
CITY OF EMILY

PLANNING COMMISSION/BOARD OF ADJUSTMENT

AGENDA

Wednesday March 6, 2024 6:00 pm

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Additions or Deletions to Agenda (*Commission Action-Motion*)
5. Open Forum- *This is a time to provide comments to the Planning Commissioners about items not on the agenda. No action will be taken on these items.*
6. Public Hearings
7. Approval of Minutes
 - a. February 6, 2024, regular meeting (*Commission Action-Motion*)
8. New Business
 - a. Outdoor Market Permit (*Commission Action-Motion*)
9. Old Business
10. Land Use Ordinance Subcommittee Meeting update
11. P&Z Administrator's Report
12. Adjourn (*Commission Action-Motion*)

This agenda is not exclusive. Other business may be discussed as deemed necessary.

1 **MINUTES**

2 **EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT**
3 **REGULAR MEETING**

4
5 **February 6, 2024**
6

7 **1. CALL TO ORDER**

8 The meeting was called to order by Commissioner Johnson at 6:00 pm.
9

10 **2. Pledge of allegiance was recited.**
11

12 **3. ROLL CALL**

13 **PRESENT:** Dave Johnson, Chairman, Lynn Bartel, Denise Vukelich, Patrick Rheaume, Mark
14 Mosman, and Faye Hughes

15 **Council:** Greg Koch (Liaison), Mayor Tracy Jones

16 **Staff:** Brittney Cotner, Zoning Administrator (Sourcewell) and Sue Fahrendorff, Zoning Clerk

17 **Also in attendance:** Steve Beneke, Denise Gorsuch, Jan Mosman, and Bill Spiess
18

19 **4. ELECTION CHAIRPERSON AND VICE CHAIRPERSON FOR 2024.**
20

21 **MOTION MADE BY COMMISSIONER RHEAUME TO NOMINATE COMMISSIONER**
22 **JOHNSON AS CHAIRMAN OF THE PLANNING COMMISSION BOARD OF**
23 **ADJUSTMENTS. SECONDED BY COMMISSIONER MOSMAN. ALL VOTED IN**
24 **FAVOR, MOTION CARRIED 5-0.**
25

26 **MOTION MADE BY COMMISSIONER BARTEL TO NOMINATE COMMISSIONER**
27 **RHEAUME AS VICE CHAIRMAN OF THE PLANNING COMMISSION BOARD OF**
28 **ADJUSTMENTS. SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN**
29 **FAVOR, MOTION CARRIED 5-0.**
30

31
32 **5. ADDITIONS OR DELETIONS TO AGENDA**
33

34 None
35

36 **MOTION MADE BY COMMISSIONER RHEAUME TO ADOPT THE AGENDA AS**
37 **PRESENTED. SECONDED BY COMMISSIONER BARTEL. ALL VOTED IN FAVOR,**
38 **MOTION CARRIED 5-0**
39

40
41 **6. PUBLIC HEARINGS**
42

43 **MOTION MADE BY COMMISSIONER MOSMAN TO OPEN PUBLIC HEARING,**
44 **SECONDED BY COMMISSIONER RHEAUME. ALL VOTED IN FAVOR, MOTION**
45 **CARRIED 5-0.**
46

- 47 a. Conditional Use Permit Application 24-01 to allow for the expansion of an existing
48 commercial storage business consisting of a total of 6 commercial storage unit buildings
49 within the Highway Mixed Use zoning district. Subject property is located at 43823
50 State Highway 6 (PID 21090613). Owner/Applicant: Red's Storage LLC.
51

52 **Background Information:** The applicant is requesting a Conditional Use Permit to
53 construct and operate commercial storage unit buildings on the property located at 43823
54 State Highway 6 (PID 21090613). The subject property is just over 10-acres and is located
55 in the "Highway Mixed Use" zoning district. The subject property does have one existing
56 commercial storage unit building on it already. The Conditional Use Permit request is to
57 allow an expansion of this use to allow for a phased approach equaling 6 total buildings.

58 **Findings of Fact.** Cotner provided the following findings of fact for consideration:

- 59 1) The subject property is located at 43823 State Highway 6. PIN 21090613.
60 2) The conditional use permit request is to construct and operate a 6 building commercial storage
61 facility which is an allowed use (Mini Storage Facility, Self-Serve) with a conditional use permit
62 in the Highway Mixed Use Zone. The proposed commercial storage buildings are four buildings
63 at 48' x 150', one building at 30'x150'. The existing structure is 40'x150'.
64 3) The proposed use, with conditions, conforms to the comprehensive plan. The intended use of the
65 property is for commercial purposes.
66 4) The proposed use, with conditions, is compatible with the existing neighborhood.
67 The subject property is located adjacent to State Highway 6 and is in the vicinity of other
68 commercial businesses.
69 5) The proposed use with not be injurious to the public health, safety, welfare, decency, order,
70 comfort, convenience, appearance, or prosperity of the city.
71 6) The proposed use will not impede the orderly development and improvement of surrounding
72 vacant property for uses predominant in the area (residential and commercial).
73 7) The conditional use, with conditions, will prevent pollution of ground and surface waters
74 including sedimentation and control of nutrients.
75

76 Commissioner Johnson open the hearing for public comments.
77

78 Commissioner Johnson read the 2 opposition letters; Key points of the letters were concerns
79 over safety, security surveillance lighting, increased traffic , noise, removal of any additional
80 trees and use and enjoyment of neighboring property next to storage units.

81 Steve Beneke addressed each concern stating there is a security system in place, trees have been
82 planted per the last CUP modification condition and the solar lighting is appropriate. Mr.
83 Beneke stated the building of each unit will be based on rental need. The units will not be built
84 at one time, but over the next few years as needed.
85

86 **MOTION MADE BY COMMISSIONER RHEAUME TO CLOSE PUBLIC COMMENTS**
87 **ON HEARING; SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN**
88 **FAVOR, MOTION CARRIED 5-0.**
89

90 **MOTION MADE BY COMMISSIONER RHEAUME TO RECOMMEND APPROVAL**
91 **OF RED'S STORAGE CUP BY CITY COUNCIL BASED ON THE FOLLOWING**
92 **CONDITIONS:**

- 93 1. **FIVE FINDINGS OF FACTS, WITH EIGHT CONDITIONS WITH A MAXIMUM**
94 **OF SIX STORAGE UNITS.**

MINUTES

Emily Planning Commission
February 6, 2024

- 95 **2. THE BRUSH PILE BE DISPOSED OF IN AN ACCEPTABLE MANNER WITHIN**
- 96 **SIX MONTHS OF CUP APPROVAL.**
- 97 **3. THE SITEPLAN TO BE UPDATED SHOWING THE BUILDING ON THE SOUTH**
- 98 **SIDE OF THE PROPERTY SHALL HAVE A 30' SIDEYARD SETBACK NOT 20'.**
- 99

100 **MOTION AMENDED BY COMMISSIONER RHEAUME TO HAVE BRUSH PILE**
 101 **BURNED WHEN CONDITIONS ALLOW.**
 102 **SECONDED BY COMMISSIONER BARTEL WITH AMENDED CONDITIONS.**
 103

104 Commissioner Johnson asked what is the construction timeline. Mr. Beneke stated they are
 105 planning to start Phase 2 construction on a 48'x 150' unit this year and construction is based on
 106 demand. Cotner stated the CUP is an approval of the land use and runs with the land forever, so
 107 if the CUP is approved, Red's Storage is allowed to build up to six storage units total on this
 108 property with no timeline for construction. Red's Storage will need to submit a Land Use Permit
 109 application for each phase of construction and each phase will need to comply with current
 110 ordinances and setbacks at that time.

111 **ALL VOTED IN FAVOR. MOTION CARRIED 5-0**

112
 113
 114 **7. OPEN FORUM**

115 Bill Spiess spoke regarding annual Planning Commission Chair & Vice Chair elections,
 116 ordinance compliance, site visits for public hearings and agenda format.
 117

118
 119
 120 **8. APPROVAL OF MINUTES**

- 121 a. November 8, 2023 Regular Meeting minutes.

122
 123 **MOTION BY COMMISSIONER RHEAUME TO APPROVE NOVEMBER 8, 2023**
 124 **REGULAR MEETING MINUTES AS PRESENTED. SECONDED BY COMMISSION**
 125 **VUKELICH. ALL VOTED IN FAVOR. MOTION CARRIED 5-0.**
 126

127
 128 **9. NEW BUSINESS**

- 129 a. 2024 Planning Commission Regular Meeting Dates.

130
 131 **MOTION BY COMMISSIONER BARTEL TO APPROVE PLANNING**
 132 **COMMISSION REGULAR MEETING DATES AS PRESENTED. SECONDED BY**
 133 **COMMISSIONER VUKELICH. ALL VOTED IN FAVOR. MOTION CARRIED 5-0.**
 134

- 135 b. Vacant Seat on Land use Ordinance Subcommittee.

136
 137 **MOTION BY COMMISSIONER BARTEL TO ACCEPT FAYE HUGHES AS A**
 138 **MEMBER OF THE LAND USE ORDINANCE SUBCOMMITTEE. SECONDED**
 139 **BY COMMISSIONER RHEAUME. ALL VOTED IN FAVOR. MOTION**
 140 **CARRIED 5-0**
 141

- 142 c. Failing SSTS Violation for PID 21030564.

143 Cotner provided background information from property file regarding initial failing
 144
 145

146 septic reports, correspondence with property owner and City Attorney. Cotner stated
 147 she has made several attempts to contact property owner and has learned the owners
 148 are deceased.

149
 150 **MOTION BY COMMISSIONER RHEAUME TO SEND FAILED SSTs**
 151 **VIOLATION FOR PID 21030564 TO CITY COUNCIL FOR FURTHER**
 152 **ACTIONS. SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN**
 153 **FAVOR 5-0. MOTION CARRIED.**

154
 155 d. Review of Decided Applications-Additional Fee.

156
 157 The Planning Commission is recommending to the City Council an added fee schedule
 158 line of \$375.00 for reviews, modifications, updates, or amendments of decided
 159 applications (e.g., Conditional Use Permits or Variances).

160
 161 **MOTION BY COMMISSIONER BARTEL TO RECOMMEND THE CITY**
 162 **COUNCIL ADD A FEE SCHEDULE LINE OF \$375.00 FEE FOR DECIDED**
 163 **APPLICATIONS. SECONDED BY COMMISSIONER VUKELICH. ALL**
 164 **VOTED IN FAVOR 5-0. MOTION CARRIED.**

165
 166
 167 **10. OLD BUSINESS**

168
 169 None

170
 171 **11. P & Z ADMINISTRATOR'S REPORT**

172
 173 Cotner stated she anticipates having a busy year with a lot of movement and growth within the
 174 community. She has seen an increase in calls and emails within the past month.

175
 176 **12. ADJOURNMENT**

177
 178 **MOTION BY COMMISSIONER RHEAUME TO ADJOURN THE MEETING,**
 179 **SECONDED BY COMMISSIONER MOSMAN . ALL VOTED IN FAVOR 5-0.**
 180 **MOTION CARRIED**

181
 182 The meeting adjourned at 7:03 pm.

183
 184 Respectfully submitted,

185
 186
 187
 188 Sue Fahrendorff,
 189 Zoning Clerk

CITY OF EMILY
OUTDOOR MARKET PERMIT APPLICATION

APP # 24-02
Date 1-10-24
Fee 75.00
Check # 24911
(For office use only)

Name of Applicant Jason Gressman

Phone (701) 580-9297

Event Location Emily Wesleyan Church - 4041 MN Hwy 6

Mailing Address Po Box 153 Emily, MN 56447

Email: pastorjasongressman@gmail.com

Applicant is _____ Title Holder of Property: (if not applicant)
Legal Owner () Iowa MN District of the Wesleyan Church
Representative of organization hosting event location 913 S Main St
Other _____ Charles City, IA 50616
(Name)
(Address)
(City, State, Zip)

Property Parcel ID (8 Digit # on Tax Statement) 21270656

Zoning District DM

State nature of request in detail: (What are you proposing to host at the Outdoor Market, hours, terms etc. Be as specific as possible.) If necessary, include separate sheet.

please see attachment & site plan

Signature of Owner, authorizing application (required): Jason Gressman
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Approved by the Zoning Administrator: _____ Date: _____

CITY OF EMILY PLANNING AND ZONING OFFICE

OPEN MARKET PERMIT CHECKLIST

_____ Completed application, site plan, and signature of property owner and applicant (if different from owner)

_____ Fee

_____ All current City charges paid

_____ No outstanding Violations

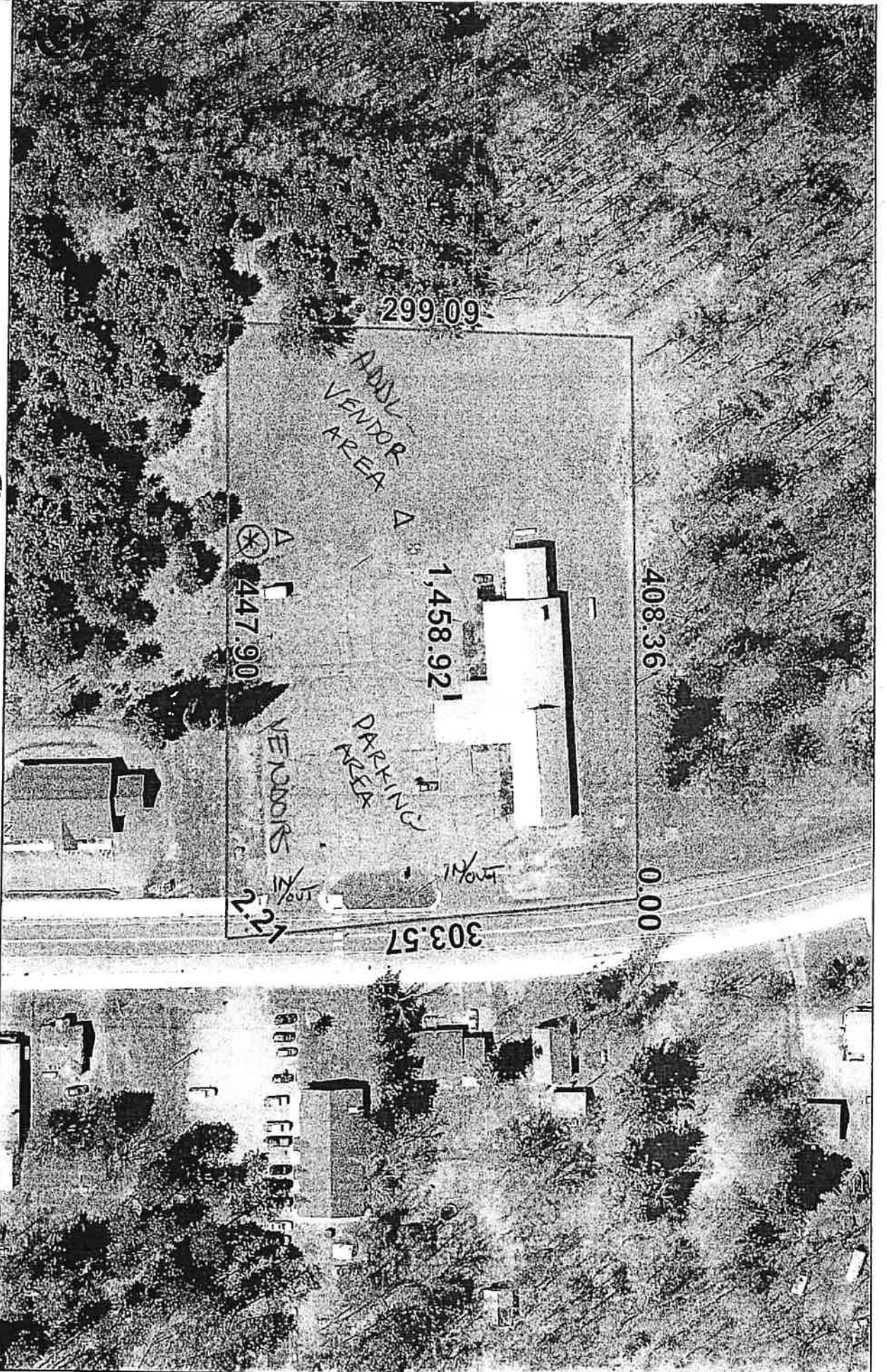
CONTACT INFORMATION

Planning and Zoning Administrator: Brittney Cotner
P. O. Box 68
Emily, MN 56447

Phone: (218) 763-2480 (Emily Office)
(218) 541-5294 (cell)

Fax: (218) 763-2481

Email: zoning@emily.net
brittney.cotner@sourcewell-mn.gov



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- ⊗ PARTIA POTTI LOCATION
- DUMPSTER
- △ CARBAGE BINS

Date: 10/19/2021 Time: 11:56:11 AM



The purpose of the Emily Community Market is to serve the community by providing a space where people can come together to sell and buy homegrown produce, homemade goods, or merchandise. The market will be held outdoors at Emily Wesleyan Church. Our projected dates are the following Saturdays in 2024: May 16, June 22, August 3, 17, 24, and 31, and September 7, 14, 21, and 28. The market will be open to the public from 9:00 a.m. – 1:00 p.m. Vendors can check in and set up from 7:30 – 8:30 a.m. Vendors will set up along the south side of the parking lot. Vendors are expected to remove all displays and products from the parking lot no later than 2:00 p.m. Each vendor space will be a maximum of 12'x'12' and will cost \$10 per Saturday. Each vendor will be given a packet containing rules and policies, vendor application and pertinent information. We plan to strive to have 20 vendors. We will provide a portable restroom and ample garbage bins on site. All litter will be properly disposed of in the church dumpster after each market. Signage for the market will be posted on church property. On the day of the market, and in accordance with city signage laws, we would like to put up additional signs in town with the permission of the landowners. These signs would be taken down after each market.

CITY OF EMILY
OUTDOOR MARKET PERMIT APPLICATION

APPLICATION:

- A. Applicant shall complete Outdoor Market Permit Application and submit to the Zoning Administrator.
- B. Application shall be accompanied by site plan drawing including location of booths, trash receptacles and ingress/egress points.
- C. \$75.00 fee will be collected at the time of application. Payment can be made by check or online. (Service fee applies for online payments)
- D. Outdoor Market Permits are valid for one calendar year from January 1 through December 31. All outdoor market permits expire on December 31 regardless of when they are issued
- E. All structures used for Outdoor Markets shall be temporary and must be removed on the same day of operation. Outdoor markets shall only operate up to two days per week; if market operates on consecutive days, structures may remain for the consecutive days.
- F. There shall be NO licensed commercial food vendors allowed at the outdoor market. (i.e., food trucks)
- G. Cottage Food Industry vendors are permitted.

REVIEW:

- A. The Zoning Administrator shall review the application for completeness and compliance with city ordinance. City staff will assign a reference number to application, plans, and any other attachments.
- B. Outdoor Market Permit will be submitted to Planning Commission for review during their regular monthly meeting.

ACTION:

In order to obtain an Outdoor Market Permit, the following steps must be completed.

- A. The City Zoning Administrator must review the application
- B. The City Clerk must verify all current city billings and ensure that the applicant is current on all payments.
- C. The Zoning Clerk must ensure that the permit fee has been collected.
- D. Any permit conditions, if needed, will be added by Planning Commission during the application review process.

PLEASE NOTE: The City has 60 days in which to review and decide on Outdoor Market application, although the city strives to process all applications as soon as possible. To avoid delays, applicants should allow themselves a minimum of 30 days for review and decision. Planning Commission meet the 1st Tuesday of each month at 6:00pm at City Hall.



39811 State Highway 6
PO Box 68
Emily, MN 56447

SSTS COMPLIANCE INSPECTION AGREEMENT (WINTER AGREEMENT FOR USE NOVEMBER 1-APRIL 30)

PROPERTY OWNER INFORMATION

NAME EMILY WESLEYAN CHURCH PHONE 701-580-9294

ADDRESS P.O. Box 153 (40141) EMILY, MN 56447

The above-named individual hereby agrees to have a Subsurface Sewage Treatment System (SSTS) Compliance Inspection completed by **June 1, 2024** for the parcel of property in the City of Emily, Crow Wing County Minnesota, described as follows:

PROPERTY ADDRESS: 40141 State Highway 6, Emily (Emily Wesleyan Church)

PARCEL ID: 21270656

All SSTS inspections required between November 1st and April 30th when compliance cannot be determined due to frozen soil conditions, shall require a Winter Agreement. The Compliance Inspection must be completed by the following **June 1, 2024** by a State-licensed Compliance Inspection. If upon inspection, the SSTS is found to be failing, the system will need to be upgraded, repaired, or replaced. Failure to complete the inspection by the prescribed date, constitutes a violation and will result in appropriate enforcement action by the City of Emily.

I hereby affirm that the above information is correct and that said SSTS Compliance Inspection will be performed by June 1st. Also, any necessary upgrade, repair or replacement will be done in a timely manner after securing a SSTS Permit from the City of Emily.



PROPERTY OWNER
JASON GRESSMAN

2/5/24

DATE

Land Use ordinance (LUO) subcommittee Meeting Notes

Date: February 6, 2024

Attended: Dave Johnson, Greg Koch, Gary Hanson, Brittney Cotner, Sue Fahrendorff, Faye Hughes-Guest

- Steps/Stairs Setback is not included in code/City Ordinance however it's listed in the FAQ on the website. Need to add steps/stairs setback to ordinance/structure definition and loopback to definition of structure regarding stairs in lake setback. Ordinance 152.003-Rules of Construction. Shoreline impact zone must have a 10-foot setback.
- Metes & Bounds Application states a Public Hearing is required; however, City Ordinance/Code says no hearing is needed. Asterisk to be added to the application next to Metes & Bounds excluded from public hearing. Brittney to check with Cari if we need to have approval from City Council to change application forms.
- Definition of Buildable Area Exclusion of 25% Slopes; 12% grade in subdivision. LUO Subcommittee will look into at a later time.
- Nuisance violations are located in different areas of the ordinance/code- PZ & City. Brittney recommends eliminating the PZ nuisance area and only have it in the City Code are.

Areas/Topics to discuss at future LUO Subcommittee Meetings.

- Animal Husbandry area of ordinance/code.
- HMU-Intent and purpose. It is recommended LUO members review 152.042 of ordinance prior to next meeting.
- Bill Spiess Replacement on LUO subcommittee.

2024 Permits--Emily Planning and Zoning

| NUMBER | Recd | Appvrd | RE CODE | LAST | FIRST | ADDRESS | TYPE | DESCRIPTION | FEE | DISTRICT | Project Completed Y/N |
|--------|-----------|-----------|----------|-----------------------|----------------|-------------------------|-----------------|--|----------|----------|-----------------------|
| 24-01 | 1/3/2024 | 2/13/2023 | 21090613 | Red's Storage LLC | | 42823 State HWY 6 | CUP | Six Total Storage Buildings Outdoor Market May-September 2024; Saturdays only- Various dates | \$500.00 | HMU | |
| 24-02 | 1/10/2024 | | 21270656 | Emily Wesleyan Chruch | Jason Gressman | 40141 State HWY 6 | Outdoor Market | Annual Camper Permit | \$75.00 | DMU | |
| 24-03 | 1/22/2024 | 1/23/2024 | 21030519 | Proctor | Todd | 21438 Evening Star Lane | Camper Permit | Construct a 16'X25' (400 SqFt) addition to dwelling | \$25.00 | RP | |
| 24-04 | 2/5/2024 | 2/6/2024 | 21270771 | Kellogg | James | 21498 Ruth Lake Drive | Land Use Permit | Construct a 40'X30' (1,200 SqFt) New Dwelling | \$150.00 | SR | |
| 24-05 | 2/12/2024 | 2/12/2024 | 21170564 | Kloss Homes | James Field | 19478 Blue Ln E | Land Use Permit | Construct a 52'X62' (3,224 SqFt) New Dwelling with 60'X60' (3,600 SqFt) Attached garage | \$450.00 | SR | |
| 24-06 | 2/12/2024 | | 21150522 | Bute | Jeffrey | 42144 State HWY 6 | Land Use Permit | Install a Pressure Bed/Trench Septic System: Type 1, 600 GPD, 2250 Gallon Tank | \$550.00 | HMU | |
| 24-07 | 2/20/2024 | 2/20/2024 | 21170564 | Kloss Homes | James Field | 19478 Blue Ln E | SSTS | Construct a 30'X60' (1,800 SqFt) Addition to existing accessory structure | \$260.00 | SR | |
| 24-08 | 2/20/2024 | 2/20/2024 | 21250500 | Swinehart | Michael | 23372 North Shore Drive | Land Use Permit | Construct a 48'X150' Commerical Storage Building | \$400.00 | NR | |
| 24-09 | 2/20/2024 | 2/20/2024 | 21090613 | Red's Storage LLC | | 43823 State Hwy 6 | Land Use Permit | | \$600.00 | HMU | |