

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION 2016-88

*A RESOLUTION APPROVING AN INTERIM USE PERMIT FOR THE KEEPING OF HORSES
IN CONJUNCTION WITH A CHURCH FOR THE PROPERTY LOCATED AT 10240
STILLWATER BOULEVARD NORTH*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Common Ground Church, of 10240 Stillwater Boulevard North (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for an Interim Use Permit for the keeping of horses in conjunction with a church for the property located at 10240 Stillwater Boulevard North (the “Property”); and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on September 26, 2016; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated October 4, 2016, 2016; and

WHEREAS, the City Council considered said matter at its October 4, 2016 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Interim Use Permit are found in the Lake Elmo Zoning Ordinance, Section 154.107.
- 2) That all the submission requirements of said Section 154.107 have been met by the Applicant.
- 3) That the proposed Interim Use Permit includes the following components:

- a) An Interim Use Permit for the keeping of horses in conjunction with a church for the property located at 10240 Stillwater Boulevard North.
- 4) That the Interim Use Permit for the keeping of horses in conjunction with a church for the property located at 10240 Stillwater Boulevard North will be for the Property legally described as follows: PT OF N1/2-SW1/4 WHICH LIES N OF N R/W LN CHICAGO NW RR & SLY & SWLY OF FOLL DESC LN: COM AT NE COR NE1/4-SW1/4 THN S00DEG57'15"E BRG ORIENT TO WACO C SYS S ZONE ALG E LN OF SD 1/4-1/4 DIST 982.94FT TO C/L 212 AKA HWY 5 & POB LN TO BE DESC THN SWLY ALG SD C/L & CRV CONC TO N CENT ANG 00DEG36'21" RAD OF 5729.16FT DIST 60.59FT TO C/L OF STILLWATER LN CHRD OF SD CRV BRS S75DEG55'21"W THN N27DEG49'42"W ALG SD C/L DIST 22.68FT THN NWLY & WLY ALG SD C/L & TCRV CONC TO SW CENT ANG 58DEG38'37" RAD 249.11FT DIST 254.97FT THN N86DEG28'18"W ALG TCRV & ALG SD C/L DIST 733.07FT THN WLY ALG SD C/L & TCRV CONC S CENT ANG 2DEG00'00" RAD 7639.44FT DIST 266.67FT THN N88DEG28'18"W ALG TCRV & ALG SD C/L DIST 50.20FT TO W LN OF SD 1/4-1/4 THN N88DEG31'39"W ALG SD C/L DIST 491.3FT THN WLY ALG SD C/L & TCRV CONC TO S CENT ANG 24DEG08'7" RAD 881.47FT DIST 371.31FT THN S67DEG20'14"W ALG SD C/L DIST 501.43FT TO PT ON WLY LN OF NW1/4-SW1/4 SD PT IS 992.71FT S OF NW COR SD 1/4-1/4 SD LN THERE TERM SUBJ TO EASE SECTION 14 TOWNSHIP 029 RANGE 021. PID# 14.029.21.32.0024.
 - 5) The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations. **The property is located in the Public and Quasi-Public Open Space zoning district, and the keeping of horses in conjunction with churches by Interim Use Permit is allowed in this zoning district. The property meets all the provisions set forth for such use.**
 - 6) The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community. **The property should not be considered a nuisance because it meets the minimum criteria for the keeping of horses set forth in City Code. The impact of two horses has proven, and is expected to continue, to be minimal.**
 - 7) The use will not adversely impact implementation of the Comprehensive Plan. **The Comprehensive Plan shows that the property is guided for Rural Area Development. The keeping of horses on this property would not adversely affect this, as no structures are being built on this portion of the property nor are any major changes to the land being made.**
 - 8) The user agrees to all conditions that the City Council deems appropriate to establish the interim use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the City to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit. **The applicant will need to sign another Consent Agreement that shows agreement to all conditions set forth.**

- 9) There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel. **The Finance Director has been contacted to verify this and has stated that no substantial amount of the aforementioned is due to the City that should prevent the property from being granted the Interim Use Permit.**
- 10) The date or event terminating the interim use shall be set by the City Council at the time of approval. **The Interim Use Permit shall be valid until December 31, 2026.**

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for an Interim Use Permit for the keeping of horses in conjunction with a church is granted, subject to the following conditions:

- 1) No more than two horses shall be allowed on the property;
- 2) The keeping of horses shall be limited to that side of the property that is located to the East of Kelvin Avenue North;
- 3) All efforts to maintain at least two inches of vegetative cover shall be made in order to properly upkeep the pasture area;
- 4) All riding of horses shall be done in accordance with Section 95.060: Horses, of the City Code, and the property must maintain compliance with regulations pertaining to Livestock: Sections 95.090 & 154.914 of the City Code;
- 5) A "No Parking" sign shall be placed near or on the gate near the area abutting Kelvin Avenue North near the stop sign.
- 6) The Interim Use Permit shall be valid until any one of the events listed below occurs, whichever occurs first:
 1. Until December 31, 2026;
 2. Upon the sale of the property;
 3. Until a violation of the Consent Agreement;
 4. Until a change in the City's zoning regulations, which renders the interim use non-conforming; or
 5. Until the redevelopment of the Property for a permitted or conditional use as allowed by the City's zoning regulations.
- 7) The applicant must sign and submit to the City a consent agreement before December 31, 2016.

Passed and duly adopted this 4th day of October, 2016 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk