
CITY OF EMILY

PLANNING COMMISSION/BOARD OF ADJUSTMENT

AGENDA

Tuesday December 3, 2024, 6:00 pm

Please Silence All Cell Phones.

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. If you're speaking, please come to the podium, state your name and address for the record.*
6. Public Hearings
7. Approval of Minutes
 - a. October 1, 2024, regular meeting (*Commission Action-Motion*)
8. Land Use Ordinance Subcommittee Meeting update
9. New Business
10. Old Business
 - a. CUP Update-Red's Storage, LLC & Nick Usherwood
 - b. Report of CUP's from the last 5 years.
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 **October 1, 2024**5
6 **1. CALL TO ORDER**7 The meeting was called to order by Commissioner Johnson at 6:00 pm.
89 **2. Pledge of Allegiance was recited.**10
11 **3. ROLL CALL**12
13 PRESENT: Dave Johnson, Chairman, Pat Rheume, Mark Mosman, Lynn Bartel, Denise
14 Vukelich and Faye Hughes.

15 Council: Greg Koch (Liaison), Gary Hanson

16 Staff: Steve Jones, Zoning Administrator (Sourcewell), Sue Fahrendorff, Zoning Clerk
1718 **4. ADDITIONS OR DELETIONS TO AGENDA**19 None
2021 **MOTION MADE BY COMMISSIONER RHEAUME TO ADOPT THE AGENDA AS**
22 **PRESENTED. SECONDED BY COMMISSIONER JOHNSON. ALL VOTED IN**
23 **FAVOR. MOTION CARRIED 5-0.**
2425 **5. OPEN FORUM**26 None
2728 **6. PUBLIC HEARINGS**

- 29 a. Ordinance Regulating Cannabis Businesses-Ordinance adding section 154 Cannabis
-
- 30 Businesses to Emily City Ordinance.
-
- 31

32 Open Public Hearing.
3334 The Ordinance will add a section under Zoning Code (Land Usage) to allow the City
35 Council to regulate certain cannabis businesses that may obtain licenses from the State.
36 Jones stated the Land Use Ordinance Subcommittee met prior to the Planning
37 Commission meeting and there were a few changes to the draft ordinance that the Land
38 Use Ordinance Subcommittee is recommending the Planning Commission consider.
39 The changes are as follows:
40

- 41 • Part 2.3 Registration & Application Procedures; section 2.3.1 Fees-Delete the line
-
- 42 from the draft
- "The City Of Emily shall not charge an application fee"*
-
- 43 • Section 2.3.2 D-The
- application*
- fee shall be non-refundable once processed.
-
- 44

45 Public Hearing closed.
46
47
48

MINUTES

Emily Planning Commission

October 1, 2024

b. Consideration of Recommendation to City Council on the Proposed Cannabis Ordinance.

Commissioner Bartel asked what BZA stands for. Jones stated BZA is the Board of Zoning Adjustments. Commissioner Rheaume stated it should be noted what BZA stands for in the ordinance or it should be written out in the ordinance. Commissioners discussed various punctuation discrepancies within the ordinance that Jones will correct prior to sending to City Council.

Planning Commission made the following changes:

- Part 2.5 section 2.5.3 *The business may not make sales to customers if their during the period their registration is suspended.*
- Section 3, part 3.2 subsection 3.2.1-3.2.8 verbiage in first sentence should be changed *are by a Conditional Use in the following zoning districts.*
- Section 4, 4.1 subsection 4.1.3 (B) i-the *application fee as required in City Fee Schedule.*
- Section 4, 4.1 subsection 4.1.3 (D) *The application fee shall be non-refundable once processed.*

MOTION BY COMMISSIONER RHEAUME TO ADVANCE ORDINANCE 154 CANNABIS BUSINESSES TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL BASED ON CHANGES MADE TO THE ORDINANCE AT THE OCTOBER 1, 2024, PLANNING COMMISSION MEETING. SECONDED BY COMMISSIONER BARTEL. ALL VOTED IN FAVOR. MOTION CARRIED 5-0.

7. APPROVAL OF MINUTES

a. September 3, 2024 Regular Meeting Minutes.

MOTION BY COMMISSIONER VUKELICH TO APPROVE MINUTES AS PRESENTED. SECONDED BY COMMISSIONER MOSMAN. ALL VOTED IN FAVOR. MOTION CARRIED 5-0.

8. LAND USE ORDINANCE SUBCOMMITTEE MEETING UPDATE

Commissioner Johnson provided a brief update on the Land Use Ordinance Subcommittee meeting. The meeting was focused on the cannabis ordinance review for preparation for presenting to the Planning Commission at the October 2024 meeting. At the next subcommittee meeting in November, the focus will be on Variances and Conditional Use Permits.

9. NEW BUSINESS

None

10. OLD BUSINESS

None

98 **11. P & Z ADMINISTRATOR'S REPORT**

99 Jones stated Planning and Zoning has been busy the past few weeks, but what has come
100 through the office hasn't been out of the ordinary. The office has not had any Variance
101 or Conditional Use permit requests in the past month.
102

103 **12. ADJOURNMENT**

104
105 **MOTION BY COMMISSIONER BARTEL TO ADJOURN THE MEETING.**
106 **SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR 5-0.**
107 **MOTION CARRIED**

108
109 The meeting adjourned at 6:20 pm.
110 Respectfully submitted,

111
112
113
114 Sue Fahrendorff,
115 Zoning Clerk

CUP Permits--Emily Planning and Zoning

<u>Recd</u>	<u>Appvrd</u>	<u>RE CODE</u>	<u>LAST</u>	<u>FIRST</u>	<u>ADDRESS</u>	<u>TYPE</u>	<u>DESCRIPTION</u>	<u>FEE</u>	<u>DISTRICT</u>	<u>Project Completed Y/N</u>
1/3/2024	2/13/2023	21090613	Red's Storage LLC	steve Beneke	42823 State HWY 6	CUP	Six Total Storage Buildings	\$500.00	HMU	CUP Completed
5/17/2023	7/5/2023	21150526	Usherwood	Nicolas	42524 St HWY 6	CUP	Small business use; Machine shop & repair shop	500 Plus \$46.00 to CWC	HMU	CUP Completed
6/12/2023	8/1/2023	21270736	Emily Ace Storage LLC	Dan Erickson	40109 Sawmill Rd	CUP	Construct 4 135'X40' Storage Buildings	\$500.00	CT	9/21/2023 CUP sent to CWC for recording
4/1/2021		21090613	Red's Storage LLC	Steven Beneke	43823 State Hwy 6	CUP	40' x 150' (6,000 sf) commerical storage facility	\$500.00	HMU	CUP Completed
		21090613	Red's Storage LLC	Steven Beneke	43823 State Hwy 6	CUP	40' x 150' (6,000 sf) commerical storage facility	WAIVED BY COUNCIL	HMU	CUP Completed
9/3/2019		210273200B00009	Genz (Greer)	Chad (Tim)	40395 State hwy 6	CUP	CUP for auto repair, auto sales, towing, etc	\$500.00	CTLI	CUP Completed



39811 State Highway 6
PO Box 68
Emily, MN 56447
218-763-2480
zoning@emily.net

SCANNED

November 12, 2024

Red's Storage LLC
43823 State Hwy 6
Emily, MN 56447

To: Red's Storage LLC
From: Steve Jones, City of Emily Zoning Department

The city undertook a roadside inspection of your property at 43823 State Highway 6, Emily, MN. Specifically, your CUP states you must maintain 86 new trees, and dead ones will be replaced each Fall.

By our count, we could see 67 living trees from the road. Would you please let us know how many trees that you have planted are still alive, and if it is less than the required 86 trees, your plans to replace them.

Thank you in advance with your assistance in this annual tree count.

City Of Emily
Planning & Zoning

zoning@emily.net

From: Steve Jones <Steve.Jones@sourcewell-mn.gov>
Sent: Tuesday, November 19, 2024 3:45 PM
To: Red's Storage
Cc: Emily Zoning Office; Steve Jones
Subject: RE: Trees-Reds

Thank you for your reply. It was hard for us to tell for sure from the road. Thank you for your attention to this detail. I will put a note in the file. Have a safe Winter.
Steve

From: Red's Storage <redsstorage218@gmail.com>
Sent: Tuesday, November 19, 2024 3:42 PM
To: Steve Jones <Steve.Jones@sourcewell-mn.gov>
Subject: Trees

You don't often get email from redsstorage218@gmail.com. [Learn why this is important](#)

EXTERNAL

FYI, all trees that did not survive have been replaced. We waited to right before the winter cold sets in as that's the best time to plant trees.

Steve Beneke
Red's Storage

GARY GRIFFIN
CROW WING, MINNESOTA
County Recorder
Deputy: sarahl

(Reserved for Recorder)

SCANNED

**CITY OF EMILY
PLANNING COMMISSION
CONDITIONAL USE PERMIT APPROVAL**

On the 6th, of February 2024, following a public hearing conducted by the Emily Planning Commission, the City of Emily hereby approved a conditional use permit request on behalf of: **Red's Storage LLC**

In accordance with the provisions of the City of Emily Land Use Ordinance and pursuant to the requirements of Chapter 462 of the Minnesota Statutes the approved conditional use permit authorizes the above named to: expand and operate an existing commercial mini storage business within the Highway Mixed Use zoning district on the following property located in the City of Emily, Crow Wing County:

Legal Description: THAT PART OF GOVERNMENT LOT 1, SECTION 9, TOWNSHIP 138, RANGE 26, DESCRIBED AS FOLLOWS TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 1; THENCE SOUTHERLY ALONG THE EASTERLY BOUNDARY LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 991.05 FEET TO THE POINT OF COMMENCEMENT OF THE TRACT TO BE DESCRIBED HEREIN; THENCE WESTERLY ON A STRAIGHT LINE A DISTANCE OF 1320 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 19, CLEARWATER BEACH; THENCE NORTHERLY ALONG THE EAST LINE OF LOT 19, CLEARWATER BEACH, TO THE INTERSECTION OF A LINE THAT BEARS S 90 DEGREES 00 MINUTES 00 SECONDS WEST WHICH LIES 660.7 FEET SOUTH OF THE NORTH LINE OF GOVERNMENT LOT 1; THENCE EASTERLY ALONG A LINE THAT BEARS S 90 DEGREES 00 MINUTES 00 SECONDS WEST AND RUNS PARALLEL WITH THE NORTH LINE OF GOVERNMENT LOT 1, 1257.89 FEET, MORE OR LESS, TO THE EAST LINE OF GOVERNMENT LOT 1; THENCE SOUTH ALONG THE EAST LINE OF GOVERNMENT LOT 1 TO THE POINT OF COMMENCEMENT OF THE TRACT.

Section 9- Township 138 -Range 26.

Parcel Identification Number: 21090613

Address: 43823 State Hwy 6, Emily, MN

The approval was made based on the following findings of fact and with the following conditions of approval.

Finding of Facts:

- 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', and 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.

Conditions:

- 1) The storage facility shall be burnished slate gray and rustic red in color (as proposed by the applicant) or other color combination approved by the planning commission.
- 2) All onsite lighting shall be directed downward and shielded so the light source is not visible from adjacent properties.
- 3) The existing, previously conditioned, rows of evergreen trees shall be maintained along the north, south, and east property lines per the plans submitted. There shall be no less than 86 trees. The East side is to have a 2-foot gullied berm built Once (if) a tree has been determined to have died by the zoning administrator, it shall be replaced in the Fall of that calendar year.
- 4) There shall be no exterior storage of materials, equipment, boats, trailers, vehicles, or other items on the subject property.
- 5) The pile of tree debris is to be disposed of by way of legal means when timing permits.
- 6) Site plan shall be updated to reflect the building to the south will have a 30 foot side yard setback, not a 20 foot side yard setback.

I certify that the above is a true and correct statement based on the approved minutes of the Emily Planning Commission meeting held on February 6, 2024, and the Emily City Council meeting held on February 13th, 2024, and on record at Emily City Hall, 39811 State Highway 6, Emily, MN 56447.

Cari Johnson
Cari Johnson
City Clerk

2-20-2024
Date

Drafted By:
Brittney Cotner, Community Development Administrator
Sourcewell
P.O. Box 219
Staples, MN 56479

Stamp





39811 State Highway 6
PO Box 68
Emily, MN 56447
218-763-2480
zoning@emily.net

SCANNED

November 12, 2024

To: Nicholas Usherwood
42524 State Highway 6
Emily, MN 56447

From: Steve Jones, City of Emily Zoning Department

In July of 2023 you obtained a Conditional Use Permit from the City of Emily to operate a light industrial machining business at the above listed address.

This week the city undertook a roadside inspection of your property at 42524 State Highway 6, Emily, MN. Specifically, your CUP states that:

- 1) Customer equipment is to be stored inside of a structure or be fully screened from the road and neighboring properties by either natural trees and shrubs or a fence, and
- 2) A maximum of 3 units of equipment may be on the property for sale at any one time. The equipment for sale must be kept in a tidy manner.

It appears to us that you are exceeding the number of units for sale, and customer equipment may be sitting out in the open and unscreened. Please make sure you have no more than 3 units at a time for sale in view of the public, and customer equipment is inside or adequately screened. We will reinspect it in 30 days. Please let us know if you have any questions or concerns.

Thank you in advance for you attention to your permit.

City of Emily
Planning & Zoning

(Reserved for Recorder)

Document No.: 986721 ABSTRACT
07/25/2023 11:44 AM Total Pages: 3
Fees/Taxes In the Amount of: \$46.00
GARY GRIFFIN
CROW WING, MINNESOTA
County Recorder
Deputy: sarahh

**CITY OF EMILY
CITY COUNCIL
CONDITIONAL USE PERMIT**

On this 5th day of July 2023, following a public hearing conducted by the Emily Planning Commission, then the request went before the City Council on July 11th, 2023, the City of Emily hereby approved a conditional use permit on behalf of: **Nicholas Usherwood**

In accordance with the provisions of the City of Emily Land Use Ordinance and pursuant to the requirements of Chapter 462 of the Minnesota Statutes the approved conditional use permit authorizes the above named to: Operate a light industrial machining business on the following property located in the City of Emily, Crow Wing County:

Legal Description: SOUTHWEST 1/4 OF NORTHWEST 1/4 EXCLUDING NORTH 858 FOOT THEREOF & EXCLUDING HWY

Section 15- Twsp 138 -Rng 026.

Parcel Identification Number: 21150526

Address: 42524 State Hwy 6, Emily, MN

The approval was made based on the following findings of fact and with the following conditions of approval:

FINDINGS OF FACT:

- 1) The subject property is located at 42524 State Highway 6 (PIN 21150526).
- 2) The conditional use permit request is to operate a light industrial business and machining of accessory parts for motor sport equipment.
- 3) The proposed use, with conditions, conforms to the comprehensive plan. The intended use of the property is for commercial purposes within the Highway Mixed use zoning district.
- 4) The proposed use, with conditions, is compatible with the existing neighborhood and has existed on this property historically without a Conditional Use Permit.
- 5) The subject property is located adjacent to State Highway 6 where commercial growth is expected.
- 6) The proposed use will not be injurious to the public health, safety, welfare, decency, order, comfort convenience, appearance, or prosperity of the city.
- 7) The proposed use will not impede the orderly development and improvement of surrounding vacant property for uses predominant in the area (residential and commercial).


CONDITIONS OF APPROVAL:

1. Customer equipment is to be stored inside of a structure or be fully screened from the road and neighboring properties by way of either natural trees and shrubs or a fence.
2. A maximum of 3 units of equipment may be on the property for sale at any one time. The equipment for sale must be kept in a tidy manner.

The City of Emily Zoning Administrator is herewith directed to issue the appropriate permits pursuant to this Conditional Use Permit.

The applicant shall act on the approved use within 12 months, or the permit becomes void.

I certify that the above is a true and correct statement based on the approved minutes of the Emily City Council meeting held on July 11, 2023, and on record at Emily City Hall, 39811 State Highway 6, Emily, MN 56447.


Cari Johnson
City Clerk -

July 17, 2023
Date

Stamp

Drafted By:

Brittney Cotner, Community Development Administrator
Sourcewell
P.O. Box 219
Staples, MN 56479