



STAFF REPORT

DATE: March 19, 2019

REGULAR

MOTION

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

BACKGROUND:

The City of Lake Elmo received a request from Joan Tauer from Animal Inn for multiple land use applications. The intent of these requests are to clean up the records on her property. At some point the applicant may 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 the properties 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, and amend the existing CUP so it is clear to staff and existing/future owners as to what is expected and allowed on site. The Planning Commission held a public hearing to review the proposal on February 25, 2019. Their recommendation is described below.

ISSUE BEFORE THE COUNCIL:

Would the City Council like to approve amendments to an existing CUP and allow re-zoning and consolidation of the Animal Inn Properties?

GENERAL INFORMATION

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
153.06 - Lot Consolidation
154.105 - Re-Zoning
Comprehensive Plan

PROPOSAL DETAILS/ANALYSIS:

Staff found a report that suggests the property has operated as a kennel since the early 1970's with CUPs starting in 1985. 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 City 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 and does reference other parcels. It is also the most recent resolution that staff could find referencing the cemetery.

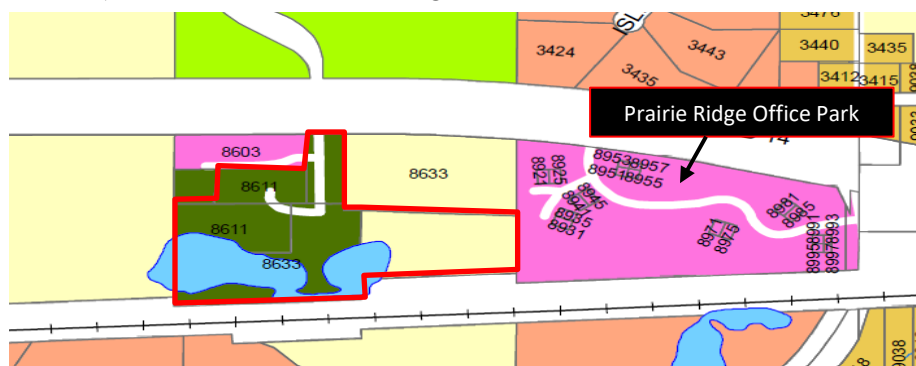
The resolutions state that there can be a total of 150 dogs on site with 117 on Parcel 2 and 33 dogs on Parcel 1. Dogs are allowed outside on parcel 1 and 2 so long as they are fenced. The resolution (Res. 2000-020) states that outdoor kenneling is not permitted. Staff does not interpret this to mean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

What Staff considers to be the controlling 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, cat boarding, pet grooming, pet cemetery, and limited retail sales (1998 CUP Report). At one point all of the uses were discussed in reports and out lined 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. Boarding had not been defined in past 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.

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. Commercial kenneling is not permitted in either zoning district, however, the uses on the site 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 letter sent to the property owner from a previous planning director, Stephen Wensman. (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 of the City Code. 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 (agricultural) zoning district, which is 40 acres. 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 shows that there would be three principle buildings on site with two storage sheds.

Minnesota Statue

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:

1. 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.
2. The lot line adjustment does not create additional lots.
The number of lots will not increase due to the lot line adjustment.
3. 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 is 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.
4. 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)
5. 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.
6. 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 are available.
7. 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.
8. 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 districts. Although, the active CUP allows the use. This would be due to the City at one point determining 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 (a commercial kennel) 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. A sound assessment report conducted in 1999 further suggests that this could be the case. Although the report is 20 years old staff is under the impression that there are still many aspects that remain relevant. The point 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. Also, the number of dogs kept on site is not going to increase with this amendment.



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 City 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 produce excessive 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. ***The proposed amendment and use will not result in the destruction, loss or damage of the natural environment.***

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) The total number of cats boarded at any point in time shall not exceed 10.
- 3) All past permits affiliated with the properties shall now be null and void.
- 4) The properties shall be re-zoned to Limited Commercial and consolidated into one property for tax identification purposes.
- 5) The property shall be readdressed to 8611 34th St., City of Lake Elmo.
- 6) 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.
- 7) No outdoor kenneling shall be permitted on the property. This does not mean dogs cannot run freely in fenced areas.
- 8) 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.
- 9) 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.
- 10) 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.
- 11) 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 reliable 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 and the Planning Commission are recommending 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 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.
1. 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.
2. 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.
3. The applicant is not proposing to develop or redevelop any part of the property at this time.

4. *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.*



5. *The applicant is not proposing any changes on site. However, going forward the zoning code and design standards would apply where applicable.*
6. *It is not anticipated for the use to become a nuisance.*
7. *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.*
8. *The site has access to an existing 16-inch Trunk Watermain but has not connected.*
9. *The use will not create additional requirements at public cost nor will it be detrimental to the economic welfare of the community.*
10. *The use will not excessively produce traffic, noise, smoke, fumes, glare or odors.*
11. *Vehicular approaches to the property will not create and have not created traffic congestion or interfere with traffic.*
12. *The amendment and use will not result in the destruction, loss or damage of the natural environment.*

CONDITITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT

Staff recommends that the City Council approve 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) *The total number of cats boarded at any point in time shall not exceed 10.*
- 3) *All past permits affiliated with the properties shall now be null and void.*
- 4) *The properties shall be re-zoned to Limited Commercial and consolidated into one property for tax identification purposes.*
- 5) *The property shall be readdressed to 8611 34th St., City of Lake Elmo.*
- 6) *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.*
- 7) *No outdoor kenneling shall be permitted on the property. This does not mean dogs cannot run freely in fenced areas.*
- 8) *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.*
- 9) *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.
- 10) 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.
- 11) 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.

PLANNING COMMISSION AND STAFF RECOMMENDATION.

Planning Commission:

After hearing the presentation and reviewing the requested actions at the February 25, 2019 meeting the Planning Commission chose to recommend approval of the project with one amendment to the recommended conditions. The recommended change is to condition number 7. *“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.~~”* They chose to remove this segment because it did not seem necessary and it was possibly an over regulation to their CUP.

Staff Recommendation:

Staff recommends approval of the project and believes that this will help create a clear record for the property going forward. Regarding the Planning Commission recommendation, Staff is in support of their amendment and agrees that it was an appropriate change.

Suggested motion for Re-zone and Consolidation Approval:

“Move to adopt Ordinance 08-223, approving a Zoning Map Amendment for the Animal Inn located at 8633 34th St. and affiliated properties identified 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.”

Suggested motion for summary publication for Re-zoning approval:

“Move to adopt Resolution 2019-019 approving summary publication of Ordinance 08-223”

Suggested motion for Conditional Use Permit Approval:

“Move to adopt Resolution 2019-018, approving a Conditional Use Permit (CUP) for the properties identified 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 further known as Animal Inn, subject to the recommended conditions of approval listed in the staff report.”

ATTACHMENTS:

1. Project Narrative Letter
2. Planning Director Email
3. Survey
4. Previous CUPs Resolution 2000-020 and Resolution R86-11
5. Sound Report
6. Planning Commission Minutes for 2.25.2019
7. Ordinance 08-223
8. CUP Amendment Resolution 2019-018
9. Summary Publication Resolution 2019-019

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, TORNSHIP 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", 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-OF-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:

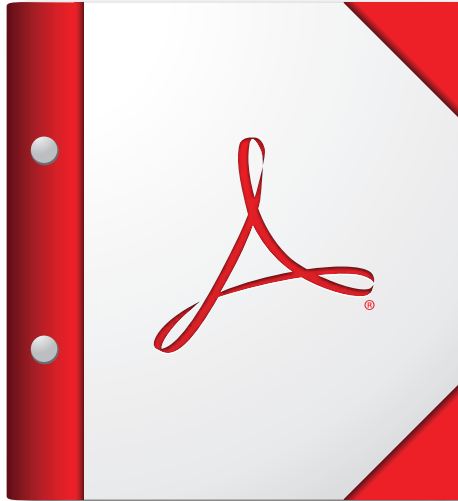
Boarding – Daily stay (less than a 24-hour period) and Long term – (defined as overnight, greater than 24 hour period).

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.



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LANDMARK SURVEYING INC.

21150 Ozark Avenue North - Box 65
Scandia, Minnesota 55073

Telephone: 651-433-3421
Fax: 651-433-4781
E-mail: inthefield@frontiernet.net

Donald J. Tauer and Joan E. Tauer
8633 - 34th Street North
Lake Elmo, Minnesota 55042

PROPOSED LEGAL DESCRIPTIONS FOR 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 Elm, 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 42 seconds East, bearing oriented to the Washington County Coordinate System, NAD83, along the line of said West Half of the Southeast Quarter, a distance of 1827.87 feet to its intersection with the southerly right of way line of State Trunk Highway No. 5, said southerly right of way line is located 100.00 feet southerly of the monumented eastbound line of said State Trunk Highway No. 5, thence South 00 degrees 05 minutes 42 seconds West, along said west line, a distance of 350.00 feet to the point of beginning of the parcel of land to be described, 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 510.00 feet, thence South 00 degrees 05 minutes 47 seconds West, parallel with said west line of the West Half of the Southeast Quarter, a distance of 175.00 foot 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 510.00 feet to the point of beginning.

This parcel contains 2.05 acres, more or less.

This parcel is together with an easement for ingress and egress over and across that part of the West Half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West, City of Elk, Elmore, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of said West Half of the Southeast Quarter, North 00 degrees 05 minutes 47 seconds East, bearing oriented to the Washington County Coordinate System, and running thence South 03 degrees 43 minutes 30 seconds East, a distance of 182.87 feet to its intersection with the southerly right of way line of State Truck Highway No. 5, said southerly right of way line being the west half of said State Truck Highway No. 5, thence South 00 degrees 05 minutes 47 seconds East, a distance of 350.00 feet along said west half of way line is located 100.00 feet southerly of the monumented catchment station, thence South 09 degrees 44 minutes 17 seconds East, a distance of 590.01 feet, thence South 00 degrees 05 minutes 47 seconds East, a distance of 350.00 feet, thence South 00 degrees 05 minutes 47 seconds East, along said west half of way line to its intersection with said west line of the West Half of the Southeast Quarter, thence South 00 degrees 05 minutes 47 seconds East, along said west line, a distance of 350.00 feet to the point of beginning.

PARCEL 2

That part of the West Half of the Southeast Quarter Section 16, Township 29 North, Range 21 West, City of Lake Elm, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of said West Half of the Southeast Quarter; thence South 00 degrees 05 minutes 47 seconds East, bearing oriented to the Washington County Courthouse System, and following the westerly right of way line of the Chicago Northwestern Railroad; thence South 89 degrees 44 minutes 16 seconds East, along said westerly right of way line a distance of 100.00 feet to the monumented end of said westerly right of way line; a point which is hereby 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 South 00 degrees 05 minutes 47 seconds East, a distance of 310.00 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 14.00 feet to its intersection with the easterly right of way line of the Chicago Northwestern Railroad; thence North 00 degrees 05 minutes 47 seconds East, along said east 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 140.00 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 68.61 feet to the beginning of the parcel of land to be described; thence South 89 degrees 44 minutes 16 seconds East, a distance of 68.61 feet; thence North 00 degrees 05 minutes 47 seconds East, a distance of 34.03 feet;

Beginning at the northeast corner of said West Half of the Southeast Quarter; thence South 89 degrees 44 minutes 16 seconds East, a distance of 63.20 feet to its intersection with the east line of the west 590.00 feet of said West Half of the Southeast Quarter; thence South 00 degrees 05 minutes 47 seconds East, along said east line, a distance of 63.20 feet to its intersection with the easterly right of way line of the Chicago Northwestern Railroad; thence South 00 degrees 05 minutes 47 seconds East, along said east line, a distance of 140.01 feet to a point which is 450.00 feet easterly from said Point A as measured along said line; thence South 00 degrees 05 minutes 47 seconds East, a distance of 250.00 feet; thence South 89 degrees 44 minutes 16 seconds West, a distance of 450.00 feet to its intersection with said west line of the West Half of the Southeast Quarter; thence South 00 degrees 05 minutes 47 seconds East, along said easterly right of way line, a distance of 175.00 feet; thence North 00 degrees 05 minutes 47 seconds East, a distance of 310.00 feet to its intersection with the northerly right of way line of the Chicago Northwestern Railroad; thence North 87 degrees 59 minutes 01 seconds West, along said westerly right of way line, a distance of 100.00 feet to its intersection with the northerly right of way line of said Chicago Northwestern Railroad; thence North 89 degrees 48 minutes 16 seconds East, a distance of 349.78 feet to the point of beginning.

This parcel contains _____

This parcel is subject to an easement for ingress and egress over and across that part of the West Half of the Southeast Quarter of Section 16, Township 20 North, Range 18 West, City of Lake Elm, 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, bearing oriented to the Washington County Coordinate System, NAD83, along the west line of said West Half of the Southeast Quarter, a distance of 1827.87 feet; its intersection with the southerly right of way line of State Trunk Highway No. 5, said southerly right of way line is located 100.00 feet southerly of the monumented eastbound lane of said State Trunk Highway No. 5, thence South 00 degrees 05 minutes 47 seconds East, along said west line of said Southeast Quarter, a distance of 350.00 feet to the point of beginning of the easement to be described; thence North 89 degrees 44 minutes 17 seconds East, a distance of 590.01 feet; thence South 00 degrees 05 minutes 47 seconds West, a distance of 35.00 feet; thence South 89 degrees 44 minutes 17 seconds West, a distance of 590.01 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 35.00 feet to the point of beginning.

PARCEL 3

[illegible]

PARCEL 4

That part of the West Half of the Southeast Quarter, Section 16, Township 29 North, Range 21 West, City of Lake Minnetonka, 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, bearing oriented to the Washington County Coordinate System, along the west line of said West Half of the Southeast Quarter, a distance of 1827.87 feet to its intersection with the southerly right of way line of State Trunk Highway No. 5, said southerly right of way line located 150 feet from the west line of said West Half of the Southeast Quarter, thence North 00 degrees 05 minutes 47 seconds East, along said southerly right of way 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, along said west line, a distance of 175.00 feet; thence North 89 degrees 44 minutes 17 seconds East, a distance of 510.00 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 and along the West Half of the Southeast Quarter, a distance of 1827.87 feet to its intersection with the southerly right of way line of State Trunk Highway No. 5; thence North 89 degrees 51 minutes 00 seconds East, along said southerly right of way line, a distance of 143.21 feet to its intersection with the east line of the parcel of land to be described; thence South 00 degrees 05 minutes 47 seconds West, along said east line, a distance of 350.00 feet; thence South 89 degrees 44 minutes 16 seconds East, a distance of 63.20 feet to its intersection with the east line of the parcel of land to be described; thence North 00 degrees 05 minutes 47 seconds West, along said east line, a distance of 1.64 feet to its intersection with a line that bears North 89 degrees 44 minutes 17 seconds East from said Point A; thence South 89 degrees 44 minutes 17 seconds West, along said line, a distance of 175.00 feet to the point of beginning.

That the above-described parcel of land contains 1.00 acre, less, and is subject to roadway easements that are described in Document Numbers 284956 and 326854 and is also subject to a Utility Easement Grant that is described in Document Number 2415291.

PARCEL 5

The 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, a distance of 1827.87 feet to its intersection with the southerly right of way line of State Trunk Highway No. 5, said southerly right of way line of the West Half of the Southeast Quarter, a distance of 1827.87 feet to its intersection with the southerly right of way line of State Trunk Highway No. 5, said southerly right of way line is located 100.00 feet from the southeast corner of said Southeast Quarter, and from the intersection of said southerly right of way line of State Trunk Highway No. 5, said southerly right of way line a distance of 350.00 feet to the point of beginning of the parcel to be described; thence North 89 degrees 44 minutes 17 seconds East, a distance of 450.00 feet; thence South 00 degrees 05 minutes 47 seconds West, a distance of 250.00 feet; thence South 89 degrees 44 minutes 17 seconds West, a distance of 450.00 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, a distance of 250.00 feet to the point of beginning of the parcel to be described.

This parcel contains 2.56 acres, more or less, and is together with roadway easements that are described in Document Numbers 289596 and 326854.

This parcel is subject to and together with an easement for ingress and egress over and across 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, North 00 degrees 05 minutes 47 seconds East, bearing oriented to the Washington County Coordinate System, N428.2', also to the west boundary of said Southeast Quarter, a distance of 1827.8' to its intersection with the southerly right of way line of State Street Highway No. 5, said southerly right of way line is located 100.0 feet southerly of the monumented eastbound lane of said State Street Highway No. 5; thence South 89 degrees 44 minutes 45 seconds, along said right of way, a distance of 350.00 feet to the point of beginning of the easement to be described; thence North 89 degrees 44 minutes 17 seconds East, a distance of 590.01 feet; thence South 00 degrees 05 minutes 47 seconds West, a distance of 100.00 feet to the intersection of the southerly right of way line of said State Street Highway No. 5 with the southerly right of way line of the West Half of the Southeast Quarter, thence North 00 degrees 05 minutes 47 seconds East, along said right of way, a distance of 35.00 feet to the point of beginning.

AN EASEMENT FOR INGRESS AND EGRESS

The 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 said West Half of the Southeast Quarter, a distance of 1827.87 feet, bearing North 00 degrees 05 minutes 47 seconds East, bearing oriented to the Washington County Coordinate System, NAD83, along the west line of said West Half of the Southeast Quarter, a distance of 1827.87 feet, to the intersection with the southerly right of way of State Highway No. 5, said southerly right of way is located 100 feet south of the monumented eastbound lane of said State Trunk Highway No. 5; thence South 00 degrees 05 minutes 47 seconds West, along said west line, a distance of 350.00 feet to the point of beginning of the easement to be described; thence North 89 degrees 44 minutes 17 seconds East, a distance of 590.01 feet; thence South 00 degrees 05 minutes 47 seconds West, a distance of 100.00 feet to the point of beginning of the easement to be described; thence North 00 degrees 05 minutes 47 seconds East, along said west line, a distance of 35.00 feet to the point of beginning.

Revised: January 12, 2006

Added Parcel 4 and 5, revised
all other parcel descriptions.

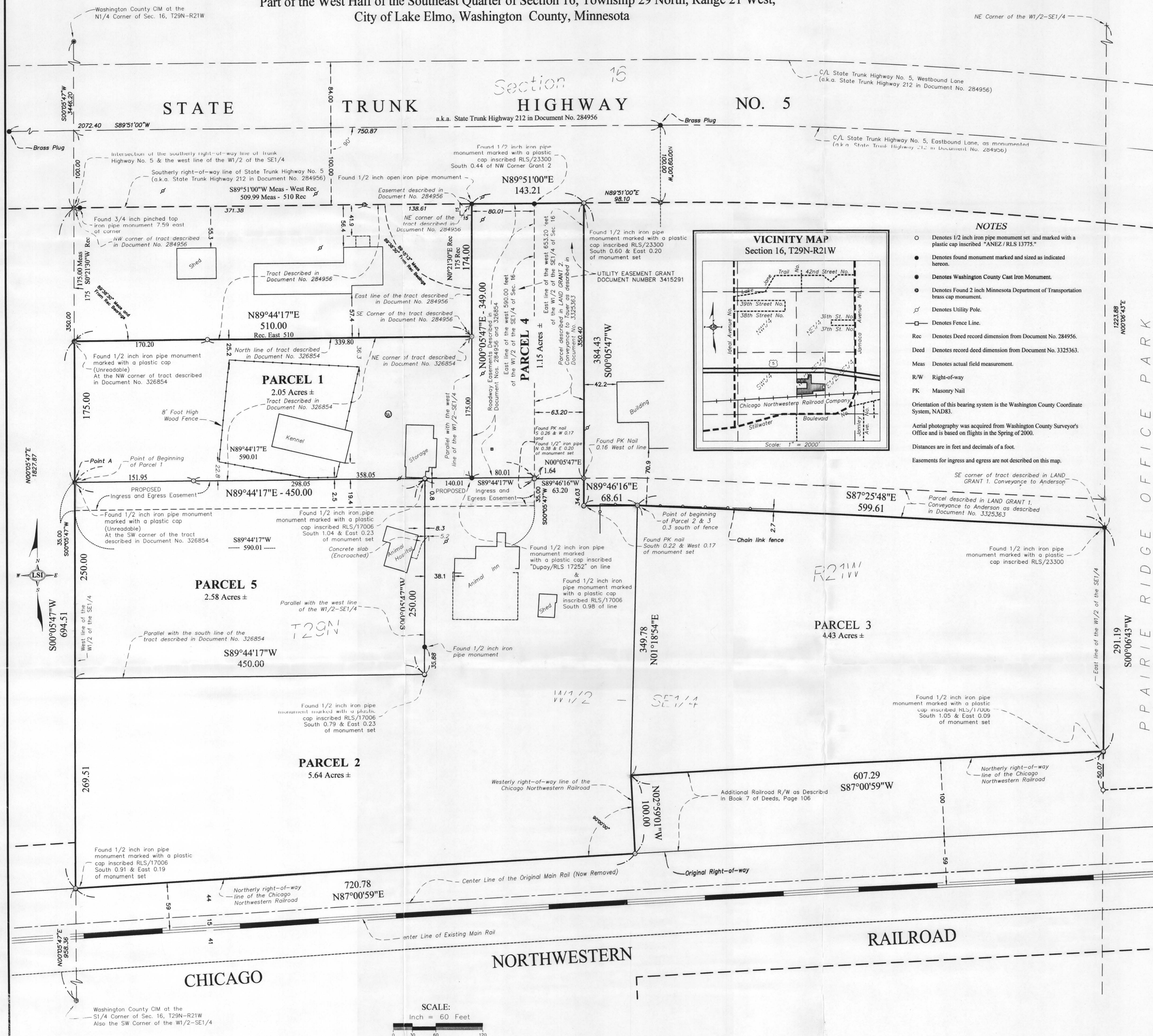
Added Utility Easement Grant,
Document Number 3415291

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.


12/02/2004
 Joel T. Anez Minnesota License No. 13775 Date:

NOTE: Official Copies Of This Map Are Crimp Sealed

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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
Robert Lee Overby, City Administrator

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:

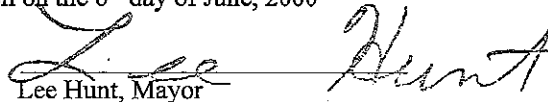
1. The proposed Conditional Use Permit Amendment would not further impact the public health, safety, morals, convenience or general welfare of the occupants of surrounding lands.
2. The proposed Conditional Use Permit Amendment will result in additional traffic to the site, but will not negatively impact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

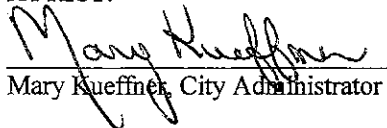
NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the amendment to the kennel Conditional Use Permit of Donald and Joan Tauer at 8633 34th Street N. to increase the boarding capacity from 117 dogs to 150 dogs be approved, based on the foregoing Findings and subject to the following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

SOUND LEVEL ASSESSMENT

Animal Inn

Lake Elmo, Minnesota

Prepared for

Animal Inn

by

**David Braslau Associates, Inc.
1313 5th St. SE Suite 322
Minneapolis, MN 55414**

7 August 1999

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1.0 INTRODUCTION AND STUDY OBJECTIVES

This report describes the methodology and findings from a monitoring program to establish sound levels associated with Animal Inn in Lake Elmo, Minnesota. The study was undertaken in response to reports from a nearby residential neighborhood of hearing dogs from the outdoor kennel at Animal Inn.

The sound level monitoring program reported on here was developed to identify sound levels associated with the kennel and sound levels observed in the neighborhood, and to determine what impact, if any, kennel sound has on the adjacent neighborhood.

To accomplish this, sound level meters were placed adjacent to the kennel and in a representative location in the neighborhood. Sound levels were monitored for just over one hour which included the time during which dogs were moved into the outdoor kennel area at 7:00 am. The data collected permitted a comparison of sound levels at and between these two locations.

2.0 NOISE MONITORING RESULTS

2.1 Monitoring Sites and Time

Sound levels were monitored 15 feet behind the kennel (to represent source noise) and at the intersection of 27th and Innsdale which is approximately 3000 feet to the south of Animal Inn. The 27th and Innsdale site was selected as being representative of the residential neighborhood where reports of hearing sounds from Animal Inn have originated.

Sound levels were monitored beginning at 6:30 am on Saturday 24 July 1999 at the Kennel. This time was selected since the dogs are released to the outdoor kennels at 7:00 am and the difference between ambient and post-7 am sound levels could be determined. Saturday morning was selected since this represents a worst case for the kennel and a relatively quiet background noise period for the adjacent neighborhood. Sound levels were monitored and averaged over 1-minute intervals to provide a detailed picture of sound levels during the monitoring period.

The location of Animal Inn and sound monitoring sites is shown in **Exhibit 2.1**. It can be seen that the monitoring site is approximately 3000 feet from Animal Inn. Other noise sources including the Chicago Northwestern Railroad, Stillwater Boulevard, and Inwood Avenue North lie between the monitoring site and Animal Inn.

Reported weather conditions during the monitoring period are indicated below.

Sky	Partly cloudy
Temperature	83°
Dew Point	74°
Relative Humidity	74%
Wind	West 7 mph
Pressure	29.94 rising

With the wind perpendicular to the sound path between the monitoring site and Animal Inn, wind had a minimal effect on the observed sound levels.

2.2 Monitoring Results and Comparisons

Monitoring results are presented graphically in **Exhibit 2.2** through **Exhibit 2.6**.

• **Exhibit 2.2 One-Minute Average Sound Levels at Animal Inn**

In this and the following exhibit, the L01 represents the level for 1% of a minute or 0.6 seconds. L10 represents the level for 10% of a minute or 6 seconds. L50 represents the level for 50% of a minute or 30 seconds. L90 represents the level for 90% of a minute or 54 seconds.

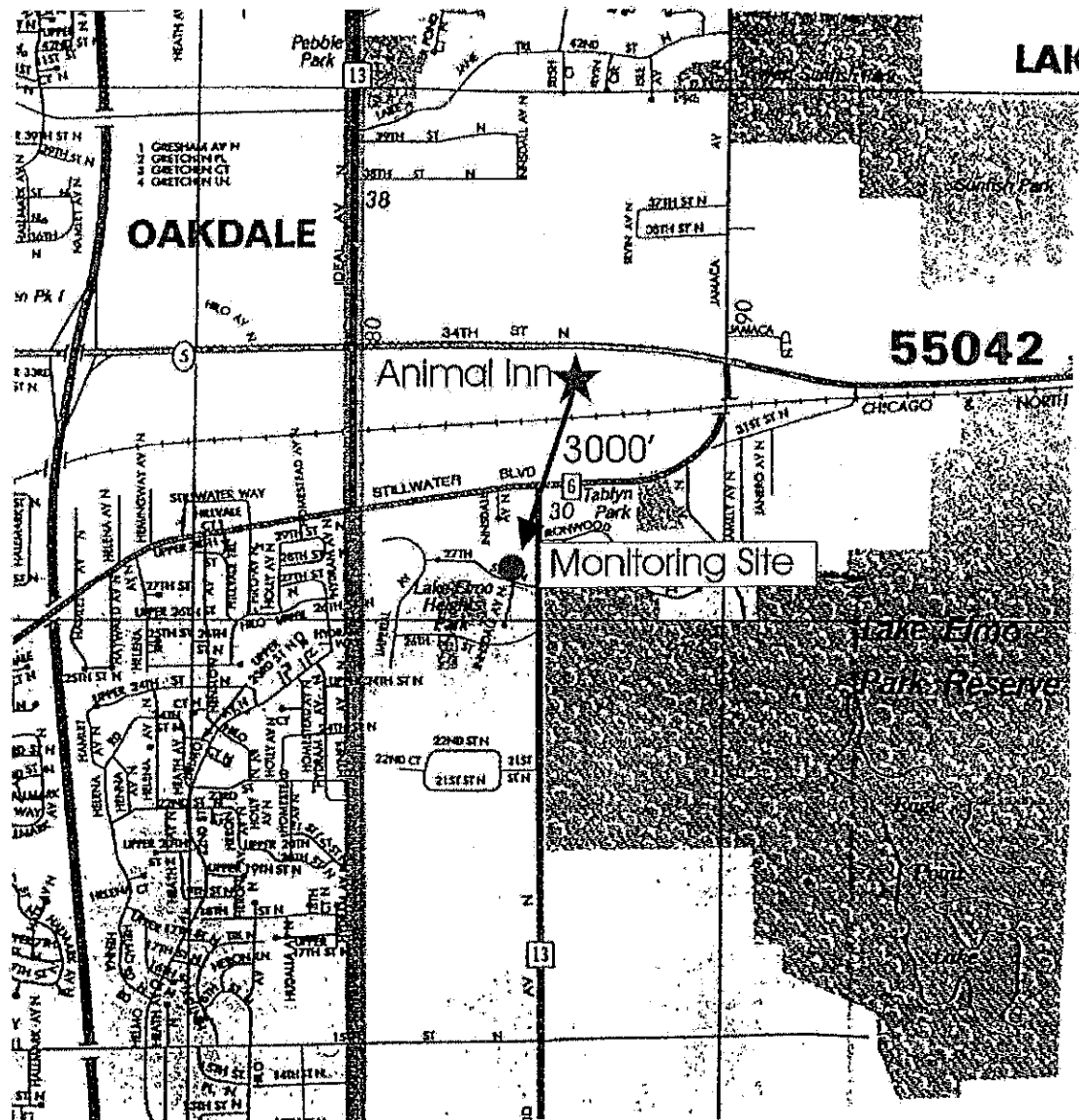


Exhibit 2.1
Animal Inn and Noise Monitoring Locations

This exhibit clearly shows an increase in sound level as the dogs were let into the outdoor kennels at 7:00 am. Prior to 7:00 am some individual dogs were outside as can be seen from the shorter episodes of sound level up to 60 dBA. After 7:00 am, the maximum observed level 69 dBA and relatively continuous until approximately 7:30 am when the sound level began to decrease.

Exhibit 2.3 One-Minute Average Sound Levels at 27th and Innsdale

This exhibit shows a general background level of around 48 dBA prior to 7:00 am and some peaks as high as 62 dBA after 7:00 am. Most of these peaks were caused by cars passing on 27th Street, with several of the peaks due to barking dogs at nearby residences. The L50 level, which increased by approximately 6 dBA at the kennel after 7:00 am, showed several peaks at this location but generally remained around 45 dBA during the time period. Comparisons between the levels observed at the kennel and at this location are presented in the three exhibits described below.

Exhibit 2.4 Comparison of L01 Levels

This exhibit shows the L01 or "peak" sound levels during each minute. It can be seen that when the kennel sound level increased at 7:00 am, no similar change occurred in the neighborhood. There was an increase in individual events primarily from the passage of automobiles and several aircraft after 7:15 am.

Exhibit 2.5 Comparison of L10 Levels

This exhibit shows the L10 sound levels during each minute. While the L10 level increased at 7:00 am at the kennel, there was no similar increase in the neighborhood. Only isolated peaks associated with automobiles or aircraft were observed.

Exhibit 2.6 Comparison of L50 Levels

This exhibit shows the L10 or median sound level during each minute. While there was a clear increase in level at the kennel after 7:00 am, no similar increase occurred in the neighborhood. The large peak at 7:26 am was observed in the neighborhood to be an aircraft overflight. This peak can also be seen in the L01 data in **Exhibit 2.4**.

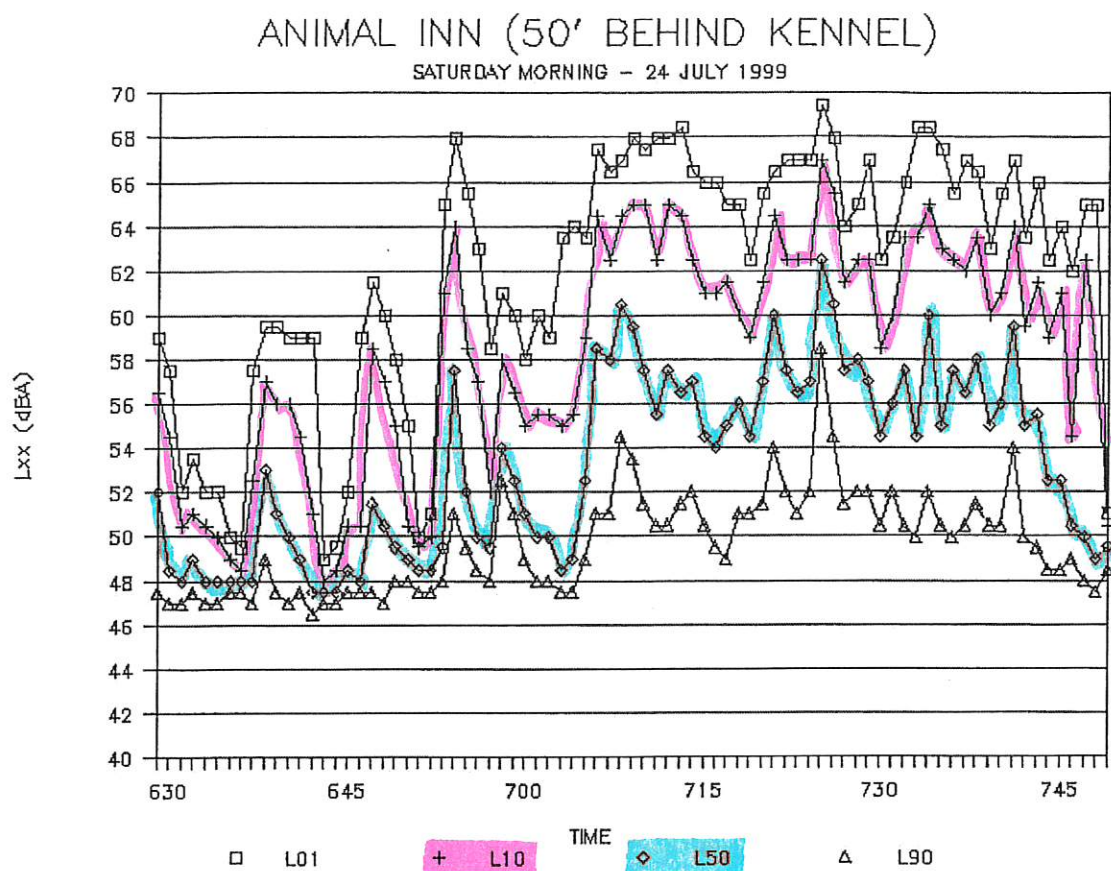


Exhibit 2.2
One-Minute Average Sound Levels at Animal Inn

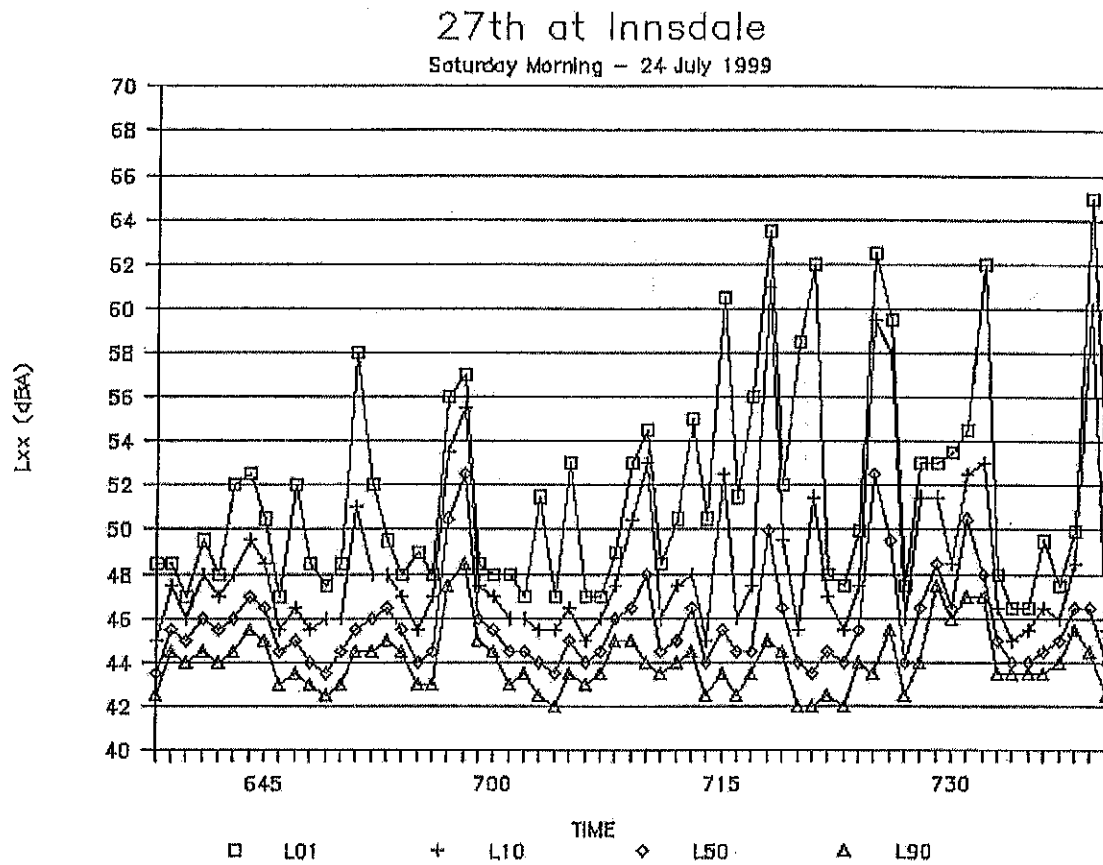


Exhibit 2.3
One-Minute Average Sound Levels at 27th and Innsdale

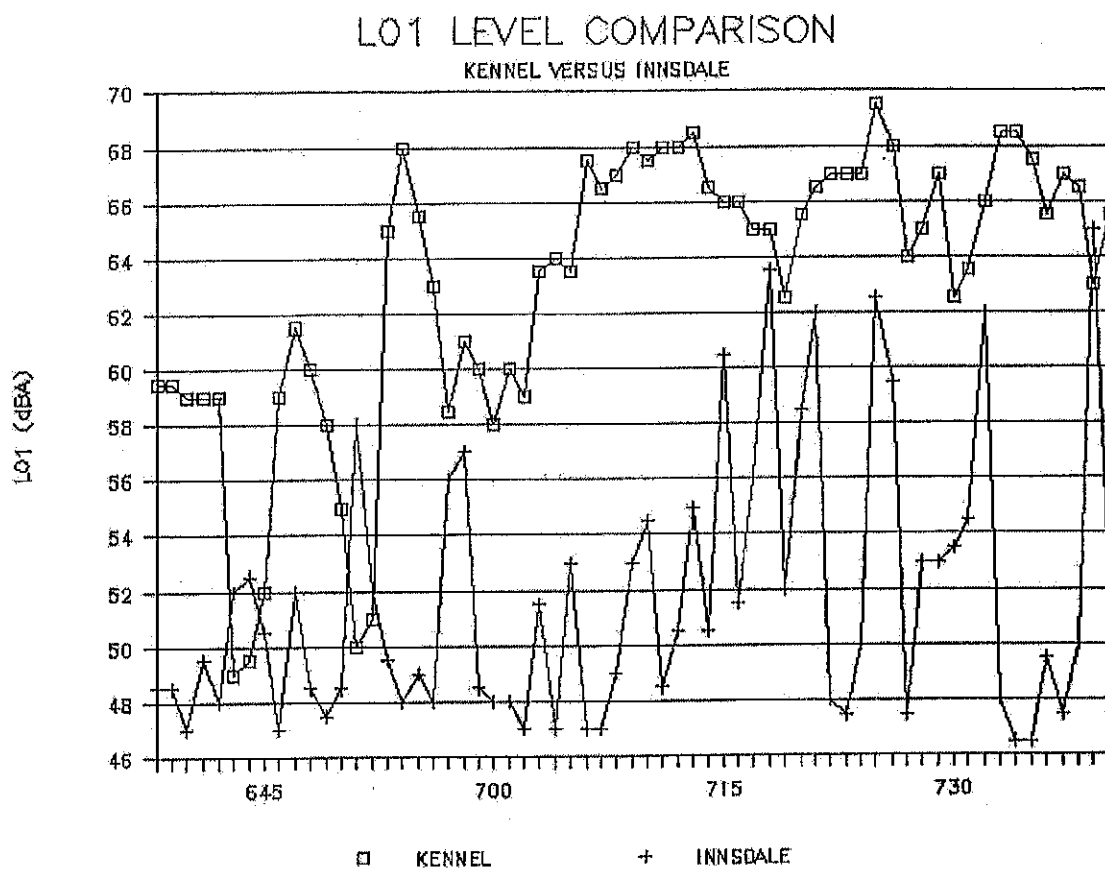


Exhibit 2.4
Comparison of L01 Levels

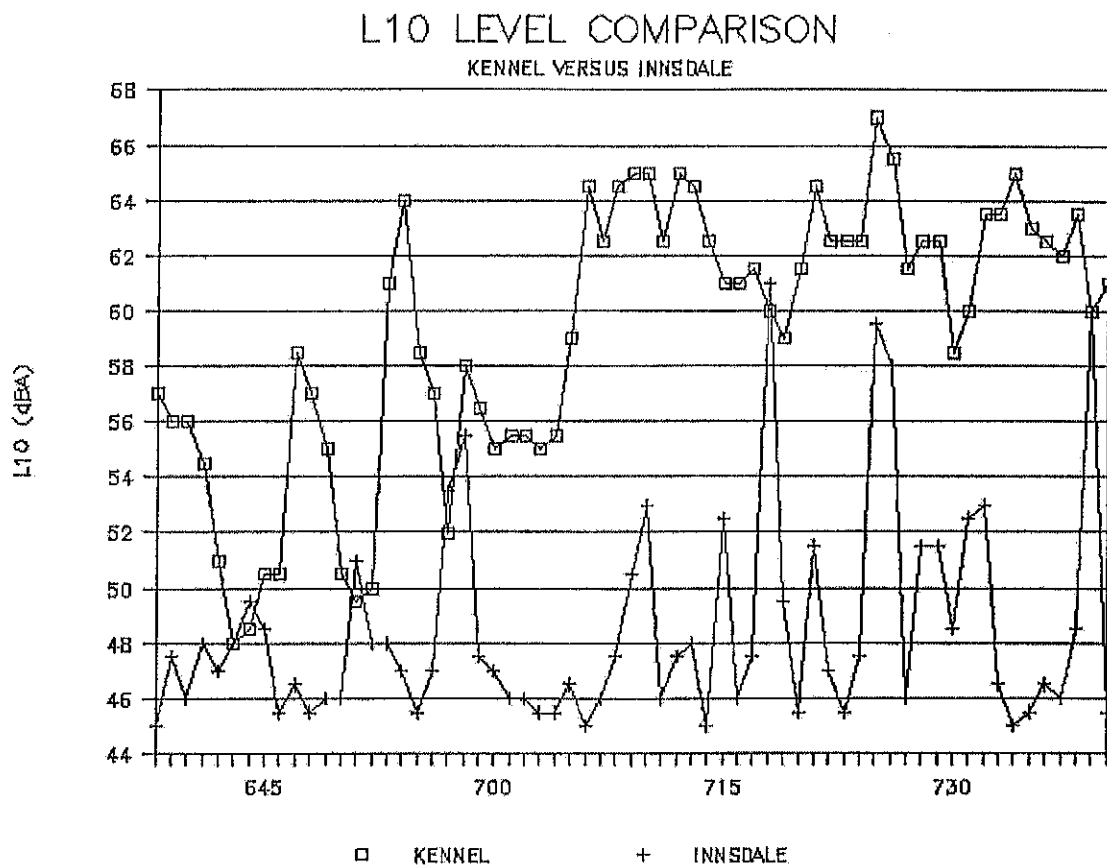


Exhibit 2.5
Comparison of L10 Levels

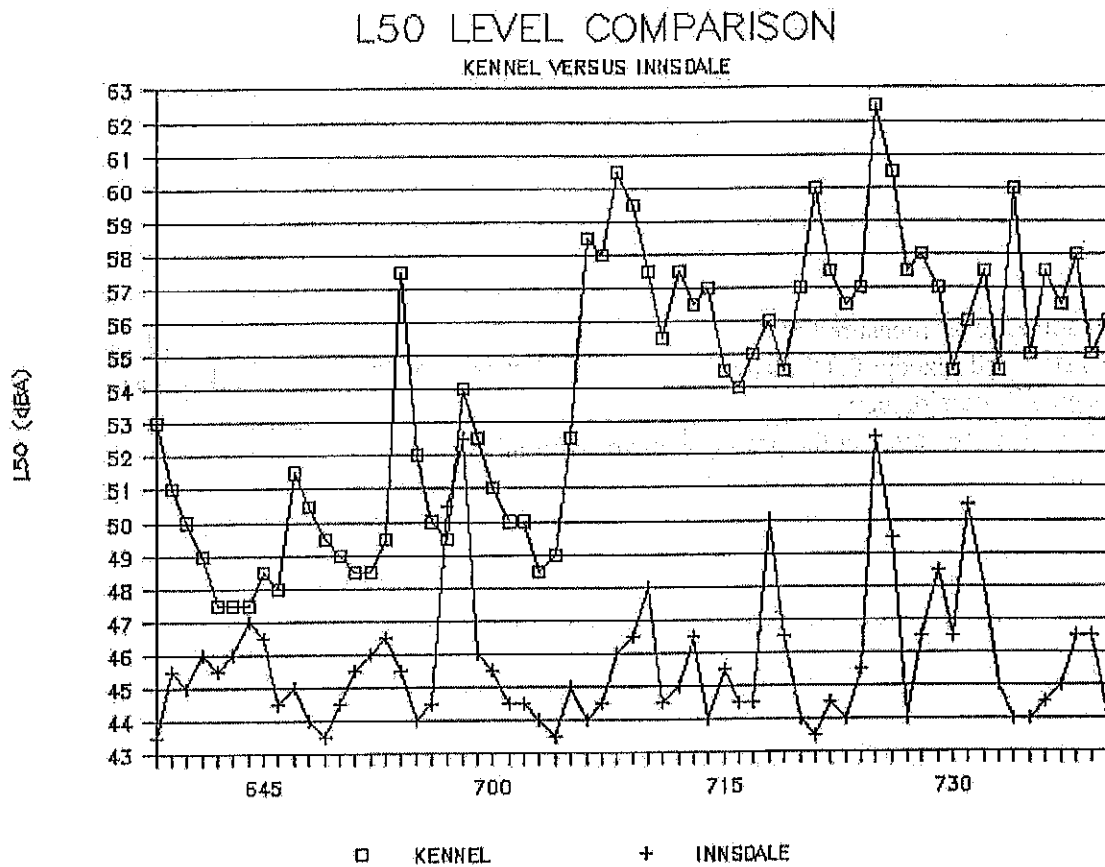


Exhibit 2.6
Comparison of L50 Levels

2.3 Comparison with MPCA Noise Standards

Because of its periodic nature, kennel sound levels are governed by the L10 sound level as defined in Minnesota regulations. The L10 is the level exceeded 10% or six minutes of an hour. The state noise standards for residential land uses expressed as L10 are presented in **Table 2.1**.

Table 2.1
Minnesota L10 Noise Standards for Residential Land Uses

Daytime	Nighttime
7 am to 10 pm	10 pm to 7 am
65 dBA	55 dBA

The L10 sound level measured 50 feet from the kennel did not exceed the daytime (after 7:00 am) standard (except for the aircraft overflight at 7:26 am). Therefore, as long as the dogs are not outside between 10:00 pm and 7:00 am, the state noise standards are not likely to be exceeded even at the property line of Animal Inn.

Sound levels measured in the neighborhood are well below the daytime noise standards.

3.0 FINDINGS AND CONCLUSIONS

3.1 Monitored Data

Based upon monitored sound levels, there is no evidence that sound from the kennel has an effect on levels in the neighborhood near 27th Street and Innsdale Avenue. When the dogs were placed in the outdoor kennels at 7:00 am, the maximum level (L01) increased over background by as much as 18 dBA. The L10 level increased by approximately 18 dBA over background. At the neighborhood monitoring site, the L01 did not increase except due to nearby passing automobiles. The L10 level also did not increase except due to nearby passing automobiles.

3.2 Predicted Sound Levels

As a means of confirming the measurements, a prediction of sound level at the monitor was made using the decay of sound with distance. No attenuation from vegetation was assumed. The 68 dBA peak level at the kennel is predicted to drop to 32 dBA at the monitor. At homes along Stillwater Boulevard, the levels are predicted to drop to 38 dBA. Even with a wind blowing directly from the kennel, these levels are likely to be no higher than 42 dBA in the neighborhood and 48 dBA along Stillwater Boulevard. The 48 dBA level is similar to the lowest observed L01 levels in the neighborhood. Noise from traffic is likely to be higher than 48 dBA along Stillwater Boulevard.

3.3 Potential for Sound Level Impact

Sound levels associated with the kennels at Animal Inn are not likely to exceed the MPCA daytime standards at the Animal Inn property line. These levels are not likely to show up on sound level measurements made in the neighborhood near 27th Street and Innsdale Avenue. Some sounds may be audible even when the measured sound level is lower than measured ambient levels, which may be the case with the sound of barking dogs from the kennel. However, audibility of sounds at or below ambient levels is not considered in the state noise standards nor in local noise ordinances.

Based upon this sound level assessment, sound levels from Animal Inn do not exceed any established noise standards nor are they likely to significantly affect typical ambient sound levels that already exist in adjacent residential neighborhoods.



**City of Lake Elmo
Planning Commission Meeting
Minutes of February 25, 2019**

Chairman Weeks called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Cadenhead, Weeks, Hartley, Holtz, Steil and Risner

COMMISSIONERS ABSENT: Johnson

STAFF PRESENT: Planning Director Roberts, City Planner Prchal & Fire Chief Malmquist

Approve Agenda:

M/S/P: Holtz/Hartley, move to approve the agenda as presented, ***Vote: 6-0, motion carried unanimously.***

Approve Minutes: February 11, 2019

M/S/P: Hartley/Cadenhead, move to approve the February 11, 2019 minutes as amended, ***Vote: 6-0, motion carried unanimously.***

Public Hearing – Preliminary Plat, Easement Vacations and Rezoning – Pulte Homes

Roberts started his presentation regarding the application from Pulte Homes on Minnesota for a preliminary plat, easement vacation and a rezoning to develop a townhouse project called Bentley Village. This development is on the south side of 5th Street and will have 240 attached townhomes on approximately 41.6 acres for an average density of 5.77 units per acre. The developer has been working on refining the plan based on comments from the concept review.

These townhomes would be privately owned and governed by a homeowners association. The developer is proposing public streets that are 28 feet wide. There will be a trail on one side of the street. The development is proposed to be done in 4 phases, which will be market driven. In regards to parking, driveways will be constructed to be 25 feet long, with 2 car garages. There will be room for two vehicles in the driveway without blocking the sidewalk. There will be additional parking allowed on the street and a there is proposed parking at the pool area. Each unit will be privately owned with the area around it being common area.

The City Engineer feels that there are some setbacks that are not met. The developer will need to revise the project plan to clearly show that all the units will meet setback and spacing requirements. There are changes that will need to be made to the landscaping based on the City landscape architect comments. There are 33 conditions of approval. The most important one is that the applicant submit revised preliminary plat plans meeting all conditions of approval before the City will accept a final plat application for any phase of development and before the start of any clearing or grading activity.

Steil asked if there has been any discussion with the developer after the previous meeting regarding the north/south street "street G" in terms of how that will be constructed and connected. Roberts stated that at a minimum, this developer will be required to construct the road to their property line, possibly with a temporary cul-de-sac. Holtz stated that with all of the potential changes that are going to be required, it could affect the number of units. Holtz is wondering if Roberts has an idea of what the units per acres might be reduced to. Roberts stated that he is guessing they might lose 10-12 units and will definitely be medium density.

Hartley thought there was something about 4 sided architecture and that there was something requiring a window on the garage door. Roberts stated that the City does require four sided architecture and he will need to check on the garage door window requirement. Hartley stated that the examples did not have it which is why he asked about it.

Holtz asked if it is pretty normal to have so many recommended conditions at this stage. Roberts stated that with a big project like this, it is not unusual and Lake Elmo is more detail driven than other places.

Hartley asked about the statement that this project is consistent with the Comprehensive Plan. Which one would that be since we are in the process of adopting the 2040 plan? Roberts stated that it is consistent with both in regards to density.

Cadnehead asked why the streets are City owned, but the storm pond is owned by HOA. Roberts stated that is at the direction of the City Engineer.

Hartley stated that the City Engineer stated the increase in traffic might require a traffic signal or turn lane improvements, but a financial contribution was not included as a condition. Roberts stated that it is highlighted in the City Engineers report, but is not a condition of approval.

Paul Heuer, Director of Land Planning and Entitlement, Pulte Homes will give a brief presentation. Pulte works hard to make a neighborhood look good from the outside. Pulte includes a lot of open space to make the neighborhood feel more open. There is an HOA that maintains amenities. There will be a dog park, tot lot and open play area

within the development. The most substantial change from concept plan to preliminary plat is that the storm pond was moved because of the pipeline. There was also a lot of engineering comments that were addressed. A variety of demographics are served as there are many options that can be selected including a sunroom, rooftop terrace, etc. Heuer stated that there are 3 comments that have caused some concern. The first is the regional transportation comment that there should be a financial contribution to a traffic signal or turn lane. Pulte is paying 130K for a regional street and feels they are paying their fair share. Second the comment from the City Engineer that the easement for the storm sewer be 30 feet wide. Pulte is confused by that as ordinance 150.277 says that if the sewer pipes are less than 10 feet in depth within private property, the easement should be a minimum of 20 feet wide. The last item is in regards to landscaping. The review put the entire burden on them, when it should be the more intense use to the South. Pulte is proposing to put in half of the buffer.

Cadenhead is wondering if Pulte has been in contact with the holder of the pipeline easement. Heuer stated that early on they reached out and got their design standards and have worked with them to get the elevation of the pipeline. Pulte will work very closely with them throughout this process.

Heuer stated that they will need to sit down with City staff to work out some of the outstanding issues. Heuer doesn't feel that they will need to lose any units once they meet with staff and work things out. Heuer stated that it is unusual for the HOA to own the storm sewer and that may be a discussion item with the City.

Cadenhead asked about the storm water maintenance fee charged by the City. Roberts stated that this development would participate in that fee. Roberts believes that it is the storm ponds that are being referred to, and that can be worked out.

Public Hearing opened at 7:48 pm

John Ehret, 9124 Jade Court, is wondering how the City calculates the width of a parking vehicle on a 28 foot wide street. Ehret stated that a fire lane is 20 feet and he is concerned about parking on the street diminishing the ability for emergency vehicles to get down the street. Ehret stated that currently winter snow storage has become a problem. Ehret is concerned about the reach of the fire apparatus on these 3 story buildings. Ehret is also concerned about the timing on the connection road to Hudson Blvd.

Tom Hart, 9217 Jade Way N, the walking trail on the North side of 5th Street currently gets a lot of traffic. It has been a challenge to get that trail cleared in the winter. The Boulder Ponds and Savona HOA's have had many conversations with Administrator Handt, but sidewalks are cleared by property owners, but the trails are not cleared by the City. Hart is wondering if there is a proposal for sidewalks on the south side of the road. Hart is concerned about people walking on uncleaned icy trails.

The Planning Director received 3 letters regarding this project. One letter is not in favor of the project because of congestion, one letter is concerned about using the street name "Jewel", the last letter is concerned about the privacy and screening along the North side of this site to create more of a buffer.

Public Hearing closed at 7:55 pm

M/S/P: Hartley/Risner, move to recommend approval of the Bentley Village Preliminary Plat and easement vacations subject to the staff recommended findings and conditions of approval listed in the staff report, ***Vote: 6-0, motion carried unanimously.***

Holtz asked if the 20 foot vs 30 foot easement discussion is something they need to talk about tonight. Roberts stated that it would not need to be discussed tonight as staff is scheduled to meet with the developer on Thursday February 28th to work through the conditions before it goes to City Council.

The applicant is required to submit a revised Preliminary Plat and Construction plans before submitting for Final Plat. That would only need to come back to Planning Commission if there were significant changes.

Holtz asked about the plowing practice for internal trails, which was a question raised at public comments. Heuer stated that private trails running throughout neighborhood would typically be plowed with 2" of snow or more. Heuer stated that Sidewalks and trails owned by the City would be up to City policy on when they are cleared. Roberts stated that the City doesn't clear sidewalks.

M/S/P: Hartley/Holtz, move to recommend approval of the proposed Zoning Map Amendment as requested by Pulte Homes of Minnesota for the Bentley Village development site on the south side of 5th Street North from RT to MDR with recommended conditions of approval, ***Vote: 6-0, motion carried unanimously.***

Hartley is concerned that this development does not meet the minimum required lot area per unit and staff has suggested that is ok. He is also concerned that the landscaping requirement is not met. Hartley is wondering if staff needs direction from the Planning Commission that the ordinance needs to be met. Roberts stated that he has been thinking about that and what he will be proposing is a code amendment in the medium and high density ordinance to drop the minimum lot area and to just use the density as guidance for unit counts.

Hartley stated that he is less concerned with the deviations from the landscape requirements because they seem to make sense. Weeks thinks there should be some flexibility in the landscaping ordinance because in some cases, it just doesn't work.

Roberts stated that he will be talking to the landscape architect on Thursday regarding some of those issues.

Public Hearing – Preliminary Plat, Rezoning and Planned Unit Development – 4 Corners 2nd

Roberts started his presentation regarding an application from Terry Emerson for a Preliminary Plat, Preliminary PUD Plan, Zoning Map Amendment and Right-of-Way vacations for a commercial development to be known as Four Corners Second addition. This proposal includes the realignment of Hudson Boulevard and the creation of several lots for commercial development. This includes the lot for the park and ride the storm water pond and commercial uses.

Roberts stated that this project was sent to Washington County and MN Dot for review as they both own right-of-way along this project. The realignment is subject to approval of the City Engineer, Washington County and MN Dot.

Hartley asked what the current zoning of the bus facility is. Roberts stated it is Business Park. Roberts stated that there is not sewer and water in this part of the City. As part of the bus terminal approval, the developer was required to bring sewer and water to that site. As part of the approval of this site, the developer will be required to extended sewer and water all the way to Manning Ave.

Cadenhead asked if the City has been in contact with Metro Transit regarding the park and ride. Roberts stated that they are ready to submit their application, but they were told the City can't accept anything until there is a preliminary plat. Holtz asked what their response was to the number of lots. Roberts stated they received funding based on 550 spaces, which is the design proposed.

Weeks is torn about asking the applicant to contribute to the future stoplight. The traffic is already high on Manning Ave, but she is not sure the rest of the taxpayers should have to pay for it either. The stoplight at Hudson Blvd and Keats will cost taxpayers \$1.8 Million.

Hartley stated that this applicant is doing a road re-alignment at their expense which solves some problems long term. The City is getting a lot of benefit from approving this development.

Tim Feeman, Folz Freeman surveying representing Terry Emerson, has been met with staff many times and feels that the proposal meets what the City is looking for. Essentially this plat is driven by creating the lot for the park and ride. This plat also creates 3 additional outlots. Outlot C is for the storm water ponding, Outlot B will be developed with future commercial and Outlot A is undetermined.

Cadenhead is wondering about from a traffic management standpoint if the connection from Hudson Blvd to the North is in the correct place. Cadenhead thinks that there should maybe be a traffic study on that. Freeman stated that they hired the design engineer that the City uses to design the new part of Hudson Blvd. They show the access easement so that there is no question that there will be access to that parcel to the north. Freeman stated that Washington County has stated that the traffic signal is not needed at this time and the traffic volumes will not be coming from that development.

Weeks asked if they talked to the property owner to the North about project and the Road easement. Freeman stated that it is hard to lock something down with the neighbor until the details are worked out with City staff.

Public Hearing opened at 8:45 pm

No one spoke and there were no written comments

Public Hearing closed at 8:46 pm

M/S/P: Hartley/Holtz, move to recommend approval of the Four Corners 2nd addition Preliminary Plat, Preliminary Planned Unit Development Plans and easement (right-of-way) vacations subject to the staff recommended findings and conditions of approval, ***Vote: 6-0, motion carried unanimously.***

Weeks heard previous City Council members state that they feel this park and ride would mostly benefit people coming from Hudson. Weeks disagrees with that as she has heard from a number of people that are very excited about this. Weeks feels this is a good thing for the City to draw more commercial into the City to help the tax base.

M/S/P: Hartley/Risner, move to recommend approval of the proposed Zoning Map Amendment as requested by Terry Emerson for the Lot 1, Block One and Outlots A, B and C from RT to C for Four Corners 2nd addition with the staff recommended findings and conditions of approval, ***Vote: 6-0, motion carried unanimously.***

Public Hearing – Re-zoning of the property to Limited Commercial, Lot Consolidation, and Conditional Use Permit – Animal Inn

Prchal started his presentation regarding an application from Animal Inn for a re-zoning, lot consolidation, and Conditional Use Permit. Prchal stated that the property owner would like to combine all of the parcels into one lot. This can only be accomplished if the lots are all zoned the same. Three of the four parcels are zoned as Agriculture and one is zoned as Rural Residential. The easiest option is to rezone all of the parcels to Limited Commercial to match the Comprehensive Plan. The property owner owns all of the properties and would like the CUP to apply to all of them.

The dictating CUP is 2000-20. There is not a lot of deviation from that, but one recommended change is that currently there is a limit to the number of dogs that can be in each building. Prchal stated that there is an overall limit and how the owner chooses to house the dogs should be up to them. The conditions of approval are all spelled out in the staff report. The conditions highlight the conditions and uses that are allowed.

Holtz asked about condition number 4 and why there are hours listed that the animals can be outside. Prchal stated that the hours listed are the same as construction hours. Roberts stated that those are the standard hours in the code in regards to regulating noise levels for any outdoor activities. Holtz doesn't see that the noise from the animals would be problematic and would like to see condition #4 removed. Risner asked about condition #8 and if administering medications would be considered veterinary services.

Dawn Larson, owner, stated that there has not been a restriction on hours up to this point. Larson stated that they are respectful to their neighbors regarding noise. Larson stated that administering medications prescribed by a veterinarian is not performing those services. Larson stated that they do not kennel outside. They have outdoor runs that are attached to indoor runs. Larson stated that the limit of 150 dogs is fine as they rarely would hit that number.

Weeks asked if they will be adding veterinary services anytime in the future. Larson stated that they will not. They will be moving the pet grooming into the old veterinary building. Weeks asked if there are any plans to put more buildings on the property. Larson stated that there are no plans to add additional buildings.

Roberts asked Larson if there were any other issues with the conditions that the applicant would like to discuss. Larson stated that they regulate when the animals are outside. Hartley asked which parcel has the animal hospital on. Prchal stated parcel 5 had the animal hospital on it.

Public Hearing opened at 9:20 pm

Dennis Steinberg, owns the property at 8603 34th St N, and are in support of the application.

There was no written correspondence

Public Hearing closed at 9:21 pm

M/S/P: Holtz/Hartley, move to amend the conditions and eliminate all of condition #4, friendly amendment to only strike from condition #4 the sentence that reads "Dogs can have access to outdoor areas from 7am to 7pm during the week and 8am and 6pm on weekends", ***Vote: 6-0, motion carried unanimously.***

Cadenhead would argue that everything after the outdoor kenneling could be removed. He hesitates to eliminate everything because the property could change hands and the next owner might feel this is ok and that should be avoided in the future. Prchal stated that CUP's run with the land and can continue with the next owner. Steil stated that he is concerned that they might be opening up something in the future that they might not want. Roberts stated that he is not as concerned about the hours, but he would suggest keeping the first sentence and striking the hours. Holtz would accept that as a friendly amendment.

M/S/P: Hartley/Holtz, 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 recommended by staff and amended by the Planning Commission, ***Vote: 6-0, motion carried unanimously.***

City Council Updates – February 19, 2019

1. Mixed use Business Park and Mixed Use Commercial Zoning Ordinance

Staff Updates

1. Upcoming Meetings
 - a. March 11, 2019
 - b. March 25, 2019

Meeting adjourned at 9:31 pm

Respectfully submitted,

Joan Ziertman
Building Permit Technician

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

ORDINANCE NO. 08-223

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LAKE ELMO**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains the following properties to be rezoned from A (Agricultural) and RR (Rural Residential) – to LC (Limited Commercial):

PIDs:

16.029.21.42.0010 16.029.21.43.0012 16.029.21.43.0006 16.029.21.42.0005

16.029.21.42.0001

The full legal description for the above referenced properties is attached as Exhibit A. It shall also be known that these properties will be consolidated through a condition listed in Resolution 2019-018

SECTION 2. The City Council of the City of Lake Elmo also hereby ordains that the Zoning Administrator shall make the applicable changes to the official Zoning Map of the City of Lake Elmo.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-223 was adopted on this 19th day of March, 2019, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION 2019-018

*A RESOLUTION APPROVING AN AMENDMENT TO THE CONDITIONAL USE PERMIT
FOR A COMMERCIAL KENNEL FOR THE PROPERTYS AFFILIATED WITH AMINAL INN.
(8633 34th STREET 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)*

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

WHEREAS, Joan Tauer of Animal Inn. Pet Resort & Spa Inc., 8633 34th, 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 further clarify the allowed uses through the updated conditional use permit and apply it towards the properties listed 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 (the “Property”); and

WHERE AS, The listed properties have been rezoned to the same classification and will be consolidated; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on February 25, 2019, recommended approval; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report dated March 19, 2019 to the City Council; and

WHEREAS, the City Council considered said matter at its March 19, 2019 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 154.106.
- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.

1. *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.*
1. *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.*
2. *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.*
3. *The applicant is not proposing to develop or redevelop any part of the property at this time.*
4. *There is a pond on site which causes part of the property to fall within a flood zone. However, the land use table (150.254) lists kennels in the General Business District (LC) as an allowed use with a Conditional Use Permit.*
5. *The applicant is not proposing any changes on site. However, going forward the zoning code and design standards would apply where applicable.*



6. *It is not anticipated for the use to become a nuisance.*
7. *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.*
8. *The site has access to an existing 16-inch Trunk Watermain but has not connected.*
9. *The use will not create additional requirements at public cost nor will it be detrimental to the economic welfare of the community.*
10. *The use will not excessively produce traffic, noise, smoke, fumes, glare or odors.*
11. *Vehicular approaches to the property will not create and have not created traffic congestion or interfere with traffic.*
12. *The 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, clarifying the allowed uses and apply the conditional use permit to the properties identified 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 is granted, subject to the following conditions:

- 1) The total number of dogs boarded at any point in time shall not exceed 150.*
- 2) The total number of cats boarded at any point in time shall not exceed 10.*
- 3) All past permits affiliated with the properties shall now be null and void.*
- 4) The properties shall be re-zoned to Limited Commercial and consolidated into one property for tax identification purposes.*
- 5) The property shall be readdressed to 8611 34th St., City of Lake Elmo.*
- 6) 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.*
- 7) No outdoor kenneling shall be permitted on the property. This does not mean dogs cannot run freely in fenced areas.*
- 8) 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.*
- 9) 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.*
- 10) 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.*
- 11) 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.*

Passed and duly adopted this 19th day of March, 2019 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

Exhibit "A"

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

PIN 16.029.21.43.0006

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 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

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, TOWNSHIP 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-OF-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.

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

RESOLUTION NO. 2019-019

RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-223 BY TITLE AND SUMMARY

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-223, an ordinance amending the City Code of Ordinances by amending the City's provisions related to the City Council; and

WHEREAS, the Ordinances are lengthy; and

WHEREAS, Minnesota Statutes Section 412.191, subdivision 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the Ordinance; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-223 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-223, which amends the City of Lake Elmo Zoning Map by:

- Re-zoning the property at 16.029.21.43.0006 from Rural Residential (RR) to Limited Commercial (LC)
- Re-zoning the property at 16.029.21.43.0012 from Agricultural (A) to Limited Commercial (LC)
- Re-zoning the property at 16.029.21.42.0001 from Agricultural (A) to Limited Commercial (LC)
- Re-zoning the property at 16.029.21.42.0010 from Agricultural (A) to Limited Commercial (LC)
- Re-zoning the property at 16.029.21.42.0005 from agricultural (A) to Limited Commercial (LC)

The full text of Ordinance No. 08-223 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the Ordinance at City Hall for public inspection and that a copy be placed for public inspection at the Lake Elmo Public Library.

Dated: March 19, 2019.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof: and the following
voted against same:

Whereupon said resolution was declared duly passed and adopted.