

## MILACA PLANNING COMMISSION

**A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MILACA WAS DULY HELD ON THE 15<sup>th</sup> DAY OF JUNE 2020, AT 255 1<sup>st</sup> ST. E. FOR THE PURPOSE OF PUBLIC HEARING AND REGULAR MEETINGS.**

**UPON ROLL CALL, THE FOLLOWING MEMBERS WERE PRESENT:**

Scott Harlicker X                      Joel Millam X                      Sherie BillingsX                      Arla Johnson X  
Pam Novak X

**EX-OFFICIO MEMBERS:**

Marshall Lind, Building Official/ Zoning Administrator    X

Cory Pedersen, City Council Liaison    X

**Others Present:** Annette Bendtsen & Chris Skelton

**Chairperson Harlicker opened the public hearing for a conditional use request from Annette Bendtsen, the applicant is asking for a conditional use to have a patio in the B-2 General Business District, at 130 Central Dr. S.**

Mr. Skelton stated that they have 5 tables now and hope to have up to 7. They would like to install temporary fencing because the area is used to pick up garbage and when the China Panda and Jiggers need their grease traps cleaned, the trucks need to access that area. They would also like it temporary in nature so they can plow the area in the winter. They are purposing a temporary rope style fencing. They currently have enough tables for 20 people but hopes to expand that to seat 28 people when it is possible.

Chairperson Harlicker asked if there were any other questions, hearing none, she closed the public hearing.

**The Regular Planning Commission was called to order and roll call was taken.**

Motion was made by Commissioner Johnson to approve the minutes of the March 9, 2020 planning commission meeting. Motion was second by Commissioner Millam.

Motion **passed** unanimously, Chairperson Harlicker abstained because he was not at the meeting.

Chairperson Harlicker stated next item on the agenda was a conditional use request from Annette Bendtsen, the applicant is asking for a conditional use to have a patio in the B-2 General Business District, at 130 Central Dr. S.

Lind stated that the applicant is asking to have conditional use to have a patio in the B-2 General Business District. The patio would be 12 ft. wide by 48 ft. long. It appears that there is 12 ft. from the structure to the property line to the South.

Chairperson Harlicker asked if there is any setback for a patio in the B-2, Lind stated that is not addressed in the zoning ordinance.

Lind stated that the property was originally zoned B-1 Central Business District, and there are no parking requirements for the B-1, that is why this property does not have any off-street parking and would not be required to at this time.

Lind stated that the Alcohol and Gambling Division for the State of Minnesota does require these conditions for an outside patio:

1. The outside patio area shall be reflected on the owner's liability insurance.
2. Patio must be on the premises
3. Patio has to be connected to their main building
4. The patio must be compact and contiguous – so people can't walk off patio with alcohol
5. Patio must be fenced off.

There were questions about amplification outside. Mr. Skelton stated there would be no live music outside, they might install a speaker for light music listening.

Lind suggested other conditions that were included in the other patio CUP.

1. If there is debris from the patio area to surrounding properties, the passing or removing of alcohol over the fenced in area or noise concerns, the City can require the fence to be changed to a structure that would prevent these problems or City Council may revoke the Conditional Use Permit.
2. Any verified complaints or police calls to the establishment are grounds for revoking the Condition Use Permit.

Lind explained, that it would not be a staff decision, the only way the Conditional Use Permit could be revoked is from the City Council.

Mr. Skelton stated that there isn't much light out in the area, so they don't expect many people to use it when it gets dark out and when there is bad weather.

Commissioner Millam stated that he did not believe that there should be any time limits on the patio, that it can be used when the establishment is open.

The question about what type of fencing would be used was asked. Mr. Skelton stated that they were planning on a thick rope type of fencing, this would allow them to take it down when it was needed. Lind stated that the City would not allow a temporary type snow fencing. Mr. Skelton stated that they would not like the looks of that and would not install that type of fencing. Commission Billings asked when would the fencing need to be installed. Lind stated that it is a condition of the conditional use, so as soon as the conditional use is approved.

Commissioner Novak made the motion to approve the request from Annette Bendtsen to have a patio in the B-2 General Business District with the conditions listed in the staff report. Commissioner Billings seconded the motion.

Motion **passed** unanimously.

With no other business a motion to adjourn was made by Commissioner Millam, second by Commissioner Novak.

Motion **passed** unanimously

Minutes respectfully submitted by,

*Marshall Lind*

Marshall Lind  
Zoning Administrator

Full minutes can be heard on tape on file