

RESOLUTION NO. 97-55
CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

1.0 WHEREAS, Glen Lownsberry and Karen Lownsberry (collectively "Permittee") represent that they are the record fee owners of the following described property situated in Washington County, Minnesota:

Part of the Southeast 1/4 of the Southeast 1/4 of Section 35, Township 29, Range 21 ("Subject Property").

2.0 WHEREAS, on September 30, 1997, the City of Lake Elmo ("City") received an application ("Application") signed by Karen Lownsberry, Glen Lownsberry, and Leonard A. Hanson requesting that a conditional use permit ("CUP") be issued which would allow the Subject Property to be used for a pet grooming and boarding business consistent with the City's Zoning Regulations.

3.0 WHEREAS, the Application was reviewed and approved by the City's Planning Commission at a public hearing on October 15, 1997.

4.0 WHEREAS, the Application, the recommendations of the City's Planning Commission and the recommendations of the City's Staff were reviewed and the Application was approved by the City's Council on October 21, 1997, subject to the conditions contained in the City Planner's Report dated October 21, 1997, and preparation of the appropriate resolution.

5.0 NOW, THEREFORE, BE IT RESOLVED that a CUP is hereby issued to Permittee, their successors and assigns, which will allow the Subject Property to be used as a pet grooming and boarding business subject to the following conditions:

- A. The septic tank on the site shall be inspected and upgraded, if necessary, consistent with the recommendations of the City's Engineer and prior to occupancy of the Subject Property.
- B. Only one sign shall be allowed for the Subject Property. The sign shall be a free-standing sign no larger than 10 square feet and with a maximum height of 6 feet. An illustration of the sign and the landscape plan shall be placed on file with the City Planner on or before the 1st day of May, 1998.
- C. A waste disposal plan in compliance with all appropriate state and city regulations shall be submitted to the City Planner for review and approval prior to occupancy of the Subject Property for the conditional use.
- D. Barking dog complaints shall be forwarded to the City Council for review and may be the basis for a rescission of this CUP if such conduct becomes a nuisance to

adjacent property.

- E. This CUP shall allow a 70-run dog facility and dog grooming services. Any changes shall require an amendment to the CUP.
- F. The Minnesota Board of Animal Health shall review and approve the proposed site plan and operation plan for this facility. The action of the Minnesota Board of Animal Health shall be submitted to the City Planner for review and approval prior to occupancy of the Subject Property for the conditional use.
- G. Any additions to the existing buildings on the site shall be consistent with the architectural integrity of those structures. Building plans and site plans shall be submitted to the City on or before the 1st day of March, 1998. No kennels shall be located in any of the accessory buildings on the site.
- H. Site and building plans shall be reviewed by the City's Fire Department for compliance with all appropriate fire codes.
- I. Only one single-family dwelling may be maintained on the Subject Property consistent with the City's Zoning Regulations. All other residential uses shall be terminated before occupancy of the Subject Property as a pet grooming and boarding business.
- J. The facility shall not be used for the breeding of animals.
- K. Prior to any conversion of the Subject Property for pet suites, building plans shall be submitted to the City for review and approval.

6.0 All prior conditional use permits for the Subject Property are hereby rescinded.


7.0 Any violation by Permittee, its successors or assigns, of the provisions of this CUP shall be deemed a violation of the Lake Elmo Zoning Regulations entitling the City to the various remedies provided therein including a rescission of this CUP.

8.0 A certified copy of the CUP shall be filed by the City Administrator with the Washington County Recorder or Registrar of Titles. If the Subject Property is torrens, the Permittee shall provide the City with the Owner's Duplicate Certificate of Title in order to allow the City to file a certified copy of this CUP.

9.0 The invalidity of any condition, limitation, provision, paragraph, sentence or clause in this CUP shall not impair or affect in any manner the validity, or enforceability of the remainder of the provisions of the CUP.

Approved by the Lake Elmo
City Council on the 18th
day of November, 1997.

CITY OF LAKE ELMO

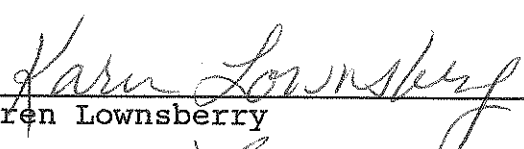


Wyn John, Mayor

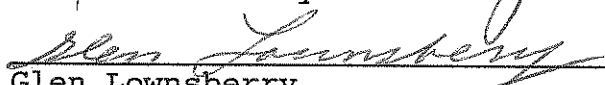


Mary Rueffner, City Administrator

Reviewed and Accepted on the
wed day of Dec. 10th,
1997.



Karen Lownsberry



Glen Lownsberry



Leonard A. Hanson