

**CALL TO ORDER**

Chair Buoy called the regular meeting of the City of Rockford Planning and Zoning Commission to order on **September 26, 2013** at 7:01 p.m. The meeting was held in the Council Chambers of City Hall, 6031 Main Street, Rockford, MN.

**ROLL CALL**

Roll call was taken and the following members were present: Buoy, Petersen-Biorn, and Werman. The following members were absent: Fuller and Sand. Also in attendance was Deputy Clerk Etzel.

**PUBLIC HEARING/Interim Use Hobby Dog Kennel/6022 Red Oak Drive**

The City is in receipt of an application for an Interim Use Permit for a hobby dog kennel license from Terrance and Shannon Madden, property owners. The hobby dog kennel will be located at 6022 Red Oak Drive. The property is zoned R-1 Single Family Residential. Staff published notice in the official newspaper at least 10 days prior to the public hearing and mailed notice to all affected property owners within 350' as required.

The applicant, Shannon Madden is applying for a hobby dog kennel for seven (7) dogs as listed: Col/Shep (1) 13 years old, American Bull Dog (1) 3 years old, Leonbergers: (1) 6 year old, (1) 3½ years old, (2) 2½ years and (1) 9 month old. All seven dogs will be in the house and when outside within a fenced area with a door to an inside kennel. A map of the property was attached for review.

The dog owner does not sell dogs as a commercial business. As per ordinance section 1001.12, Subd. 3 B - an interim hobby kennel permit is required if you have more than two dogs at one site.

Staff has received complaints regarding the large quantity of dogs located at this property: 6/15/2012 a letter was sent to the Madden family to license and obtain a hobby kennel license for 4 to 5 dogs and on 8/16/2013 a letter was sent regarding the same issue from 6/15/2012. The Wright County Sheriff's Office recently stopped by City Hall regarding a complaint regarding dogs barking at 6022 Red Oak Drive. The officer noted there were about 7 large dogs and they barked the whole 45 minutes while following up on the noise complaint.

On September 3, 2013 Ms. Madden did license two dogs: Luke an unneutered male Leonberger and Blu a neutered male Leonberger.

Chair Buoy opened the hearing to public comments at 7:04 pm.

John Yanta of 4983 River Oaks Road recently put up a fence because they are concerned about safety due to the size of the dogs and their barking. Mr. Yanta played a video of six of the dogs barking. He wants to know if the dogs stay in the 20x30 grey shed in the back yard.

Shannon Madden of 6022 Red Oak Drive stated the dogs do not stay in the grey shed, they are in the house most of the time. She and her husband Terrance were the first home in the cul-de-sac thirteen years ago. When they moved in they had two dogs – Sydney and Luke. Later they got Leah to breed, she got pregnant and they kept two out of the litter: Angle who was small and had a clef pallet and Blu a service dog with severe allergies. Tody is their daughter Emma's dog.

And the white American Bull Dog mix belongs to their son and has since been removed from the home, so they only need an interim use for six dogs. They plan to move in August of 2014 after the school year.

She noted the following: Sydney has tumors and advanced hip problems, Luke has hip problems, and Leah is getting spade.

Terry Madden of 6022 Red Oak Drive invited the commission to come and see their dogs. The AKC just recognized, they are a very mellow dog and not vicious. The Leonbergers are a protective breed. Luke is a good watch dog and he will bark if someone is in their yard. The American Bull Dog was the instigator and has been removed from the home.

Commissioner Peterson-Biorn asked if all the dogs were current on their shots and the Madden's stated they were current.

The Maddens stated Toby has to be twelve months before they recommend he be neutered and this would leave two left to be neutered.

Chair Buoy closed the public hearing at 7:19 p.m.

Chair Buoy noted in her fifteen years on the Planning Commission the most dogs anyone has ever requested was for four dogs – and this was due to two family members combining into one home; never has there been a request for seven dogs. She is concerned about the barking and the growling although the American Bull dog has been removed.

Commissioner Werman is concerned about the quantity of dogs equals more barking.

Commissioner Peterson-Biorn is concerned they will not be able to sell their home next summer with six dogs on the premise.

The Commission discussed what quantity would be a fair number to maintain.

**MOTION** was made by Buoy, seconded by Werman to recommend City Council consider approval of the Interim Use Permit for 6022 Red Oak Drive with the following conditions:

1. No more than four (4) dogs are allowed on the premises; and if one dog dies or needs to be put down, it may not be replaced.
2. That all dogs must be restrained when not inside the premises; either in a kennel, fenced area, or leashed.
3. All the dogs must be licensed with the City and the renewal fee paid.
4. The kennel permit license must be submitted every year along with the required kennel fee.
5. Fencing must be maintained as per the ordinance regulations.
6. No noise before 7:00 am or after 10:00 pm as per the Noise Ordinance.
7. All provisions of Section 1001.03 Subd. 5 D are met.
8. A review will be done annually or more frequently if complaints are received by the City.
9. If several complaints in the course of a year are made, the permit may be revoked.
10. No more than two dogs can be outside at one time.

**MOTION CARRIED** – Voting In Favor – Buoy, Petersen-Biorn, and Werman

The recommendation from the Planning Commission will be **submitted to the City Council at their October 8, 2013** regular meeting for final approval or denial.

**SET AGENDA**

**MOTION** was made by Petersen-Biorn, seconded by Werman to approve all items on the consent agenda.

**MOTION CARRIED** – Voting In Favor – Buoy, Petersen-Biorn, and Werman

**Approve Regular Planning and Zoning Minutes/August 22, 2013**

**MOTION** was made by Petersen-Biorn, seconded by Werman to approve the minutes of the August 22, 2013 Regular Planning and Zoning Meeting.

**MOTION CARRIED** – Voting In Favor – Buoy, Petersen-Biorn and Werman

**OPEN FORUM**

Chair Buoy called for open forum, no one from the public spoke.

**Deputy Clerk's Report**

The Deputy Clerk's report included: free webinar for Common Mistakes in Land Use Ordinances on October 10<sup>th</sup>, cancelled the October 10<sup>th</sup> Planning and Zoning Meeting, Workshop prior to October 24<sup>th</sup> P&Z Meeting, medical survey results, and upcoming events: Crow River Co-op food cook outs, Fire Prevention Week (Oct 6<sup>th</sup> to Oct 12<sup>th</sup>), Friends of the Library Book and Bake Sale (Oct 7<sup>th</sup> to Oct 12<sup>th</sup>), Stork House Celebration on Oct 4<sup>th</sup> in Greenfield and October 12<sup>th</sup> at the Stork House, and last Manufacturer's Week (Oct 20<sup>th</sup> to Oct 26<sup>th</sup>).

**ADJOURNMENT**

**MOTION TO ADJOURN** was made by Buoy, seconded by Petersen-Biorn.

**MOTION CARRIED** – Voting In Favor – Buoy, Petersen-Biorn, and Werman

Chair Buoy adjourned the meeting at 7:32 p.m.

Submitted by Audra Etzel, Deputy Clerk