

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.

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

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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

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

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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.**

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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.**

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

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34 None

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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**

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41 **6. PUBLIC HEARINGS**

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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

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

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

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

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

Commissioner Johnson open the hearing for public comments.

Commissioner Johnson read the 2 opposition letters; Key points of the letters were concerns over safety, security surveillance lighting, increased traffic , noise, removal of any additional trees and use and enjoyment of neighboring property next to storage units. Steve Beneke addressed each concern stating there is a security system in place, trees have been planted per the last CUP modification condition and the solar lighting is appropriate. Mr. Beneke stated the building of each unit will be based on rental need. The units will not be built at one time, but over the next few years as needed.

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

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

1. FIVE FINDINGS OF FACTS, WITH EIGHT CONDITIONS WITH A MAXIMUM OF SIX STORAGE UNITS.

- 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

112 **ALL VOTED IN FAVOR. MOTION CARRIED 5-0**
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 114

115 **7. OPEN FORUM**
 116

117 Bill Spiess spoke regarding annual Planning Commission Chair & Vice Chair elections,
 118 ordinance compliance, site visits for public hearings and agenda format.
 119

120 **8. APPROVAL OF MINUTES**
 121

- 122 a. November 8, 2023 Regular Meeting minutes.
 123

124 **MOTION BY COMMISSIONER RHEAUME TO APPROVE NOVEMBER 8, 2023**
 125 **REGULAR MEETING MINUTES AS PRESENTED. SECONDED BY COMMISSION**
 126 **VUKELICH. ALL VOTED IN FAVOR. MOTION CARRIED 5-0.**
 127

128 **9. NEW BUSINESS**
 129

- 130 a. 2024 Planning Commission Regular Meeting Dates.
 131

132 **MOTION BY COMMISSIONER BARTEL TO APPROVE PLANNING**
 133 **COMMISSION REGULAR MEETING DATES AS PRESENTED. SECONDED BY**
 134 **COMMISSIONER VUKELICH. ALL VOTED IN FAVOR. MOTION CARRIED 5-0.**
 135

- 136 b. Vacant Seat on Land use Ordinance Subcommittee.
 137

138 **MOTION BY COMMISSIONER BARTEL TO ACCEPT FAYE HUGHES AS A**
 139 **MEMBER OF THE LAND USE ORDINANCE SUBCOMMITEE. SECONDED**
 140 **BY COMMISSIONER RHEAUME. ALL VOTED IN FAVOR. MOTION**
 141 **CARRIED 5-0**
 142

- 143 c. Failing SSTS Violation for PID 21030564.
 144

145 Cotner provided background information from property file regarding initial failing

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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.

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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.**
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167 **10. OLD BUSINESS**

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169 None

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171 **11. P & Z ADMINISTRATOR’S REPORT**

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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.

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176 **12. ADJOURNMENT**

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

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182 The meeting adjourned at 7:03 pm.

183
184 Respectfully submitted,

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186 

187
188 Sue Fahrendorff,
189 Zoning Clerk