

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON**

RESOLUTION NO. 95-23

**A RESOLUTION DENYING THE REQUEST OF HAMMES SAND & GRAVEL
INC. TO AMEND THE TEXT OF THE CITY'S ZONING REGULATIONS**

1. WHEREAS, Hammes Sand & Gravel, Inc. ("Hammes") operates a mining site on property located within the City of Lake Elmo ("City"); and
2. WHEREAS, the Hammes' Mining site is a nonconforming use; and
3. WHEREAS, on November 14, 1994, Hammes submitted an application to the City requesting that the text of its zoning regulations be amended to allow the recycling of concrete and asphalt road materials and the sale of decorative stone by conditional use permit in an agricultural zone; and further requesting that the City issue a conditional use permit to Hammes for such purposes after the text of the City's ordinances had been amended accordingly; and
4. WHEREAS, the application of Hammes as considered by the City's Planning Commission at a public hearing on December 12, 1994; and
5. WHEREAS, the City's Planning Commission continued its review of the Hammes application from December 12, 1994, to January 23, 1995; and
6. WHEREAS, on January 23, 1995, the City's Planning Commission took the following action in regard to the application:
 - a. Recommended approval of the proposed text amendment subject to certain revisions.
 - b. Continued the public hearing in regard to the request of the issuance of a conditional use permit pending City Council review of the proposed text amendment; and
7. WHEREAS, on February 21, 1995, the City Council reviewed the recommendations of the Planning Commission and generally expressed its intent to deny the application of Hammes, but tabled the matter pending preparation of a more formal resolution.
8. NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby denies the application of Hammes for an amendment to the text of the City's zoning regulations for the following reasons:

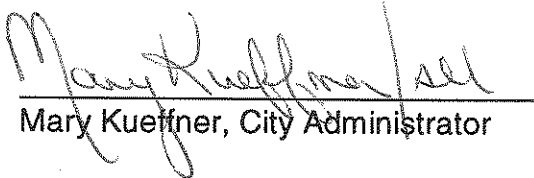
- a. The City will shortly be conducting an I-94 Corridor Study. The results of the I-94 Corridor Study may cause the City to amend parts of its Comprehensive Plan as it relates to the Hammes site or to land adjacent to the Hammes site and may also cause the City to further expand its MUSA area. Therefore, it is the City Council's determination that it is not in the best interests of the City to adopt legislative changes to its zoning regulations.
- b. In addition, the specific text of the proposal submitted by Hammes is unacceptable for the reasons expressed in the Planning Report prepared by RLK Associates Ltd. dated January 18, 1995, which is attached and incorporated herein.

Approved by the City Council
on the 7th day of March, 1995



MAYOR: Wyn John

ATTEST:


Mary Kueffner, City Administrator