



STAFF REPORT

DATE: February 25, 2019

REGULAR

ITEM #: 4c

MOTION

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Animal Inn - Re-Zoning, lot consolidation, and Conditional Use Permit
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The City of Lake Elmo has received a request from Joan Tauer from Animal Inn for multiple land use applications. The intent is to clean up the records on her property. At some point she would like to sell the property and there was recently a discussion between staff and Joan regarding the existing and previous CUPs associated with her properties. Staff has been working with Joan to help her through the appropriate processes to combine and amend the existing CUP. In brief, and further explained below, the applicant is requesting to re-zone the properties so they can all be combined into one, on the site and amend the existing CUP so it is clear to staff and existing/future owners.

Applicant and Property Owner: Joan E Tauer, owner of Animal Inn. 8633 34th St. N. Lake Elmo, MN 55042.

Location: West of Prairie Ride Office Park, (8633 34th St. N),
PID# 16.029.21.42.0010, 16.029.21.43.0012, 16.029.21.43.0006,
16.029.21.42.0005, and 16.029.21.42.0001

Existing Land Use and Zoning: Agricultural – A
Rural Residential - RR

Comprehensive Plan: Limited Business - LB

Deadline for Action: Application Complete: 1/23/2019
60 Day Deadline: 3/24/2019
Extension Letter Mailed: N/A
120 Day Deadline: N/A

Applicable Regulations: 154.550 – Article XIV Commercial Districts
154.750 – Conditional Use Permit (CUP) Regulations
Lot Consolidation
Comprehensive Plan
Re-Zoning

PROPOSAL DETAILS/ANALYSIS:

Staff found a report that suggests the property has been operated as a kennel since the early 1970's with CUPs starting in 1985. From then until now there has not a request to change the use of the property but instead to clarify the records. A report from 2004 stated the property had been under the jurisdiction of Oakdale Township and was used as a kennel (With a special use permit). Early on the CUPs operated much like an interim use permit in that they had a limited life. Because of this and the changing in ownership, the permits are unclear and have conditions that are difficult to track since the conditions are listed on one permit but are applied to multiple properties. What

further makes the site more complicated is that there are two sets of properties that share the same address but there are separate owners and businesses. A line from the 2004 variance report summarizes the site(s) well “That fact, and the overall basket of problems inherited by the City and the land owners from long ago township actions, would appear to support a finding of hardship in support of the requested variance.” *(The variance was for a separate property but is tied to the discussion within the report)*. The property owner has inquired about joining the properties together in the past but has been hung up on technicalities within the code.

Current Property Use:

Currently there is an existing CUP that is applied to the properties with the exception of parcel 5 (old Vet Clinic). There was a CUP applied to the property for veterinary services but it has expired. The CUPs are attached for reference, but staff will summarize them below.

Resolution 2000-020; Allows the property owner to board 117 dogs on parcel 2 and 33 dogs on parcel 1. *(Please know the parcel reference numbers are referring to the recent site survey not the site plan with the resolution)*

Resolution R86-11; this resolution is unclear to staff but does reference other parcels. It is also the most recent resolution that staff could find referencing the cemetery.

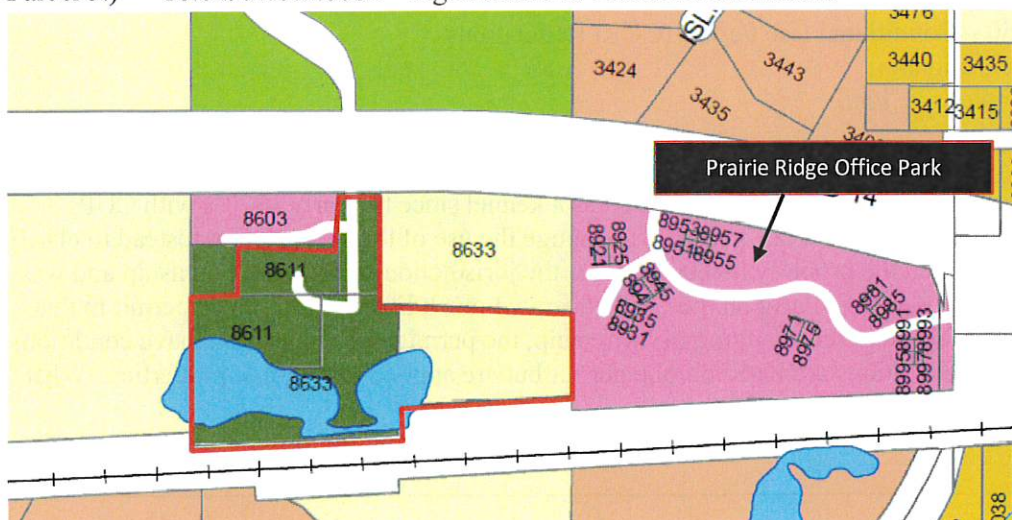
The resolutions state that there can be a total of 150 dogs on site with 117 on parcel 2 and 33 dogs on parcel 1. Dogs are allowed outside on parcel 1 and 2 so long as they are fenced. The resolution (Res. 2000-020) states that outdoor kenneling is not permitted. Staff does not interpret this to mean dogs cannot be let outside to “play.”

What Staff considers to be the dictating CUP (2000-020) seems to be lacking in explaining the full scope of the uses on site. After reviewing older property files and then comparing those to the narrative that the applicant has submitted, staff believes there are aspects missing, including the caretaker home, pet grooming, pet cemetery, and limited retail sales (1998 CUP Report). At one point all of the uses were discussed in reports and out lines as uses/activities that had or could occur on site. Staff believes the applicant is requesting to add some uses that are similar to those on neighboring parcels and amend the existing CUP so that boarding is defined as “day care” as well. It had not been defined in the resolutions but Staff presumes that boarding was understood to be over night. However, with it not being defined it could also be argued that this is not the case. Staff has provided an explanation for what is being requested below as well as a summary and recommendation.

Re-Zone: *(See attached survey for parcel reference.)*

In order for the properties to be combined they will need to be re-zoned so they are all the same district. For an unclear reason, there are multiple zoning classifications within the area. The request to re-zone the properties to LB is consistent with the comprehensive plan. Regarding “uses” re-zoning the properties does not bring anything further into compliance or put anything further out of compliance. The uses on the site are and still will be allowed through the CUP. Ignoring the use aspect of the code, the re-zone makes the property more conforming from a lot size standpoint. Staff believes it would be appropriate to re-zone them to Limited Commercial. This opinion is also reconfirmed by a previous letter sent to the property owner from Stephen Wensman, the previous planning director. (Letter is attached)

- Parcel 1.) 16.029.21.42.0010 – Agricultural to Limited Commercial
- Parcel 2.) 16.029.21.43.0012 – Agricultural to Limited Commercial
- Parcel 3.) 16.029.21.43.0006 – Rural Residential to Limited Commercial
- Parcel 4.) 16.029.21.42.0005 – Agricultural to Limited Commercial
- Parcel 5.) 16.029.21.42.0001 – Agricultural to Limited Commercial



Lot Line Adjustment:

When there are legal non-conforming lots, section 154.080 C. states that the lots must be combined if they are substandard in size. In this instance the lots are below the required size for the A. zoning district, which is 40 acres. Although combining the lots would bring the properties closer to conformity based on a size perspective. Under different circumstances the lot combination may not be allowed due to the number of buildings on site. The City Code limits the number of principle buildings on a property to one. This however, becomes a non-issue with the CUP amendment. The survey tells us there would be three principle buildings on site with two storage sheds.

Minnesota Statute

Easement Vacation Procedure (M.S. 412.851). Council may, by resolution, vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting said property. Easement vacations require a public hearing and 4/5 vote by Council only if there has been no petition.

Minnesota Statute 462.352, Subd. 12 – Pertains to subdivision (referenced later in report).

Section 153.06 B. Criteria for Lot Line Adjustment/Lot Consolidation. Lot line adjustments exempted from platting by Minnesota Statute 462.352, Subd. 12 and shall not require a plat or replat and may be administratively approved, provided all of the following are met:

- Each resultant parcel equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located or is made more conforming through the lot line adjustment;
None of the parcels can achieve the minimum frontage requirement. This aspect of the lots will remain legal non-conforming and cannot be easily adjusted. However, they will become more conforming through the re-zoning and combination of the parcels.
- The lot line adjustment does not create additional lots.
The number of lots will not increase due to the lot line adjustment.
- The lot line adjustment shall not cause any structure on the property to be made non-conforming or in violation of the Zoning Chapter or any other provisions of the City Code.
There are currently at least one structure per parcel with the exception of the cemetery lot. Though this is the case the combination itself will not cause the structures to become non-conforming.
- All resultant parcels shall have frontage and access on an existing improved street or access to an existing improved street protected by a restrictive covenant approved by the City Attorney which includes the City as a beneficiary.
There will be no change to the frontage of the lot(s). There is currently an easement over parcel 4 for access. (See survey for reference)
- The resulting parcels shall generally conform to the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas.
The layout of the site is generally rectangular in shape but does take on a unique shape due to past subdivision practices. However, this does not seem to be detrimental to the lot combination.
- Any such lot line adjustment shall not require any public improvements.
There will not be a need for public improvements as they have already been installed and area available.
- Any easements that become unnecessary as a result of the combination of parcels must be vacated. A request to vacate easements shall be made concurrently with the application for lot consolidation/lot line adjustment. Review of the easement vacation request, including any public hearings and City Council action, shall be completed before action may be taken on the application for lot consolidation/lot line adjustment.

There are no easements that will need to be vacated for the consolidation.

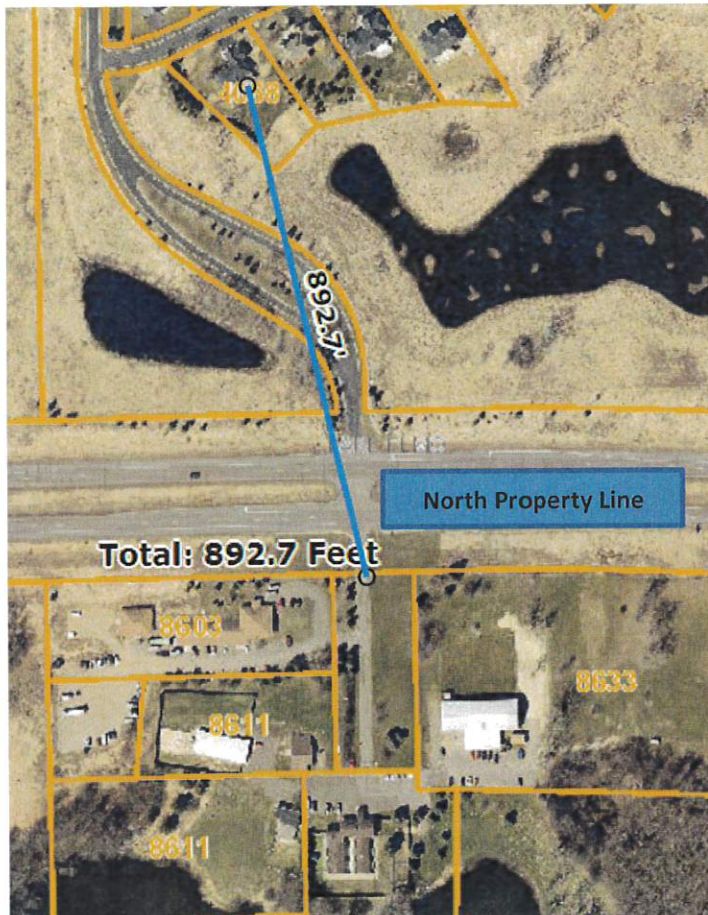
- New easements shall be established as appropriate.

There is not a need to create or amend any easements affiliated with the City for the parcel(s).

CUP Amendment:

There is an existing CUP associated with the property(s). Commercial kennels are not an allowed use for the A, RR, or LC zoning district. Although, the active CUP puts the use into the legal non-conforming category. Simply put the City at one point determined that the “use” should be removed to better meet the developing uses for the district and surrounding properties. Though this may be the case, staff believes that the existing use is appropriate for the site and is compatible with the surrounding properties.

There is a county highway to the north separating Animal Inn. from the northern residential properties. The closest home to the north is over 850 ft. away from the property line. Discussing the southern property line, there is an active rail line and large pond that separates the property and residential properties. The distance from the property line is conservatively measured at over 300 ft. Staff believes that the spacing is sufficient to assist in mitigating any nuisances. Staff was able to find a sound report that was conducted in 1999. Although the report is 20 years old staff is under the impression that there are still some aspects that remain relevant. The point being made is that the use of a commercial kennel is currently not allowed, but amending the CUP would not seem to cause noticeable affects. The fact that there is hundreds of feet of spacing, adequate access, and a sound study showing minimal sound generation from the site seems to show the use may be appropriate for the property.



Required Findings for CUP Approval:

Recommendation Findings. Staff recommends the following findings:

1. The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
The use has been in existence on this site since the early 1970's. Staff does not believe that this amendment will directly cause a negative impact to the surrounding neighborhood.
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan.
The property is guided for Limited Commercial which is how it will be rezoned. The Comprehensive plan categorizes the properties as Limited Business, which constitutes commercial users that are less intense and not needing sewer or water.
3. The use or development is compatible with the existing neighborhood.
The use is compatible with the existing neighborhood and has been in existence since the early 1970's. There also is a neighboring property that is operating as an obedience training facility.
4. The proposed use meets all specific development standards for such use listed in Article 9 of this Chapter.
The applicant is not proposing to develop or redevelop any part of the property at this time.
5. If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management).
There is a pond on site which causes part of the property to fall within a flood zone. However, the land use table lists kennels (150) in the General Business District (LC) as an allowed use with a Conditional Use Permit.



6. The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.

The applicant is not proposing any changes on site. However, going forward the zoning code and design standards would apply where applicable.

7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures.

It is not anticipated for the use to become a nuisance.

8. The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. ***The use will be adequately served by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools. The site has access to an existing 16-inch Trunk Watermain but has not connected.***

9. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

The use will not create additional requirements at public cost nor will it be detrimental to the economic welfare of the community.

10. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The use will not excessively produce traffic, noise, smoke, fumes, glare or odors.***

11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.

Vehicular approaches to the property will not create and have not created traffic congestion or interfere with traffic.

12. The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

N/A

Existing CUP Conditions (attached):

- 1) *The total number of dogs boarded at any point in time shall not exceed 150, distributed only as depicted by exhibit A. (117 dogs maximum in Suite #1, and 33 dogs maximum in Suite #2).*
- 2) *No outdoor kenneling shall be permitted in Suite #2.*
- 3) *The board fence-surrounding site #2 shall remain in place and shall not in any manner be penetrated.*
- 4) *The entire vehicular parking and access area of Site #2 shall be asphalt paved within 90 days of the date of the CUP amendment approval resolution*
- 5) *Use of the Structure located on Site #3 shall be limited to storage of equipment and materials clearly assessor to approve site uses. Use of the structure on Site 3# as an animal crematorium is specifically prohibited.*

Proposed Conditions for the new CUP:

- 1) *The total number of dogs boarded at any point in time shall not exceed 150.*
- 2) *All past permits affiliated with the properties shall now be null and void.*
- 3) *The most recent CUP (2000-020) stated that certain buildings had to be used for storage or boarding. The Main buildings defined as Animal Inn, Animal Hospital, and Kennel may be used for boarding. The two storage buildings labeled as shed and storage shall not be used for boarding.*
- 4) *No outdoor kenneling shall be permitted on the property. This does not mean dogs cannot run freely in fenced areas. Dogs can have access to outdoor areas from 7 AM. To 7 PM during the week and 8 AM. To 6 PM on weekends.*

- 5) *All existing fencing shall remain in place. Any desire to expand or erect new fencing shall constitute the need for a CUP amendment (site plan review). General repair and replacement of fencing does not need an amendment.*
- 6) *There shall not be more than 3 principle buildings and 2 accessory buildings on the property.*
 - a. *Principle buildings are labeled as Animal Inn, Animal Hospital, and Kennel.*
 - b. *Accessory buildings are labeled as shed and storage.*
- 7) *The caretaker quarters located in the main building, identified as the Animal Inn building on the Survey, can remain. Expansions of the dwelling space will require an amendment to the CUP and other zoning or building codes shall also apply.*
- 8) *Uses are stated and defined:*
 - a. *Boarding – Daily stay (Not overnight) and Long term stay (defined as being overnight)*
 - b. *Grooming – Grooming services (baths, clipping, etc.) that do not extend into veterinary service.*
 - c. *Pet Cemetery – Shall be maintained and operated as cemetery for deceased pets.*
 - d. *Obedience training - Standard training and socializing of dogs.*
 - e. *Storage – Storage for items or products associated with the Animal Inn business.*

ENGINEERING REVIEW:

There were no relatable engineering issues pertaining to this project. However, there is a 16-inch trunk watermain located along the south side of SCAH 14 crossing in front of the property, the watermain/hydrant is located within the County right-of-way. If a property owner were to apply for improvements to the site the existing water bodies/wetlands on site that would need to be taken into consideration.

RECOMMENDATION AND FINDINGS:

Based on the information provided in the staff report, Staff is recommending that the Planning Commission recommend approval of the re-zoning, lot consolidation, and CUP amendment for Animal Inn.

Findings for Re-zoning.

- 1) *Staff believes that the request to rezone the property to LC – Limited Commercial is warranted due to the consistency with the Comprehensive Plan.*

Findings for Lot Consolidation.

- 1) *Due to the nature of how the lots were subdivided in the past the parcel(s) cannot achieve the minimum frontage requirement. This aspect of the lots will remain legal non-conforming and cannot be easily adjusted. Nonetheless, staff believes they do have adequate access and the property as a whole will become more conforming through the re-zoning and combination of the parcels.*
- 2) *The number of lots will not increase due to the lot line adjustment/consolidation.*
- 3) *There are currently structures throughout all of the parcels. However, the combination will not cause the structures to become non-conforming. That issue is overcome with the amended CUP.*
- 4) *There will be no change to the frontage of the lot(s). There is currently an easement over parcel 4 for access. (See survey for reference)*
- 5) *There will not be a need for public improvements as they have already been installed or are available.*
- 6) *There are no easements that will need to be vacated for the consolidation.*
- 7) *There is not a need to create or amend any easements affiliated with the City for the parcel(s).*

Findings for CUP.

- 1) *The use of a commercial kennel has been existing on this property since the early 1970's. Staff does not believe that this amendment will be impactful to the surrounding neighborhood.*
- 2) *The property is guided for Limited Commercial which is how it will be rezoned. Also, the use is similar in nature to those that are allowed within that zone, such as daycare center or veterinary services.*
- 3) *The use is compatible with the existing neighborhood and has been in existence since the early 1970's. There is also a neighboring property that is operating as an obedience training facility.*
- 4) *The applicant is not proposing to develop or redevelop any part of the property at this time.*

- 5) *There is a pond on site which causes part of the property to fall within a flood zone. However, the applicant is not proposing to expand or redevelop and of the buildings.*
- 6) *With the property being re-zoned as LC, the Lake Elmo Design Guideline Standards for the commercial zone will become applicable to the site.*
- 7) *It is not anticipated that the use will become a nuisance.*

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT

Staff recommends that the Planning Commission recommend approval of the Conditional Use Permit associated with the Animal Inn Subject to the following conditions:

- 1) *The total number of dogs boarded at any point in time shall not exceed 150.*
- 2) *All past permits affiliated with the properties shall now be null and void.*
- 3) *The most recent CUP (2000-020) stated that certain buildings had to be used for storage or boarding. The Main buildings defined as Animal Inn, Animal Hospital, and Kennel may be used for boarding. The two storage buildings labeled as shed and storage shall not be used for boarding. Beyond these standards all buildings may be used for activities associated with the business. It shall also be known that expansions or remodels may require the building to be brought up to current building code standards.*
- 4) *No outdoor kenneling shall be permitted on the property. This does not mean dogs cannot run freely in fenced areas. Dogs can have access to outdoor areas from 7 AM. To 7 PM during the week and 8 AM. To 6 PM on weekends.*
- 5) *All existing fencing shall remain in place. Any desire to expand or erect new fencing shall constitute the need for a CUP amendment (site plan review). General repair and replacement of fencing does not need an amendment.*
- 6) *There shall not be more than 3 principle buildings and 2 accessory buildings on the property.*
 - a. *Principle buildings are labeled as Animal Inn, Animal Hospital, and Kennel.*
 - b. *Accessory buildings are labeled as shed and storage.*
- 7) *The caretaker quarters located in the main building, identified as the Animal Inn building on the Survey, can remain. Expansions of the dwelling space will require an amendment to the CUP and other zoning or building codes may also apply where applicable.*
- 8) *Uses are stated and defined:*
 - a. *Boarding – Daily stay (Not overnight) and Long term stay (defined as being overnight)*
 - b. *Grooming – Grooming services (baths, clipping, etc.) that do not extend into veterinary service.*
 - c. *Pet Cemetery – Shall be maintained and operated as cemetery for deceased pets.*
 - d. *Obedience training - Standard training and socializing of dogs.*
 - e. *Storage – Storage for items or products associated with the Animal Inn business.*
- 9) *The property shall be readdressed to 8611 34th St. City of Lake Elmo.*

Suggested motion:

“Move to recommend approval of the request by Joan Tauer of Animal Inn to Rezone the Properties from Agricultural and Rural Residential to Limited Commercial, consolidate properties defined as 16.029.21.42.0010, 16.029.21.43.0012, 16.029.21.43.0006, 16.029.21.42.0005, and 16.029.21.42.0001, and amend the existing CUP to apply to the newly combined property, subject to the conditions of approval as recommended by Staff”

ATTACHMENTS:

1. Project Narrative Letter
2. Survey
3. Previous CUPs Resolution 2000-020 and Resolution R86-11
4. Sound Report

Date Received: _____
 Received By: _____
 Permit #: _____



651-747-3900
 3800 Laverne Avenue North
 Lake Elmo, MN 55042

LAND USE APPLICATION

- ☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☐ Variance*(see below) ☐ Zoning Appeal
- ☒ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading
- ☐ Lot Line Adjustment ☐ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan
- ☐ PUD Concept Plan ☐ PUD Preliminary Plan ☐ PUD Final Plan ☐ Wireless Communications

Applicant: Joan E Tauer
 Address: 8633 34th St N, Lake Elmo, MN 55042
 Phone # (651) 270-8825
 Email Address: dawn@animalinnpetresort.net

Fee Owner: Animal Inn Pet Resort & Spa Inc. and Joan E Tauer
 Address: 8633 34th St N, Lake Elmo, MN 55042
 Phone # 621-270-8825
 Email Address: dawn@animalinnpetresort.net

Property Location (Address): 8633 34th St N, Lake Elmo, MN 55042
 (Complete (long) Legal Description: Please see attached for 5 parcels

PID#: Parcel 1. 16.029.21.42.0010 Parcel 2. 16.029.21.43.0012 Parcel 3. 16.029.21.43.0006 Parcel 4. 16.029.21.42.0005
Parcel 5. 16.029.21.42.0001

Detailed Reason for Request: Combine 5 parcels into 1 under 1 CUP and change the use of building on parcel
165.02921.42.001, formally known as a veterinary hospital, in to a grooming / boarding building or for training.
.To change the use of the storage building to the same use as the rest of the buildings.
To have the Cemetery corrected to the CUP for The Animal Inn. It is under the wrong owner

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Joan E. Tauer Date: 1/23/19
 Signature of fee owner: Joan E. Tauer Date: 1/23/19

Joan E Tauer

8633 34th St N, Lake Elmo, MN 55042
 Shareholder of Animal Inn Pet Resort & Spa Inc.

Dawn Larson

1787 46th St, Somerset WI 54025
 Shareholder of Animal Inn Pet Resort & Spa Inc.

Joan Tauer is the owner of record for the following parcel:

16.029.21.42.0010

Animal Inn Pet Resort & Spa Inc. is the owner of record for following parcels:

16.029.21.43.0012

16.029.21.43.0012

16.029.21.42.0005

16.029.21.42.0001

The names and address of the professional consultants:

1. Surveyor _____

Evidence of control of Property:

1. Need copies of deeds for each parcel

Present Status

ADDRESS 8633 34TH ST N, LAKE ELMO, MN 55042
 PIN 16.029.21.43.0012
 OWNER: ANIMAL INN PET RESORT & SPA INC

PT W1/2-SE1/4 DESC AS FOLL COM AT SW COR OF SD W1/2-SE1/4 THN N00DEG05'47"E ALG W LN SD W1/2-SE1/4 DIST 1827.87FT TO INTER WITH SLY R/W LN ST HWY 5 SD SLY R/W LN DIST 100FT SLY OF MON E BOUND LANE SD ST HWY 5 THN S00DEG05'47"W ALG SD W LN DIST 350FT TO A PT WHICH IS HEREINAFTER IS REFERRED TO AS PT A FOR PURPOSES OF THIS DESC THN N00DEG05'47"E ALG SD W LN DIST 175FT THN N89DEG44'17"E DIST 510FT THN N00DEG05'47"E PARL WITH SD W LN OF W1/2- SE1/4 DIST 174FT TO ITS INTER WITH SD SLY R/W LN OF ST HWY 5 THN N89DEG51'00"E ALG SD SLY R/W LN DIST 143.21FT TO ITS INTER WITH E LN OF W 653.20FT OF SD W1/2 OF SE1/4 THN S00DEG05'47"W ALG SD E LN DIST 350.4FT THN CONT S00DEG05'47"W ALG SD E LN DIST 34.03FT THN N89DEG46'16"E DIST 68.61FT TO POB OF PRCL TO BE DESC THN S89DEG46'16"W DIST 68.61FT THN N00DEG05'47"E DIST 34.03FT THN S89DEG46'16"W DIST 63.2FT TO ITS INTER W E LN OF W 590FT SD W1/2 -SE1/4 THN N00DEG05'47"E ALG E LN DIST 1.64FT TO INTER WITH LN THAT BEARS N89DEG44'17"E FROM SD PT A THN S89DEG44'17"W ALG SD LN DIST 140.01FT TO PT WHICH IS DIST 450FT ELY FROM SD PT A AS MEAS ALG SD LN THN S00DEG05'47"W DIST 250FT THN S89DEG44'17"W DIST 450FT TO INTER WITH SD W LN OF W1/2 OF SE1/4 THN S00DEG05'47"W ALG SD W LN DIST 269.51FT TO INTER WITH NLY R/W LN OF CNW RR THN N87DEG00'59"E ALG SD NLY R/W LN DIST 720.78FT TO INTER WITH WLY R/W LN OF CNW RR N02DEG59'01"W ALG SD WLY R/W LN DIST 100FT TO INTER WITH NLY R/W LN SD CNW RR THN N01DEG18'54"E DIST 349.78FT TO POB SUBJ TO EASE SECTION 16 TOWNSHIP 029 RANGE 021

PIN 16.029.21.42.0005
 OWNER ANIMAL INN PET RESORT & SPA, INC

PT W1/2-SE1/4 DESC AS FOLL COM AT SW COR SD W1/2-SE1/4 THN N00DEG05'47"E ALG W SD W1/2-SE1/4 DIST 1827.87FT TO ITS INTER WITH SLY R/W LN ST HWY 5 SD SLY R/W LN DIST 100FT SLY OF MON E BOUND LN ST HWY 5 THN S00DEG05'47"W ALG SD W LN DIST 350FT TO PT WHICH IS HEREINAFTER REF TO AS PT A FOR PURPOSES OF THIS DESC THN N00DEG05'47"E ALG SD W LN DIST 175FT THN N89DEG44'17"E DIST 510FT TO POB OF PRCL TO BE DESC THN N00DEG05'47" PARL WITH SD LN OF W1/2-SE1/4 DIST 174FT TO INTER WITH SLY R/W LN ST HWY 5 THN N89DEG51'00"E ALG SD SLY R/W LN DIST 143.21FT TO INTER WITH E LN OF W 653.2FT SD W1/2 SE1/4 THN S00DEG05'47"W ALG SD E LN DIST 350.4FT THN S89DEG46'16"W DIST 63.2FT TO INTER WITH E LN OF W 590FT OF SD W1/2-SE1/4 THN N00DEG05'47"E ALG SD E LN DIST 1.64FT TO INTER WITH A LN THAT BRS N89DEG44'17"E FROM SD PT A THN S89DEG44'17"W ALG SD LN DIST 80.01FT TO INTER WITH A LN THAT BEARS S00DEG05'47"W FROM POB THN N00DEG05'47"E DIST 175FT TO POB SUBJ TO EASE SECTION 16 TOWNSHIP 029 RANGE 021

Address 8611 34TH ST N, LAKE ELMO, MN 55042

PIN 16.029.21.42.0010

Owner TAUER DONALD J & JOAN E

PT OF W1/2-SE1/4 SD SEC COM AT SW COR OF SD W1/2 OF SE1/4 THN N00DEG05'47"E WACO SYS AND ALG W LN OF SD W1/2 OF SE1/4 DIST 1827.87FT TO INTER WITH SLY R/W ST HWY 5 SD SLY R/W IS LOCATED 100FT SLY OF MON EASTBOUND LANE SD ST HWY 5 THN S00DEG05'47"W ALG SD W LN DIST 350FT TO POB OF PRCL TO BE DESC THN N00DEG05'47"E ALG SD W LN DIST 175FT THN N89DEG44'17"E DIST 510FT THN S00DEG05'47"W PARL WITH SD W LN OF W1/2-SE1/4 DIST 175FT TO INTER WITH A LN THAT BEARS N89DEG44'17"E FROM SD POB THN S89DEG44'17"W ALG SD LN DIST 510FT TO POB SUBJ TO EASE EXCEPT: PT W1/2-SE1/4 SD SEC DESC AS FOLL COM AT SW COR OF SD W1/2-SE1/4 THN N00DEG05'47" E DIST 1827.87 FT TO INTER WITH SLY R/W LN ST HWY 5 SD SLY R/W LN IS LOC 100FT SLY OF MON E BOUND LANE ST HWY 5 THN S00DEG05'47"W ALG W LN DIST 350FT TO POB OF PRCL OF LAND TO BE DESC: THN N00DEG05'47"E ALG SD W LN DIST 175FT THN N89DEG44'17"E DIST 170.20FT THN S06DEG02'37"W DIST 176.06FT TO ITS INTER WITH LN THAT BEARS N89DEG44'17"E FROM POB THN S89DEG44'17"W DIST 151.95FT TO POB SECTION 16 TOWNSHIP 029 RANGE 021

Address 8611 34TH ST N, LAKE ELMO, MN 55042

PIN 16.029.21.42.0001

Owner ANIMAL INN PET RESORT & SPA INC

SECTION 16 TOWNSHIP 029 RANGE 021 THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TORSNIP 29 NORTH, RANGE 21 WEST OF THE 4TH PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY; THENCE ON AN ASSUMED BEARING OF NORTH 0 DEGREES 43 MINUTES 26 SECONDS WEST, ALONG SAID WEST LINE A DISTANCE OF 520.78 FEET, TO A POINT HEREINAFTER REFERRED TO AS "POINT A", THE

POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE NORTH 89 DEGREES 02 MINUTES 38 SECONDS EAST A DISTANCE OF 450.00 FEET; THENCE SOUTH 0 DEGREES 43 MINUTES 20 SECONDS EAST A DISTANCE OF 250.00 FEET; THENCE SOUTH 89 DEGREES 02 MINUTES 38 SECONDS WEST A DISTANCE OF 450.00 FEET, TO SAID WEST LINE; THENCE NORTH 0 DEGREES 43 MINUTES 29 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS PURPOSES OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY: COMMENCING AT ABOVE REFERENCED "POINT A"; THENCE NORTH 89 DEGREES 02 MINUTES 30 SECONDS EAST A DISTANCE OF 510.00 FEET, TO THE POINT OF BEGINNING OF SAID EASEMENT; THENCE NORTH 89 DEGREES 02 MINUTES 38 SECONDS EAST A DISTANCE OF 80.00 FEET; THENCE, NORTH 0 DEGREE 43 MINUTES 28 SECONDS WEST A DISTANCE OF 350.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 5; THENCE SOUTH 89 DEGREES 02 MINUTES 38 SECONDS WEST, ALONG SAID SOUTHERLY RIGHT-ON-WAY LINE, A DISTANCE OF 80.00 FEET, TO THE INTERSECTION WITH A LINE BEARING NORTH 0 DEGREES 43 MINUTES, 28 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 43 MINUTES 28 SECONDS EAST A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO AND TOGETHER WITH A 35.00 FOOT EASEMENT FOR INGRESS AND EGRESS PURPOSES OVER AND ACROSS PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 16 THE NORTH LINE OF SAID EASEMENT IS DESCRIBED AS FOLLOWS: BEGINNING AT THE ABOVE REFERENCED "POINT A"; THENCE NORTH 89 DEGREES 02 MINUTES 38 SECONDS EAST A DISTANCE OF 900 FEET AND SAID LINE THERE TERMINATING.

PIN 16.029.21.43.0006

Owner ANIMAL INN PET RESORT & SPA INC

PT W1/2-SE1/4 DESC AS FOLLOWS: COM AT SW COR SD W1/2-SE1/4 THN N00DEG05'47"E BRG ORIENTED TO WACO COORD SYS NAD83 ALG W LN SD W1/2-SE1/4 DIST 1827.87FT TO INTER WITH SLY R/W LN ST HWY 5 SD SLY R/W LN DIST 100FT SLY OF MON E BOUND LN SD ST HWY 5 THN S00DEG05'47"W ALG SD W LN DIST 175FT THN N89DEG44'17"E DIST 510FT THN N00DEG05'47"E PARL WITH SD W LN OF W1/2-SE1/4 DIST 174FT TO INTER WITH SD SLY R/W LN ST HWY 5 THN N89DEG51'00"E ALG SD SLY R/W LN DIST 143.21FT TO INTER WITH E LN OF W 653.2FT SD W1/2-SE1/4 THN S00DEG05'47"W ALG SD E LN DIST 384.43FT THN N89DEG46'16"E DIST 68.61FT TO POB OF PRCL TO BE DESC THN S87DEG25'48"E DIST 599.61FT TO PT ON E LN SD W1/2-SE1/4 WHICH IS DIST 1223.88FT S OF NE COR SD W1/2-SE1/4 AS MEAS ALG SD E LN THN S00DEG06'43"W DIST 291.19FT TO INTER WITH NLY R/W LN CNW RR THN S87DEG00'59"W ALG SD NLY R/W LN DIST 607.29FT TO INTER WITH LN THAT BEARS S01DEG18'54"W FROM POB THN N01DEG18'54"E DIST 349.78FT TO POB SECTION 16 TOWNSHIP 029 RANGE 021

Site History and Existing Conditions:

- The history of this multi parcel site begins in 1969 when an East Oakdale Township Special Use Permit for a kennel was issued. Throughout the years the site has extended and expanded into several separate tax parcels under different ownerships. The metes and bounds property division (not platting) of this area pre-dates current City platting and zoning regulations. *The property has been used to provide pet care services for the Lake Elmo and surrounding communities for the past 50 years.*
- In 1986, Don & Joan Tauer purchased the main building ("Main Building") and the existing pet care business identified as Site #1 on the CUP issued by the City of Lake Elmo on June 6th, 2000.
- In 2000, the owners purchased and renovated the adjoining warehouse building; it is currently called the "Suites Building" and is identified as Site # 2 on the CUP.
- In 2016, they purchased another nearby building that was being used as a Veterinary Hospital. This building is currently not being used and part of this CUP revision application so pet care services can be provided from it.
- Don Tauer has since passed away and daughter Dawn Larson is currently the co-owner with Joan who is ready to retire and Dawn is looking at different business opportunities so the business and property are under contract to be sold.

We have included a numbered map of all parcels to avoid confusion with documentation.

1. **We are requesting for all 5 parcels to be combined into one (1) parcel wholly owned by Animal Inn Pet Resort & Spa, Inc; this would result in less non-conforming use than the existing situation.**

Currently, there are 3 CUPS:

- CUP for the "The Animal Inn" for 2 sites.:
 - Parcels 1 & 3 with Site 1 to be used as boarding for 117 dogs and a storage building
 - Site 2 for inside boarding of 33 dogs
- CUP for a veterinary hospital
- CUP for the pet cemetery under the wrong owner of record

2. **We are requesting a revision to have 1 CUP for Pet Care Services with all buildings having the same use.**

This would change the current use:

- Parcel 1 has a storage building that we would like to use for pet care services (indoor play area or training space for dogs in our care during inclement weather). Currently, this building is not part of the CUP.
- Parcel 2 has an old defunct veterinary hospital on it with a CUP allowing veterinary services. We are not licensed to provide veterinary services and would like to utilize the building for pet care services; we often turn away customers during the high season and this would enable us to expand our space for boarding, training or grooming so we can accommodate more community members who seek out our services.

- We are also asking to have the Pet Cemetery (mentioned on Resolution R88-9 and on Parcel 4; pln 16.029.21.43.0006) reflect correct ownership and also be included on the one CUP for Animal Inn Pet Resort & Spa Inc. The current, separate, CUP is tied to pln 16.029.21.42.0003, which is incorrect.

For the future, we would like to have the right to add buildings or fenced-in yards with the same consistent use - pet care services. If the parcels were combined, it would allow for better land use planning as we would not be hindered by property lines. The community sees the entire area as one pet care complex regardless of the individual property lines and how the buildings, parking lot, etc. are laid out, the property lines are not noticeable so the change from 5 to 1 parcel will have no visual impact. Additionally, the use will stay consistent; the business that has, and currently is, in operation on the parcels has always provided pet care services. As pet care has grown and modernized, consumers are requesting more services that did not exist in 1969 (when the very first kennel CUP was issued) or even in 2000 when the current CUP was issued by City of Lake Elmo. Historically, kennels provided only 'boarding' services and now pet owners are more specialized requesting daycare, training, spa (grooming) services, etc. This CUP revision would allow us to provide the services members of the community are requesting while being in compliance with the requirements of the CUP. There would be no impact on the neighborhood whether it'd be from a visual or character perspective and would have no impact on noise level or traffic. We are not asking for a higher number of dogs being serviced than what the current CUP dictates, but that we can provide animal services in more buildings on the property and offer related auxiliary pet care services consumers are requesting that are all still within the general 'animal / pet care services' use category.

The proposed revision will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or City of Elmo. The property is already being used for pet care services without any incidents and in compliance with the rules and laws of the state, county and city.

The use or development conforms to the City of Lake Elmo Comprehensive Plan. The buildings on the 5 parcels we are requesting to be combined into one parcel are already part of the land use, were legally built and permitted.

- The use is compatible with the existing neighborhood as it is a long established business and the use (pet care services) will not change.
- There will be no changes in the density of the residence, the existing apartment in the Main Building on parcel 3 continues to be the only residential use.
- There is no proposed financing to do this change.
- There are no "plans or blue prints" at this time.
- We are not changing the way the land is used or the landscaping of the land.
- This is not a housing development.
- There are no covenants in addition to the CUPs.
- Utilities do not need to be changed or added.

* See Attached definition of "Pet Care Services"

Pet Care Services defined:

Boarding – Daily stay (less than a 24-hour period) and Long term – (defined as overnight, greater than 24 hour period).

Grooming – Grooming services which does not extend into veterinary services.

Pet Cemetery – Providing post mortem services for deceased pets.

Obedience Training – Standard obedience training and socializing of dogs.

Added Services – This would include services such as playtimes, treats, walks or any other “add-on” services that would add to the betterment of a dog/cat stay.

CERTIFICATE of SURVEY

Part of the West Half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West,
City of Lake Elmo, Washington County, Minnesota

Quiet Title and Boundary
Registration Survey
Prepared for:

Animal Inn Pet Resort & Spa Inc.
8633 34th Street North
Lake Elmo, MN 55042

MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-107

STATE TRUNK HIGHWAY NO. 5

PROPOSED LEGAL DESCRIPTIONS FOR TITLE REGISTRATION

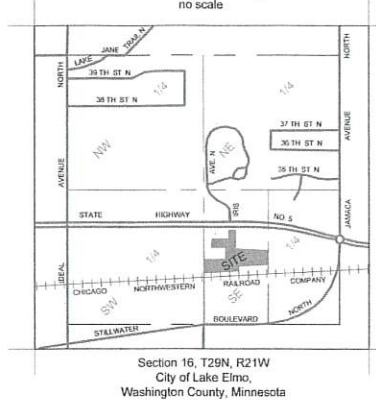
PARCEL 1

That part of the West Half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:
Commencing at the southwest corner of said West Half of the Southeast Quarter; thence North 00 degrees 05 minutes 47 seconds East, bearings are based on the Washington County Coordinate System, NAD83, 1986 Adjustment, along the west line of said West Half of the Southeast Quarter, a distance of 1827.87 feet to its intersection with the southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-107; thence South 00 degrees 05 minutes 47 seconds West, along said west line, a distance of 350.00 feet to a point that is hereinafter referred to as Point A for purposes of this description; thence North 00 degrees 05 minutes 47 seconds East, along said west line, a distance of 175.00 feet; thence North 89 degrees 44 minutes 17 seconds East, a distance of 170.20 feet; thence South 06 degrees 02 minutes 37 seconds West, a distance of 176.06 feet to its intersection with a line that bears North 89 degrees 44 minutes 17 seconds East from said Point A and to the point of beginning of the parcel of land to be described; thence North 06 degrees 02 minutes 37 seconds East, a distance of 176.06 feet; thence North 89 degrees 44 minutes 17 seconds East, a distance of 339.80 feet; thence South 00 degrees 05 minutes 47 seconds West, parallel with the west line of said West Half of the Southeast Quarter, a distance of 175.00 feet to its intersection with a line that bears North 89 degrees 44 minutes 17 seconds East from said point of beginning; thence South 89 degrees 44 minutes 17 seconds West, along said line, a distance of 358.05 feet to the point of beginning.
This parcel contains 1.40 acres, more or less and is subject to easements of record.

PARCEL 2

That part of the West Half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West, City of Lake Elmo, Washington County, Minnesota, described as follows:
Commencing at the southwest corner of said West Half of the Southeast Quarter; thence North 00 degrees 05 minutes 47 seconds East, bearings are based on the Washington County Coordinate System, NAD83, 1986 Adjustment, along the west line of said West Half of the Southeast Quarter, a distance of 1827.87 feet to its intersection with the southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-107; thence South 00 degrees 05 minutes 47 seconds West, along said west line, a distance of 350.00 feet to a point which is hereinafter referred to as Point A for purposes of this description; thence North 00 degrees 05 minutes 47 seconds East, a distance of 175.00 feet; thence North 89 degrees 44 minutes 17 seconds East, a distance of 170.20 feet to the point of beginning of the parcel of land to be described; thence North 00 degrees 05 minutes 47 seconds East, parallel with said west line of the West Half of the Southeast Quarter, a distance of 174.00 feet to its intersection with said southerly line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-107; thence North 89 degrees 44 minutes 17 seconds East, along said southerly line, a distance of 143.21 feet to its intersection with the east line of the west 653.20 feet of said West Half of the Southeast Quarter; thence South 00 degrees 05 minutes 47 seconds West, along said east line, a distance of 384.43 feet; thence North 89 degrees 44 minutes 16 seconds East, a distance of 68.61 feet; thence South 87 degrees 25 minutes 48 seconds East, a distance of 599.61 feet to a point on the east line of said West Half of the Southeast Quarter which is 1223.88 feet south of the northeast corner of said West Half of the Southeast Quarter as measured along said east line; thence South 00 degrees 05 minutes 47 seconds West, along said east line of the West Half of the Southeast Quarter, a distance of 291.19 feet to its intersection with a northerly right of way line of the Chicago Northwestern Railroad, said northerly right of way line is 100.00 feet northerly of the original right of way line as measured perpendicular thereto; thence South 87 degrees 00 minutes 59 seconds West, along said northerly right of way line, a distance of 600.00 feet to its intersection with a westerly right of way line of said Chicago Northwestern Railroad; thence South 02 degrees 59 minutes 01 seconds East, along said westerly right of way line, a distance of 50.00 feet to its intersection with a northerly right of way line of said Chicago Northwestern Railroad; thence South 87 degrees 00 minutes 59 seconds West, along said northerly right of way line, a distance of 725.38 feet to its intersection with said west line of the West Half of the Southeast Quarter; thence North 00 degrees 05 minutes 47 seconds East, along said west line, a distance of 219.44 feet; thence North 89 degrees 44 minutes 17 seconds East, a distance of 450.00 feet; thence North 00 degrees 05 minutes 47 seconds East, parallel with said west line of the West Half of the Southeast Quarter, a distance of 250.00 feet to its intersection with a line that bears North 89 degrees 44 minutes 17 seconds East from said Point A; thence North 89 degrees 44 minutes 17 seconds East, a distance of 60.00 feet to its intersection with a line that bears South 00 degrees 05 minutes 47 seconds East, along said line, a distance of 175.00 feet to the point of beginning.
This parcel contains 10.41 acres, more or less and is subject to easements of record.

Vicinity Map



Legend

○	Denotes set 1/2 inch inside diameter iron pipe monument with a plastic cap inscribed ANEZ 13775 in a previous survey dated October 19, 2005.	Rec	Denotes deed record dimension from Document No. 284956.
●	Denotes found monument as noted.	Deed	Denotes deed record dimension from Document No. 3325363.
⊕	Denotes Washington County cast iron monument	Meas	Denotes measured dimensions.
⊙	Denotes found monument as noted, set per Minnesota Department of Transportation Right of Way Plat No. 82-107	R/W	Denotes Right of Way.
□	Denotes computed position, no monument found or set.	PK	Denotes masonry nail.
⊙	Denotes utility pole.		Bearings are based on the Washington County Coordinate System NAD 83, 1986 Adjustment.
—	Denotes fence line.		Distances are in feet and decimals of a foot.

PRAIRIE RIDGE OFFICE PARK

500°06'43"W 291.19

Landmark Surveying, Inc.

21090 Olinda Trail North, Suite A
P.O. Box 65
Scandia, Minnesota 55073

Office number: 651-433-3421
Cell number: 651-235-6580
E-mail: arthefield@frontier.net

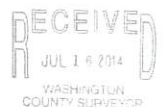
REVISED: January 27, 2014

Added information from Minnesota Department of Transportation Right of Way Plat No. 82-107

Added 34 foot wide ingress and egress easement per Document No. 3415292

Revised boundary and easement locations

Scale in Feet
0 30 60 120
1 inch = 60 feet



OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Landmark Surveying, Inc.
Joel T. Anz, Minnesota License No. 13775
December 06, 2013
Date

8633 34th St. N.

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

RESOLUTION NO. 2000-020

**A RESOLUTION AMENDING RESOLUTIONS NOS. 84-66, 85-6 GRANTING A CONDITIONAL
USE PERMIT TO DONALD AND JOAN TAUER FOR THE OPERATION OF THE ANIMAL INN**

WHEREAS, in Resolution No. 84-66 Charles Anderson received approval for a Conditional Use Permit to operate the Animal Inn located at 8633 34th Street N. and legally described as follows:

SITE #1 Boarding of 117 Dogs (6.5 Acres)

That part of the NW ¼ of the SE ¼ and the SW ¼ of the SE ¼ of Section 16, Township 29N, Range 21W of the 4th Principal meridian described as follows:

Commencing at the intersection of the west line of the SE ¼ of said Section 16 with the northerly ROW line of the Chicago and Northwestern Transportation Co., thence on an assumed bearing of N. 0 degrees 43 minutes 28 seconds West, along said west line a distance of 520.78 feet, to a point hereinafter referred to as "Point A"; thence South 0 degrees 43 minutes 28 seconds East a distance of 520.78 ft. to said northerly ROW line; thence North 86 degrees 12 minutes 09 seconds East, along said northerly ROW line, a distance of 720.78 ft., to the point of beginning of the land to be described; thence North 3 degrees 47 minutes 51 seconds West a distance of 100.00 ft., along said northerly ROW line; thence North 0 degrees 43 minutes 28 seconds West a distance of 385.17 ft., to the intersection with a line bearing North 89 degrees 02 minutes 38 seconds East from the above referenced "Point A"; thence South degrees 43 minutes 28 seconds East a distance of 250.00 ft., thence South 89 degrees 02 minutes 38 seconds West a distance of 100.00 ft.; thence South 0 degrees 43 minutes 28 seconds East a distance of 253.40 ft., to said northerly ROW line; thence North 86 degrees 12 minutes 09 seconds East a distance of 370.28 ft., along said northerly ROW line, to the point of beginning.

Subject to an easement for ingress and egress purposes over and across the most northerly 35.00 feet of the above-described property. Together with an easement for ingress and egress purposes over and across the parcel #2556.

And

SITE #2 Inside Boarding of 33 Dogs and Inside Storage Building (2.02 Acres)

That Part of the NW ¼ of the SE ¼ of Section 16, Township 29N., Range 21 West of the 4th Principal Meridian described as follows:

Commencing at the intersection of the west line of the SE ¼ of said Section 16 with the northerly ROW line of the Chicago and Northwestern Transportation Co.; thence on an assumed bearing of N. 0 degrees 43 minutes 28 seconds West, along said west line a distance of 520.78 feet, to a point hereinafter referred to as "Point A", the point of beginning of the land to be described; thence north 0 degrees 43 minutes 28 seconds West along said west line a distance of 175.00 ft.; thence North 69 degrees 02 minutes 38 seconds East a distance of 510.00 ft., thence South 0 degrees 43 minutes 28 seconds East a distance of 175.00 ft., thence South 89 degrees 02 minutes 38 seconds West a distance of 510.00 ft. to the point of beginning.

Together with an easement for ingress and egress purposes over and across the following described property: Commencing at above referenced "Point A"; thence North 89 degrees 02 minutes 38 seconds East a distance of 510.00 feet, to the point of beginning of said easement; thence North 89 degrees 02 minutes 38 seconds East a distance of 80.00 ft.; thence North 0 degrees 43 minutes 28 seconds West a distance of 350.00 Ft., to the southerly ROW line of State Highway #5; thence South 89 degrees 02 minutes 38 seconds West, along said southerly ROW line a distance of 80 ft. to the intersection with a line bearing North 0 degrees 43 minutes, 28 seconds West from the point of beginning; thence South 0 degrees 43 minutes 28 seconds East a distance of 350.00 feet to the point of beginning.

WHEREAS, Donald and Joan Tauer, dba Animal Inn Boarding Kennel Inc. has applied for an amendment to the existing Conditional use Permit to increase the number of dogs from the presently allowed 117 to a proposed 150 dogs and abandon the crematorium located on this site

WHEREAS, the applicant has submitted all the required documentation and fees for the application of such expansion of use for the existing Conditional Use Permit; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on May 22, 2000 on the application for the expansion of the Animal Inn Boarding Kennel allowing 150 dogs and recommended approval of the Conditional Use Permit amendment based on the following Findings:

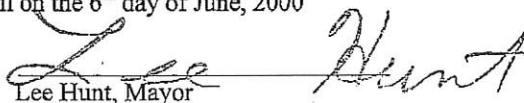
1. The proposed Conditional Use Permit Amendment would not further impact the public health, safety, morals, convenience or general welfare of the occupants of surrounding lands.
2. The proposed Conditional Use Permit Amendment will result in additional traffic to the site, but will not negatively impact traffic conditions on adjacent roadways (CSAH 5) due to sufficient private parking and traffic control on site.
3. Utility and school capacities are not impacted by the animal boarding use, either existing or as proposed.
4. The proposed amendment will not seriously depreciate surrounding property values since any possibility of such serious depreciation is fully mitigated by inside boarding and board on board fencing of the facility that will house the increased capacity.
5. Relationship to the Comprehensive Plan is not a significant factor in this application, and, the proposed amendment is in keeping with the general intent and purposes of the Zoning Ordinance.

WHEREAS, at its June 6, 2000 meeting, the Lake Elmo City Council reviewed Donald and Joan Tauer's application for an amendment to the Conditional Use Permit for a kennel at 8633 34th Street North and related adjacent site to increase the total boarding capacity from 117 dogs to 150 dogs,

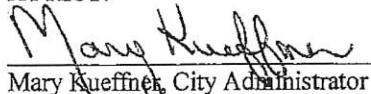
NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the amendment to the kennel Conditional Use Permit of Donald and Joan Tauer at 8633 34th Street N. to increase the boarding capacity from 117 dogs to 150 dogs be approved, based on the foregoing Findings and subject to the following conditions:

1. The total number of dogs boarded at any point in time shall not exceed 150, distributed only as depicted by Exhibit A. (117 dogs maximum in Site #1, and 33 dogs maximum in Site #2).
2. No outdoor kenneling shall be permitted in Site #2.
3. The board fence-surrounding Site #2 shall remain in place and shall not in any manner be penetrated.
4. The entire vehicular parking and access area of Site #2 shall be asphalt paved within 90 days of the date of the CUP Amendment approval resolution.
5. Use of the Structure located on Site #3 shall be limited to storage of equipment and materials clearly accessory to approve site uses. Use of the structure on Site #3 as an animal crematorium is specifically prohibited.

ADOPTED, by the Lake Elmo City Council on the 6th day of June, 2000


Lee Hunt, Mayor

ATTEST:


Mary Kueffner, City Administrator

CSAH #5

Site #2
Inside Boarding of 33 Dogs
and
Inside Storage Building
(Tauer)

Obedience School
(Anderson)

Veternarian
(Ostrander)

Pet Cemetary
(Tauer)

Site #1
Boarding of 117 Dogs
(Tauer)

EXHIBIT A.

RESOLUTION R86-11
CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
CHARLES ANDERSON FOR ANIMAL INN, A PUBLIC DOG KENNEL
AND TRAINING SCHOOL IN THE AGRICULTURAL ZONING DISTRICT
FROM JANUARY 1, 1986 THRU DECEMBER 31, 1986

WHEREAS, Charles Anderson has applied for a Conditional Use Permit for a public kennel and training school on the property described on attached exhibit I located at 8533 34th Street in the City of Lake Elmo from January 1, 1986 thru December 31, 1986; and has submitted all required information and fees for the application for such permit; and,

WHEREAS, Section 301.070D 1.b. of the Municipal Code of Lake Elmo requires a Conditional Use Permit to operate a public dog kennel and training school in the City of Lake Elmo; and

WHEREAS, Section 1402 of the Municipal Code of Lake Elmo sets forth the conditions under which said permit may be granted and such use permitted; and,

WHEREAS, the applicant meets or exceeds all the conditions set forth above;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo,

THAT, the Conditional Use Permit for a public dog kennel and training school at 8533 34th Street North is hereby granted to Charles Anderson from January 1, 1986 thru December 31, 1986, subject to the following conditions:

- TAUER
1. There shall be no more than 117 dogs in the kennel at any time.
 2. The Owner shall maintain a Perpetual Trust Fund for care of the pet cemetery.
 3. The owners may operate an Obedience Training School at this location.
 4. The owners shall maintain parking facilities for 100 cars.

This Conditional Use Permit may be rescinded, after a 2 week notice and a public hearing, if the City Council finds that the public health, safety, or welfare is jeopardized.

ADOPTED, this 7th day of January 1986, by the City Council of the City of Lake Elmo, Washington County, Minnesota.

Signed

David A. Morgan

David A. Morgan, Mayor

Attest:

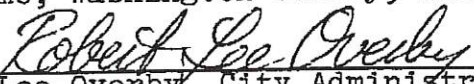
Robert Lee Overby
Robert Lee Overby, City Administrator

DRAFTED BY CITY OF LAKE ELMO

CERTIFICATION

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

I hereby certify that Resolution 86-11 is a true and correct copy of a resolution presented to and adopted by the City Council of the City of Lake Elmo at a meeting thereof held in the City of Lake Elmo, Washington County, Minnesota on the 7th day of January, 1986.


Robert Lee Overby, City Administrator