

DEC 26 1997

CITY OF LAKE ELMO

RESOLUTION NO. 97-56
CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

1.0 WHEREAS, Robert J. O'Neil, Jr. ("Permittee") represents that he is the record fee owner of the following described property situated in Washington County, Minnesota:

The Southwest 1/4 of the Southwest 1/4 of Section 36, Township 29, Range 21, except the South 219.5 of the East 847.7 thereof ("Subject Property").

2.0 WHEREAS, the City of Lake Elmo ("City") previously issued a conditional use permit ("CUP") to Permittee or his predecessors in title which allowed Permittee or his predecessors in title to use the Subject Property as a Drive-In Movie Theater and otherwise permitted the construction of an outdoor movie screen, a concession stand and other improvements accessory to this type of use, all as illustrated on a site plan which was filed with the City and subject to certain conditions.

3.0 WHEREAS, on September 27, 1997, Permittee submitted an application ("Application") to amend the original CUP in order to allow the construction of an accessory building which would be 28 feet wide by 68 feet long, located approximately 50 feet from an existing drainfield and 330 feet from an existing well, and used for the storage of tools and equipment necessary to maintain the Subject Property.

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

5.0 WHEREAS, the Application, the recommendations of the City's Planning Commission and the recommendations of the City's Staff regarding the issuance of an amended CUP for the Subject Property was 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.

6.0 NOW, THEREFORE, BE IT RESOLVED that an amended CUP is hereby issued to Permittee, his successors and assigns, allowing the Subject Property to be utilized for the above-referenced uses subject to the following conditions:

- A. The accessory building described herein shall accommodate maintenance machinery related to the use of the site.
- B. A list of the maintenance machinery shall be submitted to the City on or before the 31st day of December, 1997, and shall be updated if additional equipment is added.

- C. Permittee shall retain Washington County Deputy Sheriffs on duty Friday, Saturday, and Holidays when more than fifty cars are anticipated to be at the Drive-In Theater.
- D. Permittee shall prevent litter from scattering to adjoining property.
- E. The parking areas and drive areas shall be treated to control dust.

7.0 All previous conditional use permits issued for the Subject Property are hereby rescinded.

8.0 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 and shall entitle the City to the various remedies provided therein including a rescission of the CUP.

9.0 A certified copy of this 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 an Owner's Duplicate Certificate of Title in order to allow the City to file a certified copy of this CUP.

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

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

CITY OF LAKE ELMO



Wyn John, Mayor



Mary Kueffner, City Administrator

Reviewed and Accepted on the
22 day of DECEMBER,
1997.



Robert J. O'Neil, Jr.