

**UNAPPROVED MINUTES
PLANNING COMMISSION
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
MAY 12, 2009
7:00 PM**

CALL TO ORDER:

Frank Storm called the Regular Meeting of the Wyoming Planning Commission to order for May 12, 2009 to order at 7:00 P.M.

CALL OF ROLL:

*On a Call of the Roll the following members of the Wyoming Planning Commission were present: Frank Storm, Judy Coughlin, Sean Wagner, Ken Meyers, and Mark Lobermeier
Members Absent: NONE
Also Present: City Staff Member Robb Linwood and Building Official Fred Weck and Council Liaison Roger Elmore*

DETERMINATION OF A QUORUM:

The Planning Commission Chairman determined a Quorum was present.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

"An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action maybe deferred to staff for research and future Planning Commission Agendas if appropriate."

APPROVAL OF MINUTES:

1. **Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota Planning Commission for April 28, 2009.**

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER SECONDED BY PLANNING COMMISSION MEMBER LOBERMEIR, TO APPROVE THE "REGULAR MEETING" MINUTES OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR APRIL 28, 2009. CONTINGENT ON THE FOLLOWING CHANGES:

- **Add an "H" to Judy Coughlin's' name under motion for approving minutes.**
- **Change "Amena" to "Morina" on page 1.**

Voting Aye: Lobermeier, Wagner, Meyers, Storm, and Coughlin

Voting Nay: None

Abstain: None

PUBLIC HEARING

2. Hermes Dog Kennel Application

Mr. Hermes - says that he found out about a complaint to the City of Wyoming on February 9, 2009 regarding his dogs. He said that he has not received any complaints. Staff explained that a complaint was received and that the kennel application was an ongoing so the complaint was not forwarded to Mr. Hermes. Staff did investigate the complaint and went to the Hermes residence and saw only two dogs.

Mr. Hermes - he moved in 1994 and he had a pole barn. He is wondering why his pole barn is grandfathered in since they are not allowed where he lives any longer and why his number of dogs are not grandfathered in? He says that he has had the same number of dogs since 1996.

The planning commission questioned the fence that Mr. Hermes has around his property, there was a question asked if he was going to reduce the size of the fence. Mr. Hermes responded that he will take the fence down when his granddaughter is older, he is worried about traffic on the road and feels that the fence discourages her from leaving the yard. The Planning Commission asked Mr. Hermes how many dogs he currently has. He responded four, and that he just received his son's dog to make it go from 3 to 4.

OPEN PUBLIC HEARING at 7:09

Clint Letch 6441 261st Street – He said that he is located roughly three houses down from Mr. Hermes. He has never seen more than 4 dogs on the property, usually sees two. He has lived at his current residence for 9 years and has never seen more than 4 dogs on the Hermes property. Mr. Letch likes Mr. Hermes fence where it is, it is not an eye sore, and he feels that it discourages his children from wandering into Mr. Hermes's yard. Mr. Letch does not believe Mr. Hermes should he have to tear down his fence. He says that there is a lot of traffic and semis on the road and would be extremely worried for young children. His only concern with the kennel is he would like to see it limited to 4 dogs, does not want to see a larger amount of dogs at the property.

Roger Harms 6337 East Viking Blvd - Mr. Hermes has 8 kennels on the property, he has 4 dogs now and he has 8 kennels. This fall he has had up to 8 dogs. The dogs are constantly barking. Mr. Hermes's kennels are 30 feet from his bedroom window and the dogs do bark at night.

Tim Davis 6934 East Viking Blvd - lives to the north of the Hermes property. Is the permit for 4 dogs or can it be expanded to more? He does not have any concerns at this point, but if there were to be additional dogs in the future then it would be a concern. He states Mr. Hermes has been a good neighbor. The breed of dog is a bit of a concern.

The Planning Commission asked Mr. Hermes what kind of Dogs he has. He responded American Staffordshire Terrier.

Clint Letch 6441 261st - If the dogs are used for breeding how old can they be before they are in violation? Staff responds 4 months. Mr. Hermes explains that he has only 2 kennels and he has

3 dog spots. Two of the Kennel spots are vacant at all times. He says that he switches them and exercises the dogs at different times. The dogs are in good standing, they have never bitten anyone, and it is a proven fact that they will take more abuse before striking out than any other breed.

CLOSE PULBIC HEARING at 7:18

Planning commission wanted to have it clarified how long the applicant had these dogs? What are the ages of the dogs? Mr. Hermes responded 11, 9, 8, and 2, and the two year old is my son's dog. When was the ordinance violation first brought to you? Mr. Hermes believes his first violation was in 2002, and then another one in 2006. Staff explained the first complaint was in 1999, and it was a complaint on noise and ordinance violation. The Planning commission asks Mr. Hermes where you aware that you were in violation? Mr. Hermes says that he believed that he had 3 acres to allow the dogs and did not know that he was on only 1.96 acres. Mr. Hermes found out in 1997 that the size of the property was not the size that they believed they had purchased.

Planning commission states in 2002 you had 2 dogs and one puppy. In 1999 you were aware of the ordinance and in 2002 you were aware of the ordinance why would you keep being out of compliance? Since you have known about the ordinance you have added to the amount of dogs that you had. Mr. Hermes responded in 14 years he has had 3 complaints.

Planning commission states that Mr. Hermes is currently in violation of both the city and the township ordinance. The planning commission is required by the merger agreement to look at the township ordinance for dogs. The Township ordinance is 3 dogs on 2 acres. He does not even have 2 acres. Mr. Hermes has a request for 4 dogs and a request for the 4 dogs with less than 3 acres. The planning commission asks what is the likelihood of you reducing yourself down to 3 dogs. That applicant stated that he cannot right now or anytime soon.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER LOBERMEIER TO DENY DOUG HERMES VARIANCE REQUEST FOR A DOG KENNEL ON A PARCEL UNDER 3 ACRES AND TO DENY AN ITERIM USE PERMIT FOR A RESIDENTIAL DOG KENNEL.

Voting Aye: Lobermeier, Wagner, Storm, Meyers and Coughlin

Voting Nay: None

Abstain: None

OLD BUSINESS

3. Articles of Administration

- **Adult Use** - does Bill Weber know that adult use has been removed, we want it there but not the 5 pages, just something referencing it to a certain section.

- **Accessory buildings Questions** – staff is waiting on an answer from Bill Weber on this item.
- Under definitions – “Buildable” is out of alphabetical order.
- Under definitions the term: “halfway house” – we have not received comment from Bill Weber on this item yet.
- Page 25 - Remove, the second sentence and then begin with the term appointment
- There should be more information in the previous document for Minor Amendments and Minor Amendments. The planning commission would like to go with the earlier definitions on the document for this section.
- Under Minor Amendments Take out clause a and replace with 13 and take out clause b and replace with 15
- Pages 37 under (4) add City Council should have to state why in resolution or statement why it did not accept the recommendation of the planning commission.
- Page 39, # 8 and 9’s order should be switched.

NEW BUSINESS

4. Article VII Building Administration

Planning commission would like staff to review comments made by commissioners for the next meeting and we will review this portion of the zoning ordinance. Comment sheets should be sent out separate to commission members in the future, no need to compile a large document.

UPDATES

Delmonico Park Preliminary and Final Plat will be on the May 26th Planning Commission Agenda.

Sean Wagner and Frank Storm will be attending the “What’s next” after your comp plan is complete training on May 20th.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER STORM, SECONDED BY PLANNING COMMISSION MEMBER WAGNER, TO ADJOURN THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR MAY 12, 2009 AT 8:17 P.M.

Voting Aye: Lobermeier, Wagner, Storm, Meyers and Coughlin

Voting Nay: None

Abstain: None