the city engineer.
 - b. Submit a detailed plan for the proposed fence and sunshade.
5. Repair all fencing as needed and ensure that the site is tidy at all times.
6. Any exterior improvements will require design approval.
7. All signs require a separate sign permit and must meet city code requirements.

8. The city council shall review this permit in one year.

_____ by the City Council of the City of Maplewood, Minnesota, on September 14, 2020.



Overview Map

Legend

 Subject Parcel



0 350
Feet

Source: City of Maplewood, Ramsey County

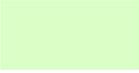
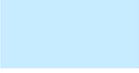


Zoning Map

Legend

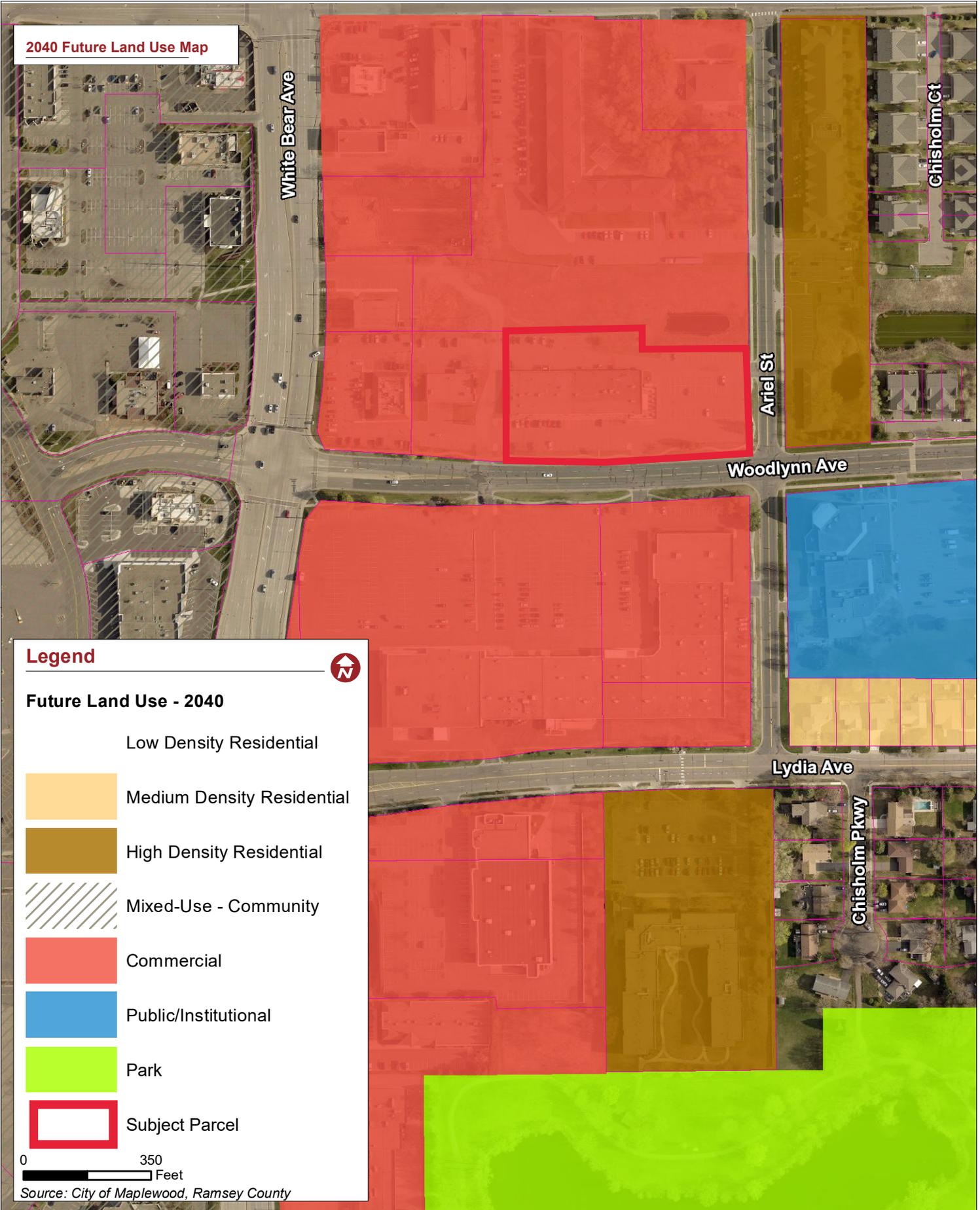


Zoning

-  Open Space/Park
-  Single Dwelling (r1)
-  Double Dwelling (r2)
-  Planned Unit Development (pud)
-  Farm (f)
-  Limited Business Commercial (lbc)
-  Business Commercial (bc)
-  Shopping Center (sc)
-  Subject Parcel



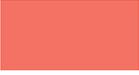
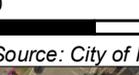
Source: City of Maplewood, Ramsey County

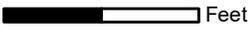


2040 Future Land Use Map

Legend 

Future Land Use - 2040

-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Mixed-Use - Community
-  Commercial
-  Public/Institutional
-  Park
-  Subject Parcel

0 350
 Feet
 Source: City of Maplewood, Ramsey County

July 16, 2020
2015 Woodlyn Ave E, Maplewood MN 55109

Introduction:

Lang, Bert LLC. (Dogtopia), an existing tenant at the Plaza 3000 shopping center, located at 2015 Woodlyn Ave E, Maplewood MN 55109, proposes an outdoor Dog Daycare recreational area as an ancillary use to their existing indoor animal daycare. The current zoning for the site is Commercial – (SC) Shopping Center which allows for underlying Business uses, including indoor Dog Daycare facilities. However, outdoor Dog Daycare recreational areas are subject to approval of a Use Permit.

Plaza 3000, where the outdoor Dog Daycare recreational is proposed, is an existing shopping center with two restaurant establishments. The shopping center is surrounded by a variety of commercial and residential uses.

Dogtopia provides daycare, boarding and spa services and is open 7am – 7pm Monday to Friday, 10am – 5 pm Saturday – Sunday. The outdoor Dog Daycare recreational area will be complimentary to the principal use of Dogtopia as an animal daycare facility, operating from 9am – 4pm Monday to Friday, 10am – 4 pm Saturday – Sunday. Within Dogtopia, there will be a maximum of 9 staff on site at one time, and a ratio of 1 staff member to every 20 dogs max. will be provided. The maximum capacity of the existing Dogtopia is 119 dogs. With the addition of the outdoor recreational area, the maximum capacity of the center will remain 119 dogs. The addition of the outdoor area does not increase the total number of dogs allowed at Dogtopia. The outdoor area provides the current daycare dogs opportunity for outdoor play. The maximum number of dogs allowed outside at one time is 20 and the outdoor area will not be used overnight. More details on this are below.

Proposal:

The proposed outdoor Dog Daycare recreational area consists of a +/- 1000 sq. ft. artificial turf area enclosed by an 8-foot-high composite privacy fence. The outdoor area would be located at the rear of the tenant space which is currently consists of a parking lot. The fence and turf would extend approximately 20-feet away from the building to align with an existing door. A sunshade similar in color to the existing building is also proposed. The proposed outdoor area can be accessed directly from the interior of the tenant space. The outdoor area can also be accessed from the exterior via proposed swing gate. No asphalt will be altered or removed.

The number of dogs in each group (both indoor and outdoor) will vary based on size and behavior of breeds. Dogs will never be left unattended. The outdoor Dog Daycare recreational area will be for structured outdoor play for a period of up to 30 minutes at a time. Then the current group of dogs would be taken inside and the next group would be allowed outside for 30 minutes. Activities provided include water play in pools and bubbles. When the maximum

total number of dogs in the center and outdoor play is most used, there will be a 3 hour use period in the morning and 3 hour use period in the afternoon.

Dogtopia is a family owned and operated business which has over 100 locations across the country. Roughly half of the Dogtopia locations are equipped with outdoor Dog Daycare recreational area. All locations have had no issues preventing noise or odor nuisances on adjacent people and properties. Below is a summary on how noise and odor nuisances are mitigated.

Noise:

The outdoor area is used for structured play for only for a limited time. The dogs are always accompanied by a certified Canine Coach trained to keep dogs safe and well-behaved. Dogs are taken outside in groups assigned by size and temperament to achieve the best behavior. The provided outdoor activities interest the dogs, minimizing barking caused by boredom. If needed, each playroom has direct access to the outdoor space. This allows a dog who is barking and cannot be redirected or calmed down to go back inside.

Odor:

The proposed artificial turf is perforated grass-like material with a compact gravel base. All water and liquid waste will drain into the soil below. Any solid waste will be picked up immediately by supervising staff, bagged, and placed into an enclosed trash container located within the corner of the outdoor play area. There will not be more dogs in the center or more waste generated due to the addition of outdoor play. The turf is cleaned twice a day with a hose and mild disinfectant. The disinfectant used is a bio-enzymatic digester product that actively consumes odorous organic waste. A detail cleaning protocol is followed for end-of-day. After the detail cleaning is complete, no dogs will access the outdoor play space until the next day.

Justification:

The proposed outdoor Dog Daycare recreational area is purposefully designed and will be operated to minimize the any impacts of noise and odor on adjacent properties and persons. The 8-foot-high opaque privacy fence is proposed to minimize the visual impacts on adjacent properties, as well as to eliminate the possibility of dogs jumping over the fence. The perforated artificial turf combined with high standards of cleanliness and orderly dog conduct are anticipated to have a minimal impact on adjacent persons or properties. The proposed outdoor area is also not anticipated to generate any additional noise or odors above and beyond ambient conditions at the existing shopping center.

Summary:

Lang, Bert LLC, on behalf of Dogtopia, requests approval of a Use Permit for a proposed outdoor Dog Daycare recreational area. The proposed outdoor area is anticipated to be an appropriate use at this location due to preventative design and operational measures.

2017 WOODLYNN AVENUE
 MAPLEWOOD, MN 55109

DOGTOPIA



ARCHITECTS, INC.

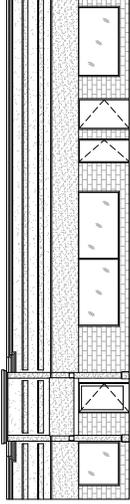
11710 DORSET WINGFIELD LAKENOWIC, MN 55124
 Phone: (763) 521-4214 Fax: (763) 521-4224
 www.architects.com

FRANCHISEE		
LAMEBERT LLC		
REVISIONS		
#	DATE	TYPE
1		
2		
3		
4		
5		
EXTERIOR ELEVATION		
DATE 12/30/19		
JOB NO. 19492		

LOD-2
 SHEET NO.

UTILITY SUMMARY	
GAS	THERE IS A GAS METER AND "I" GAS SERVICE LINE LOCATED AT THE NORTH CORNER OF THE BUILDING. THE SERVICE LINE IS LOCATED IN THE EXTERIOR OF THE BUILDING AND THE SERVICE LINE IS LOCATED IN THE EXTERIOR OF THE BUILDING.
ELECTRICITY	THE ELECTRICAL SERVICE IS LOCATED AT THE NORTH CORNER OF THE BUILDING. THE METER IS LOCATED ON THE NORTH SIDE OF THE BUILDING. THERE ARE FOUR BRANCH PANELS LOCATED AT THE NORTH CORNER OF THE BUILDING.
TELEPHONE	THE TELEPHONE SERVICE IS LOCATED AT THE NORTH CORNER OF THE BUILDING.
DOMESTIC WATER	A SANITARY SERVICE LINE IS LOCATED ALONG THE NORTH SIDE OF THE BUILDING. THE WATER METER IS LOCATED IN THE EXTERIOR OF THE BUILDING. THE WATER SERVICE LINE IS LOCATED IN THE EXTERIOR OF THE BUILDING.
THE PROTECTION MANS	A PROTECTION MANS IS LOCATED AT THE NORTH CORNER OF THE BUILDING.
SANITARY SEWER	A SANITARY SEWER LINE IS LOCATED ALONG THE NORTH SIDE OF THE BUILDING. THE SEWER METER IS LOCATED IN THE EXTERIOR OF THE BUILDING. THE SEWER SERVICE LINE IS LOCATED IN THE EXTERIOR OF THE BUILDING.
STORM SEWER	A STORM SEWER SERVICE LINE IS LOCATED ALONG THE NORTH SIDE OF THE BUILDING. THE STORM SEWER METER IS LOCATED IN THE EXTERIOR OF THE BUILDING. THE STORM SEWER SERVICE LINE IS LOCATED IN THE EXTERIOR OF THE BUILDING.

STORE INFORMATION
 MEASURED LEASABLE SQUARE FOOTAGE: 499 S.F.



NORTH ELEVATION
 SCALE 1/8" = 1'-0"