
CITY OF MOTLEY
PLANNING AND ZONING COMMISSION
AGENDA

April 27, 2021, at 6:30 PM

- a. Call to Order
- b. Roll Call
- c. Additions or Deletions to Agenda
- d. Approval of Minutes
 - March 30, 2021
- e. Public Hearing(s)
 - Rezone request from R2 Medium Residential to C2 Commercial at 900 Eastwood Lane
 - Change to the zoning ordinance to add a definition and performance standards to carports
- f. Public Open Forum
- g. Planning & Zoning Administrators Report
 - General inquiries & updates
 - Issued permits (March 23, 2021 – April 20, 2021)
 - 81 Ash St E – Lean-to
 - 249 Morrison Street / pending garage addition
- h. New Business
 - Reading of Communication
 - 381 Cemetery Road, public nuisance letter, zoning, potential business
- i. Old Business
 - Industrial Park discussion
- j. Adjournment

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

CITY OF MOTLEY
PLANNING AND ZONING COMMISSION MINUTES
March 30, 2021

1. Call to Order

O'Regan called the meeting to order at 6:30 p.m.

2. Roll Call

Planning Commission: Pat O'Regan (chair), Amy Hutchison, Steve Johnson, Paula Johnson

Absent: Jace Carlson

City Staff: Bruce Brotherton

Contracted Zoning Administrator: Jake Huebsch

Public: Rob Williamson, Nikki Bjerga

1. Additions or Deletions from Agenda

Added discussion on potential rental property (Rob Williamson)

2. Approval of Minutes

Motion by Hutchison to approve the February 2021 meeting minutes, seconded by Johnson, unanimously approved.

3. Public Hearings

None

4. Open Forum

Rob Williamson spoke about the possibility of renting out his property similar to a vacation rental. Mr. Williamson said the property wouldn't be advertised but would be available to friends and family. Huebsch stated there is no language in the ordinance that restricts vacation rentals, and Mr. Williamson could proceed to rent his property as he wishes. Huebsch recommended the City monitor the vacation rental, and if it becomes a problem, we could look at adopting an ordinance with vacation rental standards.

5. Industrial Park Discussion

Nikki Bjerga from Edina Realty discussed the real-estate market and trends in the area. Members of the Planning Commission asked questions about the property and sought feedback from Ms. Bjerga. After much discussion on the property, it was recommended staff reach out to developers to share the idea and share some of the proposed layouts for a future development.

6. Planning Administrators Report

Huebsch updated the Planning Commission on zoning-related activities and inquiries from the past month. Huebsch stated we will have a variance hearing in April for the Harmony House. Also, an application was received for an extension on an existing garage at 81 Ash St E. It was stated the garage has no other structures on the lot, and the garage couldn't be expanded on because there was no primary structure on it. The current garage is classified as legal nonconforming, meaning the garage was there before the adoption of the ordinance, which currently doesn't allow garages to be built without a primary structure (lots 2.5 acres in size). Huebsch presented language on legal non-conforming structures, which reads: "In Minnesota, any legal nonconformity generally has a statutory right to continue. Specifically, legal nonconformities may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. These rights were once limited to repair and maintenance, but in 2004 the legislature afforded the rights to replacement, restoration, or improvement, but not expansion." In this case, the property owner is not able to expand his nonconforming structure.

7. New Business

Huebsch updated the Planning Commission on the property at 481 Cedar St. He stated once we receive an approved septic compliance report from the county, we can review the housing application.

8. Old Business

The Planning Commission had additional edits to the proposed ordinance language regarding car ports. It was recommended to change the 12-foot height limit to 15-feet measured from the peak. Huebsch will make the changes and will schedule a public hearing to read the draft ordinance language at the next Planning Commission meeting in April.

9. Adjournment - *Motion by Hutchison, seconded Johnson by to adjourn the meeting at approximately 8:00 pm. O'Regan closed the meeting.*

Respectfully submitted,

Jake Huebsch
Contracted Zoning Administrator

DRAFT

**LAND USE STAFF REPORT
REZONE
900 EASTWOOD LN
410031005**

Applicant: Horizon Health/Widseth Engineering

Property Owner: Horizon Health

Items:

Rezone:

1. A request to rezone the property from Residential R2 to Commercial C2

Zoning Classification:

Commercial C2 purpose: To provide a zoning classification for commercial uses oriented around the automobile. Parcels are larger than in the Urban Commercial zone in order to provide on-site parking, on-site stormwater facilities, on-site water supply, and sewage treatment where municipal utilities are not immediately available.

Size .98

Application Date: 4/12/2021

60 Day Action: 6/12/2021

60 Day Extension: 8/12/2021

Attachments:

1. None

Action:

1. Hold public hearing to consider rezoning the property
 2. Make recommendation to City Council for approval/denial of the application
-

Application/Petition: The Harmony House is a legal non-conforming use, as nursing homes, assisted living and similar group housing are not allowed in the R2 zone. Legal non-conforming uses can't be expanded upon. However, the property could be rezoned from Residential R2 to C2 (Commercial). The above referenced use is permitted in the C2 zone, and impervious coverage is 50% (not 25% as it is in the R2 zone). The applicant is looking to expand the use, which under the current classification is not allowed.

Background: The applicant is proposing an addition between the two structures on the property. Currently, the property is a legal non-conforming use and the property needs to be rezoned for the expansion.

Notices:

Sent legal notice in official newspaper

April 12, 2021

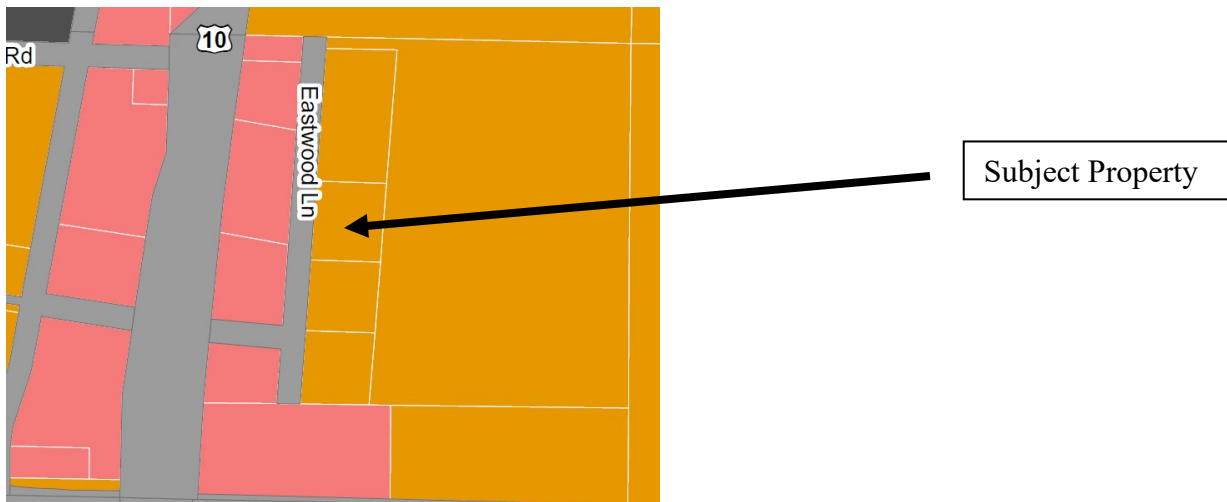
Mailing to property owners within 350 feet of subject properties

April 12, 2021

Notification to DNR

N/A

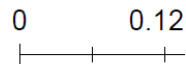
Subject Property:



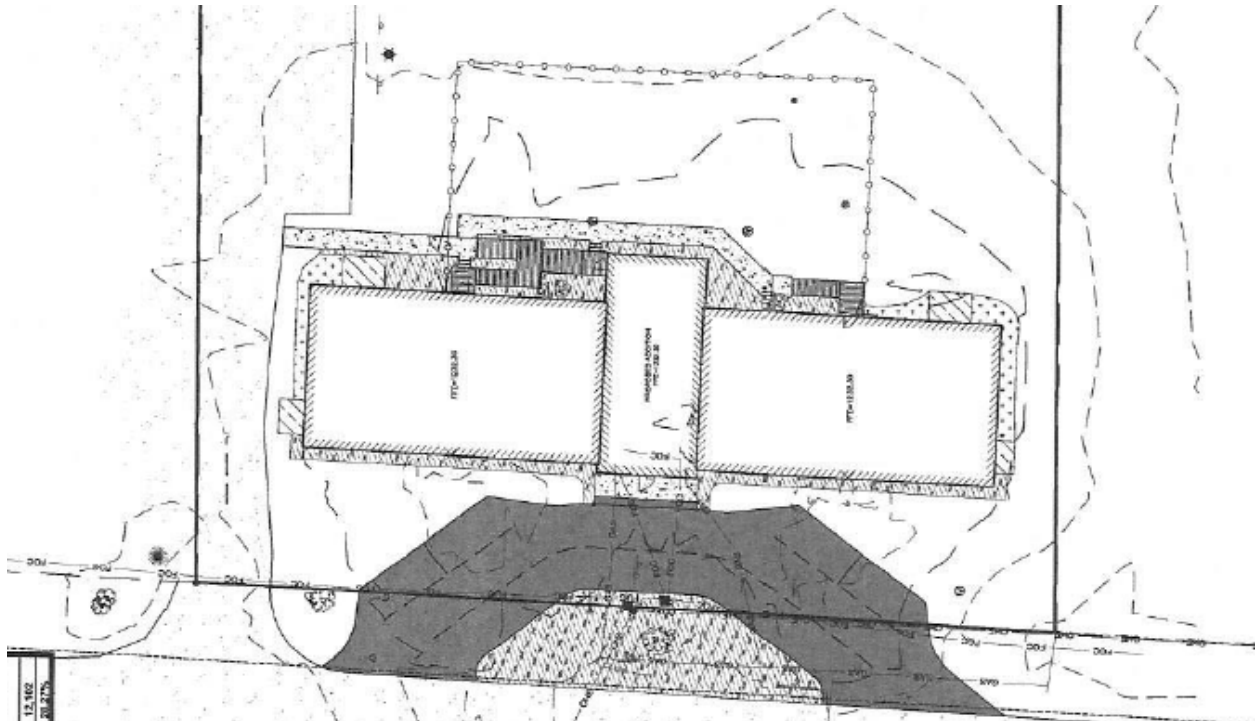
Zoning

- Medium Residential (R2)
- Commercial (C2)
- Downtown Mixed Use (DMU)
- Public Use (PU)
- High Residential (R3)
- Industrial (I)
- Natural Resource (NR)- Floodplain
- Natural Resources (NR)-wetland
- Shoreland (R-1)
- RR

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Proposed Site Plan:



Staff comments/findings to rezone request

1. Reasonable efforts were made to notify the public and surrounding properties regarding the proposed rezone.
2. The property is .98 acres and zoned Medium Residential (R2).
3. Surround property includes both C2 and R2.
4. The property is currently legal non-confirming use.
5. Nursing homes, assisted living, and similar group housing are allowed in the C2 zone through an approved conditional use permit. However, since the property is already being used as such, no additional conditional use permit is recommended.
6. As of 4/20/2021, no public comments/questions/concerns have come in.

Staff Recommendation: Reviewing the rezone request, it appears the property would be better aligned to a conforming use and based on the existing of C2 zoned property (directly across the street). Staff recommends the application be recommended for approval based on the findings of fact list in this report.

Planning Commission Direction: The Planning Commission can recommend approval of the rezone request, deny the rezone request, or table the request if additional information is needed. If the motion is for approval, findings of fact can be cited to support the decision. If the motion is to deny, the request and supporting facts should be identified.



316 Highway 10 S, Motley, MN 56466 • www.cityofmotley.com
Phone: 218-352-6200 • Fax: 218-352-6092

CITY OF MOTLEY
NOTICE OF PUBLIC HEARING
APRIL 27, 2021 P.M. AT MOTLEY CITY HALL

To Whom it May Concern:

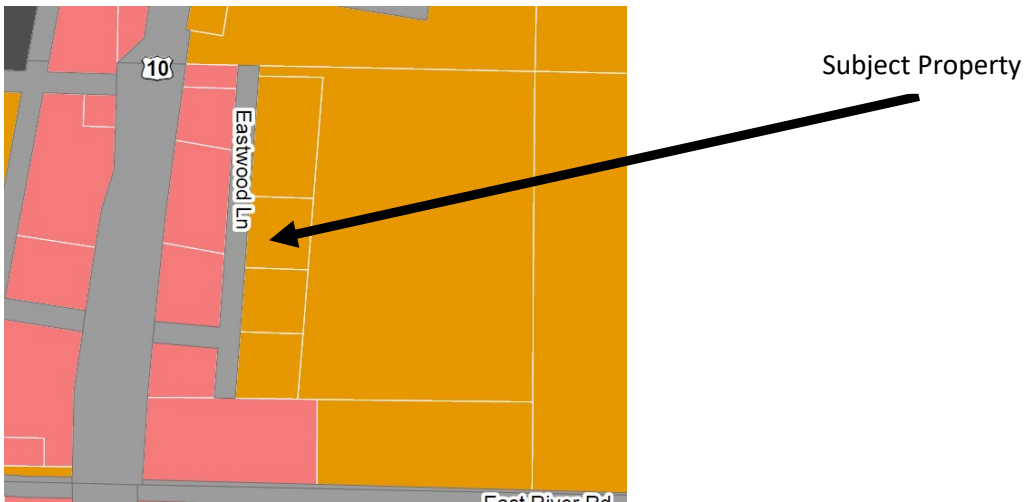
A parcel under your ownership has been identified as being within the 350-foot notification area for a variance and conditional use permit application.

The following will be the subject of a public hearing on Tuesday, April 27, 2021 at 6:30 p.m. at the Motley City Hall (316 HWY 10 S).

Hearing:

1. A request to rezone from R2 Medium Residential to C2 Commercial at 900 Eastwood Lane

All interested persons are invited to attend the hearing and be heard or send written comments to City Hall or via email at cityofmotley@brainerd.net. Staff reports will be made available at City Hall typically one week before the scheduled meeting.



Curt Bryniarski
Clerk/Treasurer
City of Motley

Carport - a covered structure for a vehicle consisting of a roof supported on posts. The structure can either be free standing or attached to an existing structure

Carports

A carport may be constructed with an approved land use permit. Carports are classified as an accessory structure.

Performance Standards:

1. approved materials shall be metal or of wood construction.
2. setback and impervious surface standards must be met;
3. drainage from the carport or car cover shall not negatively impact adjacent properties;
4. shall not exceed 12 feet in height;
5. structures shall be firmly anchored to the ground and shall meet at least a wind 90-mph wind rating;
6. shall be open on at least 2-sides;
7. shall not be used for storage of any items that can be viewed from a public street, except motor vehicles and travel trailers.
8. shall require a hard surface such as concrete, asphalt or gravel underneath the carport.