

**APPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
JULY 9, 2024
7:00PM**

CALL TO ORDER:

Planning Commission Vice Chairman West called the Regular Meeting of the Wyoming Planning Commission for July 9, 2024 to order at 7:00 PM

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Katie West, Dan Iverson, Mark Holl, and Chris Ortwerth

ABSENT: Chair Mark Lobermeier

Also Present: Fred Weck Zoning Administrator and Council Liaison Lisa Iverson

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM: NONE

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota Planning Commission for June 11, 2024

A MOTION WAS MADE BY COMMISSIONER HOLL, SECONDED BY COMMISSIONER ORTWERTH, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR JUNE 11, 2024, AS SUBMITTED.

Voting Aye: Ortwerth, West, Holl, and Iverson

Voting Nay: None

Abstain: None

Absent: Lobermeier

SCHEDULED PUBLIC HEARINGS:

2. Interim Conditional Use Permit (ICUP) for a Residential Kennel: I-24-003
Location: 24567 Elmcrest Avenue
Applicant: Alexander Kabalan
Property ID Number: 21.10624.30

Zoning Administrator Weck reviewed the request for an ICUP for a residential kennel at 24567 Elmcrest Avenue and explained that the property is a single family dwelling on 4.8 acres that is zoned agricultural that has one accessory building. He noted that the surrounding lots were also zoned agricultural. He stated that Mr. Kabalan has 4 dogs that are over 4 months of age and City Code only allows 3 dogs over 4 months of age. He stated that the applicant is requesting to have

up to 6 dogs on the property for personal use, not commercial. He noted that there is a 6 foot chain-link fence on the property with a 1 foot non-barbed wire on top and explained that City Code has a height limit of 6 feet for fences, so the applicant has indicated that the wire can be removed in order to comply with code. Staff is recommending approval with the 10 conditions included in the staff report. He noted that the applicant was not present at the meeting.

MOTION BY COMMISSIONER IVERSON, SECONDED BY COMMISSIONER HOLL, TO OPEN THE PUBLIC HEARING AT 7:04 P.M.

<i>Voting Aye:</i>	<i>Ortwerth, West, Holl, and Iverson</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>Lobermeier</i>

Dean Johnson, 4520 245th Street, stated that his property abuts the applicant's property and asked what kind of dogs would be at this kennel.

Zoning Administrator Weck stated that the dogs he has seen were German Shepherds.

Mr. Johnson asked if there was a reason that the fence had the wire at the top, whether the dogs were dangerous, and if they were being trained.

Zoning Administrator Weck stated that those questions would have to be answered by the applicant but noted that he had met the dogs and they did not seem dangerous to him.

Mr. Johnson stated that if these dogs get out and they have been trained as guard dogs, there have been instances that he has heard of where they ended up mauling children. He stated that if that happens it won't take much for them to be able to come after the applicant, but also the City, because they were the one who granted the permit for the dogs.

Zoning Administrator Weck stated that if the applicant complies with the requirements of the permit, the City has to approve the permit.

Mr. Johnson gave an example of people coming outside with their children because they want to play in their yard and if this were approved would then have 6 dogs barking at them through the fence. He noted that he did not believe the applicant had an area to keep the dogs that would be sound proof.

Kim Woehl, 25370 Kettle River Boulevard, stated that they live in the area and explained that she has several concerns about this application. She stated that she was concerned about quietness and enjoyment which is her legal right and explained that with 6 dogs at this property, they would completely lose that right. She stated that they own about 13 acres and feels that they have the right to have all sorts of critters. She noted that if the Commission had ever been near a kennel they would know that with 6 dogs there will be constant barking. She stated that now that she knows that these will also be large dogs, she also has concerns for families, children, but also the critters in the natural areas. She stated that, in her opinion, the fence is a complete eye sore and noted that when she first saw it she said that it looked like a prison. She stated that she has photographs that she can share if the Commission had not yet seen the fencing. She explained that she felt that there was a reason that the City had a limit of 3 dogs and reiterated that she would like to be able to have peace and enjoyment on her property and asked the Commission to take the barking issue and residents who were worried about their children or grandchildren into consideration.

Hayley Morin, 24645 Kettle River Boulevard, stated that she lives alongside of the applicant which

means she has a lot at stake with this decision. She stated that she was also opposed to the City allowing this permit for the same reasons that have already been stated by others. She stated that it was not because she did not like dogs and shared that she has 2 dogs of her own and contains them with electric collars. She noted that she does not know the applicant and had only seen them outside of the house once since they moved in back in November. She stated that she has seen the dogs and they are 6 large German Shepherds and have been barking at her, her dogs, and her young daughter. She explained that they had moved into this home in September in order to grow their family and enjoy the quiet of the property. She stated that she grew up in the City which is quiet and noted that she felt that the City had rules for a reason and asked that the City deny this request and limit them to 3 dogs. She stated that she has seen how this situation has already impacted the wildlife in the area because of the fence that is supposed to contain the dogs because it means that the deer can no longer cut through the path and the pheasants can't fly over. She stated that the applicant was taking away the path of the natural environment. She explained that was one of the reasons that they moved here because they wanted to be able to sit outside and enjoy the natural environment. She stated that her biggest concern is related to her young child and noted that she was planning to have more children. She stated that she had brought pictures of how close the fence is to her yard to share with the Commission. She explained that she was worried that if the 6 dogs get out of the fence, they will become pack dogs and will disrupt her time enjoying her home and family. She asked that the Commission not grant the permit that would allow them to have 6 dogs and urged them to ask themselves if they would like to live next door to 6 large dogs.

Boyd Bontjes, 24702 Kettle River Boulevard, stated that there is nobody living there and nobody has been mowing the grass. He asked if the City had any ordinances related to mowing, but noted that he did not want there to be a pigsty in his community. He stated that he would prefer that the City reject what they were asking for and reiterated that nobody was living there. He asked if nobody was living there who would feed the dogs or shut them up.

Chris Herrmann, 4723 250th Street, asked if someone had 6 dogs why it had to be a kennel permit and the City couldn't just say that they could have 6 dogs.

Zoning Administrator Weck stated that it is called a kennel permit because that is what the ordinance calls it.

Mr. Herrmann asked why the applicant would spend that much money to put up a fence of that caliber for 6 dogs. He explained that there are rumors going around that the person that bought this land was a legally operating pot grower. He stated that he has concerns about what will come in after the 6 dogs and asked if the applicant was working on making this a legal pot house. He stated that he would question if that was the kind of thing that he wants in his neighborhood. He stated that he was not saying that the applicant was a pot grower, but if you Google him or look him up on Facebook, he has a permit through the State to legally grow pot and does not live at this location. He stated that he would agree with the statements made by others that the fencing is an eyesore and it felt it didn't make sense to spend money on this kind of fence for 6 dogs when you weren't even going to living at the site. He stated that he did not want to have a legal pot business in the neighborhood or the community. He admitted that he was speculating but felt it was something that everyone should explore more closely to determine why so much money was put into the fence and that they have 6 guard dogs.

Brendan Woehl, 4581 250th Street N, stated that most of what he wanted to say has been covered by others and noted that he thinks everyone who has spoken was in agreement that this was not something they want to see in this community. He questioned why the applicant was not at the meeting to answer questions or even defend his plans. He stated that the applicant was not here, does not live on the property, and has not mowed the lawn. He stated that he did not believe that

they would pick up the poop or take care of the dogs. He noted that if someone has a 6 foot tall fence and 6 dogs, he felt it was because the dogs were not trained. He stated that he believed that the dogs would essentially be wild animals, living outside and taking care of themselves. He stated that they do not even know if they will be fed or if they will be hungry and want to get out. He reiterated that this is not something that they want in the neighborhood and close to their homes. He stated that he grew up further away in Wyoming and his parents have a situation where there are 2 dogs that live up on a hill and bark at night which drives them crazy so they have to close their windows. He cannot imagine a situation where there will be 6 dogs barking at night and stated that even though he lives 7 houses down from this property, he feels that he will hear them all the time, day and night. He stated that the permit is for an interim thing and asked if this meant that the City was granting them something for temporary use.

Zoning Administrator Weck explained that a CUP runs with the property, so if the City did not do this as an Interim Conditional Use Permit, when this individual left the property the next person could still have 6 dogs.

Dean Kubitschek, 24553 Elmcrest Avenue, stated that he lives next door and explained that his concerns began when he first saw people there because nobody lives there. He then saw fence posts laying in his yard so he had to take time off of work and show them the property lines because they did not get it surveyed which he believed needed to be done if you were going to install a fence.

Zoning Administrator Weck confirmed that they had not had the property surveyed, but noted that if they can find the property lines they do not need to survey the property.

Mr. Kubitschek stated that the fence guys did move the fence over after he spoke with them. He stated that he had seen the dogs and noted that he has an 8 year old daughter and having 6 German Shepherds next door scares him. He stated that the applicant does not live there and noted that he had only seen them a few times at night for a few hours and then they leave. He noted that he met the applicant once, but felt a bit like he was trying to be nice in order to get things approved. He stated that the applicant had a temporary fence along the back of the house that was about 12 feet high made out of chicken wire. He noted that when he was standing talking to the applicant a dog ran out to him and he said 'oh, she found a way out' because she had dug under the fence. He stated that this is a 4.8 acre property with a fence around it which means that there is a lot of room for the dogs to find a way out of the fence, which scares him. He stated that his daughter goes out and bounces on the trampoline right there and asked if he would have to move all of his stuff over now and put up a row of trees or fence. He stated that he was frustrated and explained that his biggest concern was safety and also that the yard has not been kept up. He expressed concerns about the possible effect on his property values with this type of property that looks like a prison and has 6 dogs barking at you right next door. He questioned if the applicant would get rid of the feces that is all over the place. He explained that he did not want to have his daughter scared to go outside and play. He noted that if the City grants this request they have told him that they will need to take the wire off the top of the fencing, but he felt that if that happened, then it will be not be safe. He encouraged the Commission to drive by and check it out if they hadn't already gotten to see it.

Mr. Bontjes stated that he felt that the fence that the City let them build was degrading to everyone's property on each side.

Mr. Kubitschek stated that he had someone text him today that he hadn't heard from in years who had driven by his house and the message was that his neighbor had gone crazy with a giant fence and asked what was going on.

Mr. Johnson asked if the City had any ordinances related to mowing and lawn upkeep.

Zoning Administrator Weck stated that there are City ordinances for mowing and stated that he believed it had to be kept under 7 inches, but nobody was living on the property right now.

Mr. Johnson stated that there is a \$500,000 house that he felt was just going to hell and also bringing down property values in the area.

MOTION BY COMMISSIONER HOLL, SECONDED BY COMMISSIONER ORTWERTH, TO CLOSE THE PUBLIC HEARING AT 7:25 P.M.

Voting Aye: Ortwerth, West, Holl, and Iverson
Voting Nay: None
Abstain: None
Absent: Lobermeier

Commissioner Holl asked if the applicant was planning to move into the property.

Zoning Administrator Weck stated that was his understanding.

Commissioner Iverson stated that there were complaints noted in the packet materials about the fence and asked if there had been any complaints about the dogs.

Zoning Administrator Weck stated that he had a complaint from one of the neighbors to let him know that the applicant had 4 or more dogs so a letter was sent to him describing his options. He stated that after receiving the letter, the applicant chose to apply for this kennel license.

Commissioner Iverson stated that he was disappointed that the owner was not here tonight because there are obviously a lot of questions.

MOTION BY COMMISSIONER IVERSON, SECONDED BY COMMISSIONER ORTWERTH, TO TABLE THE REQUEST FOR AN INTERIM CONDITIONAL USE PERMIT (ICUP) FOR A RESIDENTIAL KENNEL: I-24-003, LOCATED AT 24567 ELMCREST AVENUE FOR ALEXANDER KABALAN, PROPERTY ID NUMBER: 21.10624.30, UNTIL THE APPLICANT BE PRESENT.

Voting Aye: Ortwerth, West, Holl, and Iverson
Voting Nay: None
Abstain: None
Absent: Lobermeier

NEW BUSINESS - NONE

OLD BUSINESS:

3. Rezoning of Undeveloped Parcels to Match the Comprehensive Plan

Zoning Administrator Weck stated that he was hoping that Chair Lobermeier was going to be present to discuss this item. He explained that they he put the maps in the packet was because he had spoken with a resident that was trying to sell their parents farm that is slated for R-3. He stated they had raised concerns about what they could do with it if the City sewer and water wasn't there yet. He explained that the City could do the mass rezoning or they could perhaps look at the service areas for the sewer for the upcoming stages and take a look at the rezoning of the properties that were closer. He stated that his concern was that would still leave them with the

mess they have had over the last few years where if that property could get developed, they are looking at the old zoning and not the Comprehensive Plan zoning. He suggested that the Commission take some to look over the maps before they hold the next discussion.

Commissioner Iverson asked where things stood with relation to the communication plan to inform residents about this situation and make sure the Council knows what they are trying to do.

Zoning Administrator Weck stated that they were hoping to present something to the Council next week, but it will need to be rescheduled for a time that they don't already have a Work Session meeting.

COMMUNICATIONS:

UPDATES:

A MOTION WAS MADE BY COMMISSIONER IVERSON, SECONDED BY COMMISSIONER HOLL, TO ADJOURN THE JULY 9, 2024 "REGULAR MEETING" OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 7:36 PM.

<i>Voting Aye:</i>	<i>Ortwerth, West, Holl, and Iverson</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>Lobermeier</i>