

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

**RESOLUTION 2014-044**

***A RESOLUTION APPROVING AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR A COMMERCIAL KENNEL FOR THE PROPERTYS AFFILIATED WITH AMINAL INN. (8611 34<sup>th</sup> STREET N. PIDs 16.029.21.43.0013, 16.029.21.43.0001, 16.029.21.42.0011)***

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

**WHEREAS**, Corwin and Katie Cheng of Animal Inn. Pet Resort and Spa Inc., 8633 34<sup>th</sup>, Lake Elmo, MN 55042, (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for an amendment to the existing Conditional Use Permit to expand their facility capacity at the property located at 8611 34<sup>th</sup> Street North (PIDs 16.029.21.43.0013, 16.029.21.43.0001, 16.029.21.42.0011) (the “Property”); and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 105.12.250; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on said matter on March 25<sup>th</sup> 2024, recommended approval; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report dated May 7<sup>th</sup>, 2024, to the City Council; and

**WHEREAS**, the City Council considered said matter at its May 7<sup>th</sup> 2024 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 Conditional Use Permit are found in the Lake Elmo Zoning Ordinance, Section 105.12.290.
2. That all the submission requirements of said Section 105.12.290 have been met by the Applicant.
3. The conditional use permit amendment should not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or City.
4. This use is anticipated in the Limited Business land use guidance.
5. The facility has been in existence since the early 1970’s. There also is a neighboring property that is operating as an obedience training facility.
6. The conditional use permit amendment meets all specific development standards of Article 15.

7. There is a pond on site which causes part of the property to fall within a flood zone. However, the land use table lists base district uses such as kennels as an allowed use with a Conditional Use Permit.
8. The proposed addition and new building are designed to be compatible with the existing structure character. The character of the general vicinity should not be changed.
9. 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. Along 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 believe that the spacing is sufficient to assist in mitigating any nuisances. It is not anticipated for the use to become a nuisance.
10. The use will be adequately served by essential public facilities and services. A condition of approval has been included for the property to connect to the existing 16-inch Trunk Watermain.
11. The use should not create additional requirements at public cost, nor will it be detrimental to the economic welfare of the community.
12. The use will not produce excessive traffic, noise, smoke, fumes, glare or odors.
13. Vehicular approaches to the property are not proposed to be changed and should not create traffic congestion.
14. The proposed amendment and use will not result in the destruction, loss or damage of the natural environment.

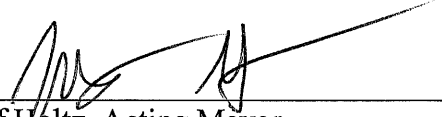
### **CONCLUSIONS AND DECISION**

Based on the foregoing, the Applicant's application for an Amendment to the Conditional Use Permit is hereby approved subject to the following conditions:

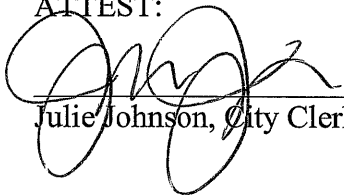
1. The total number of dogs boarded at any point in time shall not exceed 300.
2. The total number of cats boarded at any point in time shall not exceed 30.
3. All past conditional use permits affiliated with the properties shall now be null and void.
4. The applicants must enter into a restrictive covenant agreement to ensure the three parcels remain under common ownership.
5. Primary buildings must connect to City Water prior to the issuance of a Certificate of Occupancy for the additions.
6. The applicant must provide plans for the water connection to the satisfaction of the City Engineer, Public Works Director, and Fire Chief prior to the release of the building permit.
7. All city, state, or other necessary permits must be obtained prior to the release of the building permit.
8. No construction may begin until the applicant has provided written documentation demonstrating adequate wastewater management facilities exist or are proposed to serve the proposed addition. This should include either a Washington County inspection compliance report for the existing on-site wastewater system or a wastewater management plan and permit approved by Washington County.
9. Address numbers must be plainly visible from the street and on the buildings. Primary buildings must be identified by their use.

10. The Main buildings defined as Animal Inn, Animal Hospital, Kennel, and Animal Daycare may be used for boarding. The two storage buildings labeled as shed and storage shall not be used for boarding.
11. No outdoor kenneling shall be permitted on the property. This does not mean dogs cannot run freely in fenced areas.
12. All fencing as proposed shall remain in place. Any desire to expand or erect new fencing shall constitute the need for a CUP amendment. General repair and replacement of fencing does not need an amendment.
13. There shall not be more than 4 principal buildings and 2 accessory buildings on the property.
  - a. Principle buildings are labeled as Animal Inn, Animal Hospital, Kennel, and Animal Daycare.
  - b. Accessory buildings are labeled as shed and storage.
14. 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, other zoning or building codes may also apply.
15. 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 a 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.

Passed and duly adopted this 16<sup>th</sup> day of April, 2024 by the City Council of the City of Lake Elmo, Minnesota.

  
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Jeff Holtz, Acting Mayor

ATTEST:

  
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Julie Johnson, City Clerk