



3880 Laverne Avenue North  
Lake Elmo, MN 55042

(651) 747-3900  
[www.lakeelmo.gov](http://www.lakeelmo.gov)

## NOTICE OF MEETING

The City of Lake Elmo

Planning Commission will conduct a meeting on

**Monday March 24<sup>th</sup>, 2025**

**at 6:30 p.m.**

### AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes of January 27<sup>th</sup>, 2025
4. Public Hearing
  - a) **Milestones at Eagle Point - Conditional Use Permit (CUP):** MEP Lino Lakes has submitted a CUP application for the property located at 8565 Eagle Point Cir N. The applicant is proposing to convert the former Rasmusen School to a daycare center.
5. New/Unfinished Business
  - a) Animal Inn Conditional Use Permit and Variance Extension Request
6. Communications/Updates
  - a) City Council Updates
    - i. Chavez Variances – 2/4/2025 Denied
    - ii. Housekeeping ZTA – 2/4/2025 Approved (Not Including Bed and Breakfast)
    - iii. Landscaping ZTA – 2/4/2025 Approved
    - iv. Joint Session - 2/11/2025 Complete
    - v. PC Work Plan - 2/18/2025 Approved
  - b) Upcoming Meetings
    - i. April 14<sup>th</sup>, 2025
    - ii. April 28<sup>th</sup>, 2025
7. Adjourn
8. **Planning Commission Training.** Immediately following their regular meeting, the Planning Commission will move to the Lake Elmo City Hall Community Room for their annual commissioner training. The training is open to the public.

\*\*\*Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo Planning Commission Meeting  
City Council Chambers – 3880 Laverne Avenue North  
Minutes of Regular Meeting of  
January 27, 2025**

**CALL TO ORDER:** Commission Chair Rehkamp called to order the meeting of the Lake Elmo Planning Commission at 6:30 p.m.

**COMMISSIONERS PRESENT:** Bohlig, Chars, Dunn, Rehkamp

**COMMISSIONERS ABSENT:** Amed, Vrieze

**STAFF PRESENT:** Community Development Director, Jason Stopa, Senior City Planner Sophia Jensen, City Planner Ashley Monterusso, Communications Coordinator Kathie Smith

**Pledge of Allegiance** at 6:30 PM

**Approve Agenda:**

M/S/P: Dunn / Chars made a motion to approve the agenda. **Vote: 4-0, motion carried unanimously**

**Approve Minutes:**

M/S/P: Dunn/Chars made a motion to approve the 1-13-25 meeting minutes with spelling corrections. **Vote: 4-0, motion carried unanimously.**

**Public Hearing:**

- a) **Chavez Property Variances.** Joe and Joan Chavez have submitted a variance application for seven (7) deviations from the City's Shoreland Overlay District (LEC 105.12.1260) for the property located at PID 14.029.21.24.0004. The variances are for the construction of a new single-family home on a bluff near Sunfish Lake. *(Formal Public Hearing to be held at City Council Meeting 1/21/2025)*

Senior City planner Jensen gave presentation and answered questions.

Applicant Joe Chavez spoke and answered questions.

M/S/P: Bohlig / Dunn moved to open the public hearing at 6:57 PM. **Vote: 4-0, motion carried unanimously.**

**Emailed Comments:**

Craig Allen with Gonyea Companies, provided written public comment that, while he signed off on the variance application as the owner of Northstar Outlot B and has provided access to the lot with the development of the Northstar subdivision to help Mr. Chavez, he would like to put on the record he is not supporting the current design and encroachment onto his property. It is his position that any drainage structures should be fully contained within Northstar Outlot B. He is indifferent to the outlot design.

**Public Comments:**

Bill Fredricks, 3691 Kevlin Ave N, spoke in favor of passing the variance.

M/S/P: Dunn/Chars moved to close the public hearing at 7:04 PM. **Vote: 4-0, motion carried unanimously.**

M/S/P: Bohlig/Dunn moved to recommend denial of all of the seven shoreland variance request from Joe and Joan Chavez for the property located at 14.029.21.24.0004 and Outlot B of Northstar 1<sup>st</sup> Addition based on the findings listed in the staff report. **Vote: 4-0, motion carried unanimously.**

Discussions and comments by Planning Commissioners.

Applicant gave rebuttal.

**Public Hearing:**

**b) Zoning Text Amendment.** The City of Lake Elmo has initiated a housekeeping zoning text amendment. These are typically done annually to clean up and clarify code. This amendment includes section: 105.12.110, 1.08.010, 105.12.410, 105.12.440, 105.12.200, 103.00.060, and 105.12.190.

Senior City planner Jensen gave presentation and answered questions.

M/S/P: Bohlig / Dunn moved to open the public hearing at 7:19 PM. **Vote: 4-0, motion carried unanimously.**

**Public Comments:**

Mel Eder, 4890 Keats Ave, asked what the number of the populace get the Stillwater Gazette, and wants more information in the public hearing notices. Is not in favor of short term rentals.

Joan Ziertman, emailed comments were read by Commissioner Chars, is not in favor of adding short term rentals non-owner occupied as an allowed use to the code.

Joyce Kelch, emailed comments read by Commissioner Dunn. "B&B; residence should be classified as HOMESTEADED. Most current listings are short term rentals. 6 foot distance from Agricultural buildings. This is too close to a house. Recommend distance of 40 foot."

M/S/P: Dunn/Bohlig moved to close the public hearing at 7:29 PM. **Vote: 4-0, motion carried unanimously.**

M/S/P: Bohlig/Chars moved to recommend approval of the proposed text amendments as presented by staff. **Vote: 0-4, motion failed unanimously.**

M/S/P: Bohlig/Dunn moved to recommend approval of the proposed text amendments as presented by staff with the change of the Bed and Breakfast leaving it as originally worded. **Vote: 4-0, motion carried unanimously.**

**New/Unfinished Business**

N/A

**Communications/Updates**

N/A

**Upcoming Meetings**

- February 10<sup>th</sup>, 2025
- February 11<sup>th</sup>, 2025 – Joint Workshop at 6:30 PM
- March 24<sup>th</sup>, 2025

Meeting adjourned at 7:41 PM.

Respectfully submitted,  
Diane Wendt  
Permit Technician



**STAFF REPORT**  
**Date:** March 24, 2025  
**REGULAR**  
Item 4a PUBLIC HEARING  
**MOTION**

**TO:** Planning Commission  
**FROM:** Ashley Monterusso, City Planner  
**REVEIEWED BY:** Sophia Jensen, Senior City Planner & Jason Stopa, CD Director  
**AGENDA ITEM:** Milestones Daycare at Eagle Point Conditional Use Permit

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**CORE STRATEGIES:**

- |   |   |
|---|---|
| <input type="checkbox"/> Vibrant, inclusive, connected community      | <input type="checkbox"/> Efficient, reliable, innovative services |
| <input type="checkbox"/> Responsive, transparent, adaptive governance | <input type="checkbox"/> Balanced Finances now and future         |
| <input checked="" type="checkbox"/> Managed Growth                    | <input type="checkbox"/> Resilient Infrastructure                 |

**BACKGROUND:**

MEP Lino Lakes LLC (the “Applicant”) has submitted a Conditional Use Permit (CUP) application for a daycare center at 8565 Eagle Point Circle in the Eagle Point Development PID 33.029.21.43.0008 (the “Property”). The property was originally used as a Rasmussen College technical school site until 2024/2025. The applicant is proposing to leave the site in generally the same condition with minor exterior modifications in the parking lot to add two playgrounds. Interior modifications to the existing 20,452 square foot building will be needed to accommodate the daycare use and current fire/building codes. The Daycare will hold approximately 220 children with upwards of 30 employees. The building footprint will not change. The daycare center use is permitted by conditional use permit in this district.

**REQUEST DETAILS/ANALYSIS:**

Applicant:	MEP Lino Lakes LLC, Jeremy Spaude
Property Owner:	Davis Estates LTD
Location:	8565 Eagle Point Cir Lake Elmo MN, 55042
Request:	Conditional Use Permit for daycare center
Site Area:	4.1 acres
Existing Land Use:	Vacant (Previously a Rasmussen College)
Existing Zoning:	BP- PUD
Surrounding Land Use:	North – Undeveloped Parcel Eagle Point Business Park (BP- PUD)

South – MN DOT Road Right of Way (No Zoning)  
East - Undeveloped Tributary MN DOT (BP-PUD)  
West – Developed Parcel Eagle Point Business Park (BP-PUD)  
BP – Business Park

Comprehensive Plan:  
Deadline for Action: Application Complete – 2/27/2025  
60 Day Deadline – 4/28/2025

Regulations:  
Article XV Commercial Districts  
LEC 105.12.410 Off Street Parking  
Article VIII Environmental Performance Standards  
ARTICLE XIX Shoreland Management Overlay District  
Eagle Point Business Planned Unit Development Standards

**ISSUE BEFORE PLANNING COMMISSION:**

The Planning Commission is being asked to hold a public hearing, review, and make a recommendation on the requests to approve a conditional use permit for a daycare center facility.

**PROJECT ANALYSIS**

The proposed project involves a change in use for the current site from a trade school (medical/nursing) to a daycare center. This use is designated as a conditional use under the Eagle Point Business Park’s PUD. The proposed site design will involve removing some parking area (impervious surface) and replacing the area with pervious surface for two playgrounds. The changes on site are not expected to affect the surrounding environment or nearby buildings.

The daycare facility will operate from 7am until 6pm, consistent with the hours of operation at the first Milestones daycare center in the Old Village area of Lake Elmo. The site will accommodate 30-33 staff members and roughly 220 children. The peak times for drop-off and pick-ups are between 7-9am and 4-6pm. The daycare’s operational schedule is not expected to create significant disruptions to the site or its surroundings. The required parking per code states one space should be available per staff member and one space per seven students based on occupancy. The applicant meets this requirement by proposing over 30 additional parking stalls. Given that the applicant has provided over 30 parking spaces above the required minimum, staff does not anticipate traffic congestion during pick-up and drop-off times, as there are ample parking spaces available.

**CITY AGENCY REVIEW:**

This request was distributed to several departments and agencies for review on February 27, 2025. The following departments provided comments on the applications:

- South Washington Watershed District Email (3/7/2025) – No comment provided.
- Fire Department Memo (3/4/2025)- Provided their standard comments regarding drive lanes, parking, fire suppression, lock boxes, and fire alarms.
- City Engineer Email (3/7/2025) – No comment provided.
- Landscape Architect (3/7/2025)– Provided a memo requesting plan revisions on the landscape plan . They also provided comments on the tree preservation requirements. A condition of approval has been added regarding this memo.
- City of Oakdale (3/7/2025) – No comment provided.
- MN DNR- No comment provided.
- WA County – No comment provided.

## **RECOMMENDED CONDITIONAL USE PERMIT FINDINGS**

Conditional use means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls only upon a finding that all of the following provisions are met. 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 proposed use is not anticipated to be detrimental or in any way endanger the public health, safety, comfort, convenience, or general welfare of the neighborhood.***
2. The use or development conforms to the City of Lake Elmo Comprehensive Plan. ***The site is zoned BP – Business Park which is consistent with the 2040 Comprehensive Plan.***
3. The use or development is compatible with the existing neighborhood. ***The proposed use is permitted in the Business Park zoning district as a Conditional Use. The surrounding parcels are also zoned Business Park PUD with the exception of the land directly south which is ROW (Interstate 94) owned by MNDOT. The proposal is compatible with the existing land uses and development.***
4. The proposed use meets all specific development standards for such use listed in the Zoning Code. ***The proposed use meets the development standards for daycare center as per LEC 105.12.110.***
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 Article XIX (Shoreland Management) and Title 100 (Flood Plain Management). ***The proposed use is in the shoreland area and meets the shoreland management standards. The building is existing and is not proposing changing the footprint. The applicant is proposing removing impervious surface on site. The proposed use is not in a flood plain management area.***
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. ***There are minimal changes proposed to the existing façade and site layout. The proposed use is compatible in appearance with the existing character of the general vicinity and will not change the essential character of the area.***
7. The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring structures. ***The proposed use of a daycare center is not anticipated to create a nuisance or be hazardous.***
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 existing property is already served by essential public facilities and services. The proposed use will be served adequately by essential public facilities and services.***
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 proposed use is not anticipated to create excessive additional requirements at public cost for public facilities and services and will not 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 proposed use is not anticipated to produce noise, smoke, fumes, glare, odor or excessive traffic that would be considered detrimental to the economic welfare of the community.***

11. Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares. ***There are no proposed changes to the vehicular approaches, traffic congestion is not anticipated to increase with this proposed use.***

12. The proposed use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance. ***The proposed use is not anticipated to negatively impact natural or scenic features.***

**FISCAL IMPACT:**

None

**RECOMMENDED CONDITIONS OF APPROVAL**

1. The applicant must obtain all other necessary City, State, and other governing body permits and approvals before the commencement of any construction activity on the site. These may include, but not limited to, City of Lake Elmo, Minnesota Pollution Control Agency stormwater permit, SWWD Watershed District permit, DNR, approval of revised plans from the City Engineer, and a building permit.
2. The applicant must address the comments in the Landscape Architect memo dated March 6, 2025 prior to the issuance of a building permit.
3. If substantial construction has not taken place within 12 months of the City's approval, the conditional use permit and variance shall become void.
4. Any expansion or modification of the parking lot or playgrounds shall require a conditional use permit amendment, this does not apply to typical maintenance.

**PUBLIC COMMENT:**

A public hearing notice was sent to surrounding property owners on March 10th, 2025 and published in the Stillwater Gazette on March 14th, 2025. Staff has not received any public comments at this time.

**OPTIONS:**

The Planning Commission may:

- Recommend approval of the Conditional Use Permit
- Recommend approval of the requests with conditions.
- Recommend denial of the request, citing findings of fact for denial.

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the request from MEP Lino Lakes LLC to construct a daycare center in the Eagle Point Business Park.

*“Move to recommend approval of the request from MEP Lino Lakes LLC, approving a conditional use permit for a daycare facility at 8565 Eagle Point Circle.”*

**ATTACHMENTS:**

- 1) Land Use Application Materials
- 2) Fire Department Memos dated March 4, 2025
- 3) Landscaping Review Memo dated March 7, 2025
- 4) Public Comment

# LAKE ELMO FIRE DEPARTMENT – OFFICE OF THE FIRE MARSHAL

*Fire Prevention, Code Enforcement, and Public Education*



March 4, 2025

Ashley Monterusso, Planner  
City of Lake Elmo

## **Re: Milestones Eagle Point, 8565 Eagle Point Cir N**

Prepared by: Anthony Svoboda, Fire Marshal

Approved by: Dustin Kalis, Fire Chief

### **Applicable Codes:**

- 2020 Minnesota State Fire Code
- 2020 Minnesota State Building Code
- Lake Elmo Fire Department Fire Code Policies
- NFPA 13, 2016 edition
- NFPA 13D, 2016 edition

### **Fire Department Comments:**

- 1) All roads and drive lanes shall meet the Lake Elmo Fire Department requirements for widths and turning radiuses.
- 2) An approved signage and marking plan shall be determined for all No Parking and Fire Lane access roads. On-street parking shall be provided in approved locations following review by Engineering and Public Works. Parking shall be prohibited on both sides of private drive lanes.
- 3) Building address numbers shall be plainly visible from the street fronting the property and shall be contrasting color from the background. Size and placement of address numbers shall be approved by the fire and planning departments.
- 4) A fire sprinkler system shall be maintained in commercial buildings in accordance with the Minnesota State Fire Code and Chapter 1306 of the Minnesota State Building Code. A permit is required prior to work.
  - a. *Fire Department sprinkler connection locations shall be approved prior to installation.*
  - b. *FCD location is currently proposed in a fenced in area. Confirm access ability to fenced in area or move FDC.*
- 5) A fire alarm system shall be installed in Group I-4 buildings in accordance with the Minnesota State Fire Code (907.2.6.4) and Lake Elmo Ordinances. A permit is required prior to work.
  - a. Smoke detection is required in corridors as per code.
- 6) An emergency responder radio coverage amplifier shall be installed throughout the building if the fire department determines that signal strength is not reliable.

## LAKE ELMO FIRE DEPARTMENT – OFFICE OF THE FIRE MARSHAL

### *Fire Prevention, Code Enforcement, and Public Education*

- 7) An exterior door numbering system shall be utilized to determine exterior doors on all sides of the building. *Door numbering convention shall be approved by the fire department prior to installation.*
- 8) A KNOX rapid access lockbox shall be installed *in an approved location*, on all commercial buildings.
  - a. Multiple KNOX rapid access lockboxes may be required as determined by the fire department.
  - b. The building currently has an outdated DAMA box that will need to be replaced.
- 9) KNOX locking Fire Department Connection Caps shall be installed on all fire department connections.
- 10) All gates, whether manual or electric, shall be accompanied by either a KNOX lock or KNOX gate control switch for rapid access.
  - a. For playground gates, a key in the KNOX box will be acceptable.
- 11) All parking areas shall be capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.
- 12) Locations of all EV charging stations or Electric Vehicle Supply Equipment shall be reviewed and installed in approved locations. All electric vehicle supply equipment installed in the apartment building underground parking area may require additional fire suppression considerations and restrictions on installation locations. An electric vehicle supply equipment plan is required. This plan shall be reviewed by the fire department, building contractor, building owner and building insurance provider.

Questions, clarifications, or the request to provide code documents can be made using the contact information listed below.

Respectfully,

*Anthony Svoboda*



**Anthony Svoboda** | Assistant Chief  
Lake Elmo Fire Department  
3880 Laverne Ave N. | Lake Elmo, MN | 55042  
612-528-1514 *mobile* | 651-747-3907 *office*

# Memorandum

March 6, 2025

TO: ASHLEY MONTERUSSO  
FROM: SARAH EVENSON, PLA  
RE: MILESTONES AT EAGLE POINT CUP LANDSCAPE AND TREE PRESERVATION PLAN REVIEW

## SUBMITTALS

1. Concept Plan Submittal, dated 2/27/2025, received 2/27/2025

## REVIEW HISTORY

1. 3/06/2025 CUP Landscape and Tree Preservation Plan Review

**LOCATION:** 8565 Eagle Point Circle, south of Hudson Blvd, east of Inwood Ave, and north of I-94. Parcel ID: 3302921430008

**CURRENT LAND USE CATEGORY:** Business Park PUD

**ADJACENT AND SURROUNDING LAND USE:** Business Park PUD, with MU-BP guided as future land use to the north across Hudson Blvd.

**SPECIAL LANDSCAPE PROVISIONS:** none

## TREE PRESERVATION PLAN: [105.12.470](#)

- A tree preservation plan has been submitted that indicates fewer than 30% of the caliper inches of significant trees on site are proposed to be removed. No tree replacements will be necessary.
- Prior to approval, applicant must clearly show tree preservation fencing extents on the plans (that correspond to the trees' critical root zones (CRZs) per code, to ensure that existing trees to be preserved are not impacted during demolition or construction. Of particular concern are trees #8, #9, #10, #12, #16, #19, #30, #31, #32, and #37. Some of these trees have CRZs that may extend beneath surrounding pavement that is set to be removed. The applicant's intent to preserve these trees is laudable, and they are valuable to keep if possible. Despite potential CRZ impacts, it is worth trying to preserve these trees; however, curb and pavement removal around these trees must be done very carefully and avoid unnecessary excavation.
- Applicant should provide removals and grading plans with notes that clearly articulate the approach to pavement removals, grading, and landscape restoration around these trees.
- Trees numbers 9, 10, and 16 are oaks, which it is important not to wound or otherwise damage between the dates of March 15 and October 31 in order to prevent the spread of oak wilt. Measures must be taken to ensure that any oak trees pruned or trimmed have any cut areas sealed with an appropriate nontoxic tree wound sealant.

**LANDSCAPE PLAN:** [105.12.480](#)

- Prior to approval, please make the following adjustments to the plans in order to meet code:
  - Clearly title each sheet. Currently, titles only appear to be shown on the sheet index.
  - Provide removals and grading plans (include tree preservation fencing on each)
  - Revise hatching symbols for improved readability. Currently the concrete walk to remain, new concrete walk, and pervious turf symbols are difficult to decipher.
  - Indicate the species of proposed trees (not merely the genus).
  - Replace the city standard tree planting detail with one that is not blurry.
  - Provide a note indicating provisions for irrigation/watering of the trees through the 2-year warranty period
  - Ensure that the requirements of 105.12.480 (b) (7) are met (trees shall be planted ten feet away from utilities including water and sewer stubs)
  - Given that only three trees are required, requirements for tree composition (evergreen/deciduous trees) may be waived.

**RECOMMENDATION:**

The landscape and tree preservation plans must be revised and resubmitted to address the items in this memo.



**Sarah Evenson, PLA (MN)**

City of Lake Elmo Municipal Landscape Architect  
P: (262) 391-7653 E: sarah@hkgi.com



**STAFF REPORT**

DATE: 3/24/2025

**MOTION**

**TO:** Planning Commission  
**FROM:** Sophia Jensen, Senior City Planner  
**AGENDA ITEM:** Conditional Use Permit and Variance Extension Request – Animal Inn

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**BACKGROUND:**

The City Council adopted Resolution 2014-044 and Resolution 2024-043 on April 16<sup>th</sup>, 2024, approving a structure setback variance and conditional use permit amendment for the expansion of the Animal Inn facilities. The ordinance requires substantial construction within 12 months of the date on which the conditional use permit and variance was granted. Otherwise, the council, after receiving recommendation from the planning commission, may extend the permit for such additional period, as it deems appropriate. The current conditional use permit deadline is April 16<sup>th</sup>, 2025.

Katie and Corwin Cheng of Animal Inn (the “Applicants”) are making progress on the conditions of approval but will require additional time to achieve the substantial construction requirement. The applicants submitted a 24-month extension request to the City on February 26<sup>th</sup>, 2025. The applicants have had to delay their project implementation due to construction costs. The logistics of connecting new and existing buildings has also proven to be time consuming. The extension will allow the small business additional time to prepare for project expenses and to create water connection plans with contractors.

**ISSUE BEFORE THE PLANNING COMMISSION:**

The Planning Commission is being asked to make a recommendation to City Council to consider the extension of the conditional use permit and variance deadline to April 16<sup>th</sup>, 2027?

**PROPOSAL DETAILS/ANALYSIS:**

The applicants are requesting a 24-month extension of their conditional use permit to work through the conditional use permit conditions. As part of the conditional use permit extension the variance must also be extended.

**FISCAL IMPACT**

None.

**OPTIONS**

- 1) Recommend extension the conditional use permit deadline to April 16<sup>th</sup> 2027
- 2) Recommend rejection of the extension request.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission approve the request to extend the Conditional Use Permit Deadline.

*“Move to recommend approval of an extension of the conditional use permit and variance deadline for the Animal Inn project to April 16<sup>th</sup> 2027.”*

**ATTACHMENTS:**

1. Draft Resolution 2025-XX
2. Original Approvals - Resolutions 2014-044 and Resolution 2024-043
3. Extension Letter Request

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

**RESOLUTION NO. 2025-XXX**

*A RESOLUTION APPROVING AN EXTENSION OF THE CONDITIONAL USE PERMIT AND  
VARIANCE FOR ANIMAL INN*

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

**WHEREAS**, Corwin and Katie Cheng of Animal Inn Pet Resort and Spa Inc 8633 34<sup>th</sup> St Lake Elmo MN 55042 (the “Applicant”), submitted an application to the City of Lake Elmo (the “City”) for an amendment to their existing conditional use permit and variance to expand their facility capacity on the property located at 8611 24<sup>th</sup> St (PID 16.209.21.43.0013, 16.029.21.43.0001, and 16.029.21.42.0011) (the “Property), a copy of which is on file in the City of Lake Elmo Community Development Department; and

**WHEREAS**, on April 16<sup>th</sup> 2024, the Lake Elmo City Council adopted Resolution 2014-044 approving the conditional use permit; and

**WHEREAS**, City Code also requires substantial completion of the project within twelve months of approval to remain valid; and

**WHEREAS**, the Applicant has submitted a request for an extension to the conditional use permit and variance deadline to allow for additional time to address remaining conditions of the conditional use permit;

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve an extension to the deadline for recording the conditional use permit deadline to April 16<sup>th</sup> 2027

Passed and duly adopted this 1<sup>st</sup> day of April 2025, by the City Council of the City of Lake Elmo, Minnesota.

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Charles Cadenhead, Mayor

ATTEST:

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Julie Johnson, City Clerk

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

**RESOLUTION NO. 2024-043**

***A RESOLUTION APPROVING A STRUCTURE SETBACK AND OFF STREET PARKING  
VARIANCE FOR THE PROPERTYS AFFILIATED WITH AMINAL INN. (8611 34<sup>th</sup>  
STREET N. PIDs 16.029.21.43.0013, 16.029.21.43.0001, 16.029.21.42.0011)***

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

**WHEREAS**, Corwin and Katie Cheng of Animal Inn. Pet Resort and Spa Inc., 8633 34<sup>th</sup>, Lake Elmo, MN 55042, (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a variance to the structure setback requirements of the limited commercial zoning district and off street parking requirements for commercial kennels for the property located at 8611 34<sup>th</sup> Street North (PIDs 16.029.21.43.0013, 16.029.21.43.0001, 16.029.21.42.0011) (the “Property”); and

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

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

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated May 7<sup>th</sup> 2024; and

**WHEREAS**, the City Council considered said matter at its May 7<sup>th</sup> 2024 meeting and directed City staff to draft a resolution approving the variance for its consideration; and

**NOW, THEREFORE**, based on the testimony elicited and information received, the City Council makes the following:

**FINDINGS**

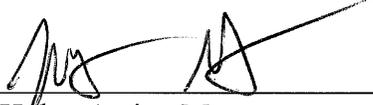
1. That the procedures for obtaining a variance are found in Section 105.12.320 of the Lake Elmo Zoning Code.
2. That all submission requirements of Section 105.12.320 and 105.12.1260 of the Lake Elmo Zoning Code have been met by the Applicant.
3. That the request includes the following components:

- a. A structure setback variance from 50 feet to 25 feet for the building addition and new animal daycare building.
  - b. An off-street parking variance for 38 stalls where 63 are required.
4. **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.
- SETBACK FINDING:** The property has constraints with the septic location, pet cemetery, and floodplain. The proposed location is the only feasible location for an addition. Existing facilities are at capacity and the applicant states expansion is required to remain a viable business.
- OFF STREET PARKING FINDING:** The applicant is not proposing any additional parking with the facility addition. The undeveloped property has significant slopes that are not suitable for parking and adding additional impervious surface and drainage.
5. **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.
- SETBACK FINDING:** The applicants are not responsible for the layout of the current facility. Expansion is not viable in areas that meet setbacks due to grades, wetlands, septic location, and the pet cemetery.
- OFF STREET PARKING FINDING:** The applicant does not utilize all the parking currently in place due to the drop off/pick up structure of the business. The grading of the property is not conducive to additional parking and parking is not permitted in the fire lane. Additional parking would cause increased runoff and flooding of the structures.
6. **Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.
- SETBACK FINDING:** The variance should not impact essential character; the use of the facilities is to remain the same. The request meets the overall design intent of this area.
- OFF STREET PARKING FINDING:** The variance request should not impact essential character; the parking will remain as-is.
7. **Adjacent Properties and Traffic.** The proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.
- SETBACK FINDING:** The request should not negatively impair adjacent properties or increase congestion on a public street. The area has natural buffers from residential areas.
- OFF STREET PARKING FINDING:** The variance should not impair adjacent properties or increase congestion on a public street. The parking will remain as-is.

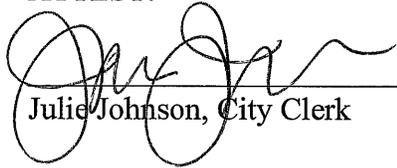
**DECISION**

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, and based upon the information received and the above Findings, that the City Council of the City of Lake Elmo hereby approves the request.

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

  
\_\_\_\_\_  
Jeff Holtz, Acting Mayor

ATTEST:

  
\_\_\_\_\_  
Julie Johnson, City Clerk

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

**RESOLUTION 2014-044**

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

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

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

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

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

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

**WHEREAS**, the City Council considered said matter at its May 7<sup>th</sup> 2024 meeting.

**NOW, THEREFORE**, based on the testimony elicited and information received, the City Council makes the following:

**FINDINGS**

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

7. There is a pond on site which causes part of the property to fall within a flood zone. However, the land use table lists base district uses such as kennels as an allowed use with a Conditional Use Permit.
8. The proposed addition and new building are designed to be compatible with the existing structure character. The character of the general vicinity should not be changed.
9. There is a County highway to the north separating Animal Inn from the northern residential properties. The closest home to the north is over 850 ft. away from the property line. Along the southern property line there is an active rail line and large pond that separates the property and residential properties. The distance from the property line is conservatively measured at over 300 ft. Staff believe that the spacing is sufficient to assist in mitigating any nuisances. It is not anticipated for the use to become a nuisance.
10. The use will be adequately served by essential public facilities and services. A condition of approval has been included for the property to connect to the existing 16-inch Trunk Watermain.
11. The use should not create additional requirements at public cost, nor will it be detrimental to the economic welfare of the community.
12. The use will not produce excessive traffic, noise, smoke, fumes, glare or odors.
13. Vehicular approaches to the property are not proposed to be changed and should not create traffic congestion.
14. The proposed amendment and use will not result in the destruction, loss or damage of the natural environment.

### **CONCLUSIONS AND DECISION**

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

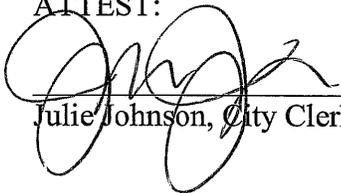
1. The total number of dogs boarded at any point in time shall not exceed 300.
2. The total number of cats boarded at any point in time shall not exceed 30.
3. All past conditional use permits affiliated with the properties shall now be null and void.
4. The applicants must enter into a restrictive covenant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

10. The Main buildings defined as Animal Inn, Animal Hospital, Kennel, and Animal Daycare may be used for boarding. The two storage buildings labeled as shed and storage shall not be used for boarding.
11. No outdoor kenneling shall be permitted on the property. This does not mean dogs cannot run freely in fenced areas.
12. All fencing as proposed shall remain in place. Any desire to expand or erect new fencing shall constitute the need for a CUP amendment. General repair and replacement of fencing does not need an amendment.
13. There shall not be more than 4 principal buildings and 2 accessory buildings on the property.
  - a. Principle buildings are labeled as Animal Inn, Animal Hospital, Kennel, and Animal Daycare.
  - b. Accessory buildings are labeled as shed and storage.
14. The caretaker quarters located in the main building, identified as the Animal Inn building on the Survey, can remain. Expansions of the dwelling space will require an amendment to the CUP, other zoning or building codes may also apply.
15. Uses are stated and defined:
  - a. Boarding – Daily stay (Not overnight) and Long term stay (defined as being overnight)
  - b. Grooming – Grooming services (baths, clipping, etc.) that do not extend into veterinary service.
  - c. Pet Cemetery – Shall be maintained and operated as a cemetery for deceased pets.
  - d. Obedience training - Standard training and socializing of dogs.
  - e. Storage – Storage for items or products associated with the Animal Inn business.

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

  
\_\_\_\_\_  
Jeff Holtz, Acting Mayor

ATTEST:

  
\_\_\_\_\_  
Julie Johnson, City Clerk

**From:** [Katie Cheng](#)  
**To:** [Sophia Jensen](#)  
**Cc:** [Corwin Cheng](#); [Ashley Monterusso](#)  
**Subject:** Re: Animal Inn CUP and Variance Progress  
**Date:** Wednesday, February 26, 2025 11:33:34 AM  
**Attachments:** [image001.png](#)

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**Caution:** This email originated outside our organization; please use caution.

Hi Sophia,

Sorry, trying again!

With the current building materials pricing increase and with having to figure out the logistics of how to connect the entire facility to city water and not just the new build we would like to ask for a two year extension on our CUP and variance.

If you need anything else from me let me know! Thank you again for your help!

Katie



**BOLTON  
& MENK**

Real People. Real Solutions.

12224 Nicollet Avenue  
Burnsville, MN 55337-1649

Ph: (952) 890-0509  
Fax: (952) 890-8065  
Bolton-Menk.com

## MEMORANDUM

**Meeting Date:** March 24, 2025  
**To:** Lake Elmo Planning Commission  
**From:** Nathan Fuerst, AICP, Consulting Planner  
Jenni Faulkner, Consulting Senior Planner  
**Subject:** Planning Commission Training

**Action Requested:** Review the contents of this memo and come to the meeting prepared with any questions.

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### Overview

The Planning Commission plays a key role in the governance of Lake Elmo. City community development staff have held yearly trainings for the Planning Commission to help educate or refresh the commission on its roles and responsibilities. Bolton and Menk staff have been asked to assist the City's community development department in this task.

### Purpose

Commission members who are new (and even continuing members!) are well served by periodic training. This is critical because a well-trained commission works more smoothly for the community, members feel more fulfilled, and less risk is presented to the City as a result of land use decisions. It is common practice to hold instruction for City Commissions and Councils on an annual basis. One way to do this is with a League of Minnesota Cities training, which commissioners have been offered and can complete at any time. In-person trainings are often most desired to facilitate a back-and-forth discussion.

### Content

This discussion will cover the basics of Community Planning, a discussion on the City's zoning ordinance, and information commonly referenced by Planning Commissions. An agenda is appended to this report.

**Do you have a question or request for content? Please feel free to reach out to Sophia Jensen, Senior Planner.**

### Next Steps

This is a training; no action is required by the Commission.



Real People. Real Solutions.

**City of Lake Elmo  
Planning Commission  
Planning 101**

March 24, 2025

## **AGENDA**

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1. Introductions
2. What is Planning (PowerPoint)
3. Current Planning Trends
4. 2050 Comprehensive Planning Process
5. Open Discussion/Q & A
6. LMC Handbook for MN Cities, Chapter 13 – Comprehensive Planning, Land Use, and City-Owned Land ([handout](#))
7. Questions?

Other Resources:

- Current Developments Map – [Link Here](#)
- Imagine 2050 – Metropolitan Council Decennial Comprehensive Plan Update – [Link Here](#)
- LMC Planning Commissioner Training – [Link Here](#)