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# CITY OF MOTLEY

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR  
**February 25, 2014**



CITY OF MOTLEY  
PLANNING AND ZONING COMMISSION  
AGENDA  
February 25, 2014  
6:00 pm – Motley City Hall

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1. Call to Order
2. Roll Call
3. Public Hearings  
*(NOTE: members of the public wishing to comment on a particular public hearing will be given an opportunity during the appropriate public hearing)*
  - a. Conditional Use Permit and Variance for two building additions to an existing manufacturing/processing facility approximately 26 ft and 30 ft from the right-of-way of East River Road (min. 50 ft required)
    - i. Applicant(s): Morey's Seafood International, LLC
    - ii. Property address: 1218 Highway 10 South, Motley
    - iii. Sec/Twp/Range: 19-133-31
    - iv. Parcel number(s): 410038003
4. Additions or Deletions to Agenda
5. Open Forum  
*(NOTE: the open forum is an opportunity for members of the public to comment on any item not related to a specific agenda item, but relating to land use regulations or planning within the City)*
6. Approval of Minutes
  - a. October 2013
  - b. November 2014
  - c. January 2014
7. Planning and Zoning Administrator's Report
8. Other Business
  - a. Training Session (if time allows) – Overview of Zoning/Subdivision Ordinances and Basic Zoning Terminology
9. Adjournment

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

**Members of the public:**

*Please see the next page for the City of Motley's policy regarding "Standards of Conduct at Public Meetings".*

**CITY OF MOTLEY**  
**STANDARDS OF CONDUCT AT PUBLIC MEETINGS**

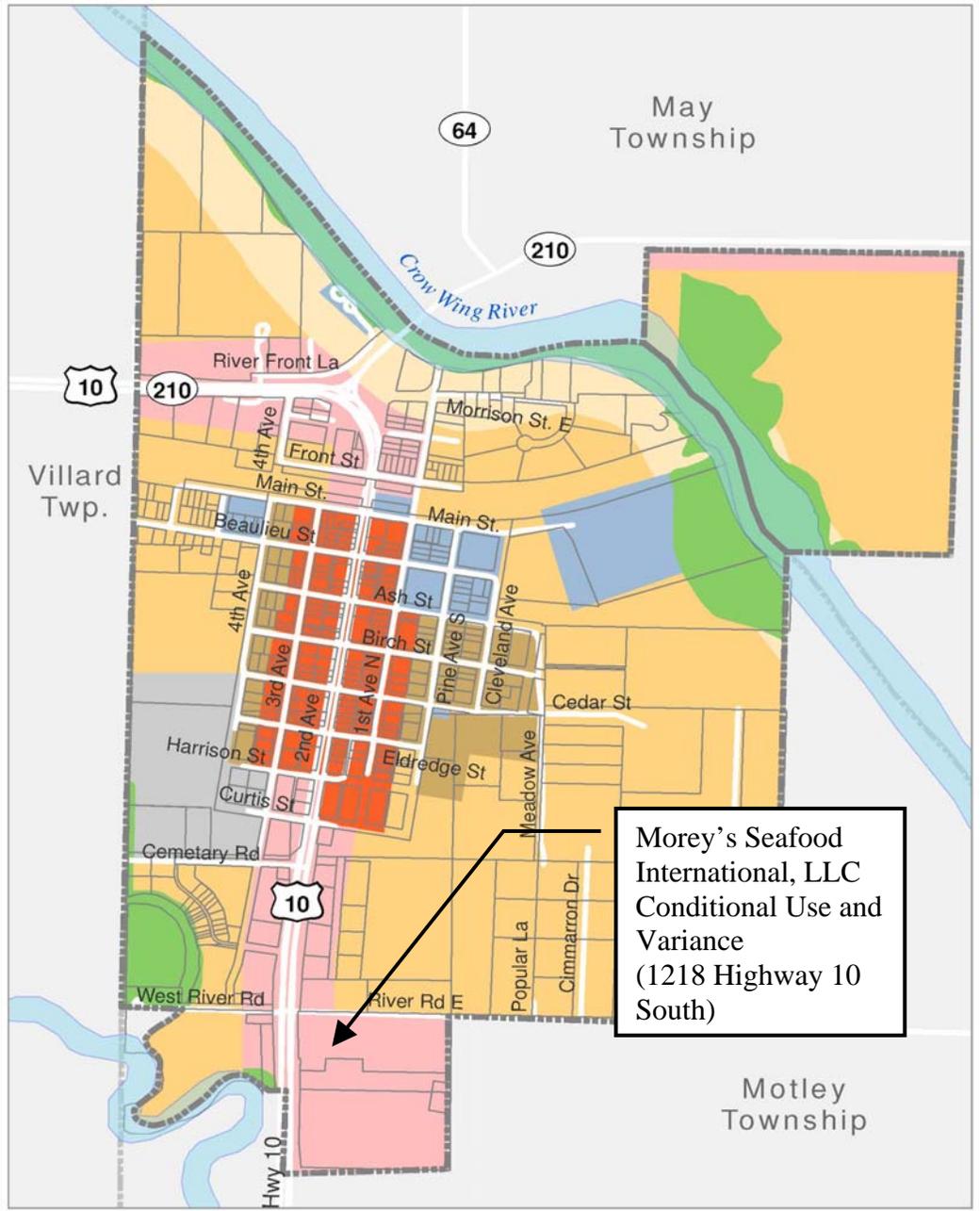
The City Council encourages good-faith testimony from its citizens and desires to provide an environment based on respect and civility. In order to do so, the City Council of the City of Motley has established the following Standards of Conduct at Public Meetings, based on the norms of acceptable and courteous business behavior:

1. Members of the audience wishing to address the Council shall first secure the permission of the Chairperson.
2. Members of the audience will refrain from disruptive actions such as hand clapping, stamping of feet, whistling, cheering, yelling or similar demonstrations, which conduct disturbs the peace and good order of the meeting and which conduct might have an intimidating effect upon members of opposing viewpoints.
3. Persons addressing the City shall also refrain from slurs against race, creed, color, religion, national origin, gender, sexual or affectional orientation, marital status, familial status, age, disability, or status with regard to public assistance.
4. Profanity, slander, false statements, violence, or the threat of violence in any form shall not be tolerated.
5. City Officials shall also comply with these **STANDARDS OF CONDUCT**, the City of Motley's **CODE OF ETHICS FOR PUBLIC OFFICIALS** and the **CITY OF MOTLEY CONFLICTS OF INTEREST POLICY**.

Violations of these **STANDARDS** shall be determined by the opinion of the Chairperson of the meeting or, absent such opinion, by the opinion of the majority of the members of the deliberating body.

1. Any person violating these standards shall be called to order by the Chairperson of the meeting. If such conduct continues, said person may, at the discretion of the Chairperson, lose the floor. With the exception of Elected Public Officials (e.g. City Council) at City Council meetings, said person may be denied further audience before the City for that meeting.
2. If said person refuses to come to order and obey the directives of the Chairperson of the meeting, the Chairperson may request that said person leave the building. An exception to this is made for Elected Public Officials at City Council meetings as protected by law.

**City of Motley**  
Cass Co. & Morisson Co., MN



Morey's Seafood  
International, LLC  
Conditional Use and  
Variance  
(1218 Highway 10  
South)

Zoning Districts	Medium Residential (R2)	Motley Boundary
Downtown Mixed Use (DMU)	High Residential (R3)	Rivers
Commercial (C2)	Public Use (PU)	Motley Parcel Boundaries
Industrial (I)	Natural Resource (NR)	Neighboring Communities
Shoreline Residential (R1)		

**The parcels identified on this map are subject to public hearing on February 25, 2014.**  
**The public hearing will be held at Motley City Hall at 6:00 pm.**



## STAFF REPORT

**Application:** Conditional Use Permit and Variance for two building additions to an existing manufacturing/processing facility approximately 26 ft and 30 ft from the right-of-way of East River Road (min. 50 ft required)

**Applicant:** Morey's Seafood International, LLC

**Agenda Item:** 3(a)

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### Background Information:

- **Proposal:** The applicants are proposing to construct two additions to their existing manufacturing/processing facility, which is currently about 52,000 sq ft in size. The first addition would be for a spiral freezer (which is designed to freeze large amounts of product in limited space) and the other would be for related compressors and refrigeration systems (an engine room). Combined the two additions, along with a small outdoor area to accommodate additional equipment, would encompass about a 24' x 64' area (1,536 sq ft). The additions would be about 15 ft high.

The additions require a conditional use permit as an expansion to an existing manufacturing/processing facility in a Commercial zoning district.

The additions require a variance because they would be within the minimum road setback required (about 26 and 30 ft from the right-of-way of East River Road instead of the required 50 feet).

An additional 3 ft of landscaping rock would be placed around the perimeter of the addition area, as well as some fencing.

- **Location:**
  - Property address: 1218 Highway 10 South, Motley
  - Sec/Twp/Range: 19-133-31
  - Parcel number(s): 410038003
- **Zoning:** Commercial (C2)
- **Lot size** (estimated from Beacon website): About 14.14 acres (roughly 500 wide along Highway 10 and 1230 ft deep along East River Road)
  - Existing Impervious Coverage (based on aerial photo):
    - ~4.6 acres (about 33 percent)
  - Proposed Impervious Coverage (based on plans and aerial photos):
    - ~4.6 acres (about 33 percent)

- **Natural Features:**

Floodplain: The proposed area for the building additions is not within an identified floodplain.

Bluff/Steep Slopes: The property does not contain any steep slopes or bluffs that would impact the proposal.

Wetlands: There are not any wetlands on the property that would impact the proposal.

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**Applicable Statutes/Ordinances:**

**Minnesota Statutes**

**462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.**

**Subd. 6. Appeals and adjustments.**

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

SECTION III - RULES AND DEFINITIONS

3.2 DEFINITIONS

The following words shall be defined as follows for the purpose of this Ordinance:

**140. Manufacturing.** Making or processing raw materials into a finished product.

**171. Processing.** Preparing, treating or converting a raw material into a finished product.

**SECTION V - ZONING DISTRICTS AND DISTRICT PROVISIONS**

**5.6 Commercial (C-2)**

1. Purpose: To provide a zoning classification for commercial uses oriented around the automobile. Parcels are larger than in the Urban Commercial zone in order to provide on-site parking, on-site stormwater facilities as well as on-site water supply and sewage treatment where municipal utilities are not immediately available.
  
2. Permitted Uses. (C-2)<sup>1</sup>  
See Section 5.11
  
3. Conditional Uses. (C-2)<sup>2</sup>  
See Section 5.11
  
4. Accessory Uses. (C-2)<sup>3</sup>  
See Section 5.11
  
5. Excluded Uses. (C-2)<sup>4</sup>  
See Section 5.11
  
6. Lot and Use Requirements. (C-2)
  - Impervious surface coverage - maximum.....50%
  - Setback, right-of-way - feet.....50
  - Setback, parking from lot line - feet.....30
  - Setback, side - feet.....10
  - Setback, rear - feet.....10
  - Building height - feet, maximum.....25
  - Building above highest known groundwater.....3
  - Minimum lot size - square feet.....20,000
  - Onsite sign setback - feet.....10
  
7. Performance Standards. (C-2)
  - A. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances.

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<sup>1</sup> Ordinance 2009-3, 4/28/2009

<sup>2</sup> Ordinance 2009-3, 4/28/2009

<sup>3</sup> Ordinance 2009-3, 4/28/2009

<sup>4</sup> Ordinance 2009-3, 4/28/2009

- B. Parking. Adequate off-street parking shall be provided. On-street parking is not allowed under any circumstances.
  
- B. Screening. All sites shall be heavily landscaped to provide 100% screening to adjacent residential parcels and over 25% screening from the road or any non-residential parcel. Percentages shall be determined by amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each conditional use permit.
  
- C. Lighting. Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Lights approved with signs must be turned off at the close of business each day.
  
- F. Side Yard Setback. The side-yard setback may be reduced by 50% provided one of the following is completed:
  - a. The property owner has the lot line in question surveyed by a licensed surveyor. The survey monuments establishing the lot line must be clearly visible so a determination of the encroachment can easily be made.
  - b. The property owner shall install flags, stakes or other devices establishing the location of the property line. The property owner and the adjacent property owner on the line to be encroached upon must both sign and have notarized an agreement stating that they both agree upon the property line, as marked by the property owner.
  
- G. Impervious Coverage. The impervious coverage may be increased by 50% provided the following:
  - a. A stormwater management plan that retains the 10-year, 24-hour rain event is provided. Upon approval, the plan must be fully implemented.
  - b. Direct runoff to adjacent properties in a 10-year, 24-hour rain event is eliminated through the use of swales, berms, ditches, grading or other necessary means.

**5.11 Land Use Matrix<sup>5</sup>**

**Table 1. City of Motley Land Use Matrix**

A - Denotes Allowed without a Permit	AC - Denotes <i>Accessory use</i>
P - Denotes <i>Permitted use</i>	E - Denotes Excluded Use

<sup>5</sup> Ordinance 2009-3, 4/28/2009  
 City of Motley  
 February 25, 2014

C - Denotes *Conditional use*

Use	NR	R1	R2	R3	DMU	PU	C2	C1	I
<i>Manufacturing</i>					C		C		C
<i>Processing</i>					C		C		

## SECTION IX - ADMINISTRATION

### 9.5 Conditional Use Permits.

3. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following<sup>6</sup>:
  - a. Increasing the required lot size or yard dimension.
  - b. Limiting the height, size or location of buildings.
  - c. Controlling the location and number of vehicle access points.
  - d. Increasing the street width.
  - e. Increasing or decreasing the number of required off-street parking spaces.
  - f. Limiting the number, size, location or lighting of signs.
  - g. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
  - h. Designating sites for open space.
  - i. Stormwater runoff management.
  - j. Reducing impervious surfaces.
  - k. Increasing setbacks.
  - l. Restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
  
4. The Planning and Zoning Commission shall decide the issue with consideration to the following:
  - a. The following must be met:
    - i. The use or development is an appropriate conditional use in the land use zone.
    - ii. The use or development, with conditions, conforms to the comprehensive land use plan.
    - iii. The use with condition is compatible with the existing neighborhood.
    - iv. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience,

<sup>6</sup> Amended by Ordinance 153.05, 3/9/2010  
 City of Motley  
 February 25, 2014

- appearance or prosperity of the City.
- b. The following must be considered:
    - i. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminishes or impairs values in the immediate vicinity.
    - ii. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
    - iii. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
    - iv. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.
    - v. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
    - vi. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
    - vii. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
    - viii. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

## **9.6 Variances.**

5. In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions<sup>7</sup>.
6. Variances shall be decided within the required time frame with consideration for the following:
  - a. The strict interpretation of the Ordinance would create undue hardship, and
  - b. The strict interpretation of the Ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other

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<sup>7</sup> Amended by Ordinance 153.05, 3/9/2010  
City of Motley  
February 25, 2014

- characteristics of the property not created by the land owner, and
- c. The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance, and
  - d. The variance will not create a land use not permitted in the zone, and
  - e. The variance will not alter the essential character of the locality, and
  - f. The variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

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**(Conditional Use) Staff Findings:** The following findings of fact are presented by Staff for consideration by the Planning Commission:

- 1. The use or development is an appropriate conditional use in the land use zone.** Manufacturing and Procession are both identified as a conditional use by the Land Use ordinance in the C-2 zoning district where this property is located.
- 2. The use with condition is compatible with the existing neighborhood.** The site has been used for manufacturing/processing for many years – since prior to the enactment of the City’s Zoning Ordinance. The adjacent properties to the north, south and west are also commercial in nature and in how they are zoned. The primary impact on the neighborhood would likely be from any increase in noise associated with the new equipment that would be within the additions. So long as the noise is sufficiently contained, there should be little change to the compatibility of the business with the neighborhood.
- 3. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.** The additions, according to discussions with the applicant, are not of a nature that would be expected to create significant changes to what already occurs on the site. The additions are a very small percentage of the overall building size so the primary impact would be the greater “bulk” in an area close to the roadway surface.
- 4. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminishes or impairs values in the immediate vicinity.** The proposed additions would not likely diminish property values in the area, as they are a very small change to the overall footprint of the business and whatever impact the business has had on properties in the neighborhood have likely already been factored in for many years.
- 5. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.** The proposed additions would not present any hindrance to the normal and orderly development of surrounding land, which is generally already developed and unlikely to be affected significantly by a slightly larger building on this property.
- 6. The conditional [use will not increase] public cost for public facilities and services and will not be detrimental to the economic welfare of the community.** The applicant notes that the recent upgrades to the City’s sewer and water systems were

designed with the potential for additional needs from Morey's in mind. Staff's understanding is that the additions will not be significantly increasing the number of trucks in and out of the business although this should be discussed and confirmed by the Planning Commission/Board of Adjustment.

7. **The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.** The flow of traffic into and out of the site is not expected to change significantly as a result of this proposal.
8. **Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.** The space available for and the need for parking and loading space is not expected to change as a result of these additions.
9. **Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.** Outside of normal construction activities, these types of nuisances would not be expected to be an ongoing problem or nuisance. The Commission may wish to confirm the potential for these potential nuisances during the discussion at the hearing.
10. **The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.** The proposed additions would not appear to have any impact on any natural, scenic or historical features. The area where the additions would go is currently just an open mowed grass area.
11. **The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.** The greatest likelihood for pollution from this use would be from the increased impervious surfaces on the lot, which could facilitate the movement of pollutants to the storm sewer system. The Commission/Board of Adjustment could discuss with the applicant how stormwater flows now and confirm that the potential for pollution is not significantly increased.

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**(Variance) Staff Findings:** The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

1. **Will the granting of the variance be in harmony with the general purposes and intent of the Motley Land Use (Zoning) and/or Subdivision Ordinance?**

The spirit and intent of the 50 ft required setback from a road right of way is to ensure that buildings do not crowd too closely to a road, to ensure that any vehicles that may leave the road do not create damage and to ensure adequate space for road maintenance activities.

The proposal would place permanent buildings closer to the right-of-way and could potentially impact the issues mentioned above. So long as the potential for damage to vehicles and road maintenance activities are not significantly different

with 24-26 ft setbacks instead of 50, it could be argued that the lesser setbacks are in harmony with the general purposes of the ordinances.

**2. Will the granting of the variance be consistent with the Motley Comprehensive Plan?**

The Comprehensive Plan does not directly address issues such as building setbacks. It makes general statements about a desire to improve the quality of life for residents of the City, improve access to employment and support economic development activities.

**3. Is the proposed use of the property reasonable?**

The proposed use of the property for an addition to increase the efficiency of the facility and make more efficient use of space within the building is reasonable given the long-standing presence of the business in the community and the need to place such improvements within close proximity to related operations within the building.

**4. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

The need for the road right-of-way setback variance is created primarily by the existing location of the building and the layout of certain operations within the building. The building pre-dates the City's zoning ordinance - so it would have been difficult for the business to predict what the required setbacks might be when they originally built the facility.

**5. Will the variance, if granted, alter the essential character of the locality?**

The site has been used for manufacturing/processing for many years and the character of the locality will not be changed in any significant manner as a result of these relatively small additions.

**6. Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

It appears the primary reason for the variance request is to place the new equipment in a location that makes the most efficient use of the existing operations and floor layout.

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**Planning Commission / Board of Adjustment Direction:** The Planning Commission / Board of Adjustment may approve the variance and conditional use requests, deny the request(s), or table the request(s) if the PC/BOA should need additional information from the applicant. If the PC/BOA should approve or deny the request, they should state the findings which support either of these actions.

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**Staff Comments:** Staff comments related to the request are noted below:

1. The ordinance encourages vegetative screening of commercial uses from roadways - 25% screening during leaf-on conditions. The existing condition on

this property was no screening, so the proposal would not make things any more or less screened than they are now.

2. The applicant has not provided a survey of the property boundaries. The City may wish to require such a survey as part of any approval to ensure the setback measurements are accurate and to prevent future disputes over property lines.
3. Staff would urge the City to consider whether allowing these additions closer to the right-of-way would inhibit the City's ability to expand the roadway in the future or add additional infrastructure that may be necessary.

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**Staff Recommendation:** Based on the findings of fact and discussion listed above, Staff recommends:

1. Conditional use permit (expansion to a manufacturing/processing facility): Approve as presented.
2. Variance (road setback): Approve as presented, provided that there are no significant concerns relating to road safety or maintenance.

Staff recommends the following as possible conditions of an approval, should the City deem them important enough:

1. That the applicant submits information from a licensed surveyor (or another professional making use of a professional survey) indicating accurate distances to the property lines so that the building setbacks can be verified.
2. That the applicant develops a plan to screen the proposed additions from the road with trees or other vegetative plantings (caution should be taken however, that these do not further inhibit any road maintenance activities or create new safety hazards).

APP # \_\_\_\_\_  
Date \_\_\_\_\_  
(for office use only)

**CITY OF MOTLEY  
CONDITIONAL USE APPLICATION**

Name of Applicant Morey's Seafood International LLC Phone 218-352-6345  
Mailing Address 1218 Hwy 10 South Email pzahler@moreys.com  
City, State, Zip Motley, Mn. 56466

Applicant is:  
Legal Owner   
Contract Buyer   
Option Holder   
Agent   
Other Facility Manager

Title Holder of Property:  
Morey's Seafood International  
(Name)  
1218 S. Hwy 10  
(Address)  
Motley Mn. 56466  
(City, State, Zip)

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

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

Location of property involved in this request:  
Located south of Motley on Hwy 10 and River Road  
South of center of the city

Fire No. 1218, Parcel ID No. lot 14 section 19 Zoning District Industrial/com  
T13N, R31W  
41.0038.003

**Read and Initial (required):**

When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees, and other professional services the City may need to retain in reviewing permits. When applying for a permit through the City of Motley, you may be charged additional fees. If you have questions regarding your permit and need to contact Hometown Planning, you may be charged up to \$100.00 per hour in additional fees. You are liable for paying the fees. If the fees are not paid prior to the approval of your permit, these additional fees may be assessed to your property taxes. Please initial and date after reading.

Applicant must initial: [Signature]

**City of Motley**

**Conditional Use Application**

**State the Nature of request in detail: (What are you proposing for the property?)**

Morey's would like to add a Spiral Freezer unit and Engine room to the North side of the building.

A Spiral freezer is a high efficiency unit which can freeze large quantities of product in limited space. Product portions travel around a continuous belt making circles inside the unit until it is frozen comes out to be packaged.

It will extend 24' out from the building to the north towards the road. Along the building east and west 27', an engine room to house compressors, Ammonia refrigeration system, that will run east and west 24', to the north 24', a 13'x18' foot concrete pad to hold the cooling and accumulators, surrounded by fencing. The total stretch along the building will be about 64', east and west and 24' north to the road.

**What changes (if any) are proposing to make to this site?**

**Building:** Construct a Spiral freezer and Engine room on a concrete foundation attached to the current structure.

**Landscaping:** After construction a 36" rock border around the enclosures.

**Parking /signs:** NA

**Other:** Add fencing to secure equipment as needed. Between the Engine room and the Spiral Freezer.

Pursuant to the Motley city Ordinance, Section 9.5, the applicant should be prepared at the public hearing to discuss the following issues by explaining how the proposed Conditional Use will cause no significant adverse effect.

- (1) describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact why.**

There is no impact, the enclosure will be a finished building, 15' high, the building will add to the current structure, out 24' ft at the farthest to the north. No additional access points will be added there is no additional signage.

- (2) Describe the character and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?**

Current manufacturing facility to the South, Commercial business to the West, clinic, financial institution, Insurance business.

**(3) Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Describe if additional facilities will be required.**

The added capacity was considered in to the analysis building of recent City Waste Treatment facility, and for the new City Water Plant.

**(4) Describe the impact on the character of the neighborhood in which the property is located.**

I don't anticipate any impact on the neighborhood upon completion of construction.

**(5) Describe the impact to traffic on roads and highways in the vicinity , and the expected traffic generated by this application. Is there adequate parking available to accommodate the proposal?**

No impact to traffic, roads , or parking.

**(6) Discuss any environmental limitations of the site or area.**

No limitations.



**City of Motley**

**Variance Application**

**State the Nature of request in detail: (What are you proposing for the property?)**

Morey's would like to add a Spiral Freezer unit and Engine room to the North side of the building.

A Spiral freezer is a high efficiency unit which can freeze large quantities of product in limited space. Product portions travel around a continuous belt making circles inside the unit until it is frozen comes out to be packaged.

It will extend 24' out from the building to the north towards the road. Along the building east and west 27', an engine room to house compressors, Ammonia refrigeration system, that will run east and west 24', to the north 24', a 13'x18' foot concrete pad to hold the cooling and accumulators, surrounded by fencing. The total stretch along the building will be about 64', east and west and 24' north to the road.

**What changes (if any) are proposing to make to this site?**

**Building:** Construct a Spiral freezer and Engine room on a concrete foundation attached to the current structure.

**Landscaping:** After construction a 36" rock border around the enclosures.

**Parking /signs:** NA

**Other:** Add fencing to secure equipment as needed. Between the Engine room and the Spiral Freezer.

**Pursuant to the Motley City Ordinance, Section 9.6, the applicant should be prepared at the public hearing to explain the unique hardship for the proposed variance. A hardship is defined as a condition whereby the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of the Ordinance.**

**(1) What are the unique circumstances of the parcel size, shape, topography or other characteristics that make strict interpretation of the Ordinance impractical?**

The construction of a Spiral freezer, engine room will add to the current North walls of the building. It allows the company to put in place a new engine room that is not in the center of the plant. 75% of the current capacity will run through the new units.

**(2) How is granting this variance consistent with the intent of the City of Motley Land Use or Subdivision Ordinance.**

There is current manufacturing on the property, it is a business area with other commercial and manufacturing in near vicinity, the granting of the variance will create a more efficient use of our current building and allow us to manage our City utilities more efficiently.

**(3) How will reasonable use of the parcel be deprived if the variance is not granted?**

If the variance is not granted we will look at internal measures, less capacity in our current plant and out sourcing the added capacity needed.

**(4) What other options, either conforming or nonconforming, have been considered and why were those options not chosen?**

Consideration was taken to do an internal structure, creating less efficiency and capacity due to the limitations of the current facility structure. Consideration was also done with respect to adding to our current engine room we are limited by space. Relocating an engine room on the exterior of the plant is will be compliant to code .

**(5) Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.**

I don't anticipate any impact, the space needed will be a finished visually clean exterior. Immediate vicinity is commercial, manufacturing and a road.

**(6) Describe character of the area and existing patterns and uses of development in the area . How is the proposal consistent with those patterns and uses?**

There is a manufacturing facility to the South, Business and commercial to the west of the property, Clinic, financial institution, insurance business.

**(7) Describe the impact of existing or planned community facilities (sewer, drainage, other). Describe additional if additional facilities will be required.**

This added freezing capacity was forecasted as part of the process of the building of both the recent City Waste Treatment Plant and the upcoming City Water facility.

**(8) Describe the impact on the character of the neighborhood in which the property is located.**

No impact to the neighborhood, industrial and commercial area.

**(9) Describe the impact to traffic on the roads and highways in the vicinity , and expected traffic generated by this application. Is there adequate parking available to accommodate this proposal?**

No impact to roads, or traffic, no additional parking needed.

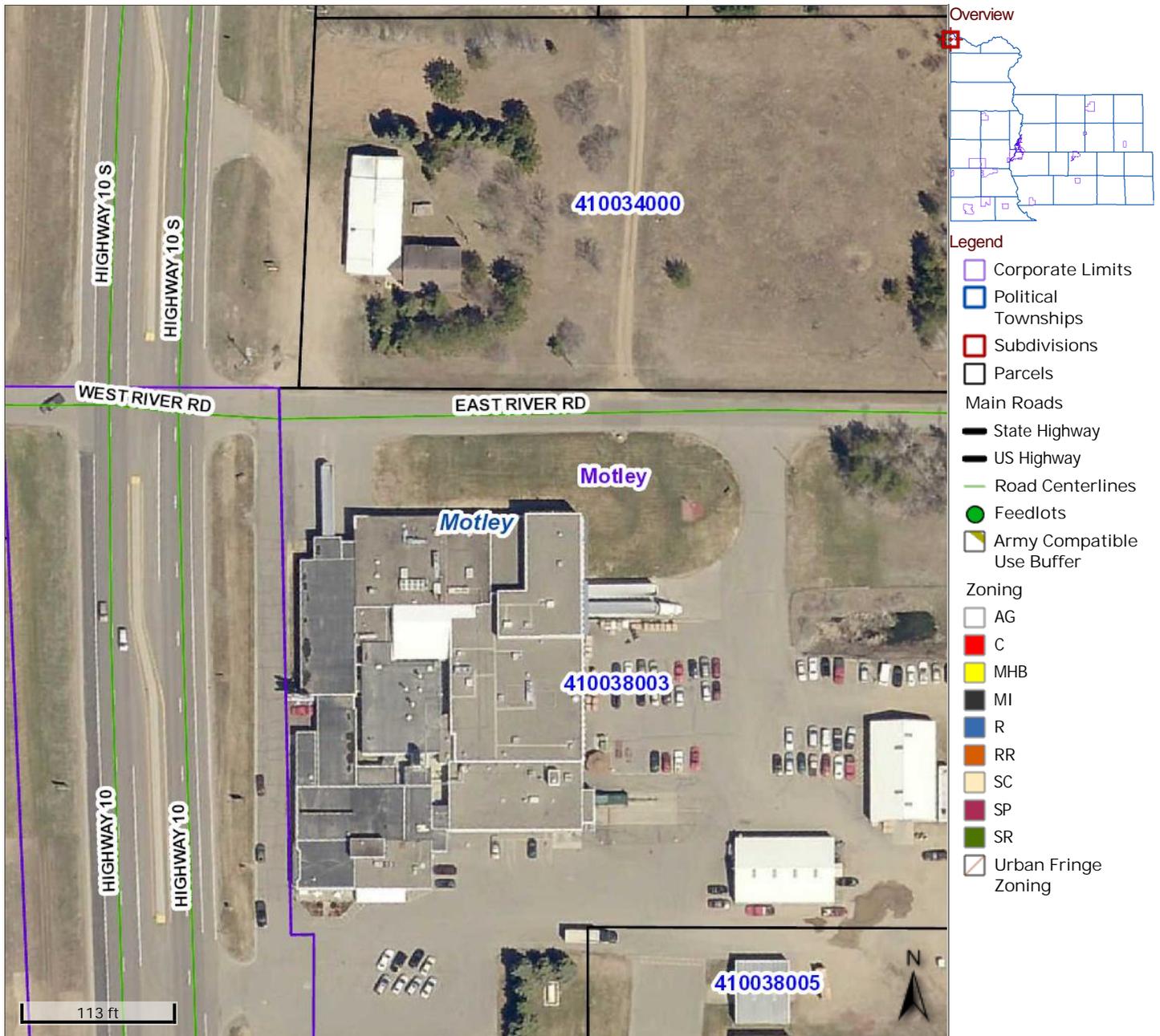
**(10) Discuss environmental limitations of the site or area.**

No limitations to the site.

**(11) Please include any other comments' pertinent to this request.**

Morey's would like to increase its' business at this current location in the current facility in the City of Motley. Morey's is an active partner with City on the utility improvements made to the Waste treatment facility and the upcoming Water Plant. Morey's provides steady employment in the area. We operate with considerations to "continuous improvement" for our business which includes our city utilities use.





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