



STAFF REPORT

DATE: 12/11/2023

Item#: 4c – Public Hearing

Motion

TO: Planning Commission
FROM: Sophia Jensen, City Planner
AGENDA ITEM: Agriculture Zoning District Uses – MYP Landscape Supply

BACKGROUND:

MYP Landscape Supply located at 9591 60th St (PID 03.029.21.12.0001) has requested a zoning text amendment to the agricultural zoning district. The request is to include yard waste recycling and landscape supply as conditional uses to Table 9-1. As part of this request, City Staff has reviewed adjacent Cities regulations and is recommending adding definitions as part of this proposed amendment.

Since 1988, the site has been under a conditional use permit for an open sales lot and has engaged in the sale of stone and landscape supplies. The current proposal is to add “landscape supply, wholesale” into the official list of uses for the Agriculture zoning district. The City Code currently defines “garden center” but that only applies to nurseries or lawn and garden centers. While MYP may sell similar garden center items such as trees, shrubs, and plant material, they also sell other items, which include rock, stone, pavers, and gravel which is outside the scope of garden centers and a unique business within the City. In order to operate, update, or expand their business “landscape supply, wholesale” must be a defined use in the Agriculture zoning district.

According to the narrative, the site already engages in yard waste recycling. This includes the acceptance of dirt, branches, stumps, and other organic items, which are then processed and resold or disposed of. To bring the site into compliance the yard waste recycling use must be added to city code or yard waste recycling activities must cease on the site.

If the proposed text amendments are approved, MYP would then need to apply for a conditional use permit amendment which would require a public hearing and review by the Planning Commission and City Council. At that time, the City may add conditions it feels are necessary to mitigate concerns. They would also be required to get necessary recycling/waste permits from Washington County.

ISSUE BEFORE THE PLANNING COMMISSION:

The Planning Commission is being asked to hold a public hearing and make a recommendation to the City Council on the proposed agriculture zoning district amendments.

PROPOSAL ANALYSIS:

In addition to the suggested amendments submitted by MYP, City Staff reviewed adjacent cities ordinances and regulations. Given the unique nature of the business, not many cities had an exact landscape supply use definition. Forest Lake and Hugo were used as references for the yard waste recycling use definition.

City Staff also reviewed the request in relation to the purpose and intent of the agriculture zoning district and rural area development land use guidance. Below is the definition of the agriculture (A) zoning district from LEC 105.12.610(b) and the definition of rural area development (RAD) from the 2040 Comprehensive Plan.

A: Agricultural District will apply to agricultural or undeveloped areas in the city, including any newly annexed areas. The purpose of the district is to allow for agricultural and other activities typically associated with agriculture, including non-farm dwellings at a density of one unit per 40 acres. Future residential development may occur at the aforementioned density or through the open-space preservation development process. These parcels are expected to be served by on-site wastewater treatment facilities. In addition, some limited agriculture-related businesses, such as wayside stands and outdoor recreation, are appropriate short-term or interim uses for this district.

RAD: A large percentage of land in Lake Elmo falls within the Rural Area Development designation, including single-family detached homes, working farms and agricultural uses where land is undeveloped, cultivated in crops, or used for livestock. This designation includes open space developments that are developed, or may be developed, with clustered housing and may be served by a community septic system. Open space developments generally average more than 1 residential unit per 10 acres and include a dedicated open space protected through a conservation easement. This designation is inclusive of large-lot rural single-family detached residential uses and future conventional subdivision. Density across this land use designation is planned to maintain maximum densities of 1 residential dwelling unit per 10 acres. This land use designation is limited to areas not within the MUSA planning areas.

In order for the zoning text amendment to be approved, the City must find:

1. The proposed uses are consistent with the Agriculture Zoning District; and
2. The proposed uses are consistent with the Future Land Use Definition in the City's Comprehensive Plan.

PROPOSED TEXT AMENDMENT LANGUAGE:

Proposed amendments are attached.

PUBLIC HEARING:

A public hearing was sent to surrounding property owners on November 29th 2023 and published in the City's official newspaper on December 1st 2023. No public comment has been received.

FISCAL IMPACT:

None.

OPTIONS:

- Recommend approval of the proposed amendments.
- Recommend changes to the proposed amendments.
- Recommend denial of the proposed amendments.

RECOMMENDATION:

Staff recommends the Planning Commission recommend approval of the proposed text amendment as presented by Staff'

“Move to recommend adoption of the proposed text amendment to Section 105.12.620 Table 9-1 and Section 105.12.110 Zoning Use Types and Classifications as presented by City Staff”

ATTACHMENTS:

- Proposed Text Amendments
- Site Location Map
- Existing City Code Language
- MYP Zoning Text Amendment Application and Narrative

Proposed language is underlined in blue text. Deleted language is shown with a ~~strikethrough~~.

105.12.110 Zoning Use Types and Classifications

(9) Agricultural and related uses.

Agricultural entertainment business means an agricultural sales business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on-farm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee-based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

Agricultural production means establishments engaged in the production of crops, plants or vines, including agro forestry, or establishments which are engaged in the keeping, grazing, or feeding of livestock for sale, value increase, or livestock increase.

Agricultural sales business means the retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25 percent of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the agricultural sales business.

Agricultural services means establishments that perform services which support or assist the agricultural community, such as soil preparation services, crop services, farm management services, or breeding services on a fee or contract basis, along with experimental farms for research or educational purposes. This category is intended to apply where agricultural land is located, and may include buildings and other structures that provide office, warehouse, and storage areas for these establishments.

Agricultural support means establishments engaged in farm equipment sales and repair, farm produce sales and supply (feed grain, elevators) and small-scale farm product processing, such as cider mills, dairies, poultry or meat processing.

Forestry operations means the use of land for the raising and harvesting of timber, pulpwood or other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper or grinder to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the city which shall be considered accessory to the development of the property.

Greenhouse, non-retail, means a building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Wayside stand means a temporary structure or vehicle used for the seasonal retail sale of agricultural goods, floriculture, and horticulture produced by the operator of the wayside stand, which is clearly a secondary use of the premises and does not change the character thereof.

Landscape Supply, Wholesale, means an establishment that sells landscape related materials for commercial, residential, or agricultural purposes. This use may feature an open sales lot, which allows for the display and sale of bulk items such as soil, mulch, compost, stone, rocks, shrubs, trees, and items of the like. This use can be made compatible with surrounding areas through landscape screening and through separation required by yard and height limitations.

Yard Waste Recycling, means a designated area where organic waste materials, such as leaves, grass clippings, branches, brush, tree stumps, tree waste, and the like, are collected, processed, and managed on a large scale. This facility may include composting operations and storage areas for segregated waste materials. This use can be made compatible with surrounding areas through landscape screening and through separation required by yard and height limitations.

105.12.620 Table 9-1 Permitted Conditional and Interim Uses, Rural Districts

Table 9-1 lists all permitted, conditional, and interim uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standard" indicate the location within this section of specific development standards that apply to the listed use.

Combinations of uses. Principal and accessory uses may be combined on a single parcel.

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	<i>RT</i>	<i>A</i>	<i>RR</i>	<i>RS</i>	<i>RE</i>	<i>Standard</i>
Residential Uses						
Household living						
Single-family detached dwelling	P	P	P	P	P	LEC 105.12.650(a)
Secondary dwelling	-	P	-	-	-	LEC 105.12.650(d)
Services						
Self service storage facility	I ^a	I ^a	-	-	-	LEC 105.12.650(g)
Outdoor Recreation						

Outdoor recreation facility	-	C	-	-	-	LEC 105.12.540(c)
Parks and open areas	P	P	P	P	P	LEC 105.12.110(b)(7)
Restricted recreation	-	C	-	-	-	LEC 105.12.540(b)
Agricultural and Related Uses						
Agricultural entertainment business	I	I	I	-	-	LEC 105.12.1420
Agricultural production	P	P	P	-	-	LEC 105.12.110(b)(9)
Agricultural sales business	I	I	I	-	-	LEC 105.12.1410
Agricultural services	C	C	-	-	-	LEC 105.12.650(j)
Forestry operations	-	P	-	-	-	LEC 105.12.110(b)(9)
Greenhouses, non-retail	C	C	C	-	-	LEC 105.12.110(b)(9)
Solar farm	I	C	C	-	-	LEC 105.12.1440
Wayside stand	P	P	P	-	-	LEC 105.12.110(b)(9)
Landscape Supply, Wholesale	-	<u>C</u>	-	-	-	LEC 105.12.110(b)(9)
Yard Waste Recycling	-	<u>C</u>	-	-	-	LEC 105.12.110(b)(9)
Industrial and Extractive Uses						
Motor freight and warehousing	I ^a	-	-	-	-	LEC 105.12.650(g)
Environmental Uses						
Wind Generator - Ground Mounted	C	C	C	C	C	LEC 105.12.560(b)
Wind Generator - Roof/Structure Mounted	C	C	C	C	C	LEC 105.12.560(b)
Accessory Uses						
Bed and breakfast	P	P	P	P	P	LEC 105.12.570

Domestic pets	P	P	P	P	P	LEC 105.12.110(b)(13)
Family day care	P	P	P	P	P	LEC 105.12.110(b)(13)
Home occupation	P	P	P	P	P	LEC 105.12.110(b)(13)
Kennel, private	C	C	C	-	-	LEC 105.12.110(b)(13)
Solar energy systems	P	P	P	P	P	LEC 105.04.220(c)
Stable, private	C	C	C	-	-	LEC 105.12.110(b)(13)
Swimming pools, hot tubs, etc.	P	P	P	P	P	LEC 105.08.160
Temporary sales	P	P	P	P	P	LEC 105.12.110(b)(13)
Water-oriented accessory structures	P	P	P	P	P	LEC 105.12.1230
Wind Generator - Ground Mounted	C	C	C	C	C	LEC 105.12.560(b)
Wind Generator - Roof/Structure Mounted	C	C	C	C	C	LEC 105.12.560(b)
Other structures typically incidental and clearly subordinate to permitted uses	P	P	P	P	P	
Commercial wedding ceremony venue	I	I	I	-	-	LEC 105.04.220(d)
Farm Schools, Public and Private	I	C	C	C	C	105.12.510
Open space preservation development						
OP development	-	C	C	-	-	Ch. 105.12, Art. XVII
Notes to rural districts Table 9-1:						
a. One dwelling unit per 40 acres applies to all non-farm dwellings. In addition to non-farm dwellings (one per 40 acres), each farm is allowed one farm dwelling per farm.						
b. Nominal 40 acres: A 40-acre parcel not reduced by more than ten percent due to road rights-of-way and survey variations.						

c. Nominal ten acres: A ten-acre parcel not reduced by more than ten percent and/or a ten-acre parcel located on a corner or abutting a street on two sides not reduced by more than 15 percent due to road rights-of-way and survey variations.

d. The minimum lot size for lots served by public sanitary sewer shall be 24,000 square feet per residential unit.

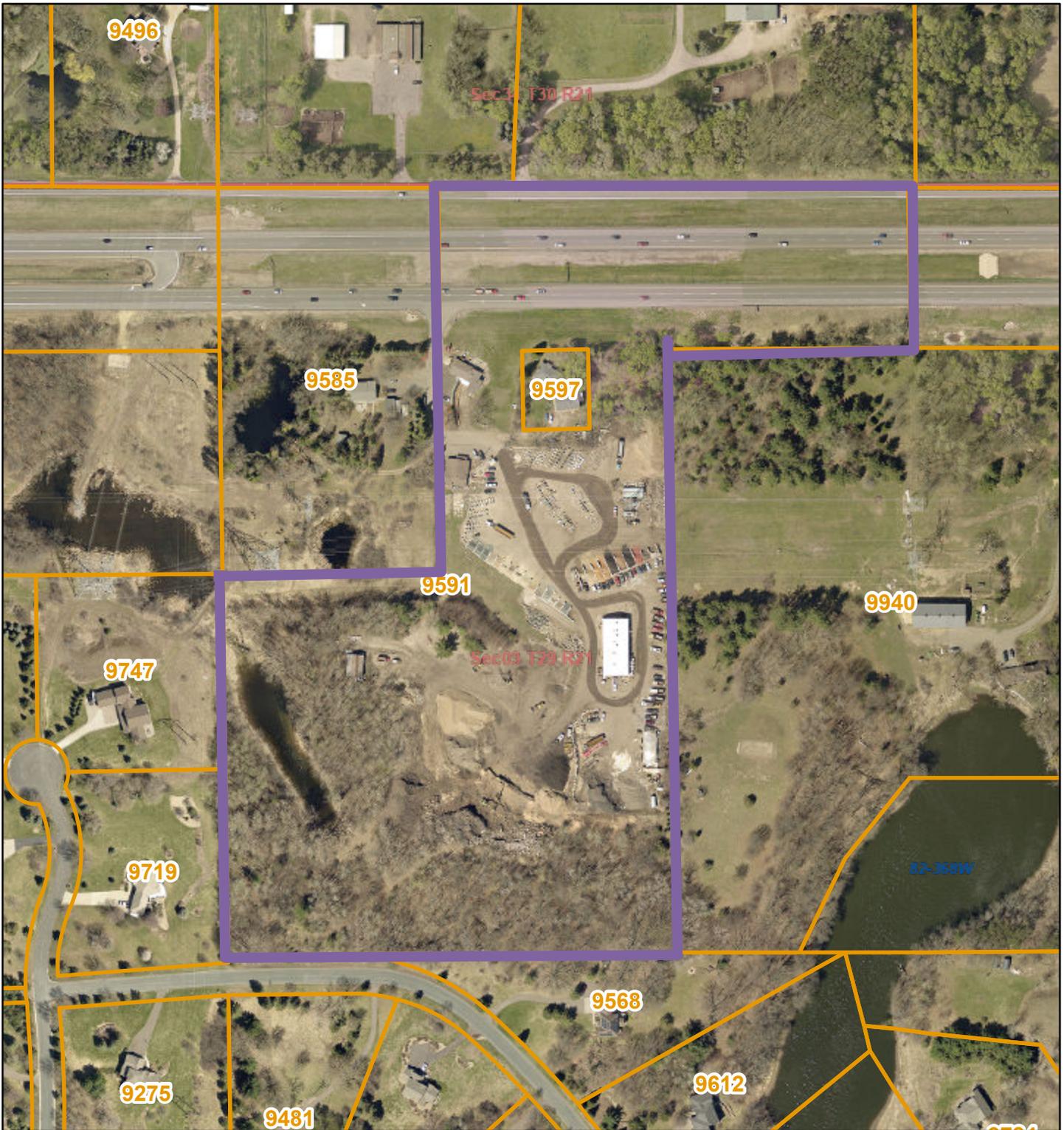
e. A minimum of 1.25 acres of land above the floodplain or free of any drainage easements is required.

f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1. Flag lots are prohibited.

g. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

h. Setback standards do not apply to solar farms. LEC 105.12.1470 should be referenced for these specific standards.

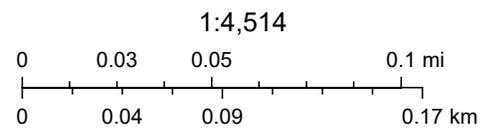
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-  Parcels
-  Sections
-  Municipals

DNR Protected Waters ID



105.12.620 Permitted, Conditional, And Interim Uses

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Domestic pets	P	P	P	P	P	LEC 105.12.110(b) (13)
Family day care	P	P	P	P	P	LEC 105.12.110(b) (13)
Home occupation	P	P	P	P	P	LEC 105.12.110(b) (13)
Kennel, private	C	C	C	-	-	LEC 105.12.110(b) (13)
Solar energy systems	P	P	P	P	P	LEC 105.04.220(c)
Stable, private	C	C	C	-	-	LEC 105.12.110(b) (13)
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b. Nominal 40 acres: A 40-acre parcel not reduced by more than ten percent due to road rights-of-way and survey variations.
c. Nominal ten acres: A ten-acre parcel not reduced by more than ten percent and/or a ten-acre parcel located on a corner or abutting a street on two sides not reduced by more than 15 percent due to road rights-of-way and survey variations.
d. The minimum lot size for lots served by public sanitary sewer shall be 24,000 square feet per residential unit.
e. A minimum of 1.25 acres of land above the floodplain or free of any drainage easements is required.
f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1. Flag lots are prohibited.
g. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
h. Setback standards do not apply to solar farms. LEC 105.12.1440 should be referenced for these specific standards.

HISTORY

Amended by Ord. [08-243](#) on 1/5/2021

Adopted by Ord. [08-253](#) on 11/3/2021

Amended by Ord. [2023-20](#) on 11/21/2023

105.12.110 Zoning Use Types And Classifications

(a) Rules of interpretation for zoning use types and classifications.

- (1) *Purpose of use types.* The purpose of the use types is to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning districts. The use types section also facilitates the process of determining the applicable use type of any activity not clearly within any defined use type.
- (2) *Interpretation.* In the event of any question as to the appropriate use type of any existing or proposed use or activity, the planning director shall have the authority to determine the appropriate use type. In making such a determination, the planning director shall consider the operational and physical characteristics of the use in question and shall consider the classification contained in the most recent edition of the Standard Industrial Classification Manual published by the U.S. Office of Management and Budget. In addition, the planning director shall consider the specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists. The planning director may also determine that a proposed use or activity is sufficiently different from any use type listed below and will require an amendment to the text of this chapter.
- (3) *Determinations in writing.* The planning director shall make such determinations of appropriate use types in writing, which shall include an explanation of the reasons for the determination.
- (4) *Appeal.* A determination of the planning director may be appealed to the board of adjustment pursuant to the procedures for administrative appeals outlined in LEC 3.08.100.

(b) Use types and classifications.

(1) Residential and related uses.

a. Family living.

Live-work unit means a dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

Manufactured home park means a development on a site under a single ownership which consists of two or more spaces for the placement of manufactured homes for dwelling or sleeping purposes, regardless of whether or not a fee is charged for the utilization of such space.

Multifamily residential means a building containing three or more dwelling units. The term "multifamily residential" includes cooperative apartments and condominiums, but not condominium-hotels. (See condominium and condominium-hotel under LEC 1.08.)

Secondary dwelling means a residential dwelling unit, but not a manufactured home, located on the same lot as a single-family dwelling unit, either within the principal structure or above a detached garage.

Single-family, attached, means a building containing one dwelling unit attached to another building containing only one dwelling unit, with each building on a separate lot.

Single-family, detached, means a building containing only one dwelling unit, surrounded by landscape area or yards on all sides.

Two-family or duplex means a building on a single lot or adjacent lots containing two dwelling units, either side-by-side or stacked vertically.

b. *Group living*.

Congregate housing means a dwelling providing shelter and services for the elderly, which may include meals, housekeeping, and personal care assistance and minor medical services, but not intermediate, long-term, or extended nursing care for residents.

Correctional facilities means a public or privately-operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

Group home means a residence shared by six or fewer handicapped persons in addition to resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

Group residential facility means a licensed public or private establishment, which, for gain or otherwise, regularly provides one or more dependents with 24-hour a day substitute for the care, food, lodging, training, education, supervision, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the dependent's own home. The term "group residential facility" includes, but is not limited, to state institutions under the control of the commissioner of public welfare, foster homes, maternity shelters, group homes, as defined herein, with seven or more residents, schools for handicapped children, and homes for battered children or battered spouses.

Halfway house means an establishment providing accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol, drug addiction or other similar disorders, or to persons re-entering society after being released from a correctional facility or other institution.

Semi-transient accommodations means and includes boardinghouses, roominghouses, fraternity and sorority houses, or lodging rooms, as defined by this chapter. Semi-transient accommodations do not include condominium-hotels, as defined in LEC 1.08.

(2) *Public and civic uses*.

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium's, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Colleges and universities means institutions of higher learning which offer courses of general or specialized study leading to a degree or certificate. They are certified by the state board of higher education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.

Community services means establishments of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities may incorporate membership provisions, and are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may also provide special counseling, education, or training of a public, non-profit, or charitable nature. Accessory uses may include offices, meeting areas, food preparation areas, parking, health and therapy areas, day care uses, and athletic facilities. Examples include libraries, museums, senior centers, community centers, social service facilities, early childhood learning facilities, and other special educational services.

Day care center means any facility operated for the purpose of providing care, protection, and guidance to 14 or more individuals during only part of a 24-hour day. The term "day care center" includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

Public assembly means facilities owned and operated by a public or quasi-public agency accommodating public assembly for non-recreation purposes. Typical uses include auditoriums, convention facilities, exhibition facilities, convention halls, or armories.

Religious institutions means establishments that are intended to primarily provide meeting areas for religious activities. Accessory uses include Sunday school facilities, parking, caretaker's housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.

Schools, public and private, means establishments at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Examples include public and private day-time schools, boarding schools, and military academies.

Exemptions:

- a. Preschools are classified as day care facilities; and
- b. Business and trade schools are classified as educational services.

(3) *Services.*

Business center means a building or group of buildings planned, constructed, and managed as a total entity, with common on-site parking for a group of commercial service establishments, with office uses also permitted. In the central business district, the requirement for common on-site parking need not be met in order to classify a

development as a business center.

Business services means establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, office equipment rental and leasing, photo finishing, business supply services, and computer programming/data processing services.

Communication services means establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephone mechanisms. Excluded from this use type are facilities classified as essential services or broadcasting and communications towers. Typical uses include television studios, telecommunications service centers, telegraph service offices or film and sound recording facilities.

Educational services means establishments engaged in furnishing specialized academic or technical courses, normally on a fee basis, such as vocational or correspondence schools, barber college, data processing schools, or secretarial schools, along with non-degree granting schools such as post-secondary colleges and universities, martial arts, music, art, ceramic, and dramatic, schools, and dance instruction.

Financial institution means provision of financial and banking services to consumers or clients. Walk-in and drive-in services are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and drive-up automatic teller machines (ATMs).

Funeral home means establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

Lodging. See *Transient accommodations.*

Medical facilities means establishments engaged in providing diagnostic services, extensive medical treatment (including surgical services), and other hospital services, as well as continuous nursing service, including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio-medical research and development, outpatient care facilities, medical schools and associated dormitories, medical appliance sales, and similar uses, but not including animal hospitals.

Membership organization means organizations operating on a membership basis for the promotion of the interests of the members included such uses as trade associations, business associations, professional membership organizations, labor unions, civic or fraternal organizations, but not including churches, hospitals, golf and country clubs, or credit unions.

Nursing and personal care means establishments primarily engaged in providing intermediate or long-term nursing and health related care to individuals, typically classified as nursing homes.

Offices means a building or portion of a building used for office purposes by a business, service, professional, or institutional establishment, including medical offices or clinics, studios for those involved in art, sculpture, music, and the like, and all other establishments similar in character.

Personal services means establishments primarily engaged in providing services

involving the care of a person or his apparel, such as barber shops, clothing rental, salons and health clubs, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning plants) or coin-operated laundries.

Repair and maintenance shop means establishments engaged in miscellaneous repair services, primarily of household-oriented products such as radios, televisions, washers and dryers, furniture (including re-upholstery), small engine repair, bicycles, or locksmiths.

Self-service storage facility means an establishment designed and utilized for the purpose of renting or leasing individual storage spaces to tenants who have sole private access to such space for storing personal property.

Trade shop means any lot, land, building, or structure that serves as the headquarters for contractors involved in specialized activities such as plumbing, painting, plastering, masonry, carpentry, roofing, well drilling, landscaping and the like, where tools, equipment and materials used in the business are stored. The category also includes establishments involved in specialized trades such as sheet metal, sign painting, drapers, and exterminators.

Transient accommodations, lodging, means establishments in which lodging is provided and offered to the public for compensation, and which is open primarily to transient guests, as distinguished from semi-transient boarding or rooming facilities. Typical uses include hotels, motels, and inns. Meeting and restaurant facilities may be included accessory to this use type. Condominium-hotels shall be considered as a type of transient accommodation.

Transportation services means establishments furnishing services related to the arrangement of persons and goods movements, such as freight forwarding, parking services or the rental/leasing of automobiles or two-axle trucks.

Veterinary service means establishments engaged in the practice of veterinary medicine, dentistry or surgery, along with those providing animal related services such as kennels, grooming, or breeding services.

(4) *Food service.*

Drinking and entertainment means establishments primarily engaged in the selling of drinks for consumption on the premises, where entertainment may be provided and the incidental sale of prepared food for consumption on the premises is permitted. These establishments may often charge a fee or admission charge for the entertainment provided. Included in this category are bars, beer gardens, discotheques, nightclubs, taverns, and dance halls.

Drive-in restaurant means an establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or table service, served in disposable containers at a counter and a drive-up or drive through service facility or which offers curb service.

Fast food restaurant means an establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or table service, served in disposable containers at a counter. This use type does not employ a drive-up or drive-through service facility, and does not offer curb service.

Standard restaurant means an establishment whose principal business is the sale of food and/or beverage to customers in a ready to consume state, and whose principal method of operation includes one or both of the following:

- a. Customers, normally provided with an individual menu, are served their food and beverage by restaurant employees at the same table or counter at which the food and/or beverage are consumed;
- b. A cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

(5) *Sales of merchandise.*

Garden center (retail agriculture) means establishments or places of business primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, and plant materials primarily for agricultural, residential, and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include nurseries, retail greenhouses, plant stores, and lawn and garden centers.

Neighborhood convenience store means establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

Retail trade means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. These establishments are characterized by the following:

- a. They buy and receive as well as sell merchandise;
- b. They may process some products, but such processing is incidental or subordinate to the selling activities; and
- c. They predominantly sell to customers for their own personal or household use.

The term "retail trade" is divided into the following subcategories for the purposes of this chapter:

- a. General retail.
- b. Antiques and collectibles store.
- c. Art gallery.
- d. Bicycle sales and repair.
- e. Book store, music store.
- f. Clothing and accessories.
- g. Craft or needlework shop.
- h. Drugstore, pharmacy.
- i. Electronics and appliance sales and repair.
- j. Florists.
- k. Specialty food store, including bakery, butcher shop, delicatessen, and the like.

- l. Jewelry store.
- m. Hardware store.
- n. Newsstands, magazine sales.
- o. Pet store.
- p. Photographic equipment and supplies.
- q. Picture framing.
- r. Secondhand store, thrift or consignment store.
- s. Sporting goods store.
- t. Stationery store.
- u. Tobacco store.
- v. Video rental or sales.
- w. Building supplies sales.
- x. Furniture and appliance sales, rental, showrooms.
- y. Grocery, supermarket.
- z. Liquor store.
- aa. Warehouse club sales.

Shopping center means a group of commercial establishments planned, constructed, and managed as a total entity with shared access, customer and employee parking provided on-site, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Wholesaling means establishments engaged primarily in selling merchandise to retailers, or to industrial, commercial, institutional, or professional business customers, or to other wholesalers, or on a mail order basis to individuals or firms, or which serve as agents or brokers buying merchandise for, or selling merchandise to, individuals and companies.

(6) *Automotive/vehicular uses.*

Automobile maintenance service means repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services and similar repair and service activities where minor repairs and routine maintenance are conducted.

Automobile parts/supply means retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments, which offer minor automobile repair services as an accessory use.

Car wash means washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes.

Commercial vehicle repair means repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile

and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops, and other similar uses where major repair activities are conducted.

Gasoline station means any place of business with fuel pumps and underground storage tanks that provide fuels and oil for motor vehicles. A neighborhood convenience store associated with automobile fuel sales shall be considered a gasoline station.

Parking facility means any structure associated with a nonresidential use whose purpose is to provide the required off-street parking spaces for a principal use, or any site utilized for parking which constitutes the principal use on a parcel of land. This category also includes community lots, which are established to meet the parking needs in a residential area, and park and ride lots.

Sales and storage lots means establishments engaged in the display for sale, lease, and/or rental of automobiles, trucks, machinery, recreational vehicles and manufactured homes, including auto dealerships or the farm commercial storage of privately-owned trailers, boats, campers, or similar vehicles.

(7) *Outdoor recreation.*

Campgrounds and trailering means establishments engaged in providing overnight or short-term sites for the placement of recreational vehicles or temporary housing, with or without facilities such as water and electricity.

Golf course means a tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par three golf courses. Specifically excluded are independent driving ranges or miniature golf facilities, which are classified as outdoor recreation facilities.

Marina means a facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

Outdoor entertainment means an outdoor facility developed for entertainment, amusement, or tourist purposes which typically involve large areas of land and concentrated traffic peaks oriented towards events at the facility, including drive-in theaters, amphitheaters, outdoor concert halls, or theme parks.

Outdoor recreation facility means a commercial recreation facility that is primarily an open-air facility, such as baseball fields, swimming pools, skating rinks, golf driving ranges, or miniature golf facilities.

Parks and open areas means uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses include, but are not limited to, clubhouses, maintenance facilities, concessions, caretaker's quarters, gazebos, pavilions, band shells, and parking. Examples include parks, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and land used for grazing that is not part of a farm or ranch.

Restricted recreation means commercial recreation facilities that are of greater nuisance than conventional outdoor athletic facilities because of:

- a. The noise and traffic volumes they may generate;

- b. The glare they produce; or
- c. The potential danger they may create from flying objects or the use of weapons. This category includes such uses as amusement parks, racetracks (auto, go-cart, motorcycle) or ranges (skeet, rifle, or archery).

(8) *Indoor recreation/entertainment.*

Adult establishment. See LEC 11.16.020.

Indoor athletic facility means a commercial recreation facility that provides completely enclosed or indoor recreation space, such as racquet clubs, indoor skating rinks, swimming pools, or gymnasiums.

Indoor recreation means establishments primarily engaged in activities intended to provide personal amusement, with the largest number of patrons typically during the evening hours or on weekends, and where food and refreshments may be provided as an incidental service, including such uses as bowling alleys, billiard, pool, or bingo parlors, amusement arcades, and indoor theaters (live or motion picture).

(9) *Agricultural and related uses.*

Agricultural entertainment business means an agricultural sales business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on-farm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee-based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

Agricultural production means establishments engaged in the production of crops, plants or vines, including agro forestry, or establishments which are engaged in the keeping, grazing, or feeding of livestock for sale, value increase, or livestock increase.

Agricultural sales business means the retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and homemade handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25 percent of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the agricultural sales business.

Agricultural services means establishments that perform services which support or assist the agricultural community, such as soil preparation services, crop services, farm management services, or breeding services on a fee or contract basis, along with experimental farms for research or educational purposes. This category is intended to apply where agricultural land is located, and may include buildings and other structures that provide office, warehouse, and storage areas for these establishments.

Agricultural support means establishments engaged in farm equipment sales and repair, farm produce sales and supply (feed grain, elevators) and small-scale farm product processing, such as cider mills, dairies, poultry or meat processing.

Forestry operations means the use of land for the raising and harvesting of timber, pulpwood or other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper or grinder to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the city which shall be considered accessory to the development of the property.

Greenhouse, non-retail, means a building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Wayside stand means a temporary structure or vehicle used for the seasonal retail sale of agricultural goods, floriculture, and horticulture produced by the operator of the wayside stand, which is clearly a secondary use of the premises and does not change the character thereof.

(10) *Alternative energy.*

Solar energy system means a device or structural design feature, a primary purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation.

Solar farm means a commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of sales of generated electricity to off-site customers.

Wind generator means a machine which generates energy/power from the wind.

(11) *Industrial and extractive uses.*

Closed landfill management means the use associated with the responsibility and obligation of the state pollution control agency (MPCA) to take necessary response actions on the property as provided in M.S.A. § 115B.412, subd. 4, and M.S.A. §§ 115B.39 to 115B.43.

Heavy industrial means establishments involved in the manufacture, fabrication, processing, compounding, or assembling of materials from raw material or previously processed material. These uses have severe potential for adversely affecting surrounding land uses due to potential environmental impacts related to noise, smoke/particulate emissions, vibration, noxious gases, odor, glare/heat, fire/explosion hazards and waste disposal. In addition, these uses may generate large amounts of truck or auto traffic, may involve the use of large unenclosed production areas, or may require large, tall structures that are unsightly. Heavy industrial uses typically involve primary production processes in the area of paper products (pulp mills), food processing (slaughterhouse, meat packing plant), chemicals (manufacture of inorganic chemicals, resins, plastics, paints, fertilizers, explosives, ink), petroleum products (refineries, bulk storage), primary metals (blasting, smelting, rolling), machinery and equipment manufacturer (auto assembly, engines, construction equipment), leather (storing, curing, tanning), gravel based products (manufacture of bricks, concrete, abrasives), and lumber products (saw mills).

Landfill means a disposal site employing an engineered method of disposing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to

the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Laundry plant means establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, and linen supply services.

Light industrial means establishments involved in the processing, fabrication, assembly, or compounding of products where the process involved is relatively clean and nuisance free, usually completely enclosed, and with limited environmental effects. These uses can be made compatible with surrounding areas through landscape screening and through separation required by yard and height limitations. Typically, these uses result in the creation of finished products for sale on a wholesale basis to retailers or directly on a retail basis, and include uses in the following areas: lumber products (millwork, cabinet-making), electronics, textiles, printing and publishing services, bottling works, carpet and rug cleaning, furniture manufacture, paper (final processing of stationery, bags, etc., from purchased bulk stock), light metal finishing and light machining, rubber and plastics (compounding processed resins, molding plastics), gravel based products (pottery, cutting, finishing granite, firing and decorating clay products), and ice manufacturing.

Motor freight and warehousing means establishments engaged primarily in either the storage or shipment of goods and materials, including terminal facilities for handling freight, and maintenance facilities in which the trucks (including tractor trailer units) involved with the operation of the business are stored, parked and serviced. Materials within a warehouse or terminal facility may be combined, broken down, or aggregated for trans-shipment or storage purposes where the original material is not chemically or physically changed.

Non-production industrial means establishments that normally are considered industrial in character even though they are not involved in the manufacturing or processing of products. These uses generate negative impacts largely through their need for outside storage of equipment and materials, the large expanse of land needed for this storage, and the creation of dirt, dust and noise, along with intermittent truck traffic. These uses generally can be made compatible through landscape screening and the imposition of limited performance standards, and thus are not objectionable in most industrial or commercial districts. The types of uses categorized here include contractor's yards, lumberyards, utility yards, and public maintenance shops and yards.

Research and testing means establishments or other facilities for carrying on investigation in the natural or physical sciences, or engineering and development as an extension of investigation with the objective of creating end products, on a contract or fee basis, and including pilot plant operation.

Resource extraction means a use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specially excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision.

Salvage/recyclable center means land or buildings where waste, discarded, salvaged, or recyclable materials are bought, sold, stored, exchanged, sorted, cleaned, packed, disassembled or handled on a commercial basis, including, but not limited to, scrap metal, aluminum, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles. Any site

containing two or more unregistered, inoperable motor vehicles is classified as a salvage center.

(12) *Utilities, transportation and communications.*

Air transportation means establishments engaged in domestic, emergency, or foreign transportation of passengers or goods by air, including airports, flying fields, rotorcraft terminals, as well as any associated terminal facilities.

Broadcasting or communication means any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication facility usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Broadcasting or communication facilities include wireless communications facilities and wireless communications towers as defined in LEC 1.08.

Essential services means overhead, above ground or underground electrical, gas, steam or water transmission or distribution systems and structures of collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings.

Local transit means establishments primarily engaged in furnishing local and suburban passenger transportation, including taxicabs, passenger charter services, school buses, and terminals (including service facilities) for motor vehicle passenger transportation.

Railroad transportation means establishments engaged in domestic freight and passenger transportation by rail, and including railroad yards, freight stations and switching yards.

(13) *Accessory uses.*

Bed and breakfast means a private, owner-occupied residence that contains no more than five guestrooms where lodging, with or without meals, is provided for compensation. Guest stays shall be limited to 30 days.

Commercial wedding ceremony venue means a use involving a location to conduct wedding ceremonies, not including receptions, and usually operated in exchange for remuneration by providing the venue to the public.

Domestic pets means the keeping of small domestic animals, such as dogs, cats, birds, rodents, fish, and the like, not primarily for produce or value increase, but rather for show, sport, or as pets.

Family day care means a residence licensed by the state department of human services in which no more than ten children at any one time receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24 hours per day.

Group family day care means a residence licensed by the state department of human services in which at least 11, but not more than 14, children receive care, maintenance and supervision by someone other than their relatives or legal guardians for less than 24

hours per day.

Home occupations means any gainful occupation or profession engaged in by the occupants and up to one non-occupant employee of a dwelling when carried on within a dwelling unit or in an accessory building, provided that no signs other than those allowed by the city's sign regulations regarding home occupations are present.

Kennel, private, means the keeping, breeding, raising, showing or training of four or more dogs over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

Merchandise parties means private parties held for the purpose of soliciting sales. Merchandise parties shall include but not be limited to Tupperware, Mary Kay, and Avon parties.

Stable, private, means the keeping, breeding, or raising of horse or ponies exclusively for the personal use and enjoyment of the owner or occupant of the property or the riding of horses or ponies by the owner or occupant of the property and their guests.

Swimming pools means any permanently located pool, used for swimming and/or bathing which is over 24 inches in depth, or which has a surface area exceeding 150 square feet.

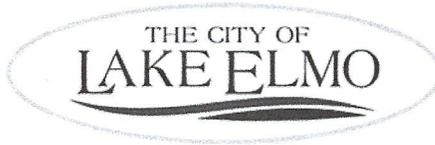
Temporary sales means any isolated or occasional display and sale of used personal property or home-crafted items conducted on residential premises by the occupant of the residential property. Temporary sales shall include rummage sales, basement sales, yard sales, porch sales, craft sales, garage sales, and seasonal boutiques.

HISTORY

Amended by Ord. [08-250](#) on 9/7/2021

Adopted by Ord. [08-253](#) on 11/3/2021

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

Zoning Text Amendment Application

Applicant: Josh Peterson - Manager - MYP Landscape Supply, LLC
Address: 9591 60th St N, Lake Elmo, MN 55042
Phone # Office: 651-706-0695 Cell: 651-392-2785
Email Address: jpeterson@mylandscapesupply.com

Fee Owner: QBAN Properties, LLC Yoleisy Valdes-Gonzalez (President/Owner)
Address: 9591 60th St N, Lake Elmo, MN 55042
Phone # 651-755-6151
Email Address: joe@valdeslawn.com

Engineer: N/A
Address: _____
Phone # _____
Email Address: _____

Property Location (Address): 9591 60th St N, Lake Elmo, MN 55042
Complete Legal Description: **Description too long to fit in this space, please see attached sheet from Washington County's website showing the full Legal Description of the property
PID#: 03.029.21.12.0001

Detailed Reason for Request: We are requesting to make changes to the current code and language to match the activities and uses we would like to utilize the property for. Please see attachments titled "MYP-Proposed Amendments-Changes", "MYP-Narrative", and the maps attached which are referenced in the "MYP-Narrative" document.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant:  Date: 11/8/2023
Signature of fee owner:  Date: 11/8/23



MYP Landscape Supply, LLC
9591 60th St. N.
Lake Elmo, MN 55042
Office: 651.706.0695
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ZONING TEXT AMENDMENT APPLICATION – NARRATIVE

The property MYP Landscape Supply is located on falls in the A - Agricultural District as shown on the Zoning Map which is dated as having been updated in May 2023. The Municipal Code for this Zone does not contain any language allowing for certain operations that MYP is already actively conducting on the property and would like to continue with, so we seek to amend the code. The City of Lake Elmo and Washington County are both aware of said operations. MYP's full intention is to work with the City, ideally to modify the current language and incorporate the new land use designations and standards which would then allow for the proper Conditional Use Permit to be applied for. If the proposed amendments are approved/adopted, then MYP will finish the steps with the County necessary to gain proper licensing and permitting as a waste recycling facility. MYP is currently conducting retail and wholesale landscape material sales, delivery of products, and recycling of yard waste materials. We accept grass clippings, leaves, brush, stumps, excavated soils, and old landscape rock. These items are all processed via screening, grinding, and composting and are able to be resold after as materials to be reused to create or maintain new or existing landscapes and features.

Since moving onto the property in 2018, MYP has strived to create a resource to Lake Elmo residents and contractors as well as many others located in surrounding communities. The company currently has the municipalities of Lake Elmo, Mahtomedi, and Oak Park Heights all utilizing the disposal/recycling services it provides. MYP has worked to create an outlet/inlet for all things landscape and earthwork related that can benefit many for years to come. Our goal is to work in concert with the City to maintain MYP as a supply resource, source of income for both the City and County, as well as an additional source for employment in the area. Since its beginning, MYP has worked hard to communicate with our neighbors to ensure that we are not a bother and we strive to maintain that relationship and expand upon it.

The amendment to the code and addition of the land uses as submitted in the document/attachment referenced as "Proposed Amendments-Changes", will (if approved/adopted as submitted or similarly) then allow for MYP to apply for a Conditional Use Permit that will allow the company to legally operate within the City's code and standards and continue the desired operations to benefit the company and community into the future. The property is self sufficient in regard to water being via well and waste is handled by an onsite septic

system. We foresee no public cost or infrastructure regarding utilities is required or affected by the requested amendment(s).

In reviewing the City's 2040 Comprehensive Plan, we see no direct conflicts and feel that the amendments as requested and operations at MYP will actually fit well and can aid in some areas. Focusing on mainly Chapter 3: Land Use, we will note the areas that we feel pertain or are related to the topic and this amendment request. Page referenced numbers below are all from Chapter 3 of the 2040 Comprehensive Plan:

- Page 42 states "New Future Land Use designations will allow for a better response to market conditions and will allow greater options in land use choices." **This amendment will allow for those greater options*
- Page 49 states "Plan for local infrastructure needs including those needed to support future growth." **The relation to this statement depends on how you define "Infrastructure". Typically, it refers to simply public utilities and roadways, etc. But a broader view of the term has looked at it being defined as "the physical components of interrelated systems providing commodities and services essential to enable, sustain, or enhance societal living conditions" and maintain the surrounding environment.* **MYP feels it can be a great benefit by contributing to the availability of necessary and desired commodities and services it can provide to the community.*
- Page 54 addresses "Phasing & Staged Growth" and states "The majority of the City's growth in households and employment is anticipated to occur within the designated MUSA boundaries; however, there will be some continued development in the rural residential areas of the community consistent with the community's land use designations." Also stated on this page is "The City's objective is to plan for phased, contiguous growth to ensure adequate infrastructure and capacity are available to support development." **The current land use designations do not list or allow for the operations MYP is conducting and the proposed amendment would then fit into this by incorporating those uses as new in the code. In addition, once the uses fit into the City's code, MYP would be able to continue operations and provide a resource to the growing community as a supplier who can support infrastructure needs as well as provide services and products the growth requires.*
- Page 66 addresses "Additional Objectives of Future Land Uses" and states "Equally important to the planned land uses, densities and projections is the commitment to maintain open spaces, natural resources and parks and to promote opportunities to provide healthy, vibrant, resilient neighborhoods." **MYP can help facilitate this by providing a place for residents and contractors (as well as the City itself) to properly dispose of waste materials and allow for them to be recycled. By providing a local, convenient, and economical way for materials to be handled, MYP provides an opportunity to help reduce or eliminate improper disposal/illegal dumping of materials. Improper handling can create environmental issues whether on a single property or potentially wider reaching impacts.*
- Page 67 addresses land use and the City's commitment to the community to promote good health via parks and outdoor activities. **MYP can contribute, albeit in a small way, to the overall goal of improving health by virtue of the exercise its customers get doing the work necessary to use its sold products or generate the yard waste it accepts.*

- Page 68 addresses the City's commitment to preservation of it's natural resources. **MYP can contribute in the same way as above regarding proper disposal and reduction or elimination of the impacts of improper disposal methods.*
- Page 69 addresses "Access and Transportation". **MYP feels it does and will not negatively affect any traffic patterns or create any noticeable additional traffic on any County or City roads or streets. With access directly from TH36 and the traffic pattern and control changes that were made in the summer of 2022, MYP's location is well suited to avoid causing any issues traffic wise.*
- Page 70 addresses Solar Access. **It is very clear that the City of Lake Elmo has high standards in regard to protecting our environment and natural resources as well as finding and improving upon ways to have more positive impacts on them. MYP sees itself aligned with similar goals, our recycling program, as previously stated in this narrative, can benefit the local environment and the products sold (both new and recycled) improve the landscapes and environments present in the area. If MYP is allowed to continue operating at our current location, we would entertain installation of solar infrastructure on the property if it was feasible and would aid the city in its future goals of reducing environmental impacts within its boundaries.*

PLEASE REFER TO ATTACHED MAPS (LABELED/NAMED TO MATCH AS REFERRED TO BELOW):

- 2017 OVERHEAD: This map provided to show the property as it was when owned and resided upon by the previous owner. The orange outlined area shows the current footprint of MYP which, in relation to open area, is not much different.
- 2018 OVERHEAD: This map shows some changes that were made to the property once MYP had moved in. The old pre-existing railroad tie bins were rotten and falling apart so they were replaced with new concrete bin blocks to properly contain bulk rock, mulch and soil and keep things neat and orderly. The old railroad ties were disposed of in the proper way at a demolition disposal site. Some minor clearing of some trees that were in the Southeast corner of the open area of the property were removed at this time as well. The weed/prairie grass covered hillside had not been disturbed yet at this time other than a small area to the Southwest of the large shop building. That was regraded to stop some erosion that was occurring and to facilitate a boulder wall that was installed in 2019 to stabilize that hillside and allow for the area above to be returned to flat as it was prior to the regrading and wall install.
- 2019 OVERHEAD: This map shows the beginnings of MYP's yard waste recycling and soil screening operations. The are that was weeds/prairie grass has now gone to soil with the traffic and piles in the area. This area was worked a little to make sure that the runoff from that area is managed and routed through the property with other areas which continued to drain as they always had before. **As noted on the map, the hoop houses seen in the area of the recycling/processing were removed in 2022 and are no longer on the property.*
- 2020 OVERHEAD: This map shows the area used for recycling/processing has grown slightly as accepted materials built up. These piles were not being left alone and were being processed and worked daily to maintain a stock of screened soils, ground mulch, and mixed compost/soils. This map also shows a large number of dump trucks and semis MYP's

sister company Valdes had begun to store on the property. After discussions with the city, Valdes found an alternative location to move all but a couple of trucks (which were left onsite as they were for delivering MYP products to customers) off the property. This map also shows the now removed hoop houses.

- 2021 OVERHEAD: There is not much on this map to note as not many changes have occurred since the 2020 image. Again, the hoop houses are no longer on the property. The recycling/processing area is essentially the same size as it was in 2020.
- 2022 OVERHEAD: This map shows a slight increase in the area used for recycling/processing. It has expanded slightly to cover the area where the hoop houses are now no longer shown. And a pile of material was now being stored further East than in previous years due to a large amount of processed materials needing to be staged for a large project.
- 2023 OVERHEAD: This map is showing present day conditions and has the recycling/processing and landscape supply sales areas outlined with notes.

**As it can be seen from the images, the overall footprint of MYP has not changed much from the overall footprint of the open space that existed prior to MYP. Screening has been maintained and left so as to be courteous and mindful of our neighbors and reduce or eliminate any disturbance or annoyance to them. From the moment MYP moved in, we began to work at contacting and meeting with neighboring property owners that we felt we may impact possibly. Our goal from day one was to work in harmony with our surrounding neighbors so that all can benefit.*

In closing, we appreciate the City taking this application under consideration and look forward to hearing back on the decision that is made on approving the changes requested. MYP has heard many positive comments from customer who have come through our yard (many from Lake Elmo and directly adjacent communities) stating how much they love having a place like ours to go locally. There are other landscape supply yards within a very short distance, but we have consistently heard positive feedback that our pricing is very competitive, our service is great, our delivery charges are very fair, and the convenience of being a place to recycle or dispose of yard waste materials is appreciated. On behalf of the company owners, Joe (Yoleisy) and Yamile, we thank you for your time and consideration.

Sincerely,



Josh Peterson
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ZONING TEXT AMENDMENT APPLICATION – REQUIREMENTS E & F

*** PROPOSED AMENDMENTS-CHANGES***

MYP Landscape Supply requests to amend the City of Lake Elmo's Municipal Code regarding Land Use language in the Agricultural Zone. We propose to amend the Article XI: Rural Districts portion of the code. Within Article XI, in 105.12.620 Permitted, Conditional, and Interim Uses, there is currently no use listed in Table 9-1 that would allow for the operation of a *Landscape Supply Sales business*, or a *Yard Waste Recycling Facility*. We seek to add those uses as shown below (**Highlighted in Yellow w/ Red Font**) in the copy of Table 9-1.

[105.12.620 Permitted, Conditional, And Interim Uses](#)

Table 9-1 lists all permitted, conditional, and interim uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standard" indicate the location within this section of specific development standards that apply to the listed use.

Combinations of uses. Principal and accessory uses may be combined on a single parcel.

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	<i>RT</i>	<i>A</i>	<i>RR</i>	<i>RS</i>	<i>RE</i>	<i>Standard</i>
Residential Uses						
Household living						
Single-family detached dwelling	P	P	P	P	P	LEC 105.12.650(a)
Secondary dwelling	-	P	-	-	-	LEC 105.12.650(d)
Services						
Self service storage facility	I ^a	I ^a	-	-	-	LEC 105.12.650(g)

Outdoor Recreation						
Outdoor recreation facility	-	C	-	-	-	LEC 105.12.540(c)
Parks and open areas	P	P	P	P	P	LEC 105.12.110(b)(7)
Restricted recreation	-	C	-	-	-	LEC 105.12.540(b)
Agricultural and Related Uses						
Agricultural entertainment business	I	I	I	-	-	LEC 105.12.1420
Agricultural production	P	P	P	-	-	LEC 105.12.110(b)(9)
Agricultural sales business	I	I	I	-	-	LEC 105.12.1410
Agricultural services	C	C	-	-	-	LEC 105.12.650(j)
Forestry operations	-	P	-	-	-	LEC 105.12.110(b)(9)
Greenhouses, non-retail	C	C	C	-	-	LEC 105.12.110(b)(9)
Solar farm	I	C	C	-	-	LEC 105.12.1440
Wayside stand	P	P	P	-	-	LEC 105.12.110(b)(9)
Industrial and Extractive Uses						
Motor freight and warehousing	I ^a	-	-	-	-	LEC 105.12.650(g)
Environmental Uses						
Wind Generator - Ground Mounted	C	C	C	C	C	LEC 105.12.560(b)
Wind Generator - Roof/Structure Mounted	C	C	C	C	C	LEC 105.12.560(b)
Accessory Uses						
Bed and breakfast	P	P	P	P	P	LEC 105.12.570
Domestic pets	P	P	P	P	P	LEC 105.12.110(b)(13)
Family day care	P	P	P	P	P	LEC 105.12.110(b)(13)

Home occupation	P	P	P	P	P	LEC 105.12.110(b)(13)
Kennel, private	C	C	C	-	-	LEC 105.12.110(b)(13)
Solar energy systems	P	P	P	P	P	LEC 105.04.220(c)
Stable, private	C	C	C	-	-	LEC 105.12.110(b)(13)
Swimming pools, hot tubs, etc.	P	P	P	P	P	LEC 105.08.160
Temporary sales	P	P	P	P	P	LEC 105.12.110(b)(13)
Water-oriented accessory structures	P	P	P	P	P	LEC 105.12.1230
Wind Generator - Ground Mounted	C	C	C	C	C	LEC 105.12.560(b)
Wind Generator - Roof/Structure Mounted	C	C	C	C	C	LEC 105.12.560(b)
Other structures typically incidental and clearly subordinate to permitted uses	P	P	P	P	P	
Commercial wedding ceremony venue	I	I	I	-	-	LEC 105.04.220(d)
Farm Schools, Public and Private	I	C	C	C	C	105.12.510
Open space preservation development						
OP development	-	C	C	-	-	Ch. 105.12, Art. XVII
REQUESTED LAND USE ADDITIONS TO TABLE 9-1						
Landscape Supply Sales		C				
Yard Waste Recycling Facility		C				
Notes to rural districts Table 9-1:						

a. One dwelling unit per 40 acres applies to all non-farm dwellings. In addition to non-farm dwellings (one per 40 acres), each farm is allowed one farm dwelling per farm.
b. Nominal 40 acres: A 40-acre parcel not reduced by more than ten percent due to road rights-of-way and survey variations.
c. Nominal ten acres: A ten-acre parcel not reduced by more than ten percent and/or a ten-acre parcel located on a corner or abutting a street on two sides not reduced by more than 15 percent due to road rights-of-way and survey variations.
d. The minimum lot size for lots served by public sanitary sewer shall be 24,000 square feet per residential unit.
e. A minimum of 1.25 acres of land above the floodplain or free of any drainage easements is required.
f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1. Flag lots are prohibited.
g. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
h. Setback standards do not apply to solar farms. LEC 105.12.1440 should be referenced for these specific standards.

We propose to amend the code by adding two new land use categories. We have outlined what our intentions or desires are for use of the property and welcome the city to phrase this however they see fit in regard to proper legal language and terminology.

LANDSCAPE SUPPLY SALES: Storage and/or sale of sand, soil, stone, screenings and other such garden and landscaping materials which stored in bulk, loose, unpackaged or palleted forms. Basically keeping an inventory of landscaping supplies for sale with both pickup and delivery options available to homeowners, contractors, and municipalities/public entities.

YARD WASTE RECYCLING FACILITY: Acceptance of clean leaves, grass clippings, branches, logs, chips, soil, and any other natural materials which can be diverted from landfill disposal and can be processed and re-cycled for use again. Materials will be separated, screened, ground, and/or composted onsite and stored in bulk piles until sold and picked up or shipped to job/project sites.

*Completed by Josh Peterson – Manager – MYP Landscape Supply, LLC

