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# CITY OF MOTLEY

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR  
*August 27, 2013*



CITY OF MOTLEY  
PLANNING AND ZONING COMMISSION  
AGENDA  
August 27, 2013  
5:30pm – 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. (Tabled from July meeting) Conditional Use Permit to allow commercial warehousing (mini-storage) buildings in the Downtown Mixed-Use zoning district and a variance for one of the buildings to be approximately 4 ft into the road right-of-way (min. 1 ft setback to right-of-way required).
    - i. Applicant(s): Steven and Denise Bickford
    - ii. Property Address: 17 Eldredge Street W, Motley
    - iii. Legal Description: Lot 6, Block Three, Lawrence’s Addition the Town of Motley
    - iv. Parcel Number(s): 410256000
  - b. Conditional Use Permit to expand the current parking lot to the north by an area of approximately 100’ x 125’.
    - i. Applicant(s): Church of St. Michael
    - ii. Property Address: 280 1<sup>st</sup> Street, Motley
    - iii. Legal Description: Lots 5-12, Block 23, 1<sup>st</sup> Addition to Motley
    - iv. Parcel Number(s): 410148001, 410149001, 410149000
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. July 23, 2013
7. Planning and Zoning Administrator’s Report
8. Other Business
  - a. Discussion – Definition of “Light Repair Shops” and other Land Use Matrix terms.
  - b. Discussion – “Tiny Home” development concept

**Members of the public:**

*Please see the next page for the City of Motley’s policy regarding “Standards of Conduct at Public Meetings”.*

- c. Discussion – Planning Commission/Board of Adjustment Policy
- d. Discussion – Ordinance Amendments required by recent changes to state law
- e. Discussion – Options/Ideas for Comprehensive Plan update process
- f. 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**

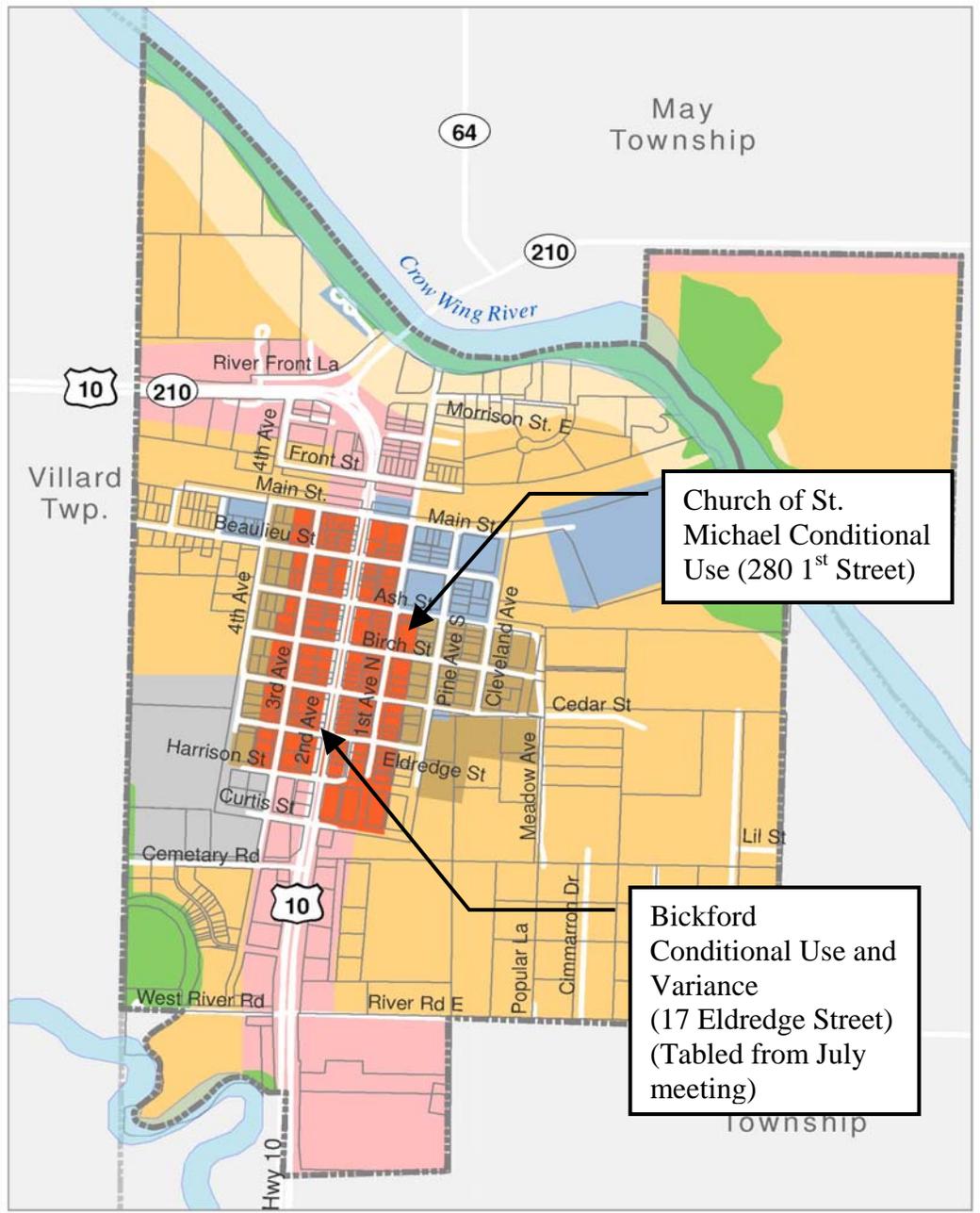
The City Council encourages good-faith testimony from its citizens and desires to provide an environment based on respect and civility. In order to do so, the City Council of the City of Motley has established the following Standards of Conduct at Public Meetings, based on the norms of acceptable and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



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 August 27, 2013.**  
**The public hearing will be held at Motley City Hall at 5:30 pm.**

## STAFF REPORT

**Application:** Conditional Use Permit to allow commercial warehousing (mini-storage) buildings in the Downtown Mixed-Use zoning district and a variance for one of the buildings to be approximately 4 ft into the road right-of-way (min. 1 ft setback to right-of-way required).

**Applicant:** Steven and Denise Bickford

**Agenda Item:** 3(a)

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### Background Information:

**Note:** *This application was tabled at the July 2013 meeting so that the applicant could provide a survey of the lot showing the proposed buildings and the applicable setbacks. That survey has been provided and is included in the attachments to this report.*

**Proposal:** The applicants are proposing to construct two mini-storage buildings on this property, to replace the car wash that has been on the property. One of the buildings would be 22' x 80' and contain two rows totaling 16 mini-storage units. The other building would be 10' x 80' and contain one row totaling another 16 storage units. Both buildings would have 8ft sidewalls and 4/12 roof pitches.

The property sits at the NW corner of Highway 10 and Eledredge Street and is approximately 50' x 150' in size. The property has one driveway access from Highway 10 and two entrances off of Eledredge Street.

The smaller building (10' x 80') would be located on the north side of the property, between 3.7 and 4.4 feet from the property line (and meeting all other required setbacks). The larger building (22' x 80') would be located on the south side of the property and would extend into the 80 ft road right-of-way between 3.7 and 4.4 feet. There would be 18 ft of space between the two buildings.

Access to the smaller building's storage units would be from in between the two buildings. Access to the larger building's storage units would be from in between the two buildings for one of the rows and from the road right-of-way (Eledredge Street) for the other row of units.

**Location:**

- Property Address: 17 Eledredge Street W, Motley.
- Legal Description: Lot 6, Block Three, Lawrence's Addition the Town of Motley.
- Parcel Number(s): 410256000

**Zoning:** Downtown Mixed Use (DMU)

**Lot size** (from newly provided survey): 7,358 sq ft (50' x 147.16')

Existing Impervious Coverage (based on provided survey):

- ~3,980 sq ft (54.1 percent)

Proposed Impervious Coverage (based on provided survey):

- ~4,770 sq ft (64.8 percent) – not including portion of building within the right-of-way (322 sq ft)
- ~5,092 sq ft (69.2 percent) – including the portion of the building within the right-of-way (322 sq ft)

□ **Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The property does not contain any steep slopes or bluffs.

Wetlands: There are not any wetlands on the property.

**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:

**249. Warehousing.** The principle use is the storage of materials or equipment within an enclosed building.

**250. Warehousing, Commercial.** The rental or sale of warehousing space.

SECTION V - ZONING DISTRICTS AND DISTRICT PROVISIONS

5.10 Downtown Mixed Use (DMU)<sup>1</sup>

1. Purpose and Intent: To provide a zoning classification for a mix of high-density residential and commercial uses. Development in this zone relies less on automobile traffic and more on walking, biking and other similar modes of transportation. Infrastructure must be in place to provide on-street parking and walkways as well as connection to municipal water and sanitary sewer utilities. Downtown Mixed-Use zones should be clustered to provide the maximum amount of interaction and accessibility between the different establishments.
2. Compatibility: The Downtown Mixed-Use zone is most compatible with and should be established next to the Residential, High Density zone, but it also may be adjacent to the Urban Commercial, Commercial and Public Use Zones.
3. Lot and Use Requirements. (DMU)

Lot width- feet, minimum	25
Buildable lot area - square feet, minimum	2,250
Maximum Density (units per acre)	20
Setback, right of way, City road- feet, minimum	1
Setback, right of way, County or State road, feet, minimum	10
Setback, side yard - feet, minimum	0
Setback, rear - feet, minimum	10
Setback, sign - feet, minimum	1
Setback, parking from building or lot line - feet, minimum	0
Setback, wetland - feet, minimum	50

<sup>1</sup> Ordinance 2009-3, 4/28/2009  
 City of Motley  
 August 27, 2013

Impervious Coverage with storm sewer available	90%
Impervious Coverage without storm sewer available	50%
Building height - feet, maximum	25
Building above highest groundwater level - feet, minimum	3

4. Performance Standards. (DMU)

A. Parking. Developments shall minimize the appearance of parking areas.

(1) Location. Parking and vehicle drives shall be located away from building entrances and street corners, and not between a building entrance and the street. Surface parking shall be oriented behind or to the side of a building when possible.

(2) Landscape Buffering. Suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks and buildings.

B. Pedestrian Amenities. Proposed developments shall provide for safe and comfortable sidewalks, paths, and resting areas for pedestrians. Sidewalks and paths shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.

C. Lighting. All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting including wall mounted, sidewalk lamps, bollards, or landscape up-lighting.

D. Fences. Fences not exceeding 72 inches in height may be constructed. Fencing shall only be constructed closer than 10 feet from the surface of a public road with the permission of the Planning Commission and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is allowed only with the permission of the Planning Commission.

5.11 Land Use Matrix<sup>2</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							
C - Denotes <i>Conditional use</i>									
Use	NR	R1	R2	R3	DMU	PU	C2	C1	I

<sup>2</sup> Ordinance 2009-3, 4/28/2009  
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<i>Commercial Uses</i>					C	E			
<i>Warehousing</i>		E			C*		C	E	C

\* The current version of the ordinance indicates that Warehousing is an Excluded Use in the DMU district. However, records indicate the city previously amended the zoning ordinance to allow for Commercial Warehousing in the C-1 district (which has now become the DMU district).

## 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>3</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, appearance or prosperity of the City.

<sup>3</sup> Amended by Ordinance 153.05, 3/9/2010  
 City of Motley  
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- 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>4</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 characteristics of the property not created by the land owner, and

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<sup>4</sup> Amended by Ordinance 153.05, 3/9/2010  
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- 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.** Warehousing is identified as a conditional use by the Land Use ordinance. Commercial uses are also identified as a conditional use by the ordinance.
2. **The use with condition is compatible with the existing neighborhood.** The site has recently been used for an auto wash and the proposed use for mini-storage and would likely generate comparable, or less, amounts of traffic, noise and other potential nuisance characteristics.
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.** Mini-storage buildings would not be expected to create any unusual problems relating to public health, safety or any of the other issues mentioned provided the storage units are used for the storage of common household items. If hazardous or dangerous items are stored in the units, this could obviously present a danger, but this would be a similar danger as with the storage of such units in any residential or commercial building.
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 mini-storage units would not likely diminish property values in the area, as new storage buildings would replace an existing car wash. As was mentioned in a public comment at the July meeting, there is limited space to store plowed snow. A public comment from the July meeting also noted that nearby properties make use of this property for a driveway to access their property, although there does not appear to be a formal easement for such purpose.
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 storage buildings would not present any hindrance to the normal and orderly development of surrounding land, which is generally already developed .
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.** As the site would not be expected to use public sewer or water or require any special upgrades to public services or facilities, the proposed use will not be detrimental to the economic welfare of the community. While the Council has previously discussed

that mini-storage units are not likely to contribute to the desire for a mix of commercial and residential uses that promote pedestrian activity in the Downtown area, the proposed use will be no worse in that regard than the existing use of the lot. Further, the site is located at the southern edge of the Downtown Mixed Use zoning district and will represent a reasonable transition – both in location and time - from the auto-oriented development of the C-2 zoning district into a more “pedestrian-friendly” DMU district.

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 applicant would presumably make use of the existing driveway accesses already on the property (2 from Eledredge Street and one from Highway 10). MnDOT has recommended (see attached) closure of the entrance from Highway 10 in an effort to prevent congestion or traffic hazards from traffic entering the property. If the City decided it wanted this entrance to remain, it would only be practical for southbound traffic entering or exiting the site, given that there is a median in the middle of the highway preventing traffic to/from the northbound lanes. The west entrance from Eledredge would not appear to create any particular concerns regarding traffic congestion. The east entrance from Eledredge is not especially desirable given the short turning radius for traffic either entering from northbound lanes of Highway 10 (after turning onto Eledredge) or exiting toward the highway from Eledredge. This entrance has the potential to create some congestion as traffic entering/exiting with trailers would likely block the westbound lane of Eledredge for at least a short period of time. Such backups could cause traffic to back up at least partly into the Highway, which could pose a safety problem. However, without such an entrance, traffic leaving the site and going northbound on Highway 10 would either have to back up to make use of the west entrance or pull onto Highway 10 southbound and turn around further down the highway. A loop driveway within the property may help to address this, but would require significant reconfiguration of the buildings and would not appear to be feasible given the size of the two proposed buildings.
8. **Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.** The use of the lot for mini-storage would not create the need for much off-street parking space. There would be 18 ft of area in between the two buildings, which should adequate space for two vehicles/trailers to park while loading and unloading their vehicles.
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 a part of the use of the lot for mini-storage.
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 storage buildings would not appear to have any significant impact on any natural, scenic or historical features.

- 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 from vehicles or items stored in the buildings to the storm sewer system- dripping oil or other fluids, rubber dust from tires, other materials picked up by tires during driving.

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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 1 ft setback for buildings from a right-of-way in the DMU district is to allow for the construction of buildings close to sidewalks and promote a pedestrian-friendly environment while still ensuring adequate right-of-way exists for public uses in that right-of-way (sidewalks, utilities, roadways, space for throwing snow, etc...).

The proposal would place a permanent building not just closer to the right-of-way, but between 3.7 and 4.4 ft into the right-of-way. While the 80 ft right-of-way is about 14 feet wider than is typical in many cities (66 ft right-of-ways), Staff would caution against allowing permanent buildings being constructed within right-of-ways without policy and legal considerations being made as to liability for damage to buildings, blockage of access for utilities, loss of space for future sidewalks or other considerations.

- 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.

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

The proposed use of the property for mini-storage in and of itself is a reasonable request in that such uses are not uncommon in cities. There would be some question as to whether the proposed building sizes are reasonable however, given the small size of the lot and the apparent need to extend a building into a right-of-way. Further, the amount of impervious coverage proposed would require a stormwater management plan and it does not appear that there is much room for the installation of stormwater detention facilities, except perhaps subsurface infiltration methods.

- 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 proposed size of the buildings and location as proposed. There is nothing else

particularly unique about the lot itself that appears to create the need for the variance.

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

The site has recently been used for an auto wash, so changing to use for mini-storage will not substantially alter the character of the locality. The placement of a building within the right-of-way would be unique for the stretch of Eledredge Street west of the highway as it does not appear any other buildings are in the right-of-way. However, there are properties scattered throughout the City where buildings are constructed within a right-of-way. It would take additional research for Staff to determine if these buildings are “grandfathered” buildings built a long time ago or if the City has granted variances or approvals for such buildings more recently.

**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 ensure that the applicant can maximize the number of storage units that can be placed on the lot. The applicant would be able to meet the setback requirements with a smaller building, some narrowing of the driving/parking space in between the two buildings, and/or making the storage buildings longer and possibly narrower. These adjustments need not necessarily reduce the number of storage units the applicant could put on the lot while still allowing for the required setbacks to be met.

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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 City Ordinance allows for a commercial property to have one free-standing sign up to 128 sq ft (which would require a separate conditional use permit) and up to 10% coverage of a building façade with signage (which would just require an over-the-counter permit).
2. The ordinance requires that properties without storm sewer are limited to 50% impervious surface coverage (90% coverage if storm sewer is available). The property has storm sewer along the state highway, but none along Eledredge Street and exceeds 50% coverage both now (54%) and as proposed (65-69% depending on how it is calculated).
3. The applicant has now provided a survey of the property boundaries and the setbacks associated with the proposed buildings. They are largely as they had been shown in the applicant’s initial sketch – about 3 ft from the north property line and about 4 ft into the road right-of-way of Eledredge Street.

4. Staff would urge that the City consult with its attorney before allowing permanent structures within a right-of-way to ensure that the City is adequately protected from liability for any damage that may occur to such buildings.
5. Staff would urge the City to consider whether allowing buildings within a right-of-way will inhibit the City's ability to install sidewalks, have utilities installed or other potential future needs.
6. If the City is not going to approve a building being placed within the right-of-way, the application could be tabled to allow the applicant time to develop an alternative proposal. Or the City could deny the variance request, approve the conditional use request and stipulate whether it is allowing a building to go closer to the right-of-way than the required 1 ft (i.e. approve a variance to be within 1 ft of the right-of-way, but not within the right-of-way).
7. Use of the two existing entrances from Eledredge Street appears to have the potential to create traffic congestion as there is little space between the east entrance and the state highway. This could create difficult and tight turns for vehicles with trailers that have the potential to temporarily block traffic on the State Highway should there be a need to stop or slow down while waiting to turn into the property. It could also block traffic crossing the Highway if vehicles with trailers exit from the east entrance and have to wait to enter onto the highway.

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

1. Conditional use permit (commercial warehousing): Approval to allow commercial warehousing (mini-storage) buildings in the Downtown Mixed-Use zoning district.
2. Variance (road setback): Denial for a permanent building to be constructed anywhere within the road right-of-way.
3. Variance (road setback): Approval for a permanent building to be constructed closer than one foot from the road right-of-way.

Staff recommends the following conditions of any approvals:

1. That the applicant submits a stormwater management plan if the approval allows for greater than 50% impervious surface coverage. Such plan shall not result in any increase in stormwater flow to the State Highway 10 right-of-way or storm sewer and shall seek, as much as possible, to infiltrate water directly into the ground rather than surface runoff. If impervious coverage is reduced to 50% or below, this plan would not be required.
2. That the entrance from Highway 10 be closed and converted to curb and sidewalk. This shall be done in coordination with MnDoT in an appropriate time frame.

3. That the applicant revises their plan in such a way as to create safer entry and exiting from the property in a way that won't create the potential for traffic congestion that appears to exist now. This revised plan shall be approved by the City prior to construction of any new buildings.

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

**CITY OF MOTLEY  
 CONDITIONAL USE APPLICATION**

Name of Applicant Steven J. Bickford Cell: 218-820-8082 Phone 218-352-6166  
 Mailing Address 264 3rd Ave. S. P.O. Box 222 Email \_\_\_\_\_  
 City, State, Zip Motley, Mn 56466

Applicant is:  
 Legal Owner   
 Contract Buyer   
 Option Holder   
 Agent   
 Other \_\_\_\_\_

Title Holder of Property:  
Steven J. Bickford  
 (Name)  
264 3rd Ave. S. P.O. Box 222  
 (Address)  
Motley, Mn 56466  
 (City, State, Zip)

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

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

Location of property involved in this request:  
17 Eldredge St. Motley, Mn 56466

Fire No. 17, Parcel ID No. 41.0256.000 Zoning District \_\_\_\_\_

**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]

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

Storage Facility  
\_\_\_\_\_  
\_\_\_\_\_

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

Building: New Buildings - 2 @ 8 St Tall

Landscaping: Lawn + Shrubs

Parking/Signs: None

Other: \_\_\_\_\_

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 effects.

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

No impact, I already use the building there as a storage unit.  
\_\_\_\_\_  
\_\_\_\_\_

- (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?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

**CITY OF MOTLEY  
 VARIANCE APPLICATION**

Name of Applicant Steven J. Bickford Cell 218-830-8082 Phone 218-352-6166  
 Address 264 3rd Ave. S. PO Box 222 Email \_\_\_\_\_  
 City, State, Zip Motley, Mn 56466

Applicant is: Legal Owner  Contract Buyer  Option Holder  Agent  Other \_\_\_\_\_

Title Holder of Property: Steven J. Bickford  
 (Name)  
264 3rd Ave. S. PO Box 222  
 (Address)  
Motley, Mn 56466  
 (City, State, Zip)

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

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

Location of property involved in this request:  
17 Eldredge St. W Motley

Fire No. 17, Parcel ID No. 41.0256.000 Zoning District \_\_\_\_\_

**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]

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

Storage units

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

Building: 2 Buildings

Landscaping: yes

Parking/Signs: \_\_\_\_\_

Other: \_\_\_\_\_

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?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

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

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

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

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# Certificate of Survey

Lot 6, Block 3,  
**LAWRENCE'S ADDITION TO MOTLEY,**  
 Morrison County, Minnesota,

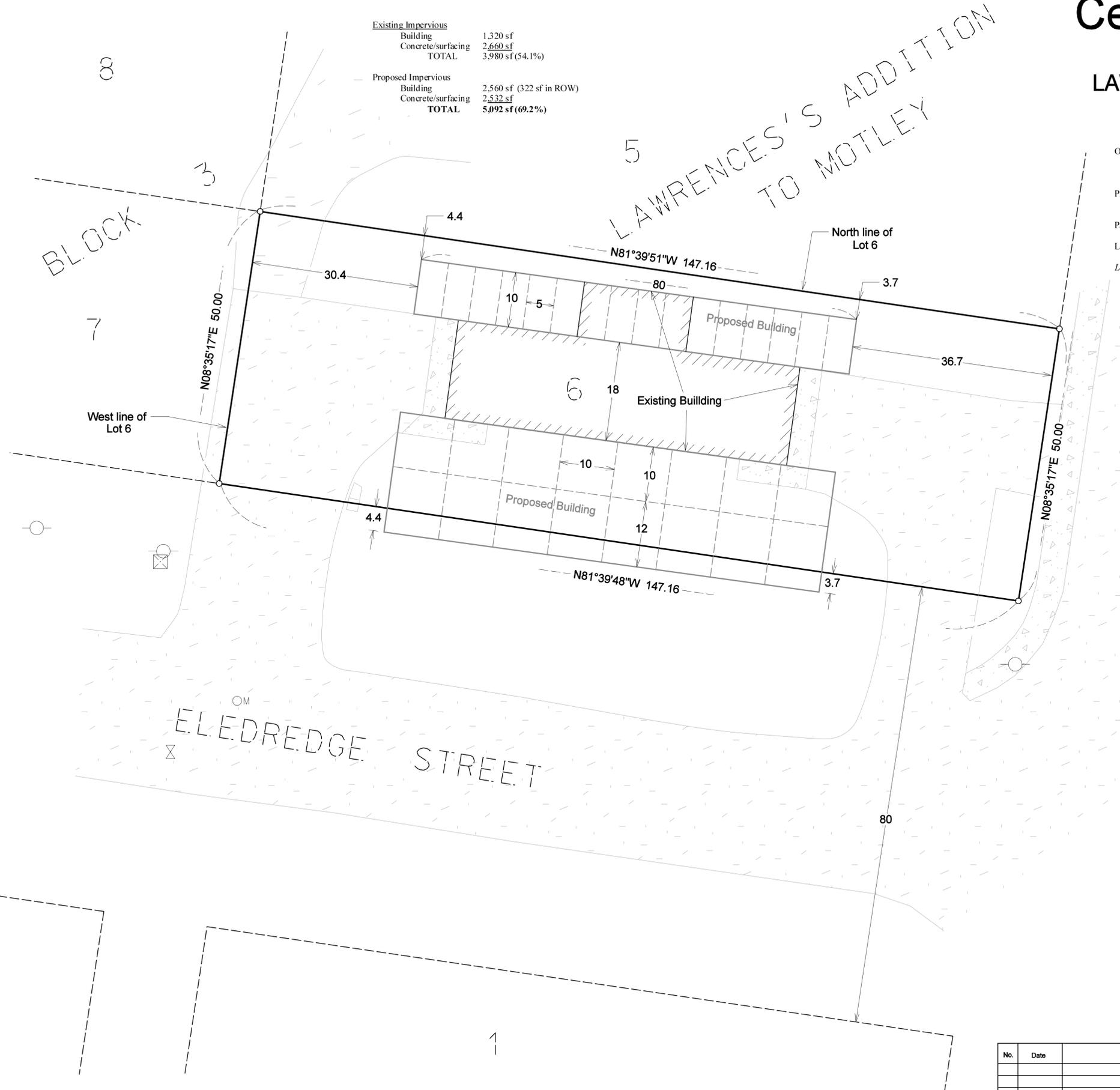
Owner: Steven and Denise Bickford  
 PO Box 222  
 Motley, MN 56466

Property Address: 17 Eledredge Street  
 Motley, MN 56466

Parcel ID: 410256000

Legal Description:  
 Lot 6, Block 3, LAWRENCE'S ADDITION TO MOTLEY, Morrison County, Minnesota.

Gross Parcel Area	7,358 sf
<b>Existing Impervious</b>	
Building	1,320 sf
Concrete/surfacing	2,660 sf
<b>TOTAL</b>	<b>3,980 sf (54.1%)</b>
<b>Proposed Impervious</b>	
Building	2,560 sf (322 sf in ROW)
Concrete/surfacing	2,532 sf
<b>TOTAL</b>	<b>5,092 sf (69.2%)</b>



MINNESOTA TRUNK HIGHWAY NO 10

● Denotes iron monument found  
 ○ Denotes 1/2" iron pipe set and marked by License No. 23688  
 Orientation of this bearing system is the North American Datum of 1983.



Client Name: Steve Bickford

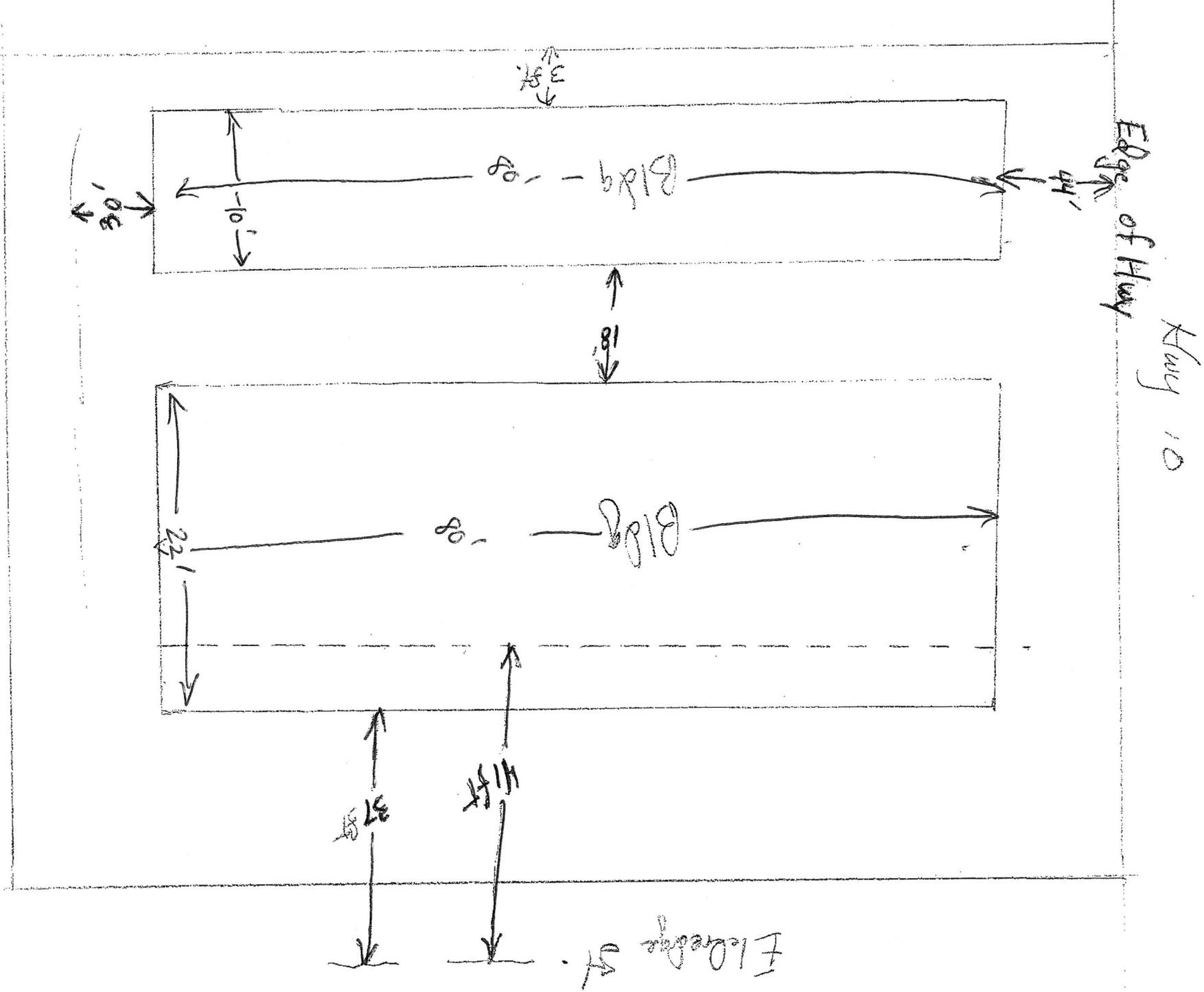
No.	Date	REVISIONS

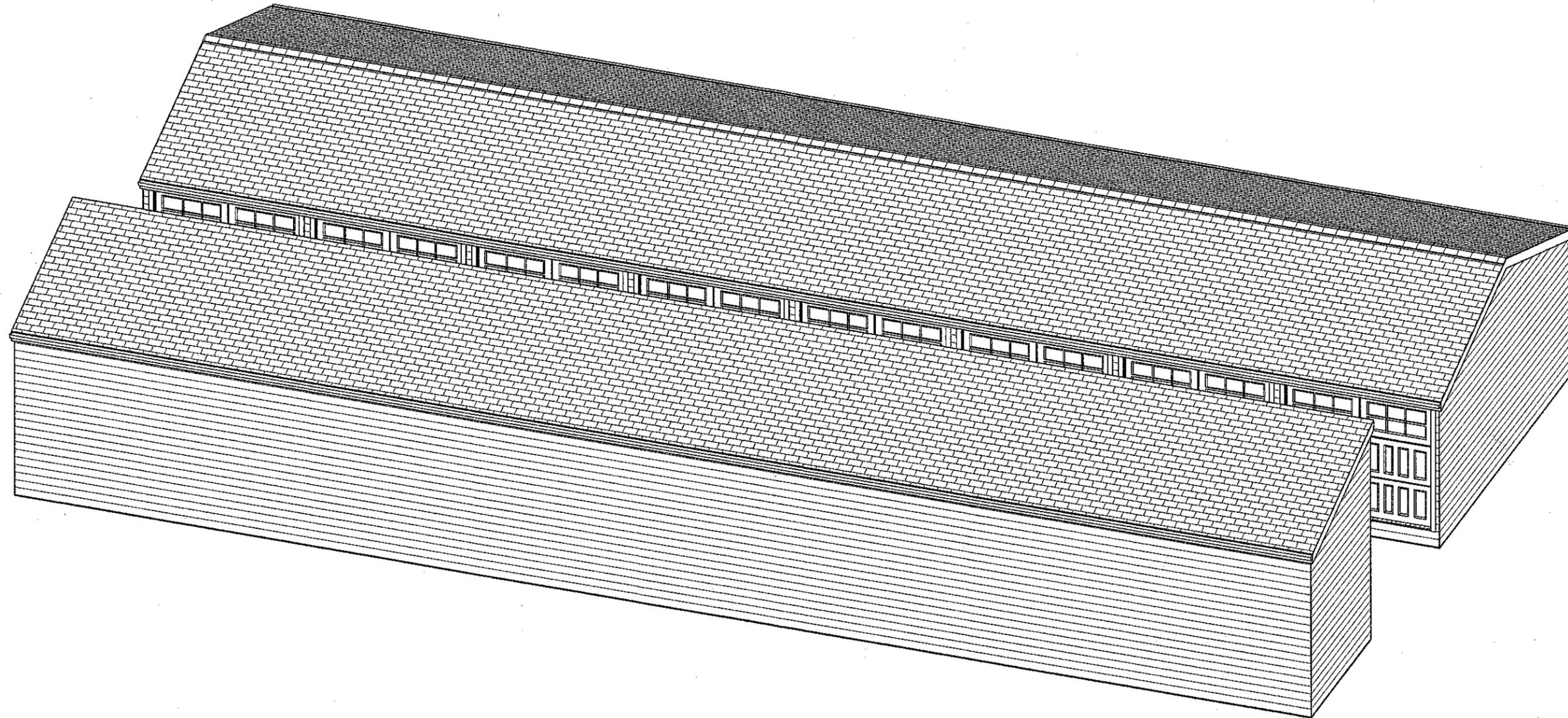
Survey By: MS  
 Drawn By: KW  
 Checked By: JK  
 I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 SIGNATURE: *James Kramer* DATE: 8-21-2013  
 JAMES KRAMER, MN LICENSE NUMBER 23688



PROJECT NO. BICKS1301

Alley





THESE PLANS ARE FURNISHED BY MERICKEL LUMBER, INC BY OUR EXPERIENCED DRAFTSMEN. THEY, HOWEVER, ARE NOT FULLY QUALIFIED AS CERTIFIED ENGINEERS OR ARCHITECTS. MERICKEL LUMBER, INC DISCLAIMS ANY AND ALL LIABILITY. IT IS THE RESPONSIBILITY OF THE HOMEOWNER TO INSPECT THE PLAN.

**MERICKEL LUMBER, INC.**  
HIGHWAY 10 WEST P.O. BOX 471  
WADENA, MN 56482  
(218)631-3570 1-800-225-3570 MLI@WCTA.NET

PROJECT NAME AND ADDRESS:

**BECKFORD, STEVE  
RARDIN CONST.**

PROJECT:

**BJS11324**

DATE:

**6/10/13**

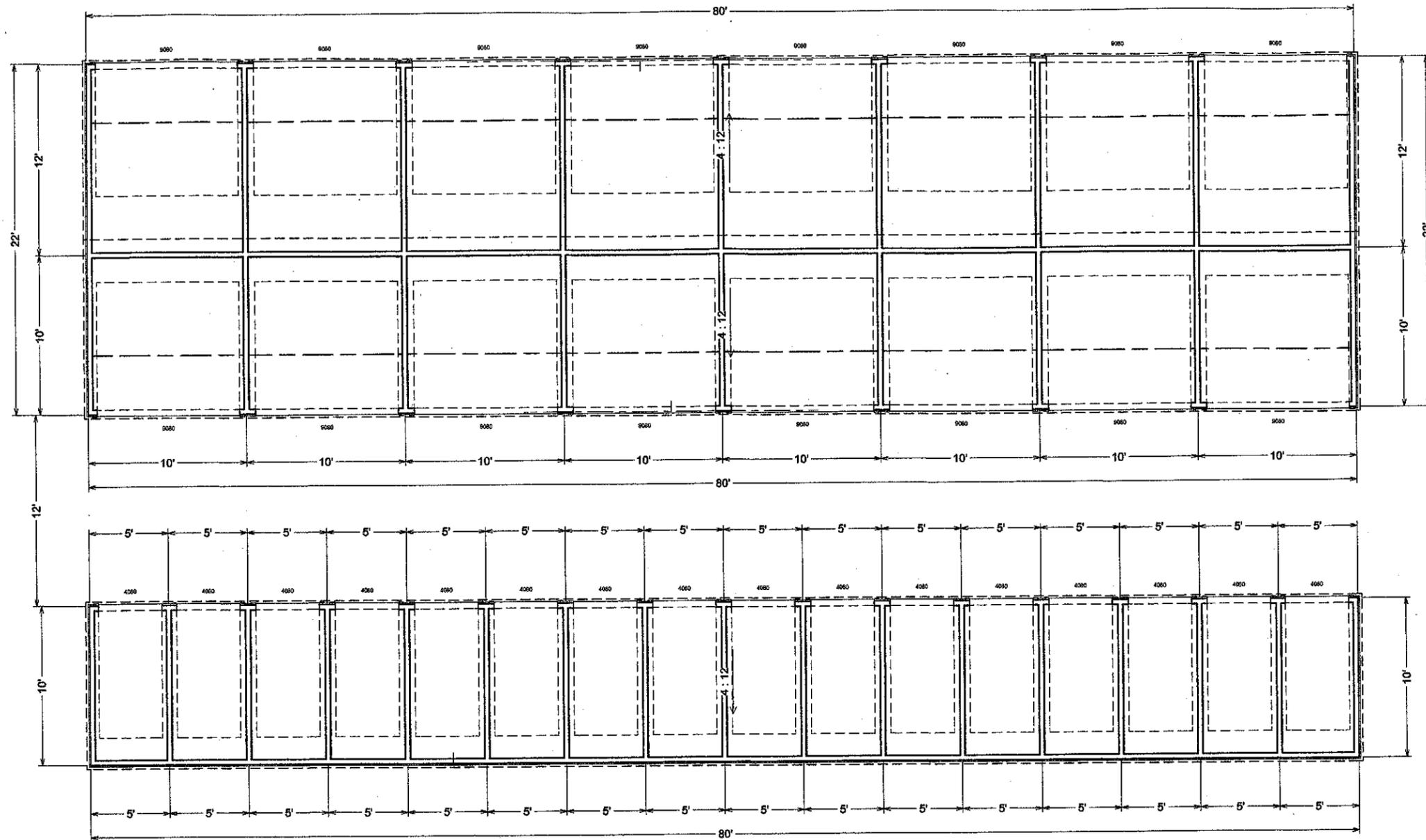
REVISIONS:

SCALE:

SHEET

OF

MULTIPLE CHANGES MAY HAVE BEEN DONE TO THIS PLAN. PLEASE VERIFY DRAWING NUMBER & DATE BEFORE START OF CONSTRUCTION.



- NOTES:  
 1. 4/12 MONO TRUSS 5'-0" O.C.  
 2. STEEL OVERHANG  
 3. 8' SIDE WALL



THESE PLANS ARE FURNISHED BY MERICKEL LUMBER, INC BY OUR EXPERIENCED DRAFTSMEN. THEY, HOWEVER, ARE NOT FULLY QUALIFIED AS CERTIFIED ENGINEERS OR ARCHITECTS. MERICKEL LUMBER, INC DISCLAIMS ANY AND ALL LIABILITY. IT IS THE RESPONSIBILITY OF THE HOMEOWNER TO INSPECT THE PLAN.

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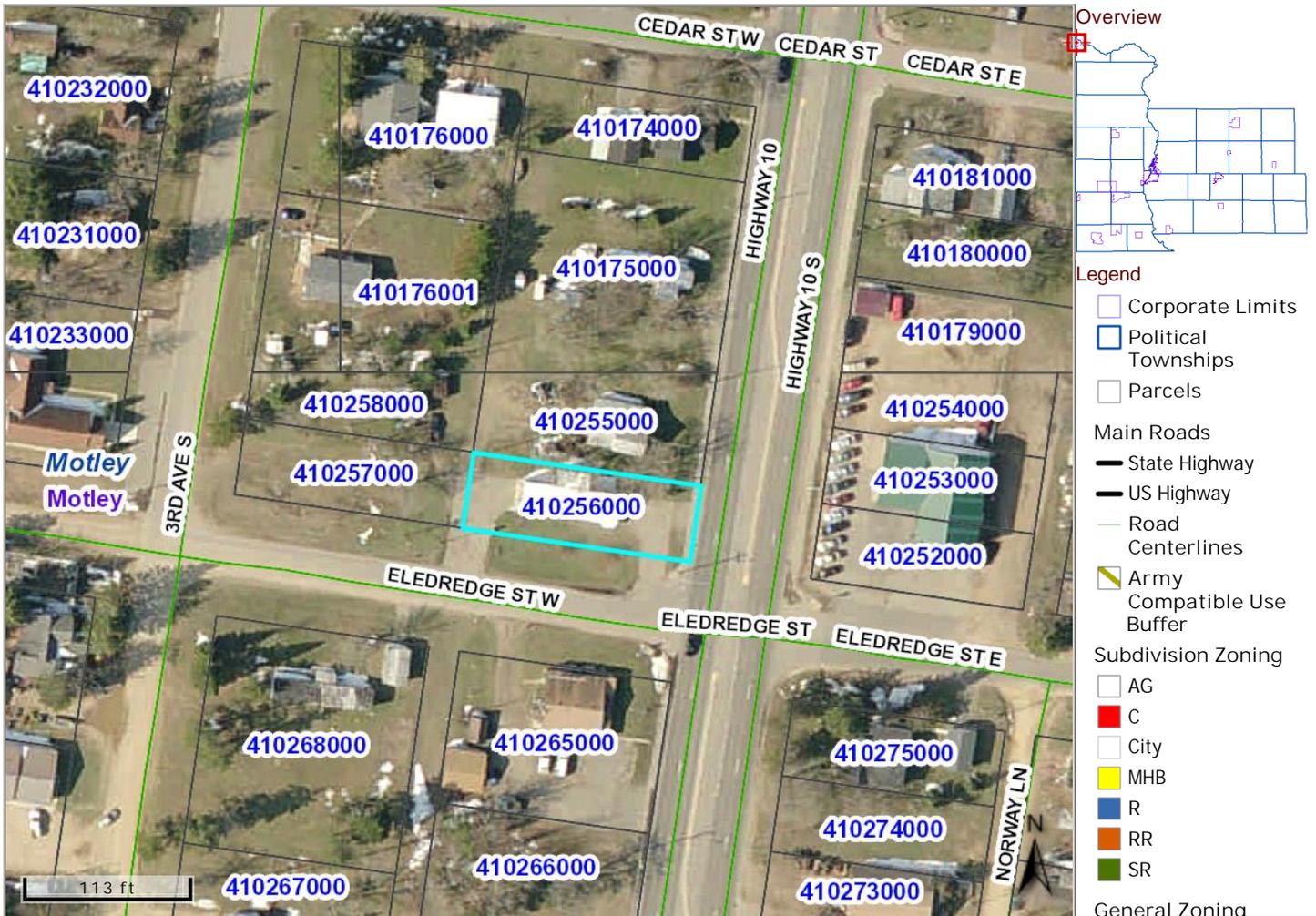
PROJECT NAME AND ADDRESS:  
**BECKFORD, STEVE  
 RARDIN CONST.**

PROJECT:  
**BJS11324**  
 DATE:  
**8/10/13**  
 REVISIONS:

SCALE:

SHEET  
 OF

MULTIPLE CHANGES MAY HAVE BEEN DONE TO THIS PLAN. PLEASE VERIFY DRAWING NUMBER & DATE BEFORE START OF CONSTRUCTION.



Parcel ID 410256000 Alternate ID n/a  
 Sec/Twp/Rng n/a Class 3A-Commercial/Industrial/Public Utility  
 Property Address 17 ELEDREDGE ST W Acreage n/a  
 MOTLEY

Owner Address STEVEN & DENISE BICKFORD  
 PO BOX 222  
 MOTLEY MN 56466

District MOTLEY CITY-School District 2170







**Minnesota Department of Transportation**

District 3 Headquarters  
7694 Industrial Park Road  
Baxter, MN 56425

July 23, 2013

Mr. Ben Oleson, Zoning Administrator  
City of Motley  
316 Highway 10 South  
Motley, MN 56466

RE: C.S. 4903; R.P. 115.303 (TH 10)  
Conditional Use Permit for Lot 6, Block 3, Lawrence's Addition – Bickford Request  
17 Eldredge Street West  
Morrison County, Minnesota (City of Motley)

Dear Mr. Oleson

The Minnesota Department of Transportation (MnDOT) has reviewed the above-referenced Conditional Use Permit pertaining to Lot 6, Block 3, Lawrence's Addition in the City of Motley, located adjacent to and abutting US Highway 10. MnDOT would like to offer the City the following comments:

1. There can be no structures or encroachments into the state highway right-of-way.
2. Applicant should provide for adequate internal site circulation to prevent traffic impacts onto US Highway 10. Proposed buildings appear to consume a large area of the parcel causing circulation on the site to be a challenge.
3. Recommend closing existing entrances onto US Highway 10. Access to parcel is reasonably available at Eldredge Street and alleyway on the backside of the property. A location furthest away from the intersection is preferred to maintain smooth operations and safety at the intersection. MnDOT guidelines recommend 75 feet minimum corner clearance.
4. If supportive of Item 3, MnDOT could assist in the removal of these entrances and the replacement of the curb, gutter, and sidewalk.
5. There shall be no net increase in storm water runoff to the US Highway 10 right of way from said property. Contact Bob Nibbe, District 3 Hydraulics Engineer at 218/828-5792 for additional information.
6. A permit is required to perform any work in the MnDOT right of way. Contact Rich Munch, District 3 Permits Supervisor at 218/828-5778 for additional information.

If you have any further questions or comments, please call me at 218/828-5779.

Sincerely,

Steven J. Voss  
District Planning Director

cc: Rich Munch, MnDOT District 3 Baxter (electronic)

An Equal Opportunity Employer



## Ben Oleson

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**From:** skeewilljr@yahoo.com  
**Sent:** Tuesday, July 16, 2013 9:35 PM  
**To:** oleson@hometownplanning.com  
**Subject:** New Form Entry: Contact Form

You've just received a new submission to your [Contact Form](#).

### Submitted Information:

---

#### Which agenda items does your comment relate to?

Bickford CUP

#### Comment

I own prcl #41.0258.000 & have now for over 12 years. This is one of two single family homes that has Ingress & Egress served via of said existing alley. This alley has existed this way for many years, perhaps 40 or more. This alley should not be encroached upon. This applies to the West end of these proposed storage buildings.

Also applicant stated { No Impact } on his application. This is not true as many people coming & going to these units will have much more impact for quiet enjoyment for the people living in these two homes versus one party { Bickford } only coming & going. The West end should have a fence erected so as to not allow headlights at night from vehicles exiting towards the West.

Will two different vehicles meeting each other from opposite directions have adequate room to pass by each other or is there the potential for horn honking as people get angered?

#### Your Email (optional)

#### Your Name (optional)

William Skeesick

#### Your Address (optional)

12332 65th Ave SW  
Motley, Mn 56466

## STAFF REPORT

**Application:** Conditional Use Permit to expand the current parking lot to the north by an area of approximately 100' x 125'.

**Applicant:** Church of St. Michael

**Agenda Item:** 3(b)

---

### Background Information:

- **Proposal:** The applicants are proposing to construct an approximate 100' x 125' parking lot addition to add to the existing 75' x 115' parking lot on the property. The parking lots would both serve the church that is on the property. The new parking lot would be on a lot that until recently contained a dwelling owned by the church, which has since been removed. The intent is to provide additional off-street parking for the church.

The church owns the entire block, which sits between 1<sup>st</sup> Ave S and Pine Ave S and Ash Street E and Birch Street E. The proposed parking lot would be in the northwest corner of the property and would be accessed from the existing driveway off of Ash Street. There is an existing entrance on 1<sup>st</sup> Avenue South also that leads to the existing parking lot.

The nearest adjoining properties are residential to the west and northwest and the school property to the north.

The new parking lot would be constructed with a Class 5 base and 3 inches of blacktop. Three trees would need to be removed. Stormwater would be directed to the city storm sewer system.

- **Location:**
  - Property Address: 280 1<sup>st</sup> Street, Motley
  - Legal Description: Lots 5-12, Block 23, 1<sup>st</sup> Addition to Motley
  - Parcel Number(s): 410148001, 410149001, 410149000
- **Zoning:** Downtown Mixed Use (DMU). The east half of the block (also owned by the church) is zoned High Density Residential (R-3)
- **Lot size** (estimated from Beacon website):
  - **90,000 sq ft (entire block)**
    - Existing Impervious Coverage (based on aerial photo):
      - ~22,075 sq ft (about 24-25 percent)
    - Proposed Impervious Coverage (based on plans and aerial photos):
      - ~34,575 sq ft (about 38-39 percent)
  - **60,000 sq ft (only those lots with the church and parking lots)**
    - Existing Impervious Coverage (based on aerial photo):

- ~19,220 sq ft (about 32 percent)
- Proposed Impervious Coverage (based on plans and aerial photos):
- ~31,720 sq ft (about 52-53 percent)

□ **Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The property does not contain any steep slopes or bluffs.

Wetlands: There are not any wetlands on the property.

Trees: About three trees would be removed as a result of the project. A number of other trees were already removed - presumably when the house that previously existed in the same area was removed.

**Applicable Statutes/Ordinances:**

SECTION III - RULES AND DEFINITIONS

3.2 DEFINITIONS

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

- 158. Parking lot.** An off-street, ground-level open area that provides temporary storage for motor vehicles with a paved or all-weather surface.<sup>1</sup>

SECTION V - ZONING DISTRICTS AND DISTRICT PROVISIONS

**5.10 Downtown Mixed Use (DMU)<sup>2</sup>**

1. Purpose and Intent: To provide a zoning classification for a mix of high-density residential and commercial uses. Development in this zone relies less on automobile traffic and more on walking, biking and other similar modes of transportation. Infrastructure must be in place to provide on-street parking and walkways as well as connection to municipal water and sanitary sewer utilities. Downtown Mixed-Use zones should be clustered to provide the maximum amount of interaction and accessibility between the different establishments.
2. Compatibility: The Downtown Mixed-Use zone is most compatible with and should be established next to the Residential, High Density zone, but it also may be adjacent to the Urban Commercial, Commercial and Public Use Zones.

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

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

3. Lot and Use Requirements. (DMU)

Lot width- feet, minimum	25
Buildable lot area - square feet, minimum	2,250
Maximum Density (units per acre)	20
Setback, right of way, City road- feet, minimum	1
Setback, right of way, County or State road, feet, minimum	10
Setback, side yard - feet, minimum	0
Setback, rear - feet, minimum	10
Setback, sign - feet, minimum	1
Setback, parking from building or lot line - feet, minimum	0
Setback, wetland - feet, minimum	50
Impervious Coverage with storm sewer available	90%
Impervious Coverage without storm sewer available	50%
Building height - feet, maximum	25
Building above highest groundwater level - feet, minimum	3

4. Performance Standards. (DMU)

A. Parking. Developments shall minimize the appearance of parking areas.

(1) Location. Parking and vehicle drives shall be located away from building entrances and street corners, and not between a building entrance and the street. Surface parking shall be oriented behind or to the side of a building when possible.

(2) Landscape Buffering. Suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks and buildings.

5.11 Land Use Matrix<sup>3</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							
C - Denotes <i>Conditional use</i>									
Use	NR	R1	R2	R3	DMU	PU	C2	C1	I
<i>Parking Lot</i>	E	C	C	C	C	P	P	P	P

SECTION IX - ADMINISTRATION

9.5 Conditional Use Permits.

<sup>3</sup> Ordinance 2009-3, 4/28/2009  
 City of Motley  
 August 27, 2013

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>4</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, 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

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<sup>4</sup> Amended by Ordinance 153.05, 3/9/2010  
 City of Motley  
 August 27, 2013

- 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.

---

**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.** Parking lots are identified as a conditional use by the Land Use ordinance in the Downtown Mixed Used (DMU) zoning district.
- 2. The use with condition is compatible with the existing neighborhood.** The proposed parking lot will be adjacent to an existing parking lot and sits on a block that is entirely owned by the church. The site was previously used for a dwelling. Immediately to the north is an entrance to a parking lot for the school. Properties to the west and northwest are used residentially. The proposed parking lot is intended to create more off-street parking area and reduce the amount of on-street parking that occurs now (particularly during Saturdays and Sundays) as well as the traffic congestion that comes from congregants pulling into and out of on-street parallel parking.
- 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 proposed parking lot should serve to improve public safety in that it will reduce the need for on-street parking and the associated congestion that occurs on the weekends.
- 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 parking lot should not have any detrimental impact on surrounding property values. The lot will be paved to match the existing parking lot and would be expected to be kept in a neat appearance and good repair.

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 parking lot would not present any hindrance to the normal and orderly development of surrounding land, which is generally already developed.
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 parking lot would not create the need for additional public facilities or services. In fact, it may reduce costs somewhat in that the street may experience slightly less wear and tear from on-street parking that occurs now.
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 new parking lot would be most directly accessed from an existing driveway that sits slightly west of the center of the block. There are good site distances from both direction and it would not be expected to increase traffic congestion.
8. **Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.** The purpose of the new parking lot is to create additional off-street parking and reduce the need for on-street parking that occurs now.
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 a part of the creation of the new parking lot.
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 building addition and parking lot would not appear to have any significant impact on any natural, scenic or historical features. Three trees would need to be removed, although these trees would not provide any particular value for screening if they were left up.
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 from vehicles or items stored in the buildings to the storm sewer system- dripping oil or other fluids, rubber dust from tires, other materials picked up by tires during driving. The impervious surface coverage after the proposed project, compared to the entire block, would be about 38% - well under the 90% coverage where a stormwater plan begins to be required (when storm sewer exists).

If impervious coverage is calculated based only on the lots that contain the church and the parking lots, the proposed impervious coverage would increase to about 52-53%. This would still be well under the 90% coverage (on storm sewer) that would require a stormwater management plan.

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**Planning Commission Direction:** The Planning Commission may approve the conditional use request, deny the request, or table the request if the PC should need additional information from the applicant. If the PC 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 Zoning Ordinance stipulates that "Suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks and buildings." No specific plan for planting trees or shrubs has been submitted. A 15 ft wide grassed area is noted between the street and the parking area on the site plan. Staff has contacted the applicant to inquire as to whether any tree/shrub plantings are planned.
2. The Zoning Ordinance stipulates that "Parking and vehicle drives shall be located away from building entrances and street corners, and not between a building entrance and the street. Surface parking shall be oriented behind or to the side of a building when possible." The proposed parking does front two streets, but would be considered to be to the side of the main entrance to the church.

---

**Staff Recommendation:** Based on the findings of fact and discussion listed above, Staff recommends approval of the proposed conditional use as proposed.

If the proposal is recommended for approval. Staff recommends consideration of the following conditions of that approval:

1. That the applicants plant trees and/or shrubs in a sufficient amount to visually break up the parking lot area for neighboring property owners, pedestrians and motorists.

APP # _____
Date _____
(for office use only)

**CITY OF MOTLEY  
CONDITIONAL USE APPLICATION**

*For Joe Korf  
church # cell# 320-224-9850*

Name of Applicant Church of St Michael Phone 218-894-2296

Mailing Address P.O. Box 177 Email j.korf@arriv.net

City, State, Zip Staples, MN 56479

Applicant is:  
 Legal Owner   
 Contract Buyer   
 Option Holder   
 Agent   
 Other \_\_\_\_\_

Title Holder of Property:  
Church of St Michael  
 (Name)  
280 1st St  
 (Address)  
Motley MN  
 (City, State, Zip)

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

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

Location of property involved in this request:  
open green space immediately north of present church parking lot at the corner of 1st Ave S and 1st St E

Fire No. \_\_\_\_\_, Parcel ID No. 41.0148.000 Zoning District \_\_\_\_\_  
41.0148.001

**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: JEK  
8-1-13

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

To expand the present parking lot for St Michael Church so as to accommodate more onsite parking spaces and reduce the need for street parking

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

Building: none

Landscaping: remove 3 trees

Parking/Signs: doubling the Church parking lot by removing top soil and placing 3" of class

Other: 5 material covered by 3" of milled black top

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 effects.

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

no impact as present area is an open area and is not used for any other purpose

- (2) Describe character of the area and the existing patterns and uses of development in the area.

How is this proposal consistent with those patterns and uses?

Church owned land to south is the Church parking lot - to the North is the school parking lot area - to the East is an empty church property - to the west are several homes

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

run off of rain/water will be to the existing city storm sewer - no major impact fore seen

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

this will relieve parking concerns in the area on Saturday evenings and Sunday mornings

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

this will not increase traffic in the area  
but will take away some of the parking  
problems on the ~~area~~ streets

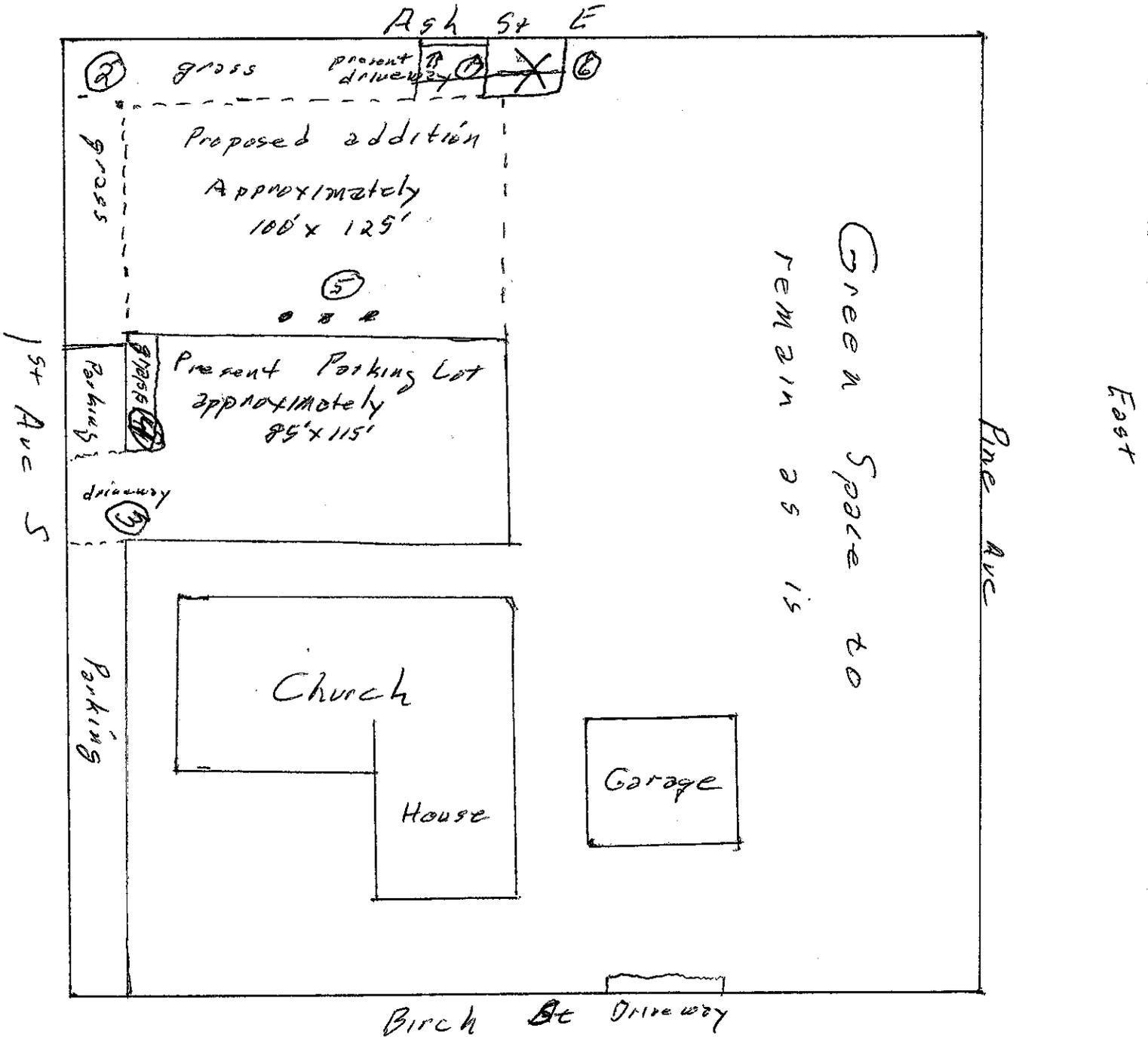
- (6) Discuss any environmental limitations of the site or area.

the church owns all of the property  
on the block with over half of the trees  
as green space

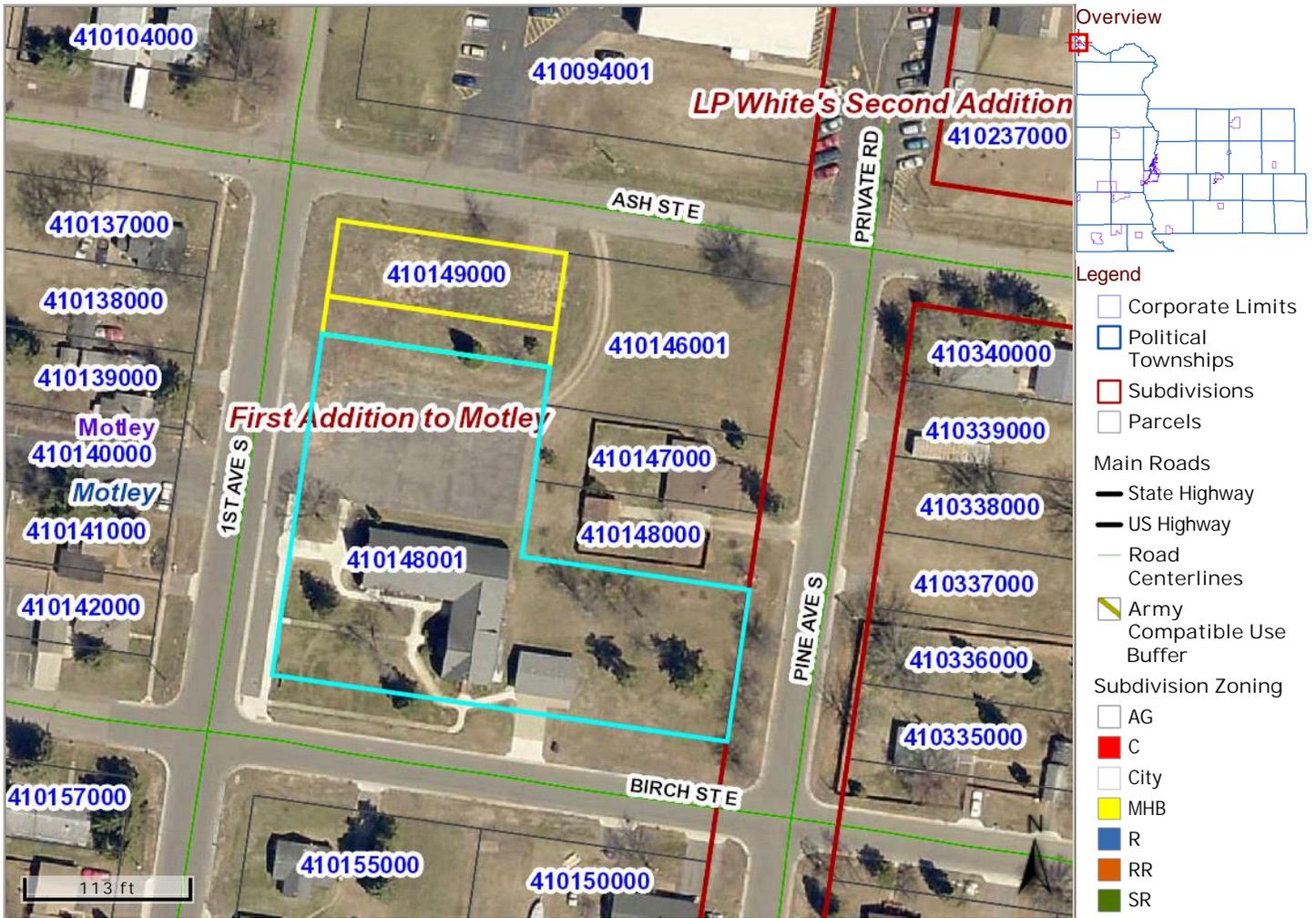
North

Notes:

- ① Present Ash St driveway will be used as entrance/exit
- ② A 15' border around west and north side of proposed parking area
- ③ Present driveway to continue
- ④ Grass area to be removed
- ⑤ 3 trees to be removed



South



Parcel ID 410148001  
 Sec/Twp/Rng n/a  
 Property Address 280 1ST AVE S  
 MOTLEY

Alternate ID n/a  
 Class 5E-Exempt Properties  
 Acreage n/a

Owner Address CHURCH OF ST MICHAEL  
 PO BOX 177  
 STAPLES MN 56479

## AGENDA ITEM 8 - OTHER BUSINESS

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### **a. Discussion – Definition of “Light Repair Shops”**

This past month, a question came up to the Zoning Administrator as to whether a proposed business activity constituted a “light repair shop,” which would have required a conditional use permit. There is no definition of “light repair shop” in the ordinance and there are numerous other terms in the Land Use Matrix that are not defined.

The City has discussed the need to update the Land Use Matrix (and associated definitions) in the past, and Staff’s understanding is that this is currently a task that would be completed after the Comprehensive Plan update.

However, it has been suggested that waiting until after a Comprehensive Plan update (which the City has not formally decided to do at this point) may be too long of a time frame. Staff is putting this on the agenda to see if there is a desire to review this issue sooner than originally planned.

### **b. Discussion – “Tiny Home” development concept**

Staff was contacted in mid-July by a person interested in creating a “tiny home” development. According to the person, the basic concept of a “tiny home” development is that the homes are very small and built on a trailer, but of materials similar to a site built home (as opposed to a mobile home). The homes are sometimes built out of “alternative” materials – he mentions using round grain bins for the structure. He states “there are many people all over the nation building homes like this and looking for places to put them.”

The person has indicated he would put together some additional photos and information. If these are available in time for the August meeting, he has requested that we discuss whether the City is open to this kind of development (i.e. a development of multiple such homes, similar to how a mobile home park might be laid out).

### **c. Discussion – Planning Commission/Board of Adjustment Policy**

As a follow up to the discussions last month, I have attached an updated version of the Planning Commission Policy that reflects the changes that were discussed.

The next step, if the Planning Commission recommends adopting this policy, would be for the City Council to review and approve the policy. There is no need for a public hearing.

### **d. Discussion - Ordinance Amendments required by recent changes to state law**

At the July 2013 meeting, Staff was directed to determine if additional changes were necessary to meet changes made by the state legislature. Staff had already prepared a change to the ordinance reflecting the new laws regarding variance review criteria. That document is attached.

Another change affects the City's park dedication requirements (or more specifically, the payment in lieu of parkland dedication). Staff has proposed amended language to ensure we are in compliance with the new state law. The amended language would state:

**6.10** Dedication to the Public – Standards.

1. In accordance with the provisions of Section 462.358 of the Minnesota Statutes, or amendments thereto, the sub divider shall dedicate, to the public, lands for highway right of ways, street right of ways, utility easements, wetland easements and similar lands required for perpetual and public improvements.
2. In addition, for every new subdivision of land involving three or more lots which are to be developed for residential purposes, the Planning Commission, with the concurrence of the City Council, shall require a payment to the City, in lieu of a land dedication for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands or open space, of a sum not to exceed ten percent (10%), of the fair market value of the land to be subdivided. The fair market value of the land to be subdivided shall be ~~the value as determined by the Morrison and/or Cass County Assessor at the time of Final Plat approval by the City Council.~~ determined as per MN Statutes 462.358, subdivision 2b. The amount of the payment shall be set by the Planning Commission, with the concurrence of the City Council, after taking into consideration the open space, park, recreational or common areas and facilities with the applicant proposes to reserve for public use within the subdivision. Funds received by the City, in lieu of land dedication, shall be placed in a special fund in accordance with Section 462.358, Subdivision 2b, of the Minnesota Statutes.
3. All dedications shall be included in the dedicated portion of the plat, included in the development contract, or received by the City in Warranty Deed prior to the approval of the final plat, without further restrictions or reservations.

Any changes to the ordinances would require a public hearing. A public hearing was already held on the variance criteria, although that was in March of 2012 and it may be appropriate to include this in a public hearing re: the park dedication ordinance.

**e. Discussion – Options/Ideas for Comprehensive Plan update process**

Staff presented a number of options/ideas for a Comprehensive Plan update process, including budgetary options, at the July meeting. The Commission asked for time to review those options and place it back on the agenda for the August meeting.

**f. Training Session (if time allows) – Planning Commission Orientation**

Staff will present a training session regarding Basic Zoning Terminology as well as a basic summary of the City's existing Zoning/Land Use ordinances.

# **CITY OF MOTLEY PLANNING COMMISSION POLICY**

## **CITY OF MOTLEY MORRISON/CASS COUNTIES, MINNESOTA**

### **RESOLUTION ADOPTING A PLANNING COMMISSION POLICY ON COMMISSION STRUCTURE, MEETING ORDER AND GENERAL PROCEDURE**

**CITY COUNCIL RESOLUTION # \_\_\_\_\_**

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#### **SECTION 1. PURPOSE**

The purpose of this Planning Commission policy is to provide a set of operating procedures for the Planning Commission, and to establish a code of ethics and conduct. These policies are intended to supplement, not replace, other adopted City policies generally applicable to Planning Commission members as may be amended from time to time. Such policies include, but may not be limited to, the CITY OF MOTLEY CODE OF ETHICS FOR PUBLIC OFFICIALS, the CITY OF MOTLEY CONFLICTS OF INTEREST POLICY, and the CITY OF MOTLEY STANDARDS OF CONDUCT AT PUBLIC MEETINGS.

#### **SECTION 2. ADOPTION OF PLAN OF WORK**

Upon the appointment and organization of the Planning Commission, the City Council, with input from the Commission, shall prepare and adopt a general plan of work for the Commission, outlining the activities proposed to be undertaken within the exercise of the Commission's powers and the performance of its duties. The plan may be revised from time to time by the Council at its own discretion or upon the request of the Commission, the Zoning Administrator or other person. On or around January 1 of each year, the Commission shall submit to the City Council a report of its work during the preceding year.

#### **SECTION 3. ANNUAL REVIEW**

This policy shall be reviewed annually by the City Council, who may consult with the Commission and/or Zoning Administrator, and any changes or amendments agreed to by a majority vote of the Council shall be implemented immediately, unless otherwise stipulated by the Council.

#### **SECTION 4. ANNUAL MEETINGS**

The annual meeting of the Planning Commission shall be the first regular meeting held in any particular calendar year. Such meeting shall be devoted to the election of officers for the ensuing

year and such other business as may be scheduled by the Planning Commission.

## **SECTION 5. REGULAR MEETINGS**

Regular meetings of the Planning Commission shall be held in the City Hall or other Officially Noticed location at 6:30pm on the first Wednesday before the second Tuesday of each month. At such meetings, the Commission may consider all matters properly brought before the Commission. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting, or by the Chairperson, the City Council or Mayor. Any regular meeting falling upon a holiday shall generally be held on the following business day at the same time and place unless otherwise determined by the Commission.

## **SECTION 6. SPECIAL MEETINGS**

Special meetings of the Planning Commission may be called by the Chairperson or Vice-Chairperson, City Council or Mayor who shall designate the time, place and purpose of the meeting. Notice of special meetings must conform to the State Open Meeting Law. Written notice thereof shall be given to all members not less than 24 hours in advance of the special meeting except in the case of an emergency.

## **SECTION 7. QUORUM**

In order for any meeting to be called to order, a quorum of ~~three~~ members must be present. During the course of a meeting, at least ~~three~~ a quorum of members must be present to take action on any matter before the Commission. A quorum shall be a majority of the appointed members, not including unfilled seats.

## **SECTION 8. MEETINGS AND THE OPEN MEETING LAW**

In accordance with the Minnesota Open Meeting Law (Minnesota Statute Chapter 13D), all official meetings of the Planning Commission shall be open to the general public. An "official" Planning Commission meeting is any gathering, or serial or simultaneous communication (via email, telephone or otherwise), between a quorum of Commission members for the purpose of considering the public business of the Planning Commission. Informal gatherings and communications such as site visits and conference telephone calls, therefore, may constitute an official meeting and shall not be conducted except in strict accordance with the Open Meeting Law. The Planning Commission may exclude the public from its meeting only in certain very limited cases identified in the Open Meeting Law.

## **SECTION 9. VOTING AND RECOMMENDATIONS**

At all meetings of the Planning Commission, each member attending, with the exception of any City Council liaison member, shall be entitled to cast one vote on matters before the Planning Commission. In the event that any member shall have a conflict of interest, as determined by the City Attorney or by vote of at least three Commission members, concerning a matter then before the Commission, he/she shall disclose his/her interest and be disqualified from voting upon the matter, and the secretary shall so record in the minutes that no vote was cast by such member. The affirmative vote of a majority of members in attendance shall be necessary for the adoption of any resolution or other voting matter. Where the Chair determines it to be necessary

or advisable, the results of any vote shall be recorded, listing those voting Aye and those voting Nay.

All recommendations shall be sent to the City Council by means of written minutes, and shall include the record of the division of votes on each recommendation.

## **SECTION 10. REGULAR PROCEEDINGS**

(A) At any regular meeting of the Planning Commission, the following shall be the regular order of business unless otherwise determined by the Chairperson:

1. Roll Call
2. Approval of Agenda
3. Minutes of the Preceding Meeting(s)
4. Public Hearings - New Applications
5. Public Hearings - Continued Hearings
6. Old Business
7. New Business
8. Communications and Reports
9. Miscellaneous
10. Adjournment

The order of business may be varied by the presiding officer, but no public hearings shall be held at an earlier time than specified in the notice of hearing.

(B) The following procedures will normally be observed for matters before the Planning Commission, except for public hearings which follow the procedures detailed in Section 14; however, they may be rearranged by the Chairperson for individual items if necessary for the expeditious conduct of business:

1. Proponents of the agenda item make a presentation (if any).
2. Staff presents report and makes recommendation (if any).
3. The Planning Commission may ask questions regarding the staff presentation and report (if any).
4. The Chairperson asks that any public comments submitted in writing be entered into the record. Written comments may be read verbatim, or in the case of lengthy submittals, summarized as deemed appropriate.
5. The Chairperson asks for any public comments from members of the public in attendance at the hearing (if any).
6. Applicant makes rebuttal of any points not previously covered (if any).
7. Planning Commission asks any questions it may have of the proponents, opponents or staff (if any), and then takes a vote.

(C) Each formal action of the Planning Commission required by law, rules, regulations or policy shall be embodied in a formal vote duly recorded in minutes of the meeting after an affirmative vote as provided in Section 5 hereof and may be accompanied by written findings of fact.

(D) Unless agreed to by a 2/3 vote of the Planning Commission, no new agenda items shall

be taken up after 10:00 p.m.

## **SECTION 11. AGENDA AND DEADLINE FOR AGENDA**

- (A) **Purpose.** The agenda of a Planning Commission meeting serves two important functions: it focuses Planning Commission deliberations by determining what matters will be considered at the meeting, when each matter will be considered, and the context in which each matter will be considered; and, it serves as the public's primary guide to what will be considered at the meeting, how the matter be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared so as to best achieve these functions.
- (B) **Deadlines.** The agenda shall be prepared by the Zoning Administrator in consultation with the Chairperson and shall be closed at noon four (4) calendar days prior to the meeting for preparation purposes. After the agenda is closed, it may only be amended as outlined in Section 11(D) below.
- (C) **Submissions.** Any Planning Commission member can request placement of an item on the agenda by notifying the Chairperson or the Zoning Administrator. The Chairperson shall determine whether the item is to be placed on the agenda, held over for a future meeting, or held over indefinitely. If the requested item is not placed on the upcoming agenda, the member requesting the item shall have the right to request the item be added to the agenda as outlined in Section 11(D) below. No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.
- (D) **Agenda Additions During Regular Meetings.** Additional items may be added to the agenda at a Planning Commission meeting subject to approval by a majority vote of the members present. The additional agenda items may be discussed, but no action may be taken if any member objects.
- a. If a new item of business proposed to be added to the agenda requires staff review (such as rezonings, ordinance amendments, preliminary subdivision plans, and subdivision review procedures and guidelines), involves quasi-judicial procedures (such as a request for a hardship variance from Subdivision or Zoning Ordinance standards), or involves substantive matters of potential public interest (such as the Comprehensive Plan, or other major policies), the Commission may add the item to the agenda only for purposes of referring it to the staff or a Commission committee, or scheduling it for consideration at a later meeting (as appropriate). The Commission may not discuss the substance of the matter or take any final action on the item except at a meeting where the item is included on the distributed agenda.
- (E) **Delivery of Agenda to Members.** At least three calendar days before the meeting, the City Staff shall provide each Commission member a meeting agenda and all materials related to items on the agenda (e.g., petition, application, plans, staff report, written comments received). The agenda and materials may be provided electronically by e-mail

unless specifically requested otherwise by a member.

**(F) Order and Form of the Agenda.** The agenda organization shall generally conform to Section 10 above. In addition, the agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many interested persons (such as those involving notice to adjoining property owners and those involving other public notice) should generally be placed early on the agenda, thereby, minimizing the time citizens must wait for consideration of the item that brought them to the meeting.

## **SECTION 12. MINUTES**

**(A) Purpose.** The minutes of the Planning Commission's meetings represent the official record of the Commission's deliberations and actions. As such, they record the Planning Commission's vote on actions and the reasons for the vote. The minutes also communicate background on the Planning Commission's recommendations to the City Council, provide perspective on issues, and provide a historical record of Commission proceedings. Furthermore, state law requires the Commission to keep full and accurate minutes of all official meetings, and requires that those minutes be retained and be available for public inspection by any person subject to the state public records law and the city records retention schedule.

**(B) Duties of Staff Preparing Minutes.** The Zoning Administrator, the Planning Commission City Staff, or their designee, shall prepare minutes of all Planning Commission meetings. The minutes shall state:

1. Which members were present and absent, and whether absent members were excused or not excused.
2. A summary of staff and committee reports and recommendations, applicants' presentations, public comments, and the Planning Commission's discussion on each item.
3. The content of each principal motion before the Planning Commission, the identity of the person who made and seconded the motion, and the record of the vote on the motion (identifying the vote count and, unless the vote was unanimous, the names of those voting for or against the motion). If the motion called for or recommended adoption of an ordinance or resolution, or the acceptance of a report, the minutes shall also include a copy of the ordinance, resolution or report.

## **SECTION 13. RULES OF PROCEDURE FOR PLANNING COMMISSION MEETINGS**

All meetings of the Planning Commission shall be conducted in accordance with the Rules of Order found in Appendix B of the Minnesota Mayors Association Handbook (January 2010).

## **SECTION 14. PUBLIC HEARINGS**

- (A) A public hearing is a noticed, official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the Planning Commission.
- (B) For certain matters considered by the Planning Commission, a requirement that the Planning Commission conduct a public hearing is prescribed by State Statute, the City's Municipal Code of Ordinances or by City Policy. The Planning Commission, however, may elect to conduct a public hearing, although not specifically required, if the Planning Commission determines that due to the unique nature of the matter, it is advisable.
- (C) The Planning Commission may neither deliberate nor take a substantive vote during a public hearing, but may ask questions for the sake of clarification of speakers.
- (D) The Planning Commission, upon resuming their regular meeting after the close of the public hearing, may take action upon the matter discussed at the public hearing.

**(E) Conduct of Persons Before the Planning Commission**

1. Conduct of Planning Commission members, and members of the public, shall adhere to the City's "Standards of Conduct at Public Meetings" as approved by the City Council and as may be amended from time to time.
2. During all public hearings required by State law or ordinance, members of the public shall be given reasonable opportunity to speak. In order to promote meeting efficiency, the Chair may discourage duplicative testimony and may place reasonable time limits on the amount of time that individuals have to speak. Comments should be addressed to the item before the Planning Commission. Where a comment is irrelevant, inflammatory, disruptive or prejudicial, the Chair may instruct the Planning Commission to "disregard" the comment, which nevertheless remains in the public record.
3. During all regular and special meetings of the Planning Commission, the public may be present but shall remain silent unless specifically invited by the Chair to provide comment.
4. During all proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with reasonable rights of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the Chair as "out-of-order" and the offending person directed to remain silent. Once, having been so directed, if a person persists in disruptive conduct, the Chair may order the person to leave the Planning Commission meeting or hearing. Where the person fails to comply with an order to leave, the Chair may then call upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.
5. The Chairperson of the Planning Commission may impose additional limits or rules upon members of the public as permitted by Section 16.

## **(F) Additional Rules of Procedure for Public Hearings**

1. **Public Hearing Format.** Public hearings shall be conducted in the following manner:
  - (a) The presiding officer calls the public hearing to order and declares the time of opening.
  - (b) It is the intent of the Planning Commission to open all public hearings at the predetermined and published time. From a practical standpoint, not all hearings can be opened at their designated time. The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the Planning Commission. However, in no circumstances can a hearing be opened prior to the predetermined and published time.
  - (c) The presiding officer shall read, from the hearing notice, the details on the hearing sufficient to provide the public a general understanding of the purpose and procedures for the hearing, and the fact that the hearing is their exclusive or primary opportunity to provide input to the city on the subject.
  - (d) The applicant (if any) may make a presentation or report on the subject matter for the hearing.
  - (e) Staff and/or a consultant make a presentation or report on the subject matter for the hearing.
  - (f) The presiding officer asks Planning Commission members if they have questions of the staff or consultant, if any.
  - (g) The presiding officer requests a motion and second to open the public hearing.
  - (h) The presiding officer announces that input will be received from the citizens, requesting that each speaker provide a name and address, noting any applicable time limits for comment from individual members of the public, any other applicable rules and explaining the procedure for enforcement of such rules.
  - (i) After members of the public have spoken, the presiding officer requests a motion to:
    - i. Close the public hearing, and the Planning Commission proceeds with deliberation and a vote on the motion.
    - ii. Continue a public hearing. If the Planning Commission votes to continue the hearing, the presiding officer shall, in consultation with City Staff, select and announce a time and date certain for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date. However, no public hearing may be continued more than once without renote and publishing the time, date and location of the hearing.

- (j) The Planning Commission addresses the subject matter through deliberation, questions to citizens and staff, and reactions and statement of position on the subject.
- (k) If the public hearing is closed, the Planning Commission may take action on the application before them. The Commission may formulate a recommendation which outlines the parameters under which an approval would be granted. The reasons and conditions shall be stated in the motion or resolution for approval or denial. Continuation of an action may occur in the event insufficient information is present to make a decision. The Planning Commission shall delineate the missing information before continuing the item.

### **SECTION 15. OFFICERS**

The officers of the Planning Commission shall consist of a Chairperson, a Vice-Chairperson, and Secretary elected by the Planning Commission at the annual meeting for a term of one year. In the absence of the Chair and Vice-Chair, the remaining members shall elect a Temporary Chair for that respective meeting.

### **SECTION 16. DUTIES OF OFFICERS**

The Chair is a voting member of the Planning Commission and may make motions. In addition, the duties and powers of the officers of the Planning Commission shall be as follows:

- (A) Chairperson
  - 1. To preside at all meetings of the Commission.
  - 2. To call special meetings of the Planning Commission in accordance with these bylaws.
  - 3. To sign documents of the Commission.
  - 4. To see that all actions of the Commission are properly taken.
  - 5. To cancel or postpone any regularly scheduled meetings.
  - 6. To invoke a reasonable time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time.
  - 7. To provide for the selection of one or two spokespersons to represent groups of persons with common interests during public meetings and hearings.
  - 8. To order an end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning Commission meetings or hearings.

9. To schedule a second official public hearing meeting or other continued meeting in the event that a meeting or public hearing cannot be concluded by a reasonable hour in the judgment of the Chairperson.
10. The presiding officer has the responsibility to facilitate discussion by the Planning Commission. This may occur in a variety of ways, including:
  - Interpret and apply rules of procedure.
  - Decide whether motions are properly made.
  - Decide whether motions are in order.
  - Decide whether questions of special privilege ought to be granted.
  - Decide when to recognize speakers.
  - Call for motions or recommend motions.
  - Expel disorderly persons from the meeting.
  - Enforce speaking procedures.
11. To coordinate with the Zoning Administrator in preparing agendas for Planning Commission meetings.
12. To attend all regular City Council meetings as the representative of the Planning Commission.

(B) Vice-Chairperson

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

(C) Secretary

To sign official documents of the Commission and other duties as required.

(D) Secretarial duties to be delegated to the Zoning Administrator or City Staff.

1. To give or serve all notices required by law or by these Bylaws.
2. To prepare the agenda for all meetings of the Commission.
3. To be custodian of Commission records.
4. To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
5. To handle funds allocated to the Commission in accordance with its directives, the law and city regulations.
6. To take the minutes of all meetings of the Commission for typing and filing into the appropriate minute book by City Staff.

## **SECTION 17. VACANCIES**

If a vacancy occurs among the members of this Planning Commission by reason of death, resignation, disability or otherwise, notice shall be given to the City Clerk and Chairperson by

the Secretary. City staff shall then see that a new appointment is made by the City Council. Resignations should be made in writing to the Planning Commission Secretary stating the effective date of the resignation.

### **SECTION 18. AMENDMENTS**

This policy on rules of procedure may be amended at any meeting of the Planning Commission provided that notice of said proposed amendment is given to each member in writing at least three (3) days prior to said meeting. All amendments are subject to City Council review and approval before they take effect.

### **SECTION 19. COMMITTEES**

- A. The Commission may recommend to the Council the creation of ad hoc committees. The Council shall have the exclusive authority to create a committee. The Chair may be an additional voting member of all committees. The Chair may appoint a Planning Commission member to chair each ad hoc committee.
- B. All committees shall consist of at least three members, except as otherwise ordered by the Council.
- C. The majority of the members of any committee shall constitute a quorum of such committee. If a quorum is not present at a meeting, the members present may prepare reports and submit them to the Planning Commission on behalf of the committee, in which case the report shall name the committee members who prepared it.
- D. Nothing in the foregoing shall be construed as waiving the ability of the Commission at any time to increase or curtail the duties of any committee and/or to direct or control its actions.

### **SECTION 20. MEMBERSHIP REQUIREMENTS**

- A. Members of the Planning Commission shall meet at least one of the following requirements:
  - 1. A resident (whether homeowner or renter) of the City of Motley
  - 2. A non-resident landowner
  - 3. A non-resident business owner
- B. Members of the Planning Commission shall complete and file the DISCLOSURE FORM with the City Clerk in accordance with the provisions of the CITY OF MOTLEY CONFLICTS OF INTEREST POLICY. Members shall also read and sign the CITY OF MOTLEY CODE OF ETHICS FOR PUBLIC OFFICIALS document.
- C. In extraordinary circumstances, where the Council is having difficulty filling a position or attracting applicants meeting the above three qualifications, the Council may appoint other persons deemed, in its opinion, to have a significant interest in the well-being of the City and its residents.
- D. The City Council, when appointing members to the Planning Commission, may consider the following factors and characteristics relating to a particular candidate or nominee:

1. A willingness and dedication to commit both time and personal energy to the Planning Commission.
2. An interest in comprehensive community planning, zoning and subdivision of land, and the protection of the environment.
3. A desire to assist in implementing and maintaining the City of Motley's land use policies, including the Comprehensive Plan, Subdivision Ordinances, and Zoning Ordinances for the purpose of protecting the health, safety and welfare of the residents of the City.
4. A willingness to encourage and accept input from citizens, organizations and those directly affected by land use related actions made by the Commission.
5. The ability to maintain an objective approach to community development issues in order to promote the highest "quality of life" possible for the residents of the City.
6. The personal and professional background and experiences of the candidate or nominee, so as to seek a balance that is deemed beneficial to the work of the Planning Commission.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk