

**City of Pine Island  
Planning and Zoning Commission  
Agenda**

**Tuesday – December 8<sup>th</sup>, 2015**

**7:00 PM**

Second Floor – City Hall  
250 South Main Street

- I. Roll Call
- II. Pledge of Allegiance
- III. Minutes of November 10<sup>th</sup>, 2015
- IV. Public Hearing for Lyndsey Geier CUP
- V. Adjourn

City of Pine Island  
Planning and Zoning Commission  
Minutes  
Tuesday, November 10<sup>th</sup>, 2015  
7:00 P.M. – City Hall

Meeting called to order at 7:00 P.M. by Chairman Ken Hames

Present: Ken Hames, Grant Friese, Brad Rehling, T.J Schutz

Absent: Harlan Pahl

Also Present: Stephanie Pocklington, David Todd, Jason Johnson, Jim Walter, Pat Walter, Mark Schreader, Nate Carlson, Lindsey Geier, Sara Gibson

Pledge of Allegiance was recited.

Motion by Grant Friese and second by Brad Rehling to accept the minutes of the September 8<sup>th</sup>, 2015 meeting.  
Approved 4-0-0

Lindsey Geier introduced herself and gave her business proposal. Sara Gibson, attorney from Dunlap and Seeger, representing Jim Mack, informed the committee of Jim Mack's concerns, noise and property values, in regards to the Boarding Kennel. Mark Schreader voiced his concerns over noise, property values, and loose dogs on his property.

Lindsey Geier then addressed the public's concerns. She is happy to put up a privacy fence to help eliminate the noise. A dog becoming loose is simply unacceptable, and her dogs would only be out one by one, in a fenced area, under supervision.

Motion by Grant Friese and second from Brad Rehling to close the Public Hearing portion of the meeting. Approved 4-0-0

Motion from Brad Rehling and second from Grant Friese to advise council to oppose the Conditional Use Permit. T.J Schutz abstained from voting due to lack of information. Due to lack of quorum voting, no action could be taken. Rehling- Opposed, Schutz- Abstained, Hames-For, Friese- Opposed

Motion by Grant Friese and second by Brad Rehling to adjourn at 7:26 P.M. Approved 4-0-0.

Respectively Submitted,

Stephanie Pocklington

PETITION FOR CONDITIONAL USE

RECEIVED

Date: 9-28-2015

9-28-2015

Person(s) applying for conditional use Lyndsey Geier

Address 710 City Rd II NW Pine Island, MN

Telephone # 507-259-3855

Legal description of property, Lot: \_\_\_\_\_ Block: \_\_\_\_\_

Plat/Parcel: 687200030 Addition: \_\_\_\_\_

\*Section 30, Range 15, Township 109

Reason for conditional use: Wanting to start a small family dog boarding kennel

Names and addresses of the property owners abutting directly on the property described in this application:

- 1) James Mack - 720 City Rd II NW Pine Island  
only house that can be seen from property
- 2) James Walter - owns the land that abuts  
up to the property

1. Will the use be suitable at the location so as not to create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area?

Yes X No \_\_\_\_\_

Comment \_\_\_\_\_

2. Will the use be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land?

Yes X No \_\_\_\_\_

Comment \_\_\_\_\_

3. Will the structure and/or site have an appearance that will not have an adverse effect upon adjacent residential properties?

Yes X No \_\_\_\_\_

Comment \_\_\_\_\_







**"Conditional Use"** - A specific type of structure or land use that is allowed under this Chapter, but only upon a finding that : (1) certain specified conditions are satisfied or adequately addressed, and (2) the structure or land use conforms to the comprehensive land use plan and is compatible with the existing neighborhood.

**"Conditional Use Permit"** - A permit issued by the City Council in accordance with procedures specified in this Chapter that authorizes, with conditions, a requested structure or land use.

**"Curb Level"** - The grade elevation established by the Council of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Chapter.

**"Daycare Facility"** - Any state licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Daycare facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and other "nonresidential programs" as defined by Minnesota Statutes Section 245A.02, Subdivision 10.

**"Directional Sign"** - A sign directing traffic on private property but bearing no advertising matter.

**"Drive-In"** - Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.

**"Dwelling, Attached"** - One which is joined to another dwelling or building at one or more sides by a party wall or walls.

**"Dwelling, Detached"** - One which is entirely surrounded by open space on the same lot with no common party walls.

**"Dwelling"** - A building or portion thereof, designated for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, motels, boarding houses, bed and breakfast, mobile homes or trailers.

**"Dwelling, Efficiency Apartment"** - A dwelling unit consisting of one principal room exclusive of bathroom, hallway, closets, or dining alcove.

**"Dwelling, Multiple-Family"** - A building designed with three or more dwelling units for occupancy by three or more families living independently of each other, but sharing hallways and main entrances and exits.

**A. Apartment:** A room or suite of rooms, available for rent which is occupied as a residence by a single family, or a group of individuals living together as a single-family unit.



"Alley" - A street or thoroughfare affording secondary access to abutting property.

"Agricultural Building or Structure" - Any building or structure existing or erected, which is used principally for agricultural purposes, with the exception of dwelling units.

"Animal Feedlot" - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals (not including animal laboratories, research and development facilities) and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing of poultry (poultry ranges), and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

"Animal Kennel" - Any place where more than three domestic animals of one type, over six months of age, are kept, sold, boarded, bred, or exhibited, except hospitals, clinics, and other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.

"Animal Unit" - A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or manure storage area, calculated by multiplying the number of animals of each type by the respective multiplication factor and summing the resulting values for the total number of animal units. For the purposes of this Chapter, the following multiplication factors shall apply:

	<u>Animal</u>	<u>Units</u>
A.	Dairy cattle:	
	1 mature cow (milked or dry) greater than 1,000 pounds	1.4
	1 mature cow (milked or dry) less than 1,000 pounds	1.0
	1 heifer	0.7
	1 calf	0.2
B.	Beef cattle:	
	1 cow and calf pair	1.2
	1 slaughter cow or stock steer	1.0
	1 feeder cattle or heifer	0.7
	1 calf	0.2
C.	Swine:	
	1 greater than 300 pounds	0.4
	1 55 pounds to 300 pounds	0.3
	1 less than 55 pounds	0.05
D.	1 horse	1.0
E.	1 sheep or lamb	0.1
F.	Chicken:	
	1 laying hen or broiler - liquid storage	0.033
	1 laying hen or broiler - dry storage greater than 5 pounds	0.005
	1 laying hen or broiler - dry storage less than 5 pounds	0.003



**SEC. 11.27. AGRICULTURAL DISTRICT (AG).**

**Subd. 1. Purpose.**

The purpose of the AG Agricultural District is to protect existing agricultural investments until such time as public utilities may be extended and there is a need for additional urban development. It is also intended to provide for larger lots to insure that the feasibility of future urban development is not compromised.

**Subd. 2. Permitted Uses.**

A. Commercial feedlots, provided that no feedlot shall be located within 1,000 feet of a residential district.

B. Essential services, except transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kV and up to 100 kV.

C. Farms, hobby farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms not including animal feedlots regulated by Section 11.70, Subdivision 31 of this Chapter.

D. Golf courses and country clubs.

E. Parks, trails, playgrounds, recreation, open space and directly related buildings and structures.

F. Private stables.

G. Single-family detached dwellings.

H. State licensed residential care facility serving six or fewer persons in a single-family detached dwelling.

**Subd. 3. Accessory Uses.**

A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, and interim in this Section, subject to applicable regulation of this Chapter.

B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.

C. Boarding or renting of rooms to not more than two individuals per dwelling unit.

D. Daycare facilities serving 14 or fewer persons in a single-family detached dwelling.

11.27, Subd 3.E.  
(Rev. 2015)

- E. Fences.
- F. Ground source heat pump systems as regulated by Section 11.73, Subdivision 4 of this Chapter.
- G. Keeping of animals subject to Section 11.70, Subdivision 31 of this Chapter.
- H. Private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structures.
- I. Private playground and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Roadside stands for the sale of agricultural products.
- K. Signs, subject to the standards in Section 11.71 of this Chapter.
- L. Roof or Building Mounted SES, Ground Mounted SES and Community SES as regulated by section 11.73, subd. 3 of this chapter. (Amended Ord. No. 127, Second Series, 2-17-15)
- M. Yard/garage sales, provided each does not exceed four days in duration, and there are no more than three sales per year conducted on the premises.

**Subd. 4. Conditional Uses.**

- A. Home occupations.
- B. Cemeteries and memorial gardens.
- C. Agricultural products and livestock processing plants.
- D. Commercial stables and riding academies.
- E. Resort campgrounds.
- F. Nursery and garden supplies.
- G. Planned unit developments as regulated by Section 11.11 of this Chapter.
- H. Animal kennels provided that:
  - 1. No animals shall be kept outside the building or be otherwise located so as to cause offensive odors discernible at the property line of lot on which the animals are kept.
  - 2. The building in which animals are kept shall be at least 100 feet from the nearest property line.

(2-17-15)

**SEC. 11.17. CONDITIONAL USE PERMITS.**

**Subd. 1. Purpose.**

The purpose of a conditional use permit is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety and to require conditions related to the establishment of said use necessary to carry out the intent and purpose of the Chapter. In making this determination, whether or not the conditional use is to be allowed, the City may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.

**Subd. 2. Application and Procedures.**

Uses defined as "conditional uses" shall be processed according to the standards and procedures set forth in Section 11.15, Subdivision 3 of this Chapter.

**Subd. 3. Information Requirement.**

The information required for all conditional use permit applications shall be as specified in Section 11.15, Subdivision 4 of this Chapter unless waived by the Zoning Administrator.

**Subd. 4. General Performance Standards.**

As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include conditions which are considered necessary to the meet the performance standards and criteria of this Chapter and to protect the best interests of the surrounding area or the City as a whole. The general performance standards and criteria may include but are not limited to the following:

A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right-of-way shall be provided.

B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 11.70, Subdivision 24 of this Chapter.

C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.

D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 11.70, Subdivision 24 of this Chapter.

E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any "adjacent" residential use or district, and provided in compliance with Section 11.70, Subdivision 24 and Subdivision 26 of this Chapter.

**11.16, Subd. 3.K.  
(Rev. 2011)**

**K.** Subject to limitations of Minnesota Statutes, Section 15.99, if, upon receiving said reports and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.

**L.** Approval of an amendment shall require a majority vote of the City Council. Amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial require a two-thirds majority vote of the City Council.

**M.** The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment.

**N.** Whenever an application for an amendment has been considered and denied by the City Council, a similar application for the amendment affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths vote of the full City Council.

**Subd. 4. Certification of Taxes Paid.**

Prior to approving an application for rezoning, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the rezoning application relates.

**11.17, Subd. 4.F.  
(Rev. 2011)**

**F.** Whenever a nonresidential use "is adjacent to" a residential use or district, a buffer area with screening and landscaping shall be provided in compliance with Section 11.70, Subdivision 7 of this Chapter.

**G.** General site screening and landscaping shall be provided in compliance with Section 11.70, Subdivision 7 of this Chapter.

**H.** All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 11.70, Subdivision 4 of this Chapter.

**I.** Potential exterior noise and odor generated by the use shall be identified and mitigation measures as may be necessary shall be imposed to ensure compliance with Section 11.70, Subdivision 6 of this Chapter.

**J.** The site drainage system as well as availability and compatibility of utilities shall be subject to the review and approval of the City Engineer.

**K.** The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

**L.** Provisions shall be made for daily litter control, an interior location for recycling, and trash handling and storage or an outdoor, enclosed receptacle area shall be provided.

**M.** All signs and informational or visual communication devices shall be in compliance with Section 11.71 of this Chapter.

**N.** Any applicable business licenses mandated by this code are approved and obtained and the use and site shall be in compliance with any Federal, State or County law or regulation that is applicable and any related permits shall be obtained and documented to the City.

**O.** Any applicable business licenses mandated by the City Code are approved and obtained.

**P.** The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.

**Q.** The use complies with all applicable performance standards of the zoning district in which it is located and where applicable, any non-conformities shall be eliminated.

**R.** All additional conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

**Subd. 5. Enforcement.**

Enforcement of the provisions of this Chapter shall be in accordance with Section 11.15, Subdivision 1 of this Chapter. The City reserves the right upon issuing any conditional use permits to inspect the premises to ensure compliance with the provisions of this Chapter or any conditions additionally imposed. Violation of an issued permit or of the provisions of this Chapter shall be grounds for revocation and denial of future permit applications or modifications.

**Subd. 6. Revocation.**

The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of this Chapter, City Code, or other applicable regulations. The City Council or Planning Commission shall initiate an application and the Zoning Administrator shall notify the responsible person that they have an opportunity to show why the permit should not be revoked. The application shall be processed and considered pursuant to Section 11.17, Subdivision 2 of this Chapter. The Zoning Administrator shall provide the responsible person a copy of the proceedings and findings of the Planning Commission and City Council.

**Subd. 7. Permit Modifications.**

Holders of a conditional use permit may propose modifications to the permit at any time. No changes in the approved plans or scope of the conditional use shall, however, be undertaken without prior approval of those changes by the City Council. Conditional use permit modifications may include, but shall not be limited to, hours of operation, number of employees, expansion of structures and/or premises, operational modifications resulting in increased traffic, and the like. Permit modifications shall be further subject to and processed according to Section 11.17, Subdivision 2 of this Chapter and shall be subject to all requirements and standards of this Section.

**Subd. 8. Expiration.**

Unless the City Council specifically approves a different time when action is officially taken on the request, conditional use permits which have been issued under the provisions of this Chapter shall expire without further action by the Planning Commission or the City Council within one year of the date of approval unless the applicant has substantially commenced the authorized use or improvement, or unless within 30 days prior to the expiration of the conditional use permit the applicant has petitioned for a time extension by completing and submitting a request for an extension, including the renewal fee as established by City Council resolution. Such extension request shall be submitted in writing and shall state facts showing a good faith attempt to complete or utilize the approval permitted in the conditional use permit. A request for an extension not exceeding one year shall be subject to the review and approval of the City Council. Should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

**Subd. 9. Certification of Taxes Paid.**

Prior to approving an application for a conditional use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the conditional use permit application relates.



**RELEVANT LINKS:**

Minn. Stat. § 15.99, subd. 3(g).

Minn. Stat. § 15.99, subd. 3(d)(e).

Minn. Stat. ch. 116D.  
Minn. R. ch. 4410.

Minn. Stat. § 15.99, subd. 2(a).

See LMC information memo, *Forms to Help Cities Comply with the 60-Day Rule*.

*Stodola v. City of Orono*, No. C2-93-2445 (Minn. Ct. App. 1994) (unpublished decision).

Minn. Stat. § 462.3595.  
See LMC information memo, *Land Use Conditional Use Permits*.  
*Upper Minnetonka Yacht Club v. City of Shorewood*, 770 NW 2d 184 (Minn. Ct. App. 2009).

Once the city has granted itself one 60-day extension, additional extensions must be negotiated with the applicant. A city can only go beyond 120 days if it gets the approval of the applicant. The city must initiate the request for additional time in writing and have the applicant agree to an extension in writing. The applicant may also ask for an additional extension by written request.

The 60-day time period is also extended if a state statute requires a process to occur before the city acts on the application if the process will make it impossible for the city to act within 60 days. The environmental review process is an example. If the city or state law requires the preparation of an environmental assessment worksheet or an environmental impact statement under the state Environmental Policy Act, the deadline is extended until 60 days after the environmental review process is completed. Likewise, if a proposed development requires state or federal approval in addition to city action, the 60-day period for city action is extended until 60 days after the required prior approval is granted from the state or federal entity.

On occasion, a local city zoning ordinance or charter may contain similar or conflicting time provisions. The 60-Day Rule generally supersedes those time limits and requirements.

Cities should adopt a procedure or set of procedures to ensure planning staff, the planning commission, and the city council follow the 60-Day Rule. City staff should develop a timetable, guidelines, and forms (checklists for each application may be helpful) to ensure that no application is deemed approved because the city could not act fast enough to complete the review process.

**b. Uses and conditional uses**

A key feature of zoning ordinances is to divide areas of the city into districts and then list the permitted and conditional uses. Permitted uses are those that the zoning ordinance allows outright. It is generally arbitrary and unlawful to deny a permit for a permitted use unless the zoning of the property is subsequently changed to prohibit that use.

Conditional uses are those activities that the zoning ordinance permits if certain conditions set forth in the city ordinance are met. The city must grant the conditional use permit (CUP) if the applicant satisfies all the conditions. Conditional uses remain in effect indefinitely as long as the use complies with the conditions. Once issued, a CUP's conditions may not be unilaterally altered by the city, unless a violation of the CUP has occurred.

## RELEVANT LINKS:

See LMC information memo, *Zoning Guide for Cities*.  
See LMC information memos, *Land Use: The Neighbor Factor* and *Land Use Conditional Use Permits*.  
*Trisko v. City of Waite Park*, 566 N.W.2d 349 (Minn. Ct. App. 1997).

Minn. Stat. § 462.357, subd. 6.

See LMC information memo *Zoning Guide for Cities* for more information on variances.  
See LMC information memo *Land Use Variances*.

It is important to stress that conditional uses, like permitted uses, must be allowed if the applicant can prove that the application meets all of the conditions and requirements of the city's ordinance and will not be detrimental to the health, safety, and welfare of the public. As a result, the list of conditional uses should only contain uses that the city is certain should be allowed once appropriate conditions are met. **Neighborhood opposition alone to a CUP does not authorize the rejection of an application for a CUP.**

### c. Variances

Variances have been the subject of dramatic litigation for the past couple years, giving cities good reason to worry about granting them. However, thanks to legislation passed in 2011, the ability of cities to safely grant variances has been restored.

A variance is a way that a city may allow an exception to part of a zoning ordinance. It is permission from the city for a departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits), but may not be used to allow a use that is prohibited in the particular zoning district. Essentially, a variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

The law provides that requests for variances are heard by the board of adjustment and appeals. In many communities, the planning commission serves this function. Generally, the board's decision is subject to appeal to the city council.

A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner "practical difficulties." Whether the applicant would be caused practical difficulties is determined by the statutory three-factor test for practical difficulties. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted. Also, variances are only permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan.

The practical difficulties test—which is similar to the previous statutory test for "undue hardship"—consists of the following three criteria.

**710 County Road 11 NW Pine Island MN**  
**Lyndsey Geier**

**Application for Conditional Use Permit:**

Proposed Business: Boarding kennel (7 kennels 4ft by 8ft)

**Conditional uses for Agricultural district (AG):**

City Code Chapter 11. Section 27. Subdivision 4.

H. Animals kennels provided that:

1. No animals shall be kept outside the building or be otherwise located so as to cause offensive odors discernible at the property line of lot on which the animals are kept.
2. The building in which animals are kept shall be at least 100 feet from the nearest property line.

**Information regarding my background:**

Hello my name is Lyndsey Geier and I have been working in the animal field for over 12 years. I started working at Cascade Animal Clinic as a Boarding Manager in 2003 and was there for two years while I was in college studying Veterinary Technology. When I graduated college I became employed at Affiliated Emergency Veterinary Services (AEVS) in 2005 as a Certified Veterinary Technician (CVT). I was there for 2.5 years and then switched to a day practice, Northern Valley Animal Clinic, where I became the Lead Certified Veterinary Technician in 2007-Present. In 2009 I became Boarding Manager at Northern Valley and currently still manage a 26 kennel facility in a residential neighborhood.

## ***Noise Control:***

- ❖ Small number of runs/kennels and a small building decreases noise
- ❖ Single line of kennels as to avoid dogs viewing each other. Additionally this reduces stress levels and therefore noise.
- ❖ Separation panels between runs (isolation barriers) as to avoid dogs viewing each other.
- ❖ Exercise area there are 2 sides that are facing the woods, 1 side facing the garages, and the last side facing my family's portion of the property.
- ❖ Will have supervised outdoor play time in the exercise area as to not allow excess barking outside.
- ❖ Using music (classical) for certain times helps to alleviate additional noise.
- ❖ Each dog will receive individual exercise and appropriate mental stimuli.
- ❖ My house is located the closest to the proposed kennel
- ❖ No group play between dogs.
- ❖ Additional acoustic ceiling tiles to help absorb noise can be installed as well as additional noise absorption items if a problem was to arise.
- ❖ Additionally could plant trees/shrubs around the one open side that faces my family's portion of the property as a way to make a visual barrier if needed.
- ❖ Currently manage a 26 kennel boarding facility that is less than 0.1 miles to the nearest neighborhood where the average home sells for over \$275,000
- ❖ Very small number of dogs compared to the vast majority of boarding kennels.

## ***Odor Control:***

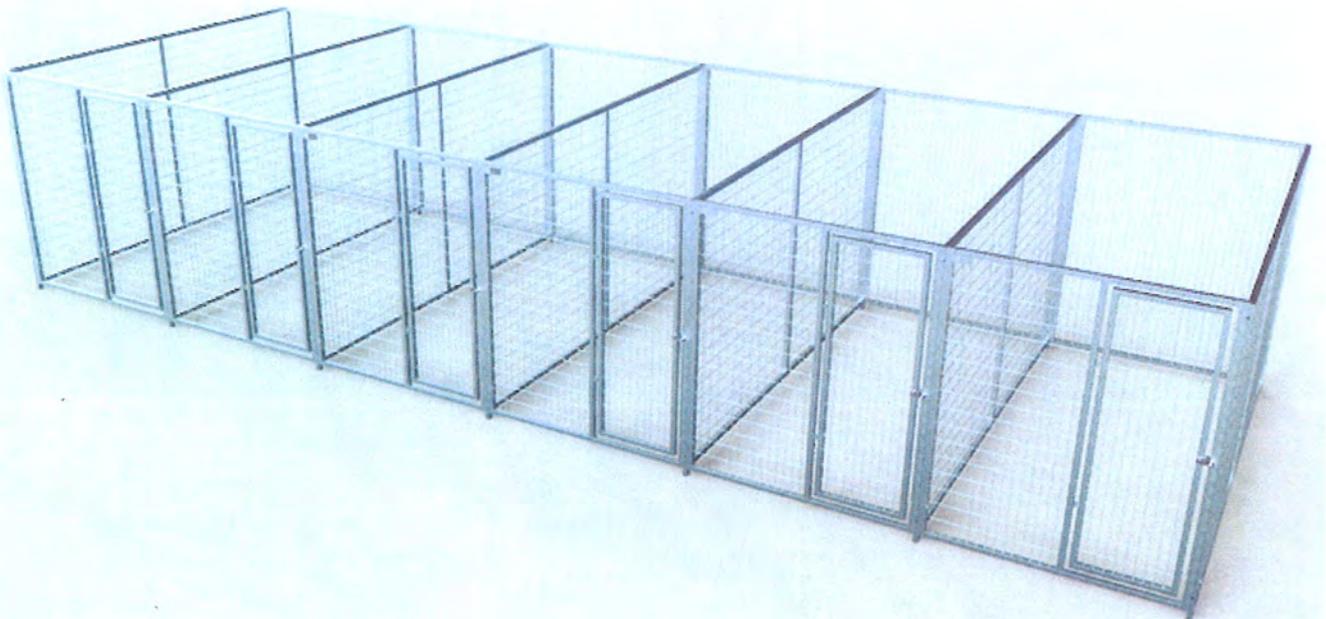
- ❖ Frequent cleaning of runs with proper disinfectants
- ❖ Would install plumbing and a drain system (holding tank)
- ❖ After each animal uses the outdoor exercise area feces will be picked up to avoid any offensive odor and cross contamination.
- ❖ Septic tanks are the most convenient and least unpleasant means of kennel excrement disposal.
- ❖ Would install exhaust fans if needed

❖ **Market for this business:**

Goal is to move my well established in home pet sitting service to my proposed boarding facility in Pine Island. Billions of dollars are spend annually on people's pets. People are searching for high quality care and services to be provided for their dogs.

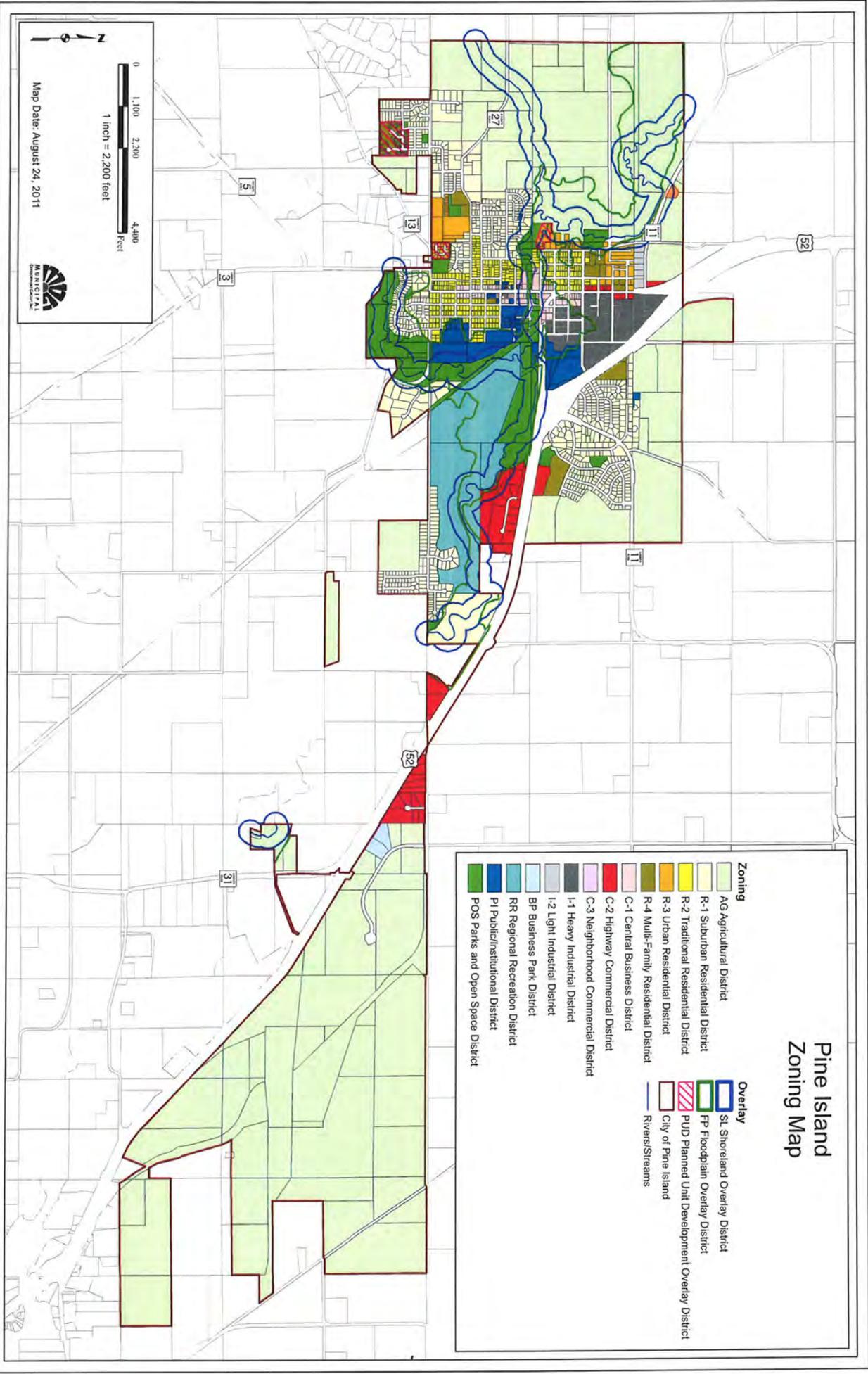
- ❖ No staffing is required besides myself and my Husband.
- ❖ Kennel would abut up to only one neighbor, Jim Walter. Jim Mack's property would abut up to what would be my families portion of the property.
- ❖ Reducing noise is just one of the many reasons why professionals advocate for the construction of fewer kennels that are more home-like and stress reducing.
- ❖ The most important factor for a successful kennel facility is it's care and management.
- ❖ The knowledge, ability, and attitude of the kennel staff will have a direct effect on the wellbeing and welfare of the dogs in their care.





# Pine Island Zoning Map

- | Zoning  |                                       | Overlay   |   |
|---|---------------------------------------|---|---|
|  | AG Agricultural District              |  | SL Shoreland Overlay District                 |
|  | R-1 Suburban Residential District     |  | FP Floodplain Overlay District                |
|  | R-2 Traditional Residential District  |  | PUD Planned Unit Development Overlay District |
|  | R-3 Urban Residential District        |  | City of Pine Island                           |
|  | R-4 Multi-Family Residential District |  | Rivers/Streams                                |
|  | C-1 Central Business District         |   |   |
|  | C-2 Highway Commercial District       |   |   |
|   | C-3 Neighborhood Commercial District  |   |   |
|    | I-1 Heavy Industrial District         |   |   |
|    | I-2 Light Industrial District         |   |   |
|    | BP Business Park District             |   |   |
|    | RR Regional Recreation District       |   |   |
|    | PI Public/Institutional District      |   |   |
|    | POS Parks and Open Space District     |   |   |



0 1,100 2,200 4,400  
 Feet  
 1 inch = 2,200 feet

Map Date: August 24, 2011



November 6, 2015

The Honorable Mayor Rod Steele  
Pine Island City Council  
Pine Island, MN 55963

Dear Mayor Steele and Members of the PI City Council:

I met Lyndsey Geier over 2 years ago at Northern Valley Animal Clinic where she is a Veterinary Technician. At the clinic, I have found Lyndsey to be an extremely knowledgeable Technician and someone that has a way of really calming stressed out animals.

When I needed someone to cat sit for me when I went out of town, the clinic gave me Lyndsey's card. I could tell she knew how much my pets meant to me by the way she asked questions and wanted to know every detail of their care when we discussed her duties. I was out of town for 2 weeks and trusted her in my home and particularly trusted that she would not just feed my 7 month old kittens, but also play with them to give them exercise and stimulation. She was even able to gain the trust of my extremely skittish kitten Max, and that is quite a feat.

Lyndsey had told me about her plans to open a pet Boarding Facility in the Pine Island area. I was thrilled when she told me that her family had purchased land outside of town and her plans were in the works. She is an extremely intelligent, resourceful and caring Veterinary Technician. All of her professional experience and the fact that she does care so much about animals would make her a perfect Kennel owner.

Pine Island needs new businesses and knowing Lyndsey, she and her business will be an asset to the community. People spend billions of dollars in the United States on their pets each year. We could use a good, clean, well maintained and caring Boarding Facility in our area. I have no doubt that Lyndsey will provide that.

I hope that you will approve her request to open a Boarding Facility on her property.

Thank you for your time.

Janet Hanke  
321 2<sup>nd</sup> St. SW  
Pine Island, MN 55963  
507-220-3052

November 9, 2015

To the Pine Island Council,

I have lived next to Lyndsey Gier for at least 11 years in the city limits of Rochester. Our back yards were touching and separated by a wooden fence. We both were owners of multiple dogs. I have witnessed that Lyndsey is a very responsible pet owner and caregiver. She was in control of her dogs whether she was outside with them or not. Lyndsey would occasionally have a dog stay with her while their owner was out of town and that too was handled with responsibility and concern for not only the dogs, but her neighbors. If I did not have others that would be available to care for my dogs, Lyndsey would be the first I would call. Not only for her care, but also because I know the dogs would be safe with her. Her experience as a Certified Vet Technician is key in her forecast of how a pet boarding business would go for her. She loves her animals and others. Her pets are well cared for and any time I have had pet related questions she has been more than happy to talk or even stop over at my house to "see for herself". She is very friendly and level headed. If there are instances where tough decisions are being made, she is logical and gathers more information if needed.

Her husband Mark is also very involved with the dogs/pets. He too has control over them when they are outside. He is handy with a hammer, so maintenance issues would be dealt with promptly, I would predict.

I highly recommend you allow Lyndsey to open her boarding facility. Knowing what I do of her, it would be top notch care for the animals. It would be a clean, organized facility and since I lived by her for 11 years, I know that she would follow ordinances, rules and regulations.

If you have any questions I could answer, please feel free to contact me.

Kathy Stien 507-252-9534

Tammy M. Greenwood & Wayne A. Norrie  
520 Ninth Avenue SW  
Rochester, MN 55902  
(H) 507-285-1056  
(C) 507-254-2097  
norwoodwt@gmail.com

November 9, 2015

Pine Island City Council  
Pine Island, MN 55963

Re: Application for conditional use permit

Dear Pine Island City Council Members,

We are writing this letter in support of the application for a conditional use permit submitted to your office by Ms. Lyndsey Geier to establish a business to kennel up to 7 dogs on her property.

We have known Lyndsey since 2008 when she started working at Northern Valley Animal Clinic (NVAC). We have taken our pets to this veterinarian clinic for their care for over 20 years. We currently have 2 dogs and they range in weight from 16-65 lbs.

At NVAC, Lyndsey is the lead certified veterinary technician (CVT) and boarding manager. We have interfaced with her at the clinic during routine visits, to kennel our dogs and for follow up after surgical procedures. In this capacity, one of her many responsibilities was to assist with handling our dogs during office visits. She has always provided care to our dogs with great kindness and compassion and with great competence. Last year one of our dogs required surgery that kept our dog at the clinic overnight following the surgery and Lyndsey kept us informed of the status of our dog and watched him closely. We felt confident that he was in excellent care and were grateful that he was receiving care from such a capable person.

For about the past 5 years, we have hired Lyndsey to provide care to our dogs at our home. We trust her to access our home and to walk our dogs outside the boundaries of our property. She is one of only a few people who we trust with this responsibility. She knows our dogs well and is an extended family member to them. When we return home from our absences, our dogs are always relaxed and well adjusted. It is a testimony to her competence and experience in providing care to dogs. In addition, because of her experience as a CVT, she was able to identify and convey to us health care issues that arose in our dogs during our absences and provide care to them. This was a great assurance to us.

Based upon these personal experiences, we enthusiastically support Lyndsey's application for a conditional use permit to provide boarding for up to 7 dogs on her property. If Lyndsey were our neighbor and was submitting this request we would have no concerns. We know that she would conduct herself in a professional and respectful manner. Because of her years of experience

providing care, managing dogs and her awareness of dogs, we are confident that she could handle any situation that would arise. We would be comfortable leaving our dogs in her care on her property.

Sincerely,



Tammy M. Greenwood



Wayne A. Norrie

November 6, 2015

Dear Pine Island City Council,

Lyndsey Geier has been caring for our pets, in one capacity or another, for 8 years. We take Lily, our standard poodle and our cats Fargo & Flurry to Northern Valley Veterinary Clinic. As the patient care and kennel manger, we knew we were in good hands with Lyndsey. Several years ago, we needed to go out of town and I was looking for in-home care for our pets. Our neighbor recommended Lyndsey, as she had pet sat for her dog for a number of years. We knew Lyndsey from Northern Valley Vet and were thrilled to discover she did in-home pet care. From that point on, we will only trust our beloved pets to Lyndsey's care. Lyndsey's depth of experience, both clinical and practical, sets her apart from others. She is hardworking, responsible and dependable. Lily required some blood work and some follow-up veterinary care during one of our trips. We felt completely comfortable having Lyndsey take Lily to the vet and take care of her veterinary needs. She consistently goes above and beyond the "routine" pet sitting tasks. She sends emails and texts, letting us know how our pets are doing. She plays with them, takes Lily for walks and it is clear to us she treats them as her own. She is ethical, knowledgeable, and technically competent. Lyndsey also has that vital combination of caring, understanding and compassion. She is exceptional.

We endorse and give Lyndsey Geier our unqualified support in her desire to open a boarding facility in Pine Island. We hope she is successful and we would love to board Lily with her.

Please do not hesitate to contact us if you need any additional information or would like to further discuss Lyndsey's qualifications to open a boarding facility.

Sincerely,

David & Debbie Dixon  
3101 Cassidy Drive NE  
Rochester, MN 55906  
Dixon.debbie@mayo.edu

11/7/15

I am pleased to write this testimonial on behalf of Lyndsey Geier.

Lyndsey has been our pet sitter for the past 5 years. She has taken care of our pets on numerous occasions, both when we have traveled for several weeks at a time or simply for a weekend.

When I first talked to Lyndsey about pet sitting, she suggested that she come to our house and introduce herself to our pets. Immediately you could tell that she has a real connection with animals. Our cat Gidget, who has since passed, had a myriad of behavioral issues and was not particularly fond of new people. Gidget picked up on Lyndsey's fun loving but calming demeanor and warmed to her almost instantly. Lyndsey was able to draw on her vast experience with troubled animals and had Gidget playing calmly on the rug within minutes. It was truly amazing.

Lyndsey has proven to be extremely reliable and trustworthy. She has been diligent about maintaining a consistent feeding schedule and providing necessary play-time during her visits. She is also very accommodating with changes in schedule and maintains a good line of communication. My husband and I appreciate the updates she provides while we are traveling, giving us the option of phone, text or email while also providing a full report of our pet's care upon our return.

Lyndsey's skills as a veterinarian technician have proven to be an asset on multiple occasions. Our pets have encountered a number of medical issues through the years often requiring medication and additional care. We feel blessed to know that Lyndsey can easily assume these responsibilities and even provide quality recommendations for care.

I can highly recommend her services and have no doubts that she is more than equipped to run a boarding facility.

Thanks,  
Darlene Knutson  
Rochester, MN

To the Pine Island Council:

We have known and used the pet sitting services of Lyndsey Geier for the past two or three years. She has always been extremely reliable in her care for our dog and cat. As a vet tech, she is attuned to animals' health and is knowledgeable of various symptoms and treatments in the event of a health problem that was not foreseen by the pets' owners. Animals and people are drawn to her compassionate and enthusiastic personality. We are sad to lose Lyndsey's in-home pet sitting services, but we heartily support her efforts to establish her business. Also, we believe your community will be all the richer for approving her application.

Respectfully,

Otis Laurberg  
Carol Shaffer  
805 23rd St. SE  
Rochester, MN 55904  
(507) 529-1719

November 8, 2015

To Whom It May Concern,

I am writing on behalf of Lyndsey Geier and detailing my positive experiences in working with her both as a Veterinary Technician at Northern Valley Animal Clinic and in her care for my dog when I have needed boarding help.

Lyndsey has been very helpful to me and her knowledge of dogs and their care is excellent. She is trustworthy, kind and loves what she is doing while managing the pets in her care. She is responsible, hardworking and communicates well. Her upbeat attitude shows her love for what she does!

I would not hesitate allowing a boarding facility to be managed by Lyndsey. She will be a responsible business owner and an asset to the community.

Sincerely,

Julie Handley-Rochester, MN

I recommend Lyndsey Geier to have permission to establish a boarding facility because of her extensive skills in managing the boarding facility at Northern Valley Animal Clinic. Lyndsey was my boarding manager for four years. I want to inform you of three main qualities Lyndsey acquires that will make her a well suited manager of a boarding facility.

First, Lyndsey can manage conflicts professionally. If an issue arose I would inform Lyndsey and she would rationally layout a plan to solve the conflict at hand. She remains calm and listens meticulously to understand in order to elucidate the conflict professionally. Complications in the workplace can be stressful and enable employees to become negative but staying positive is an integral element Lyndsey expresses.

Second, Lyndsey is an effective communicator. She communicates effectively to both clients and colleagues. If I came across a conflict, Lyndsey could confidently explain the proper way to approach the situation which helped me. She has an all-encompassing ability to explain to clients the health of their pets while boarding. I would notify Lyndsey of the current health of a specific boarding animal and she would promptly inform the owner.

Lastly, Lyndsey is an outstanding leader and role model. Lyndsey has portrayed characteristics a leader should acquire such as a hard worker, a dedicated employee, and a person that upholds integrity. After working with Lyndsey I have tried to represent the characteristics she exemplifies. Being honest to clients and employees is imperative in being a successful manager. I can fully trust Lyndsey as she was honest with me on mistakes I made. She would generously convey the mistake I made and provide positive feedback to prevent future errors.

Lyndsey embodies every trait a successful boarding manager should acquire. I have had the honor to work for such a great person. I feel she would run a successful boarding facility implementing unique elements to attract clients because of her affinity towards both people and animals.

Allison Rogich  
[Rogichrose3@yahoo.com](mailto:Rogichrose3@yahoo.com)  
507-226-6586

Pine Island City Council-

It is with love and admiration I am writing this recommendation for Lyndsey to show how caring and compassionate she is when it comes to animal care.

Lyndsey has been taking care of our beloved pet Goober for almost three years now. She has been our dog sitter and is very qualified in pet care since she is employed at Northern Valley Pet Care here in Rochester, where we were first introduced to her. She comes to our home three times a day taking him for walks, interacting by playing, giving him unconditional love and affection and making sure he is feed and watered. We are very fortunate to have her and you can see how happy and excited he gets when he sees her. Our minds are put at ease due to the excellent care we know he receives.

It is very unusual to find someone like her with compassion for all animals big and small. I have recommended her to many people because I know all animals are her main concern and I know they will receive the best care possible. I believe Pine Island would be very fortunate to have her running a boarding facility in the area. I believe it would be a wonderful addition to the community and the boarding facility would be immaculately clean and all pets would be given the love and care they need while their owners are away.

Vickie Abel  
Abel.vickie@mayo.edu

Lyndsey has been taking care of my dog, Hunter, for 6-7 years. Whenever I need to leave him, I feel confident that he is well taken care of and don't worry. He is a large, friendly dog with some health issues. Lyndsey is so good with him that he is always excited to see his "babysitter"! She's always been so accommodating and flexible and the dog (and me) loves her that I can't imagine going anywhere else! She always maintained a very clean yard and additionally her medical knowledge makes her an ideal owner of a boarding kennel.

Sincerely,

Polly Jensen

Jensen.polly@mayo.edu

December 3, 2015

Planning & Zoning Board  
City Administration  
City of Pine Island, MN

Subject: Conditional Use Permit for a Dog Boarding Kennel next to my house.

Dear Planning & Zoning Board and City Administration of Pine Island,

Thank you to David and Stephanie at City Hall for visiting with me whenever I've stopped by. I greatly appreciate their taking the time out of their busy day to meet with me and answer my questions on this Subject.

Thank you to the members of the Planning & Zoning Board for volunteering and donating your time on this committee. Thank you for your public service to the community.

I am concerned that approval of a Conditional Use Permit (CUP) for a dog boarding kennel in close proximity to my house will be detrimental to the enjoyment of my property and cause a decrease in my property's resale value primarily due to the possibility of numerous barking dogs. The previous owner of the property had only one dog and we could clearly hear that dog barking when it was in the garage that is to be converted to a kennel for 7 dogs. The CUP application to house 7 dogs is in addition to the 2 dogs owned personally by the CUP applicants, totaling up to 9 dogs.

If the CUP is approved, I also have concerns and would like to request additional information regarding:

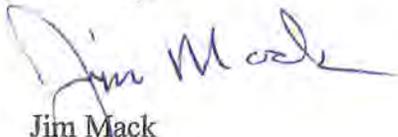
- Related to sanitation, how will the removal, storage, and disposal of dog excrement be handled?
- How will additional vehicle traffic and customer parking will be addressed?
- Can additional details on the construction of the visual buffer fence be requested?
- If dogs get loose and come onto my property is that a violation of the CUP?
- Is a building permit and inspection required by the City on improvements needed to convert the garage to a kennel?
- Will completion of improvements to the garage be required before dogs are allowed to be housed there?

In consulting Charles Springer of Springer Appraisal Associates, Inc., a licensed appraiser with around 40 years of experience in the Rochester and surrounding area appraising residential and commercial real estate, he indicates finding sales data on similar properties in a similar situation would be exceedingly difficult to produce. However, Mr. Springer commented that it would be reasonable to expect having a dog kennel that has noise issues from barking dogs, given the proximity of the kennel to my house, would likely decrease the number of potential buyers for my property causing an extended period of time to sell the property. Or, to sell the property in a reasonable amount of time it may take a discount or reduction of 5% to 10% in the sale price.

If the CUP is approved and conditions of the CUP are violated, how should violations be reported and can the CUP be revoked?

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jim Mack". The signature is written in a cursive style with a large initial "J" and "M".

Jim Mack  
Enclosures

- C: Jim & Pat Walters
- C: Mark & Pam Schroeder
- C: Mark & Lindsey Geier

3309 Alberta Drive NE  
 Rochester, Minnesota 55906  
 (507) 282-0867

[✉ Email Us](#)  
[📍 Get Directions](#)



**CLINIC HOURS**  
 Monday, Thursday & Friday  
 7:30 a.m. – 6:00 p.m.  
 Tuesday & Wednesday  
 7:30 a.m. – 8:30 p.m.  
 Saturday  
 8:00 a.m. – 2:00 p.m.

## MEET OUR STAFF: TECHNICIANS AND STAFF OF NORTHERN VALLEY ANIMAL CLINIC

### Lyndsey: Patient Care Manager/Kennel Manager



Lyndsey graduated from Rochester Community and Technical College in 2005. She joined Northern Valley Animal Clinic in August 2007 as our lead Certified Veterinary Technician. In 2011, she also became manager of our boarding facility. Lyndsey's favorite aspects of her job are emergency medicine, surgery, and client education. When not at the clinic, Lyndsey enjoys outdoor activities with her husband, daughter, and son, along with her six dogs (Sara, a Lab mix; Peaches, a mini dachshund; Charlie, shepherd/corgi

mix; Captain, a golden retriever; Annie, pit bull mix; and Lola, a pit bull) and two cats (Jewel, a three-legged white domestic shorthair, and Pumpkin, a one-eyed orange domestic shorthair).

### Amy: Certified Veterinary Technician



Amy joined Northern Valley in June 2012. She graduated from the Minnesota School of Business with an AAS in veterinary technology. She enjoys assisting in

**SFGATE**

# The Effects of Commercial Property on Residential Value

by Chris Blank



Residential prices respond to several factors, including the proximity of commercial property.

Residential property value depends largely on the nature of the property itself: the house or other residential structure as well as the surrounding grounds, according to a report issued by Homebase/The Center for Common Concerns and reprinted on the Habitat for Humanity website. In addition, factors outside the property lines impact the price of residential property, including proximity to schools, essential services and neighborhood amenities. **The proximity of commercial property also affects residential property value, either beneficially or to its detriment.**

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## [General Property Value Issues](#)

Three options are available to calculate property value: cost, sales value and rental value, according to the office of the state tax commissioner for North Dakota. Commercial property located close to residential development can impact both sale and rental prices, according to the Homebase/The Center for Common Concerns report. In particular, close proximity of large commercial and industrial developments impacts the value of residential property, the report states. For instance, the presence of day spas and stores selling CDs and records lowers the value of residential property in the area, according to the "Portland Tribune," citing figures from a 2007 report issued by consulting firm Johnson Gardner.

Planning Commission,

Based on the new information provided by Mrs. Geier regarding her CUP application, the P&Z has a few options on how to proceed:

Since the City Council extended the time on the CUP application for an additional 60 days, P&Z could—

- 1) Recommend approval of the CUP application with the stipulation that she satisfy the setback requirement with the purchase of additional land from the Walters (I believe that she is going to present the status of this option to P&Z at their next meeting)
- 2) Recommend approval of the CUP application provided that she meet the setback requirement by the end of the 60 day extension and direct City Staff to monitor the progress and report back to the P&Z
- 3) Table the CUP application as presented at this meeting due to the time extension granted by the Council. Since the Council has extended the Geier's an additional 60 days, this issue could be taken up at the January 12<sup>th</sup>, 2016 P&Z meeting (if need be). The 60 day extension for the Geier's expires on January 19<sup>th</sup>, 2016.

Here are a few things to consider regarding these options:

- A) The P&Z, after this upcoming public hearing, must allow for due process for Mrs. Geier to become compliant with the setback requirement within the 60 day time extension
- B) Disapproving the CUP application at this stage, without due process to the Geier's, will set us up for a court challenge, AND
- C) We must be cognizant of the message we are sending the public if we are not adhering to the protocol and statutory guidelines regarding CUP applications—essentially we (the City) must be fair and just in adjudicating CUP as well as other permit applications

The onus is on Mrs. Geier to provide information to the P&Z (to their satisfaction) that she is making progress on becoming compliant regarding the setback requirement for the CUP application she submitted. She has a limited time frame to work with and it is incumbent for the Council and P&Z to adjudicate this application with fairness and equity. It seems at this point, the table is set (public hearing and subsequent meeting), the time frame established (60 day extension granted by the Council), we just need to insure that we are adjudicating this CUP application properly.

The primary focus on adjudicating the CUP application is whether or not Ms. Geier will be able to satisfy the setback requirement within the 60 day timeframe extension. If she does (can) then there is no reason the P&Z should deny the permit on a factual basis. Having said this, the P&Z can stipulate parameters for the approval of the application; such as fencing, screening, and other items designed to mitigate the potential nuisance issues that come with having a kennel. Although these items **cannot** be used to deny the application, they can be used as a barometer to gauge whether or not the CUP should be renewed or extended once granted. It is important to note that the P&Z can recommend the length of time a CUP application is granted for—typically in one-year increments and then they can be evaluated and renewed or not. Likewise, there is a stipulation within City Ordinance that allows for revocation of a CUP if it is determined, after thorough investigation by the City that the holder of the permit fails to meet the requirement set forth by the P&Z after the permit has been granted.

David Todd

City Administrator