

1 **MINUTES**

2 **EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT**

3 **REGULAR MEETING**

4 **July 5, 2023**

5
6 **1. CALL TO ORDER**

7 The meeting was called to order by Commissioner Johnson at 6:00 pm.
8 Pledge of allegiance was recited.
9

10 **ROLL CALL**

11 PRESENT: Dave Johnson (Chairperson), Bill Spiess, Lynn Bartel, Denise Vukelich, and Faye
12 Hughes. Patrick Rheaume was absent.

13 Council: Greg Koch (Liaison), Gary Hanson

14 Staff: Brittney Cotner, Zoning Administrator (Sourcewell) and Sue Fahrendorff, Planning &
15 Zoning Clerk

16 Public: Nicholas Usherwood and Kirk Soldner
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18 **2. ADDITIONS OR DELETIONS TO AGENDA**

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20 None
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22 **3. OPEN FORUM**

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24 **4.** None
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26 **5. PUBLIC HEARINGS**

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28 a. Conditional Use Permit Application 23-21 to allow for an automobile repair business
29 within the Highway Mixed Use Zoning District. Owner/Applicant: Nicholas Usherwood.
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31 Cotner provided a brief background:

32 The applicant is proposing to operate an automobile repair business on the property
33 located at 42524 State Highway 6. The subject property is 14.27-acres and is located in
34 the "Highway Mixed Use" Zone. The subject property has hosted this use in the past. The
35 need for a CUP came after the use stopped for a couple of years therefore removing in the
36 grandfathered status. The HMU district allows for both "Automobile Sales and Repair".
37 There is no proposed construction on the property at this time. The business will take place
38 within the existing buildings.

39 **Findings of Fact.** Staff provides the following findings of fact for consideration:

- 40 **1)** The subject property is located at 42524 State Highway 6 (PIN 21150526).
41 **2)** The conditional use permit request is to operate an automobile repair business.
42 **3)** The proposed use, with conditions, conforms to the comprehensive plan. The intended use of the
43 property is for commercial purposes within the Highway Mixed use zoning district.
44 **4)** The proposed use, with conditions, is compatible with the existing neighborhood and has existed
45 on this property historically without a Conditional Use Permit.
46 **5)** The subject property is located adjacent to State Highway 6 where commercial growth is expected.

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Emily Planning Commission

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- 47 6) The proposed use will not be injurious to the public health, safety, welfare, decency, order,
 48 comfort convenience, appearance, or prosperity of the city.
 49 7) The proposed use will not impede the orderly development and improvement of surrounding
 50 vacant property for uses predominant in the area (residential and commercial).
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52 Mr. Usherwood stated his business will be focused on light manufacturing/machining of sport
 53 equipment accessories. He will not be working on automobiles, only ATV, SXS and
 54 snowmobiles.

55 Kirk Soldner stated he is a neighbor of Mr. Usherwood and has lived in the area for many years.
 56 Mr. Soldner asked for more explanation of what a CUP entails and if there are any consequences
 57 if the use changes from the original CUP. He wants to make sure that the operation of the business
 58 complies with state law regarding pollution, trash removal, spillage, and water preservation etc.

59 Cotner stated a Conditional Use Permit is a permit with specific conditions determined by the
 60 Planning Commission. The business will need to comply with state law regarding chemicals,
 61 pollution, etc. and it will be enforced by the State of MN. Commissioner Johnson stated that
 62 once a CUP has been granted, it stays with the property even when ownership transfers. If
 63 the use changes within the zoning district, the Planning Commission would need to review the
 64 CUP.

65 Commissioner Hughes asked Mr. Usherwood to explain what type of parts he will be machining.
 66 Mr. Usherwood stated he will be making custom accessory parts for ATV, SXS, and snowmobiles
 67 along with minor repairs as needed.

68 Commissioner Spiess asked why the CUP refers to automobile repair, when there will be no
 69 repairing work done on automobiles. Cotner stated it is because our ordinance does not have an
 70 allowed use for machining. Cotner recommends the Planning Commission edit the Finding of
 71 Fact #2 from automobile repair to machining of accessories.

72 Commissioner Hughes asked Mr. Usherwood how he plans to store the vehicles. Mr. Usherwood
 73 stated he will be storing all customer vehicles inside his storage sheds.

74 Commissioner Bartel asked if there will be any employees at his business. Mr. Usherwood stated
 75 at this time it would only be him and his wife.

76 Commissioner Johnson stated that HWY 6 has a lot of traffic going north from Emily and the
 77 visual impact should not be impaired. Mr. Usherwood stated he has planted trees in the open area
 78 facing HWY 6 and will plant more if needed. Commissioner Johnson asked Mr. Usherwood if he
 79 intends to sell equipment or vehicles on his property. Mr. Usherwood stated he has allowed
 80 friends to sell their equipment on his property and intends to continue doing so. Mr. Usherwood
 81 stated he does not intend to start a retail sales business, only machining of sport equipment
 82 accessories. Commissioner Johnson stated equipment that is for sale on his property should be
 83 parked in a tidy manor. Cotner stated there could be conditions placed on the CUP limiting the
 84 number of vehicles or equipment for sale at one time. Commissioner Bartel stated she has
 85 concerns about the number of items for sale and also the people pulling on and off from HWY 6
 86 to look at these items. She was concerned that it could cause traffic disruptions on the busy
 87 highway, however stated as taxpayers, people should be allowed to sell items from their own
 88 property. Commissioner Vukelich stated she doesn't have any issues with selling equipment on

89 the property. Commissioner Johnson stated he would like to see a limit of three items and have
90 the equipment parked in a tidy manor.

91 Council Member Hanson stated that lighting and noise issues have already been addressed in the
92 ordinances, so no further conditions would need to be added to the CUP.

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94 **MOTION BY COMMISSIONER SPIESS TO GRANT THE CONDITIONAL USE**
95 **PERMIT WITH THE 7 FINDING OF FACTS WITH THE CORRECTION OF #2 TO BE**
96 **CHANGED TO MACHINING OF ACCESSORIES; CUSTOMER EQUIPMENT TO BE**
97 **STORED INSIDE OR BE FULLY SCREENED FROM ROAD AND A MAXIMUM OF 3**
98 **UNITS FOR SALE AT ONLY ONE TIME AND KEPT IN A TIDY MANOR. SECONDED**
99 **BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR 5-0. MOTION CARRIED.**

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101 6. APPROVAL OF MINUTES

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- 103 a. June 6, 2023, regular meeting.

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105 **MOTION BY COMMISSIONER SPIESS TO APPROVE JUNE 6, 2023 MINUTES AS**
106 **PRESENTED. SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN**
107 **FAVOR 5-0. MOTION CARRIED.**

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109 7. NEW BUSINESS

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- 111 a. Fee Schedule discussion on Permit Extension requests.

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119 **MOTION BY COMMISSIONER SPIESS TO RECOMMEND THE CITY COUNCIL**
120 **CONSIDER A \$50.00 PERMIT EXTENSION FEE FOR EXTENSION REQUESTS**
121 **THAT MUST GO BEFORE THE PLANNING COMMISSION. SECONDED BY**
122 **COMMISSIONER BARTEL. ALL VOTED IN FAVOR 5-0. MOTION CARRIED.**

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126 8. OLD BUSINESS

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127 None

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129 9. SUBCOMMITTEE DISCUSSION UPDATE

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131 Commissioner Johnson provided an update from the Land Use Ordinance Subcommittee
132 Meeting that was held earlier that afternoon. Commissioner Johnson stated the subcommittee
133 continued to move through Appendix A: Table of Uses specifically for Highway Mixed Use.

136 **10. P & Z ADMINISTRATOR'S REPORT**

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138 Cotner stated there will be a webinar regarding Cannabis Law on July 25, 2023 for any
139 Planning Commissioners interested in attending. The webinar will be available for viewing in
140 the council chambers.

141 Cotner stated there has been a significant increase in permit applications and questions. She
142 noted it's typical for this time of year.

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144 **11. ADJOURNMENT**

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146 **MOTION BY COMMISSIONER VUKELICH TO ADJOURN THE MEETING,**
147 **SECONDED BY COMMISSIONER BARTEL . ALL VOTED IN FAVOR 5-0. MOTION**
148 **CARRIED**

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150 The meeting adjourned at 6:46 pm.

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152 Respectfully submitted,

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157 Sue Fahrendorff,

158 Zoning Clerk