

**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 SE1/4 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 NW1/4 of the SE1/4 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:

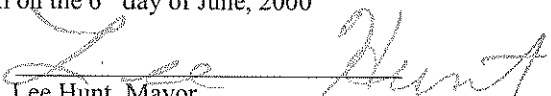
1. The proposed Conditional Use Permit Amendment would not further impact the public health, safety, morals, convenience or general welfare of the occupants of surrounding lands.
2. The proposed Conditional Use Permit Amendment will result in additional traffic to the site, but will not negatively impact 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

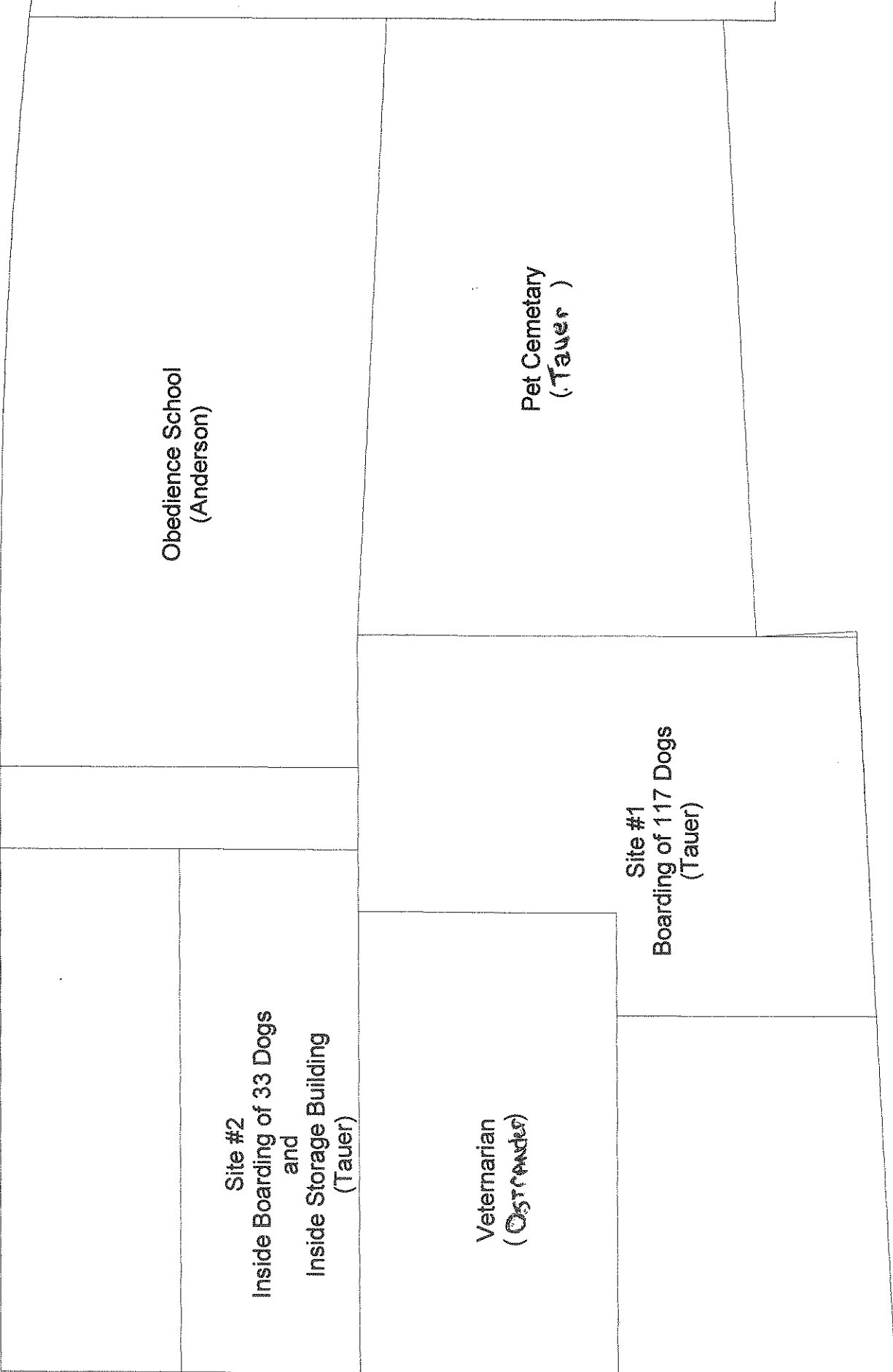


EXHIBIT A.