

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

RESOLUTION NO. 2024-014

***A RESOLUTION DENYING THE REQUEST FROM MYP LANDSCAPE SUPPLY LLC
FOR A ZONING TEXT AMENDMENT TO AMEND THE AGRICULTURE ZONING
DISTRICT AND LAND USE DEFINITIONS IN THE LAKE ELMO ZONING CODE TO
INCLUDE “LANDSCAPE SUPPLY WHOLESALE” AND “YARD WASTE RECYCLING”
AND TO MAKE SAID USES CONDITIONAL USES IN THE AGRICULTURAL ZONING
DISTRICT***

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

WHEREAS, MYP Landscape Supply LLC (the “Applicant”) has submitted an application to the City for a zoning text amendment to amend the agriculture zoning district uses and land use definitions to include “landscape supply wholesale” and “yard waste recycling” and to allow these uses to be conditional uses in the Agricultural zoning district; and

WHEREAS, notice has been published pursuant to the Lake Elmo Zoning Code, Section 103.00.120; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on December 11th 2023; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated January 16th 2024; and

WHEREAS, the City Council considered said matter at its January 16th 2024 meeting and directed City staff to draft a resolution denying the zoning text amendment for its consideration; and

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

FINDINGS

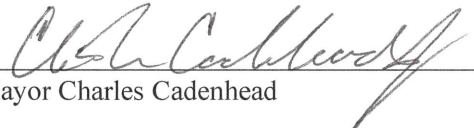
- 1) That the procedures for obtaining a zoning text amendment are found in Section 105.12.280 of the Lake Elmo Zoning Code.
- 2) That all submission requirements of Section 105.12.280 of the Lake Elmo Zoning Code have been met by the Applicant.
- 3) That the proposed zoning text includes the following components:

- a) Amending Section 105.12.620 Table 9-1 to include “landscape supply wholesale” and “yard waste recycling” as conditional uses in the Agricultural zoning district.
- b) Amending Section 105.12.110 to include definitions for “landscape supply wholesale” and “yard waste recycling” uses.
- 4) The proposed uses would negatively impact the public health, safety, and welfare by bringing additional noise, vibrations, and odors that would affect neighboring residential properties given these types of uses’ propensity to utilize heavy equipment and large vehicles and to store decomposing yard waste.
- 5) Because Agricultural district properties are often adjacent to residential properties, including the Applicant’s property, the proposed uses are incompatible with surrounding land uses, given that they produce a large amount of noise and vibrations from large vehicle and heavy equipment use.
- 6) There is no need for a yard waste disposal use in the Agricultural zoning district as there are many yard waste disposal sites already available to City residents.
- 7) By allowing these types of uses within the Agricultural district, they will be allowed not only for the Applicant’s property but for all Agricultural district properties within the City which may cause there to be negative impacts to other properties that surround these Agricultural district properties.

DECISION

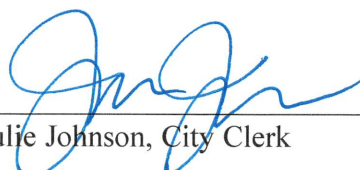
NOW, THEREFORE, BE IT FURTHER RESOLVED, and based upon the information received and the above Findings, the City Council of the City of Lake Elmo hereby denies the request from MYP Landscape Supply LLC for a zoning text amendment.

Passed and duly adopted this 6th day of February 2024 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Charles Cadenhead

ATTEST:



Julie Johnson, City Clerk