

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

4
5 **November 8, 2023**

6
7 **1. CALL TO ORDER**

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

10
11 **ROLL CALL**

12 PRESENT: Dave Johnson, Chairman, Bill Spiess Vice Chairman, Lynn Bartel, Denise Vukelich,
13 Patrick Rheaume
14 Faye Hughes was absent
15 Council: Greg Koch (Liaison)
16 Staff: Brittney Cotner, Zoning Administrator (Sourcewell) and Sue Fahrendorff, Zoning Clerk
17 Also in attendance: Cindy Miller, Buddy Lund

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19 **ADDITIONS OR DELETIONS TO AGENDA**

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21 None

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23 **2. OPEN FORUM**

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25 None

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27 **3. PUBLIC HEARINGS**

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29 **MOTION MADE BY COMMISSIONER RHEAUME TO OPEN PUBLIC HEARING,**
30 **SECONDED BY COMMISSIONER SPIESS. ALL VOTED IN FAVOR, MOTION**
31 **CARRIED 5-0.**

- 32
33 a. Ordinance Amendment Application Ord-23-04 to consider amending section 152.003
34 "Rules of Construction; Definitions" of the Emily City Code specific to the definition of
35 bluff.
36 Owner/Applicant: City of Emily.

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38 Cotner stated this was a request from a resident to reexamine the City of Emily
39 Ordinance 152.003 Bluff Definition. Property site visits to this property were for
40 informational purposes, not specifically pertaining to the resident's property. Any
41 changes to the City Code would apply to all properties within the community. The
42 language in the City Code that is considered for removal refers to the following:

43 *b.) An area with an average slope of less than 18% over a distance for 50 feet or more*
44 *shall not be considered part of the BLUFF.*

45 152.003 section a 1-4 would remain unchanged.

46 Cotner stated she received support from the MN DNR to remove the language regarding
47 item b. from Emily ordinance.
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MOTION MADE BY COMMISSIONER SPIESS TO RECOMMEND TO THE CITY COUNCIL, ZONING ORDINANCE CHANGES REGARDING BLUFF DEFINITION 152.003 RULES OF CONSTRUCTION; DEFINITIONS BLUFF LANGUAGE AN AREA WITH AN AVERAGE SLOPE OF LESS THAN 18% OVER A DISTANCE FOR 50 FEET OR MORE SHALL NOT BE CONSIDERED PART OF THE BLUFF. BE REMOVED FROM THE CITY OF EMILY ORDINANCE WITH SUPPORT FROM THE MN DNR. SECONDED BY COMMISSIONER RHEAUME. ALL VOTED IN FAVOR, MOTION CARRIED 5-0.

- b. Ordinance Amendment Application Ord-23-03 to consider amending section “Appendix A: Table of Uses”. Recommended changes are from the Land Use Ordinance Review Subcommittee.
Owner/Applicant: City of Emily Continued from October 3, 2023 regular meeting.

Cotner stated this item was a continuation from the October 3, 2023 regular meeting. Updated Appendix A: Table of Uses was reviewed by the Land Use Ordinance Subcommittee and changes were recommended from this committee.

Commissioner Spiess asked if the key or chart could be moved to the front of the Appendix instead of having it on the back. Cotner will ask the City Clerk if that change is possible, however American Legal would have the final formatting decision.

Discussion regarding Animal Husbandry will need to be reviewed more in depth by the Land Use Ordinance Subcommittee and will not be part of this initial change.

Discussion regarding Home Occupation Type I & II in Forest Preservation & Forest Residential should be changed to P-Permit.

Planning Commissioners discussed whether to wait for all the changes to be completed on the Matrix before submitting final recommendations to the City Council or submit what has been changed so far. Cotner recommendation to submit Matrix to the City Council for approval now since there may not be a Planning Commission meeting until February. Cotner stated that any applications submitted prior to this approval, would be subject to the existing Appendix.

MOTION MADE BY COMMISSIONER SPIESS TO ACCEPT APPENDIX A. TABLE OF USES AS PRESENTED WITH THE CHANGES TO HOME OCCUPATION TYPE I & II IN FOREST PRESERVATION & FOREST RESIDENTIAL TO BE P-PERMIT AND RECOMMEND APPROVAL BY CITY COUNCIL. SECONDED BY COMMISSIONER REHAUME. ALL VOTED IN FAVOR, MOTION CARRIED 5-0.

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102 **4. APPROVAL OF MINUTES**
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- 104 a. October 3, 2023 Regular Meeting minutes
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106 **MOTION BY COMMISSIONER SPIESS TO APPROVE OCTOBER 3, 2023 REGULAR**
107 **MEETING MINUTES AS PRESENTED. SECONDED BY COMMISSION BARTEL**
108 **ALL VOTED IN FAVOR. MOTION CARRIED 5-0.**
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110 **5. NEW BUSINESS**
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- 112 a. Cindy Miller Nonconforming Sign Discussion
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114 Cotner provided a brief background on the complaint received regarding the
115 nonconforming sign (advertising on shrink wrapped boat) parked at The Landing
116 Marketplace 39877 HWY 6, Emily. Cotner stated she is requesting the Planning
117 Commission decide whether her interpretation of the ordinance is valid in this
118 situation since the sign is temporary/seasonal advertising and is an offsite sign.
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120 Cindy Miller stated she is part owner in the Landing Marketplace and The Boat
121 Doctor shrink wrap business. Ms. Miller stated she has approval from the property
122 owner since 2017, to allow the boat as advertising, to be placed on the front yard of
123 the Landing site for approximately 6 to 7 weeks in the fall. The Boat Doctor business
124 is a mobile boat shrink wrapping business and does not shrink wrap boats at the
125 Landing Marketplace site.
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127 Cotner stated per Emily City ordinance, any advertising or signage for a business,
128 except for directional signage, must be located on the actual site where the business
129 is located. City of Emily ordinances does not allow for offsite signage, which is the
130 case in this situation. Change to our ordinance allowing offsite advertising would
131 allow billboards to be an allowed use within our city.
132

133 Discussion by the Planning Commissioners to review the sign ordinance during the
134 next Land Use Subcommittee meeting.
135

136 Cotner recommended sending a letter to the property owner and Ms. Miller stating
137 this specific situation will be allowed "Grandfathered" status. The Boat Doctor will be
138 allowed to continue seasonal advertising (6-7 weeks in the fall) at the Landing
139 Marketplace site.
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141 **MOTION MADE BY COMMISSIONER RHEAUME TO HAVE ZONING**
142 **ADMINISTRATOR SEND LETTER TO PROPERTY OWNER AND MS.**
143 **MILLER ALLOWING GRANDFATHERED IN STATUS BASED ON THE**
144 **LONG STANDING HISTORY OF THE BOAT DOCTOR ADVERTISING AT**
145 **THE LANDING SITE. SEASONAL/ SHORT TERM ADVERTISING ONLY.**
146 **SECONDED BY COMMISSIONER BARTEL. ALL VOTED IN FAVOR.**
147 **MOTION CARRIED 5-0**
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b. Seat for Reappointment Notice

Dave Johnson and Denise Vukelich’s terms expire at the end of December 2023.

6. OLD BUSINESS

None

7. P & Z ADMINISTRATOR’S REPORT

Cotner provided a list of meeting dates for 2024. Meeting dates for 2024 will be discussed at the next regularly scheduled meeting.

8. ADJOURNMENT

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

The meeting adjourned at 6:42 pm.

Respectfully submitted,


Sue Fahrendorff,
Zoning Clerk