

GENERAL INFORMATION

Applicant: VNY LLC (owner)
Nova Veterinary Clinic (user)

Location: 9056 Penn Avenue South

Request: Conditional use permit for a pet services facility in an existing building

Existing Land Use and Zoning: Multi-tenant retail building and restaurant; zoned B-4 (PD), Neighborhood Commercial (Planned Development)

Surrounding Land Use and Zoning: North – Restaurant and vacant gas station; zoned B-4
East – Pet services, office, and apartments; zoned B-4 and R-4
South – Single-Family; zoned R-1
West – Apartments; zoned R-4

Comprehensive Plan Designation: General Business

HISTORY

05/28/2014 – The Planning Manager approved a Minor Revision to Final Development Plans for exterior modifications and parking lot improvements. (Case 7984A-14).

CHRONOLOGY

Planning Commission 06/02/2022 Public Hearing scheduled.

DEADLINE FOR AGENCY ACTION

Application Date: 04/26/2022
60 Days: 06/25/2022
Extension Letter Mailed: No
120 Days: 08/24/2022
Applicable Deadline: 06/25/2022
Newspaper Notification: Confirmed – (05/19/2022 Sun Current – 10-day notice)
Direct Mail Notification: Confirmed – (500 buffer – 10-day notice)

STAFF CONTACT

Liz O'Day, Planner

Phone: (952) 563-8919 E-mail: eoday@BloomingtonMN.gov

PROPOSAL

Nova Veterinary Clinic has applied for a Conditional Use Permit to establish a pet services facility in the B-4 zoning district at 9056 Penn Avenue South. The property is a multi-tenant building with CSL Plasma on the north side and the proposed veterinary clinic, approximately 4,600 square feet, on the south side. Veterinary care accounts for approximately 4,200 square feet, and the dog and cat kennel area accounts for the remaining 400 square feet. Nova Veterinary Clinic currently operates across Penn Avenue, at 9015 Penn Avenue. They propose operating in a larger tenant space to expand their business. Nova Veterinary Clinic provides veterinary care for various animals for a maximum of 25 animals a day. Staffing would total 11 employees during the maximum shift.

ANALYSIS

In 2018, the City adopted an ordinance establishing performance standards related to pet services facilities. The standards focus on noise attenuation, odor control, hours of operation and other operational requirements. Table 1 analyzes the proposed pet services facility based on the required performance standards.

Table 1 – Pet Services Performance Standards Analysis

Standard and Code Section	Proposed	Meets Standard?
Buffer from Residential Uses – 50 feet (Section 21.302.28(c)(2)(A))	100+ feet	Yes
Outdoor Activity – No outdoor pet areas allowed in the B-4 Zoning District (Section 21.302.28(c)(2)(B))	No outdoor pet area proposed	Yes
Sound Attenuation – 55 STC rating for common/shared walls and ceilings (Section 21.302.28(c)(2)(D))	Not specified	See further discussion
Odor Mitigation – Odor mitigation plan (Section 21.302.28(c)(2)(E))	Not specified	See further discussion

The submitted materials demonstrate the proposed facility complies with most of the performance standards. Performance standards not addressed include sound attenuation and odor mitigation.

The Code requires pet services facilities sharing a common building wall with another use must provide engineering detail prior to building permit issuance demonstrating sound attenuation to STC rating of 55 or higher. Plans and an accompanying report from a qualified professional must be

submitted prior to issuance of a permit to verify sound attenuation. To verify if the sound attenuation method is successful, staff is recommending a condition that noise testing by a qualified noise engineer must be provided prior to the issuance of a Certificate of Occupancy.

The City Code requires the applicant to submit operational documents addressing odor and pet waste disposal. Solid animal waste must be disposed of in an approved sanitary method. The exterior property must be kept free of pet waste to avoid health hazards. All trash and recycling, including pet waste, must be stored with interior employee access inside the building. The applicant must modify the proposed floor plan to provide a trash collection and storage area. Operating documents addressing pet waste disposal and trash collection and storage must be approved prior to issuing a building permit.

The subject property complies with the City's lighting ordinance. No additional lighting improvements are necessary at this time. Upon inspection of the property, staff found some dead landscaping material. Any dead or removed material must be replanted in accordance with the approved landscaping plan or a revised landscaping plan must be submitted for review and approval by Staff.

The subject tenant space was approved as a retail use requiring 25 parking spaces. The Code required parking for the proposed pet services facility is 16 spaces. There are over 100 spaces in proximity of the property, not including the spaces for Burger King. The parking is compliant with City Code.

The City Code requires a sidewalk connection from the public street network to the primary building entrance. The applicant must identify the sidewalk connection on a site plan prior to the City issuing a building permit.

For signage, a Uniform Sign Design (USD) is required for multi-tenant buildings with on-building signage. A USD must be submitted and approved prior to the City issuing a sign permit.

FINDINGS

Required Conditional Use Permit Findings - Section 21.501.04 (e) (1)

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made – The subject property is guided General Business, which allows for a variety of service and retail-oriented uses. The proposed use is not in conflict with the Comprehensive Plan.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made – The subject property is not located in an area with an adopted District Plan.
(3) The proposed use is not in conflict with City Code	Finding Made – Subject to compliance with the conditions of approval, the use is not in conflict with City Code

provisions.	provisions.
(4) The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.	Finding Made – The subject property is served by an arterial roadway that has adequate capacity to serve the proposed use. The public utilities also have adequate capacity. The proposed pet services facility will have no impact on parks and schools. The proposed use will not create an excessive burden on public facilities and utilities.
(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – The pet services facility currently operates across Penn Avenue from the subject property and staff is unaware of any complaints related to the existing business. The facility provides veterinary care for the neighborhood. There is adequate parking that serves the subject tenant space. The proposed use is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

RECOMMENDATION

Note the Planning Commission has final approval authority on this Conditional Use Permit application unless an appeal to the City Council is received by 4:30 p.m. on June 7th.

Staff recommends approval of the Conditional Use Permit through the following motion:

In Case PL2022-92, having been able to make the required findings, I move to adopt a resolution approving a conditional use permit for a pet services facility in an existing building located at 9056 Penn Avenue South, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL2022-92

Project Description: Conditional use permit for a pet services facility in an existing building

Address: 9056 PENN AVE S

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit A building permit for all required changes to accommodate the proposed use be obtained.
2. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
3. Prior to Permit A sidewalk must be provided to link the primary entrance of each building on site with the public sidewalk network.
4. Prior to Permit Operational documents must be submitted that describe operational and management practices including cleaning and maintenance plan, disposal methods for all animal waste material and plan for mitigation of noise and odors.
5. Prior to Permit Engineering detail must be provided demonstrating sound attenuation to STC rating of 55 or higher for such common walls and ceilings.
6. Prior to Permit A revised landscaping plan must be submitted to show replacement of removed or deceased landscaping material.
7. Prior to Permit Modify the floor plan to show code compliant trash and recycling areas.
8. Prior to C/O Noise testing by a qualified noise professional demonstrating sound attenuation to STC 55 or higher for building walls or ceilings shared with another use must be provided.
9. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
10. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and a Uniform Design Plan must be submitted for review and approval.