



CITY OF MERRILL
CITY PLAN COMMISSION
AGENDA • TUESDAY JUNE 6, 2023

Regular Meeting

City Hall Council Chambers

6:00 PM

To attend remotely call 414-439-0599 PIN 124 717 055 #

- I. Call to Order
- II. Minutes from previous meeting:
 - Consider placing the minutes from the May 2, 2023 meeting on file
- III. Public Hearing at 6:00 PM:
 1. Public Hearing Notice
 2. Frank Romano, Best Share Mining LLC, requesting a Conditional Use for Data Mining Center at 400 S Kyes Street per M.M.C. Sec. 113-100 located in the City of Merrill, Lincoln County, Wisconsin. Legally described in pin# 251-3106-182-0216.
- IV. Continued discussion of Conditional Use Application form:
 - Revised Conditional use Application form
- V. Public Comment
- VI. Adjournment

**CITY OF MERRILL
CITY PLAN COMMISSION**

Tuesday, May 2, 2023

Regular Meeting

City Hall Council Chambers

6:00 p.m.

- I. **The meeting was called to order** by Mayor Hass at 6:00 PM.
Members Present: Mayor Steve Hass, Alderperson Steve Sabatke, Kyle Gulke, Ralph Sturm, Melissa Schroeder, Alli Henkelman and Robert Reimann.

Others Present: Public Works Director/City Engineer Akey, City Attorney Hayden, City Clerk Anderson-Malm, Building Inspector/Zoning Administrator Pagel, Library Director Laurie Ollhoff, Mike Geissler, Gary and Barb Emerich and Merrill Productions video operator.

- II. **Minutes of previous meeting** – Melissa Schroeder made a motion to approve the minutes from the February 7th meeting. Kyle Gulke seconded and the motion carried.

Before the rest of the meeting continued, Mayor Hass welcomed Alli Henkelman to the City Plan Commission.

- III. **Public Hearing:**

1. Public Hearing Notice:

City Attorney Hayden read the public hearing notice. Melissa Schroeder made a motion to open the hearing. Robert Reimann seconded and the motion carried.

2. Brian Lee, 100 N Polk St, requesting rezoning from public to business under M.M.C. Sec. 113.248 for 100 N Polk Street in the City of Merrill, Lincoln County, Wisconsin. Legally described in pin# 251-3106-141-0050:

Mr. Lee was not present at the public hearing.

Building Inspector/Zoning Administrator Pagel explained the property and gave a brief description of the proposed property revisions.

Barb Emerich – 109 N. Polk St – spoke during the public hearing and asked questions regarding property tax implications and questioned the reasoning to rezone from public to business. Mayor Hass and BIZA Pagel answered the questions favorably.

There was discussion between the committee regarding the property line, parking lot accessibility and maintenance. The parking lot agreement was discussed as well. BIZA Pagel discussed the conditions that are required by the state when changing codes and converting to something other than a church.

After further discussion, Mayor Hass made a motion to approve the rezoning request with the caveat within 6 months to present a plan and a parking lot agreement. Robert Reimann seconded. The motion carried on a 6/1 voice vote. Kyle Gulke voted no.

Robert Reimann made a motion to close the public hearing. Melissa Schroeder seconded and the motion carried. The public hearing was closed at 6:10 PM.

Attachment: 2023-05-02 City Plan Minutes (10030 : Consider placing the minutes from the May 2, 2023 meeting on file)

- IV. **Discussion of Conditional Use Application form:**
Building Inspector/Zoning Administrator Pagel explained the response for updating the forms. It was discussed that as much information for individuals to understand what is needed and expected would be beneficial.
- It was requested this be added to the next agenda for review.
- V. **Approval of final plat for CM's First Additional (aka Johnson Street)**
The final plat was included in the packet. Alderperson Sabatke made a motion to forward to the Common Council for final approval. Melissa Schroeder seconded and the motion carried.
- VI. **Public Comment:**
There was no public comment
- VII. **Adjournment:**
Melissa Schroeder made a motion to adjourn. Kyle Gulke seconded and the motion carried. The meeting was adjourned at 6:22 PM.

Prepared by: Lori L. Anderson-Malm City Clerk

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452

NOTICE OF PUBLIC HEARING

All persons interested will be given an opportunity to be heard at a public hearing to be held by and before the City Plan Commission of the City of Merrill, Wisconsin, commencing at **6:00 p.m., on Tuesday, June 6, 2023**, in the City Hall Council Chambers, 1004 East First Street, Merrill, Wisconsin, on the following proposed matter, to wit;

1. Frank Romano, Best Share Mining LLC, requesting a Conditional Use for a Data Mining Center at 400 S Kyes Street per M.M.C. Sec. 113-100 located in the City of Merrill, Lincoln County, Wisconsin. Legally described in pin# 251-3106-182-0216.

Anyone having any questions regarding the hearing should contact Zoning Administrator, Darin Pagel at 536-4880.

Dated: May 15, 2023

CITY OF MERRILL, WISCONSIN

By: 
Lori Anderson-Malm
City Clerk

**APPLICATION FOR CONDITIONAL USE PERMIT
CITY OF MERRILL**

DATE 11-14-22

APPLICANT'S NAME: Frank Romano
 BUSINESS NAME: Best Share Mining LLC
 PHONE #: 872-202-2589 EMAIL: Frank @ Best Share Mining LLC
 PROPERTY ADDRESS: 400 S Kyes St
 PROPERTY OWNER'S NAME: Pat Semling
 TAX ROLL#: 34 PIN #: 251
 EXISTING USE: Industrial Manufacturing
 PROPOSED USE: Data Center
 REASON FOR REQUESTING A USE PERMIT CHANGE: Manufacturing Plant is out of business and previous owner is leasing space for rent.

**PLEASE PROVIDE A SEPARATE ATTACHMENT WITH A RESPONSE
TO EACH OF THE FOLLOWING ITEMS**

(Required per Section 113-100 of the Zoning Code)

1. A statement, in writing by applicant, that describes how the proposed conditional use(s) shall conform to the standards set forth in Section 113-103 hereinafter.
 - a) The establishment, maintenance or operation of the conditional use will not be detrimental or endanger public health, safety, morals, comfort or general welfare.
 - b) That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with use of adjacent land (describe mitigating features to be part of the operations of the proposed use).
 - c) Describe how the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the Zoning District.
 - d) Describe if adequate utilities, access roads, drainage, and other required site improvements have been or will be provided.
 - e) Describe what adequate measures have been taken to provide ingress and egress and how designed as to minimize traffic congestion in public streets.

- f) Explain how the conditional use shall conform to all applicable regulations of the district in which it is located.
- g) Explain how the conditional use will not violate flood plain regulations governing the site.
- h) That when applying the above standards to any new construction or placing an addition on an existing building, the Plan Commission and Common Council shall bear in mind the statement of purposes for the zoning district such that the proposed building or addition at the proposed location, does not defeat the purpose and objective of the Zoning District.
- i) In addition to passing the Conditional use Permit, the Plan Commission and Common Council shall also evaluate the effect of the proposed use upon:
 - I) The maintenance of safe and healthful conditions;
 - II) The prevention of water pollution including sedimentation;
 - III) Existing topography, drainage features and vegetative cover on the site;
 - IV) The location of the site with respect to floodplains and floodways of rivers and streams;
 - V) The erosion potential of the site based upon the degree and direction of slope, soil type, and vegetative cover;
 - VI) The location of the site with respect to existing or future access roads;
 - VII) The need of the proposed use for a shoreline location;
 - VIII) The compatibility with uses on adjacent land;
 - IX) The amount of liquid waste to be generated and the adequacy of the proposed disposal system.

- 2. Include the Names and Addresses of the architect, professional engineer, and contractor (if appropriate), and all property owners of record within 100 feet of the applicant. Note: Zoning Administrator will provide list of property owners to be included in the submittal.
- 3. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds description address of the subject site; type of structure; proposed operation or use of the structure of site; number of employees and the Zoning District within which the subject site lies.
- 4. Plat of Survey prepared by a registered land surveyor showing property lines, buildings, improvements, landscaping, and all of the information required for a building permit.
- 5. Additional information as may be required by the Plan Commission of Common Council, or Officers of the City.
- 6. A fee of \$175.00 must accompany the application.

The information submitted with this application is true and accurate to the best of my knowledge and belief.

Frank Romano 11-14-22

 Signature of Applicant

 Signature of Applicant

To the City of Merrill and the City Council,

1.

Best Share Mining (hereafter BSM) is a hosting company. Our goal is to provide a space that customers may send us computers (These may be normal servers used in many business practices, cryptocurrency mining computers or just large storage devices that businesses want running offsite) We would like to operate in one of the buildings located at 400 S Kyes St, Merrill, WI (hereafter the property)

Before specifically answering the Zoning Items I want to explain that from any citizen interacting with (seeing, walking by, driving by) 400 S Kyes St there will be no perceptible change to the building. Similar to how any Merrill resident wouldn't know if their neighbor decided to rearrange their garage. For this reason and the below items (set forth in Section 113-100 of the Zoning Code) I ask that you grant a conditional use permit to BSM.

a) The conditional use shall not be "detrimental or endanger public health, safety, morals, comfort or general welfare" The concern may be that BSM may negatively effect the comfort of Merrill residents. This will not happen. After talking to city officials I understand there have recently been other businesses with heat exhaust noise negatively impacting the comfort of Merrill residents. Our operation does not intend to add any type of rooftop exhaust for heat that may breach the Industrial zoning sound level. We will not be doing this because the space we would like to operate in is about 30 times larger than other operations with our hosting capacity. We specifically would like to operate in the large warehouse at the property so that we don't have to install exhaust fans that smaller properties may need.

b) The use, values and enjoyment of other property in the neighborhood shall not be impacted because seen or heard from any other property there will be no perceptible change to the property.

c) BSM will not impede the normal and orderly development and improvement of the surrounding property as our use would not be advertised, seen or heard.

d) There are currently adequate utilities, access roads, and drainage. There was a new internet service added at the property from Spectrum Enterprise and they obtained all necessary permits to install said service. In the future BSM would like to have Wisconsin Public Service install a new transformer and meter so we are able to have our business metered separately from the rest of the buildings at the property. This would require a green pad mounted transformer next to the transformer currently on the property. The size of the pad and transformer would be similar. At the time that this would happen BSM and or WPS would apply for a building permit

e) There will be no additional measures needed to increase ingress and egress as the maximum amount of vehicles BSM would have entering or exiting the property is four but most of the time there will be zero or one car accessing BSMs space.

f) BSM will continue to comply with all applicable regulations in the zoning district. The property and owner have previously conformed to the regulations without issue.

g) There will be no site improvements that would violate flood plain regulations if the conditional use were granted

h) There will be no new construction or addition.

2. Dan Langhoff, Owner of In The Lite LLC, consulting electrician; 715-432-1227. There are no residential properties within 100 feet of the property.

3.

4.

5.

6. Fee to be paid online?

APPLICATION FOR CONDITIONAL USE PERMIT CITY OF MERRILL

DATE _____

APPLICANT'S NAME: _____

BUSINESS NAME: _____

PHONE #: _____ EMAIL: _____

PROPERTY ADDRESS: _____

PROPERTY OWNER'S NAME: _____

PIN #: 251- _____

EXISTING USE: _____

PROPOSED USE: _____

REASON FOR REQUESTING A CONDITIONAL USE PERMIT: _____

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 - c) Describe how the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the Zoning District.
 - d) Describe if adequate utilities, access roads, drainage, and other required site improvements have been or will be provided. Estimation of noise levels for the proposed use.

Attachment: City Plan Agenda Item packet infor. (10031 : Public Hearing Notice)

- e) Describe what adequate measures have been taken to provide ingress and egress and how designed as to minimize traffic congestion in public streets.
 - f) A complete site plan showing building location, parking, landscaping, fencing or screening along with any other information which would aid in review.
 - g) Complete exterior renderings of the buildings showing design characteristics along with proposed colors.
2. Additional information as may be required by the Plan Commission of Common Council, or Officers of the City.
 3. A fee of \$175.00 must accompany the application.

The information submitted with this application is true and accurate to the best of my knowledge and belief.

Signature of Applicant

Signature of Applicant

APPLICATION FOR CONDITIONAL USE PERMIT CITY OF MERRILL

DATE _____

APPLICANT'S NAME: _____

BUSINESS NAME: _____

PHONE #: _____ EMAIL: _____

PROPERTY ADDRESS: _____

PROPERTY OWNER'S NAME: _____

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EXISTING USE: _____

PROPOSED USE: _____

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 - d) Describe if adequate utilities, access roads, drainage, and other required site improvements have been or will be provided. Estimation of noise levels for the proposed use.

Attachment: CONDITIONAL USE REVISION 5-3-23 (10033 : Revised Conditional use Application form)

- e) Describe what adequate measures have been taken to provide ingress and egress and how designed as to minimize traffic congestion in public streets.
 - f) A complete site plan showing building location, parking, landscaping, fencing or screening along with any other information which would aid in review.
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