



CITY OF
MILACA *Minnesota*

255 First Street East, Milaca, MN 56353

(320)983-3141 | (320)983-3142 fax

CITY OF MILACA
PLANNING COMMISSION AGENDA
JANUARY 13, 2025
6:00 P.M.
255 1ST ST E, CITY HALL COUNCIL ROOM

1. Call to Order Regular Planning Commission Meeting Time _____

2. Roll Call

___ Brett Freese ___ Greg Kuperus ___ Jake Lepper ___ Joel Millam ___ Mitch Siemers ___ Brad Tolzman

3. Approve minutes from November 18, 2024 MB ___ 2nd ___ AIF ___ O ___

4. **Open Public Hearings: Time** _____ (Discussion from Planning Commission members conducted under New Business)

a. Conditional Use Permit from Mitch Long (ML Homes)

b. Preliminary Plat from Mitch Long (ML Homes)

c. Final Plat from Mitch Long (ML Homes)

Close Public Hearings: Time _____

5. Old Business

6. New Business

a. Conditional Use Permit from Mitch Long (ML Homes) MB ___ 2nd ___ AIF ___ O ___

b. Preliminary Plat from Mitch Long (ML Homes) MB ___ 2nd ___ AIF ___ O ___

c. Final Plat from Mitch Long (ML Homes) MB ___ 2nd ___ AIF ___ O ___

7. Miscellaneous

a. Arla Johnson retires from Planning Commission after 27 years (No action needed-Info only). We will need to fill this vacancy.

8. Adjourn Time _____ MB ___ 2nd ___ AIF ___ O ___

CITY OF MILACA PLANNING COMMISSION MEETING MINUTES

November 18, 2024

6:13 P.M.

1. OPEN PLANNING COMMISSION MEETING: Brad Tolzman –Chairman 6:13 p.m.

2. MEMBERS PRESENT: Roll Call:

a. Brett Freese, Arla Johnson, Greg Kuperus, Jake Lepper, Mitch Siemers, Brad Tolzman; MEMBER ABSENT Joel Milliam

b. Others Present: City Manager Tammy Pfaff, Assistant City Clerk Deloris Katke, Council Liaison Norris Johnson. Residents and local business owners- Jesse Gerads, Mike Hodge, David Heairet, Jon Schwartz, Katie Schwartz, Alisha Lueck, Melissa Rowland, Katie Larsen, Wayne Bekius, April Leonard, Randy Reiman, Paula Fralish, Shawn Langner.

3. APPROVAL OF MINUTES FROM August 5, 2024:

Chairman Tolzman called for a motion to approve the minutes from August 5, 2024.

Motion to approve minutes from August 5, 2024, made by Mitch Siemers, seconded by Arla Johnson. No further discussion. All in favor.

Motion passes.

4. PUBLIC HEARINGS: Opened at 6:13

- a. **Minor Lot Split from Milaca Park:** City Manager Pfaff stated that the owners of Milaca Park would like to split off a piece of their property to sell to Randy Reiman. Mr. Reiman is currently leasing this land through October 31, 2025, but would like to purchase now. Mr. Gerads spoke in opposition to this request, indicating there is currently a property line dispute between his family business and Mr. Reiman. Mr. Reiman spoke in favor of the request stating that he intended to use the property for auto restoration and sales.
- b. **Variance Request from Milaca Park:** City Manager Pfaff stated that the owners of Milaca Park are asking for a variance based on the approval of the minor lot split noted previously. Should the minor lot split be approved, there would not be a 10-foot side yard setback that is required between two buildings.
- c. **Variance Request from Jon's Door Service:** City Manager Pfaff stated owner, Jon Schwartz, is asking for a Variance as his new proposed 40x104 building that would be built on the north side of his property would have an 8-foot cantilever which would put him only 2 feet from his property line. Per City Ordinance, there is to be 10 feet. NOTE: The building itself is 10 feet from north property line, it is just the cantilever that would be 2 feet from property line. No public input.
- d. **Public Hearing on Recreational Vehicle Ordinance #535:** This was discussed at a previous Planning Commission meeting in which consensus was to model our Ordinance with St. Cloud's. City Manager Pfaff stated this was done but we needed to hold a Public Hearing should the public want to comment on this proposed ordinance. The proposed ordinance will be presented to the city council on November 20 for their first reading. Second

reading would be held in December and if approved at both, this Ordinance would become effective January 1, 2025. No public input.

- e. **Allowing Retail Sales in I-1 Zoning District:** City Manager Pfaff stated there is a retail sales business that recently opened at 425 10th St NE in the Industrial Park. Our Ordinance currently allows wholesale sales and manufacturing in this district – not retail sales. The following spoke in favor of allowing this change:
 - i. Shawn Langner- industrial park property owner
 - ii. Alisha Lueck- owner Minted Twine
 - iii. Melissa Rowland- owner Sacred Moon
 - iv. Katie Larsen- owner Sacred Moon
 - v. Wayne Bekius- former industrial park property owner
 - vi. April Leonard- realtor with Edina Realty and local business networking coordinator

No individuals spoke in opposition to this change.

5. PUBLIC HEARINGS: Closed at 6:30

6. OLD BUSINESS:

- a. **Cannabis Businesses and Cultivation- Update:** City Manager Pfaff Tammy indicated that she and Assistant City Clerk Deloris Katke attended a meeting at the county on October 10. The city has delegated authority to county for cannabis businesses and cultivation per Resolution #24-37. No action by the Planning Commission was required.
- b. **Ordinance #530 Accessory Buildings, Structures and Uses (Tarp-Like Structures) in B-1 Central Business District:** Councilmember Johnson suggested amending the ordinance to allow structures up to 200 sq. ft. to more align with City building permit requirements. Motion to approve this change made by Mitch Siemers, seconded by Greg Kuperus. No further discussion. All in favor. Motion passes.
- c. **Ordinance #531 Accessory Buildings, Structures and Uses (Tarp-Like Structures) in B-2 General Business District:** Councilmember Johnson suggested amending the ordinance to allow structures up to 200 sq. ft. to more align with City building permit requirements. Motion to approve this change made by Greg Kuperus, seconded by Mitch Siemers. No further discussion. All in favor. Motion passes.

7. NEW BUSINESS:

- a. **Minor Lot Split from Milaca Park:** City Zoning and Planning Consultant Phil Carlson, Stantec, discussed the current status of the property and recommended denial until applicant brings property into compliance with current C.U.P. conditions. Motion to deny this request made by Brett Freese, seconded by Greg Kuperus. No further discussion. All opposed. Motion passes.

- b. Variance Request from Milaca Park:** City Zoning and Planning Consultant Phil Carlson, Stantec, discussed the current status of the property and recommended denial until applicant brings property into compliance with current C.U.P. conditions. Motion to deny this request made by Brett Freese, seconded by Greg Kuperus. No further discussion. All opposed. Motion passes.
- c. Variance Request from Jon's Door Service:** City Zoning and Planning Consultant Phil Carlson, Stantec, spoke on behalf of approving this request. Motion to approve this request made by Brett Freese, seconded by Arla Johnson. No further discussion. All in favor. Motion passes.
- d. Public Hearing on Recreational Vehicle Ordinance #535:** Motion to model the City's ordinance after St. Cloud's made by Mitch Siemers, seconded by Greg Kuperus. No further discussion. All in favor. Motion passes.
- e. Allowing Retail Sales in I-1 Zoning District:** Chairman Tolzman read a letter from Roxanne Gerads, Jim's Mille Lacs Disposal, in favor of amending the ordinance. Motion to approve this change made by Brett Freese, seconded by Mitch Siemers. No further discussion. All in favor. Motion passes.

8. MISCELLANEOUS:

n/a

9. ADJOURN:

PC Chairman Tolzman called for a motion to adjourn. PC Member Johnson made the motion to adjourn. PC Member Siemers seconded the motion. No further discussion. All In favor.

Motion passes.

Meeting adjourned at 7:03p.m.



CITY OF
MILACA *Minnesota*

255 First Street East, Milaca, MN 56353

(320)983-3141 | (320)983-3142 fax

APPLICATION FOR:

DESCRIPTION	<input checked="" type="checkbox"/> CHECK ALL THAT APPLY	FEE	ESCROW	TOTAL	DATE PAID
CONDITIONAL USE PERMIT	✓	\$300 ✓	\$500 ✓	\$800	12.10.24
REZONING		\$350	\$2,500	\$2,850	
VACATION OF STREET, ALLEY OR EASEMENT		\$400	\$500	\$900	

For more information on Conditional Use Permits and Rezoning, go to <https://codelibrary.amlegal.com/codes/milaca/latest/overview> and search for Chapter 156.150



CITY OF
MILACA *Minnesota*

CONDITIONAL USE PERMIT
 PAGE 2 OF 2

255 First Street East, Milaca, MN 56353

(320)983-3141 | (320)983-3142 fax

CONDITIONAL USE PERMIT APPLICATION

XXXX 3rd Ave NE
 ADDRESS OF PROPERTY FOR CONDITIONAL USE PERMIT REQUEST

R-2 1+2 Family
 CURRENT ZONING DISTRICT

PROPERTY OWNER INFORMATION

NAME: Open Range Property Acquisitions LLC / Susan Deffling

ADDRESS: 13232 Co Rd 42
STREET ADDRESS

Princeton Mn 55371
CITY STATE ZIP CODE

TELEPHONE: (763) 631-4497 HOME

(763) 218-1203 CELL

E-Mail Address sueboeffling@yahoo.com

APPLICANT INFORMATION (IF DIFFERENT FROM PROPERTY OWNER INFORMATION)

NAME: ML Homes Mitchell Long

ADDRESS: 1205 1/2 7th NW
STREET ADDRESS

Princeton MN 55371
CITY STATE ZIP CODE

TELEPHONE: () HOME

(612) 366 0127 CELL

E-Mail Address m1buildersllc@gmail.com

The following information is submitted in support of this application:

- Completed Application for Conditional Use Permit
- NON REFUNDABLE Fee of \$300
- \$500 Escrow
- Full legal description of property (*Not from your property tax statement*)
- Depending on the Conditional Use Permit requested, the following may be required:
 - 8 copies of a Site Plan
 - 8 copies of a Sign Plan
 - 8 copies of any other appropriate plans or drawings
- A narrative explaining the purpose of the request, the exact nature of the Conditional Use Permit and the justification of the request
- Other



I fully understand that all of the above required information must be submitted at least 20 days prior to the Planning Commission meeting to ensure review by the Planning Commission on that date.

Susan Jeffling
Property Owner Signature

12-31-24
Date

COMMENTS/REVISIONS: _____

For more information in regard to Conditional Use Permits, go to <https://codelibrary.amlegal.com/codes/milaca/latest/overview> and search for 156.150



CITY STAFF RECEIVING APPLICATION: _____

DATE: _____ AMOUNT PAID: \$ 800.00

RECEIPT # 17317

Legal Description

All that part of the Common Interest Community Plat of COMMON INTEREST COMMUNITY NUMBER 12, BIRCH COUNTRY TOWNHOMES, as recorded on August 17, 1999 as Document No. 265211 lying South of the northerly line of Unit 6, COMMON INTEREST COMMUNITY NUMBER 12, BIRCH COUNTRY TOWNHOMES, according to the plat thereof, that extends easterly to the east line of the plat of COMMON INTEREST COMMUNITY NUMBER 12, BIRCH COUNTRY TOWNHOMES, and westerly to the west line of the plat of COMMON INTEREST COMMUNITY NUMBER 12, BIRCH COUNTRY TOWNHOMES, including all common elements and Units thereof.

Narrative for Conditional Use Permit

Birch Country Addition

PID No. 21-120-0035

Prepared by: Sam DeLeo, PLS

December 9, 2024

The subject property is located in the northeast quadrant of the intersection of 10th Street NE (Co Rd No. 33) and 3rd Avenue NE in Milaca. The vacant parcel is 0.82 acres in area. This property is part of the underlying plat of COMMON INTEREST COMMUNITY NUMBER 12, BIRCH COUNTRY TOWNHOMES. It consists of Units 1 through 6 (Not built) and the portion of the common element that is adjacent to these units.

The property is currently zoned R-2 and contains plans for 6 attached townhome units.

R-2 zoning allow for single family and two-family homes as permitted with 10,000 sq. ft. lots. The minimum lot width is 80 feet. Multi-family dwellings are allowed with a CUP or a PUD. The density for townhouses is 5,500 sq. ft. of lot area per unit for multi-family units. The lots proposed lots this plat are 7,100 sq. ft. to 9,600 sq. ft. The request for this development is for single family homes on single lots that are smaller than the minimum lot required for a R-2 district, however if these same lots were for attached townhouses they would meet the density requirements for a R-2 District.

It is the intent of this development to construct 4 detached single family homes on individual lots no less than 57 feet wide. Each home will be accessed via its own driveway and surrounded by a private yard as is depicted on the preliminary plat. A variance from the 10-foot side yard setback dimension is not needed.

There exists a zero foot setback from the side property line to the south wall existing home on Unit 7 of the underlying CIC plat north of and adjacent to this development. The proposed plat of Birch Country Addition includes a strip of land, shown as Outlot A on the proposed plat, that is intended to be conveyed to the owner of Unit 7. This strip will allow the owner of Unit 7 access to the south wall of his building and private yard space along the south side of their home.





These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Date: 12/16/2024	
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.	



CITY OF
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255 First Street East, Milaca, MN 56353

(320)983-3141 | (320)983-3142 fax

APPLICATION FOR LAND DEVELOPMENT:

DESCRIPTION	<input checked="" type="checkbox"/> CHECK ALL THAT APPLY	FEE	ESCROW	TOTAL	DATE PAID
GRADING PLANS		\$50	N/A	\$50	
MINOR LOT SPLIT/COMBINATION 3 OR FEWER LOTS		\$300	\$500	\$800	
PRELIMINARY PLAT – 10 LOTS OR LESS	<input checked="" type="checkbox"/>	\$400 PLUS \$25 PER LOT	\$3,500	\$ 4,000	12.10.24
PRELIMINARY PLAT – 11 OR MORE LOTS		\$350 PLUS \$25 PER LOT	\$3,500		
FINAL PLAT		\$300	N/A	\$300	
PLANNED UNIT DEVELOPMENT PRELIMINARY		\$300 PLUS \$20 PER LOT	\$3,500		
PLANNED UNIT DEVELOPMENT FINAL		\$250 PLUS \$25 PER LOT	N/A		
SUBDIVISION – 3 LOTS OR LESS		\$250 PLUS \$25 PER LOT	\$3,500		
SUBDIVISION – 4-15 LOTS		\$300 PLUS \$25 PER LOT	\$3,500		
SUBDIVISION – 16-30 LOTS		\$350 PLUS \$20 PER LOT	\$5,000		
SUBDIVISION – 31 OR MORE LOTS		\$350 PLUS \$15 PER LOT	\$5,000		

For more information on Preliminary Plat, go to <https://codelibrary.amlegal.com/codes/milaca/latest/overview> and search for Chapter 155



CITY OF MILACA Minnesota

255 First Street East, Milaca, MN 56353

(320)983-3141 | (320)983-3142 fax

APPLICATION FOR PRELIMINARY PLAT REQUEST

APPLICATION IS HEREBY MADE FOR A PRELIMINARY PLAT FOR

Birch County Addition

Susan Oeffling

Subdivision Name

Owner's Name

FULL LEGAL DESCRIPTION OF PROPERTY (Attach description if needed)

Property Tax Statements Attached

ADDRESS OF
PROPERTY

OWNER
NAME

Open Range Property Acquisitions LLC / Susan Oeffling

OWNER
ADDRESS

13232 Cord 42

STREET ADDRESS

Princeton

CITY

Mn

STATE

55371

ZIP CODE

TELEPHONE

(763) 631-4497 / 763-218-1203 cell

EMAIL ADDRESS

SuehOeffling@yahoo.com

APPLICANT
NAME

ML Homes Mitchell Long

APPLICANT
ADDRESS

1205 1/2 7th Ave N

STREET ADDRESS

Princeton

CITY

MN

STATE

55371

ZIP CODE

APPLICANT TELEPHONE

(612) 366 0127

EMAIL ADDRESS

mlbuildersllc@gmail.com

THE FOLLOWING INFORMATION IS SUBMITTED IN SUPPORT OF THIS APPLICATION:

- COMPLETED APPLICATION FOR PRELIMINARY PLAT
- \$400.00 FOR **10 LOTS OR LESS** PLUS \$25.00 PER PROPOSED LOT OR DWELLING UNIT; OR
- \$350.00 FOR **MORE THAN 10 LOTS** PLUS \$25.00 PER PROPOSED LOT OR DWELLING UNIT
- ESCROW FEE OF \$3,500.00 FOR ASSOCIATED ENGINEERING AND LEGAL EXPENSES
- LEGAL DESCRIPTION OF PROPERTY ATTACHED
- 12 COPIES OF SURVEY
- 12 COPIES OF SITE PLAN
- OTHER _____

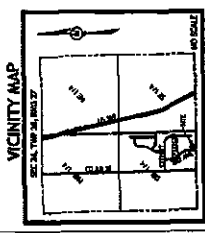
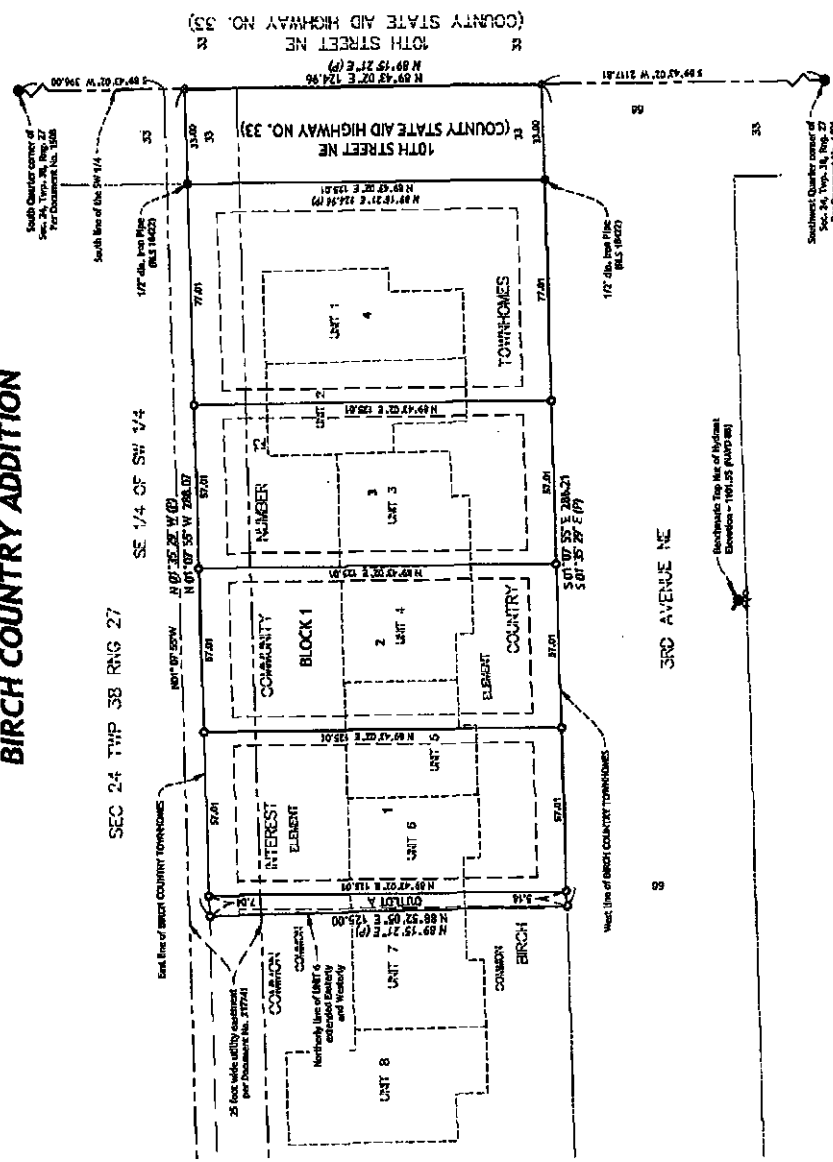
I FULLY UNDERSTAND THAT ALL OF THE ABOVE REQUIRED INFORMATION MUST BE SUBMITTED AT
LEAST 15 DAYS PRIOR TO THE PLANNING COMMISSION MEETING TO ENSURE REVIEW BY THE
PLANNING COMMISSION ON THAT DATE.

OWNER'S SIGNATURE Susan Oeffling
DATE 12-31-24

COMMENTS/REVISIONS _____

RECEIVED BY: _____
CITY MANAGER SIGNATURE/ZONING ADMINISTRATOR DATE

BIRCH COUNTRY ADDITION



CONTRACTOR'S AND OWNER'S ATTENTION:
THE CITY OF MILACA HAS REVIEWED THIS PLAN AND APPROVED IT FOR THE CITY OF MILACA. THIS APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

STATE OF MINNESOTA
COUNTY OF HILL LACS
CITY OF MILACA

Approved by the Planning Commission of the City of Milaca this _____ day of _____
Mayor _____
City Treasurer _____
City Engineer _____

Approved by the Planning Commission of the City of Milaca this _____ day of _____
Mayor _____
City Treasurer _____
City Engineer _____

CITY ENGINEER
Name _____
Address _____
City _____
State _____
Zip _____

PLANNING COMMISSION
Name _____
Address _____
City _____
State _____
Zip _____

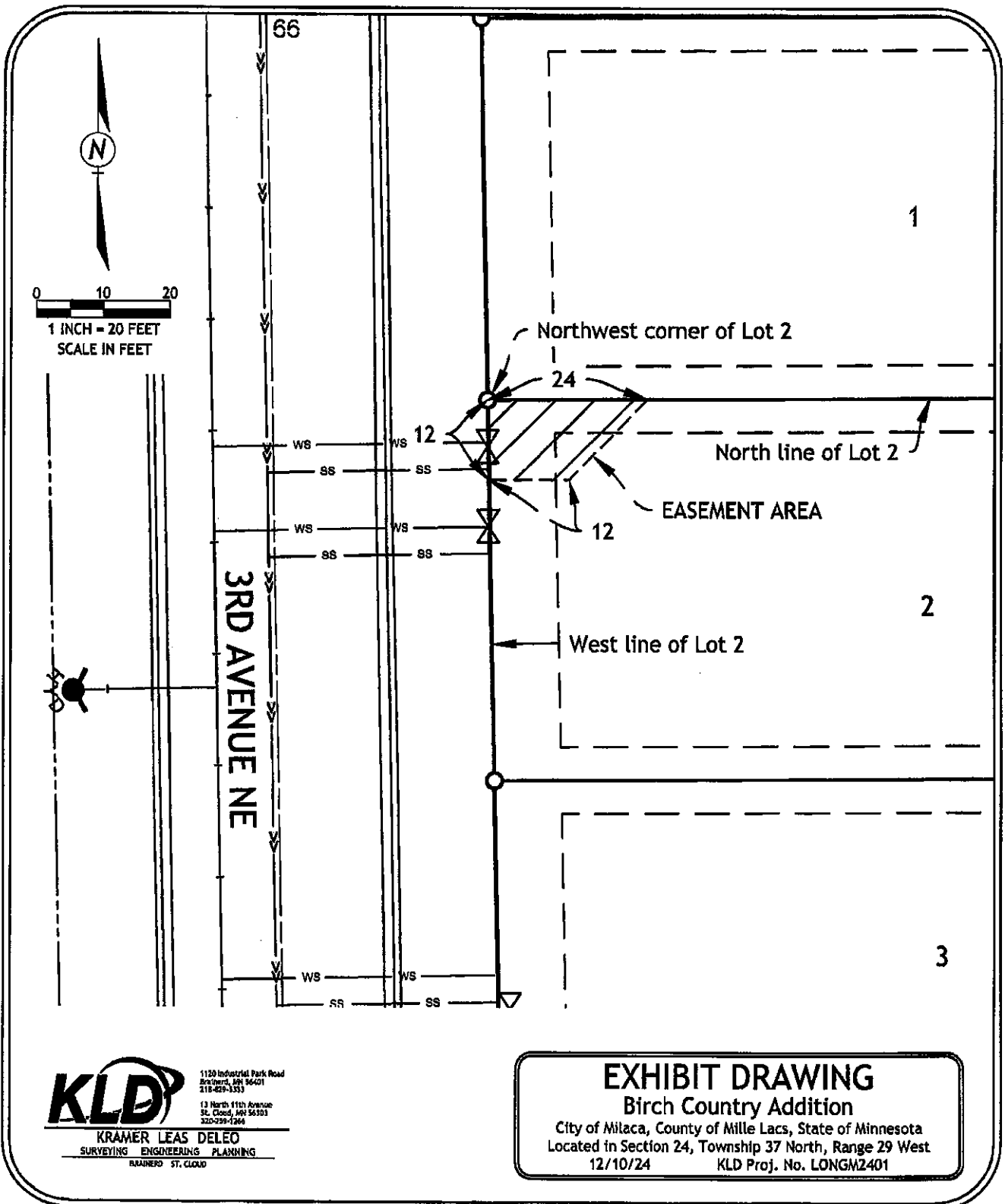
PLANNING COMMISSION
Name _____
Address _____
City _____
State _____
Zip _____

PLANNING COMMISSION
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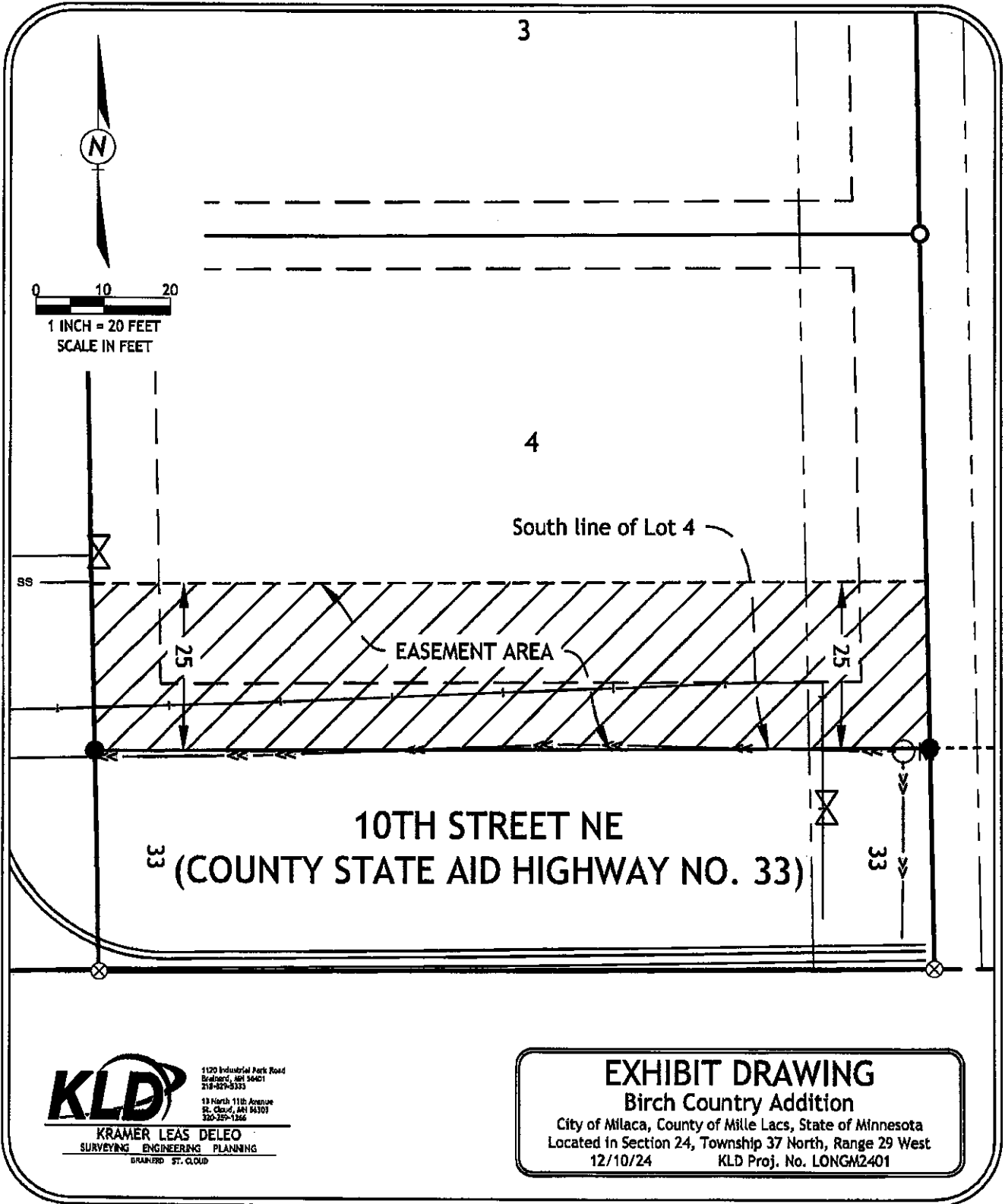


KLD
 KRAMER LEAS DELO
 SURVEYING ENGINEERING PLANNING
 RAINIER ST. CLOUD

1120 Industrial Park Road
 Brainerd, MN 56401
 218-829-1333

13 North 11th Avenue
 St. Cloud, MN 56303
 320-299-1264

EXHIBIT DRAWING
Birch Country Addition
 City of Milaca, County of Mille Lacs, State of Minnesota
 Located in Section 24, Township 37 North, Range 29 West
 12/10/24 KLD Proj. No. LONGM2401



KLD
 KRAMER LEAS DELEO
 SURVEYING ENGINEERING PLANNING
 DRAFTER ST. CLOUD

4120 Industrial Park Road
 Brainerd, MN 56401
 218-827-5353

13 North 11th Avenue
 St. Cloud, MN 56303
 320-259-1266

EXHIBIT DRAWING
Birch Country Addition
 City of Milaca, County of Mille Lacs, State of Minnesota
 Located in Section 24, Township 37 North, Range 29 West
 12/10/24 KLD Proj. No. LONGM2401

CITY OF MILACA
COUNTY OF MILLE LACS

LEGAL DESCRIPTION

All that part of the Common Interest Community Part of Common Interest Community Number 12, Birch Country Townships, according to the plat thereof, and all that part of the Common Interest Community Number 12, Birch Country Townships, according to the plat thereof, and all that part of the Common Interest Community Number 12, Birch Country Townships, including all common elements and utility easements.

Current zoning - Residential District R-2
Zoning To The North And East - Residential District R-2
Zoning To The South - Industrial District I-1
Zoning To The West - Business District B-1
2nd Avenue NE is a City Road.

BUILDING SETBACKS

Residential District R-2
Principal Structure:
25 feet from front yard line
10 feet from side yard line
10 feet from rear yard line

Topographic features shown herein are from a field survey completed on 10/09/2024.

STATEMENT OF PROJECT SURVEY CONTROL

Survey datum is based on NGS Control Station "8817.46"
Accuracy - 1/25000
Elevation - 1163.24

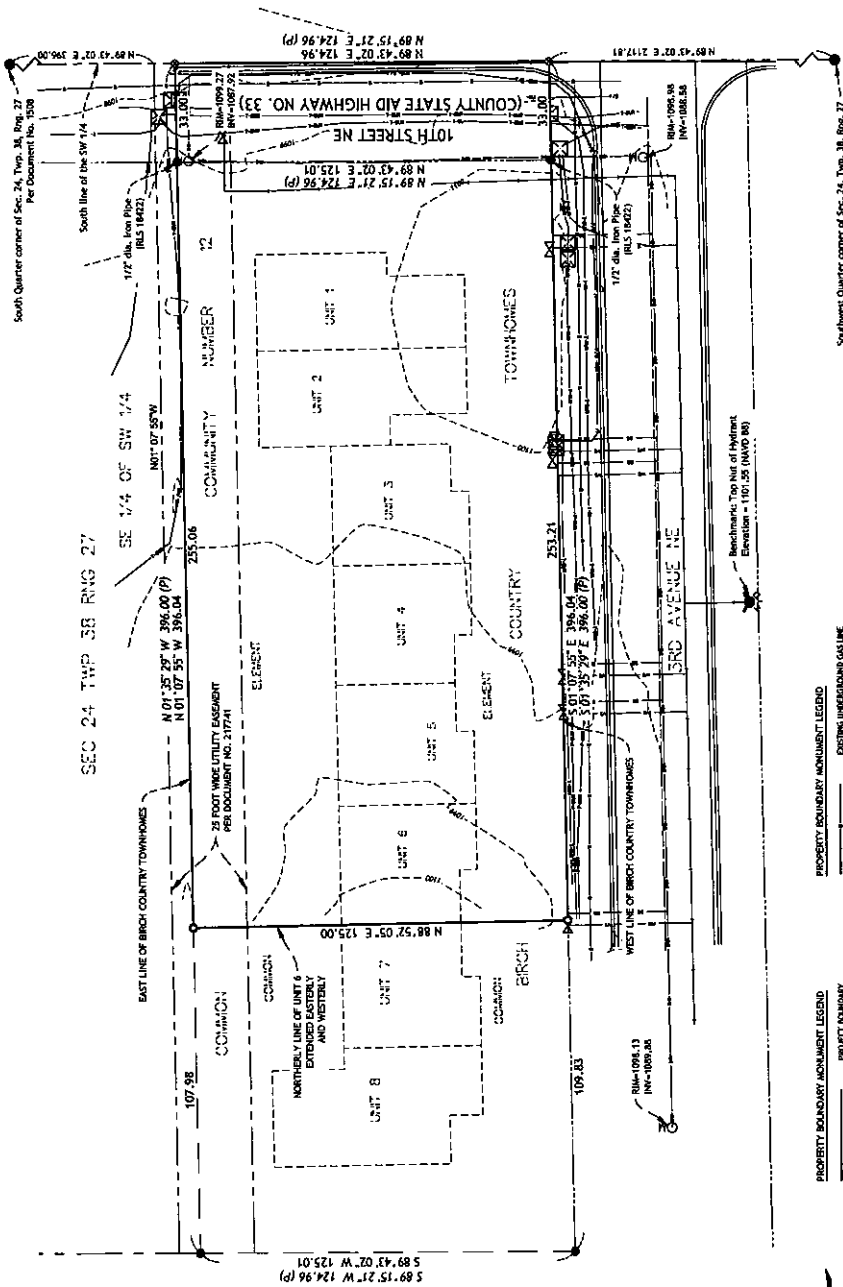
HORIZONTAL DATUM: MILLE LACS COUNTY COORDINATES (NAD83, 1986 NAD83 ADJUSTMENT)

VERTICAL DATUM: NAVD 83

Local benchmarks:
Top of Hydrant Located on the West side of 2nd Ave about 150 feet north of the intersection with 10th Street (County Road 31).
Elevation - 1161.25 (NAVD 83)

SCHEMATIC DEVELOPMENT

Survey and Description:
Milaca, MN
1200 117 7th Ave N
Milaca, MN 56377
Project: 10-24-0012
Survey Date:
Surveyor:
Milaca, MN
1200 117 7th Ave N
Milaca, MN 56377
Phone: 352-279-1256



- PROPERTY BOUNDARY MONUMENT LEGEND
- WITH CAST IRON SET SCREW
 - SET PIN WITH CAST IRON SET SCREW
 - TYPED BORN MONUMENT (AS SPECIFIED)
 - GOVERNMENT SECTION CORNER MONUMENT

PROPERTY BOUNDARY MONUMENT LEGEND

- | | |
|---|---------------------------------------|
| — | EXISTING UNDERGROUND GAS LINE |
| — | EXISTING UNDERGROUND ELECTRIC LINE |
| — | EXISTING UNDERGROUND FIBER OPTIC LINE |
| — | EXISTING UNDERGROUND TELEPHONE LINE |
| — | EXISTING BUILDING |
| — | PROPOSED BUILDING |
| — | PROPOSED LOT LINE |
| — | EXISTING EYEWALL |
| — | EXISTING WATER VALVE |
| — | EXISTING SANITARY MANHOLE |
| — | EXISTING UTILITY FURNACE |
| — | EXISTING SANITARY SERVICE |
| — | BUILDING SETBACK FROM BOUNDARY LINES |

ORIENTATION OF THE BEARING SYSTEM ASSUMES THAT THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SEC. 24, TWP. 38, RANG. 27 BARS NORTH BY 4° EAST.



DATE

KLD
KLEINER LOGAN & DUNN
SURVEYORS
1200 117 7th Ave N
Milaca, MN 56377
Phone: 352-279-1256

PROJECT NO. LON9240-01

DATE: 12/10/2024

CERTIFICATE OF SURVEY
Boundary Survey
Allen Leng
City of Milaca, County of Milaca, State of Minnesota
Located in Section 24, Township 38 North, Range 27 West



CITY OF
MILACA *Minnesota*

255 First Street East, Milaca, MN 56353

(320)983-3141 | (320)983-3142 fax

APPLICATION FOR LAND DEVELOPMENT:

DESCRIPTION	<input checked="" type="checkbox"/> CHECK ALL THAT APPLY	FEE	ESCROW	TOTAL	DATE PAID
GRADING PLANS		\$50	N/A	\$50	
MINOR LOT SPLIT/COMBINATION 3 OR FEWER LOTS		\$300	\$500	\$800	
PRELIMINARY PLAT – 10 LOTS OR LESS		\$400 PLUS \$25 PER LOT	\$3,500		
PRELIMINARY PLAT – 11 OR MORE LOTS		\$350 PLUS \$25 PER LOT	\$3,500		
FINAL PLAT	<input checked="" type="checkbox"/>	\$300	N/A	\$300	12.10.24
PLANNED UNIT DEVELOPMENT PRELIMINARY		\$300 PLUS \$20 PER LOT	\$3,500		
PLANNED UNIT DEVELOPMENT FINAL		\$250 PLUS \$25 PER LOT	N/A		
SUBDIVISION – 3 LOTS OR LESS		\$250 PLUS \$25 PER LOT	\$3,500		
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SUBDIVISION – 16-30 LOTS		\$350 PLUS \$20 PER LOT	\$5,000		
SUBDIVISION – 31 OR MORE LOTS		\$350 PLUS \$15 PER LOT	\$5,000		

For more information on Preliminary and Final Plat, go to <https://codelibrary.amlegal.com/codes/milaca/latest/overview> and search for Chapter 155



CITY OF
MILACA *Minnesota*

255 First Street East, Milaca, MN 56353

(320)983-3141 | (320)983-3142 fax

APPLICATION FOR FINAL PLAT REQUEST

APPLICATION IS HEREBY MADE FOR A FINAL PLAT FOR Birch Country Addition
SUBDIVISION NAME

WHICH RECEIVED PRELIMINARY APPROVAL BY THE MILACA CITY COUNCIL ON _____
DATE

FULL LEGAL DESCRIPTION OF PROPERTY (Attach description if needed)

OWNER NAME Open Range Property Acquisitions LLC / Susan Oeffling
OWNER ADDRESS 13232 Cord 42
STREET ADDRESS
Princeton Mn 55371
CITY STATE ZIP CODE
TELEPHONE (763) 631-4497 / 763-218-1203 cell
E-MAIL ADDRESS Sueboeffling@yahoo.com

APPLICANT NAME ML Homes Mitchell Long
APPLICANT ADDRESS 1205 1/2 7th Ave N
STREET ADDRESS
Princeton MN 55371
CITY STATE ZIP CODE
APPLICANT TELEPHONE (612) 366 0127
EMAIL ADDRESS mlbuildersllc@gmail.com

THE FOLLOWING INFORMATION IS SUBMITTED IN SUPPORT OF THIS APPLICATION AS DESCRIBED IN THE FINAL PLAT PROCEDURES AND DATA REQUIRED FOR FINAL PLAT:

- COMPLETED APPLICATION FOR FINAL PLAT REQUEST
- COMPLETE PRELIMINARY PLAT CHECK LIST
- NONREFUNDABLE FEE OF \$300.00
- LEGAL DESCRIPTION OF PROPERTY
- 12 COPIES OF SURVEY
- 12 COPIES OF THE FINAL PLAT
- REZONING APPLICATION, IF APPLICABLE
- OTHER _____

I FULLY UNDERSTAND THAT ALL OF THE ABOVE REQUIRED INFORMATION MUST BE SUBMITTED AT LEAST 15 DAYS PRIOR TO THE PLANNING COMMISSION MEETING TO ENSURE REVIEW BY THE PLANNING COMMISSION ON THAT DATE.

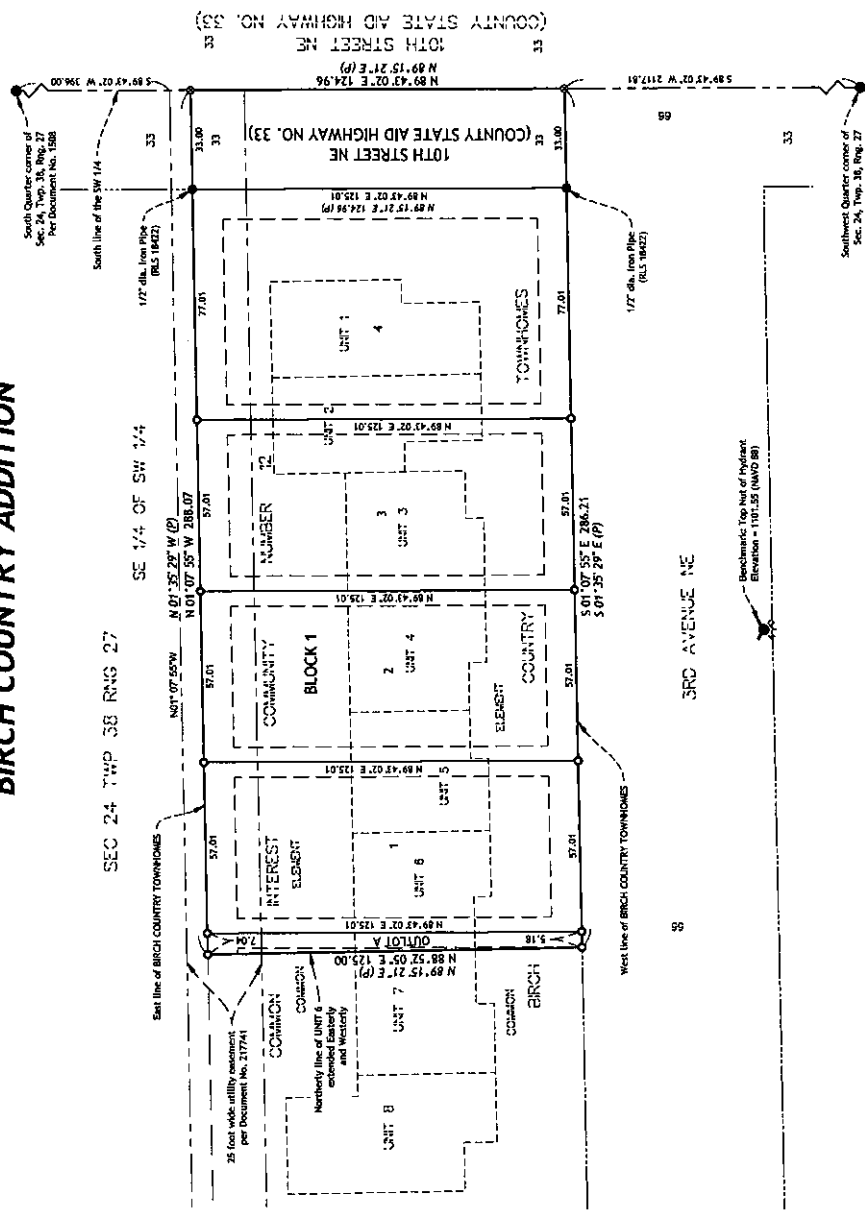
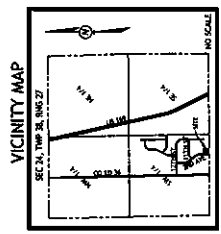
OWNER'S SIGNATURE Susan Jeffling
DATE 12-31-24
COMMENTS/REVISIONS _____

RECEIVED BY: _____
CITY MANAGER SIGNATURE/ZONING ADMINISTRATOR DATE

RECEIPT # 17317

BIRCH COUNTRY ADDITION

CITY OF MILACA
COUNTY OF MILLE LACS



ORIENTATION OF THE BEARING SYSTEM ASSUMES THAT
N 24, TWP. 38, RANG. 27 RANGES NORTH BY 92 DEGREES EAST.

SURVEYOR'S CERTIFICATION
I, Samuel J. Nelson, Licensed Land Surveyor, State of Minnesota, do hereby certify that the above plat is a correct representation of the boundary survey that I have made and that the same has been duly recorded in the public records of the State of Minnesota, and that the same is a true and correct copy of the original survey and that the same is a true and correct copy of the original survey and that the same is a true and correct copy of the original survey.

Samuel J. Nelson, Licensed Land Surveyor
Minnesota License Number 40241
DATE OF MINNESOTA
COUNTY OF
The instrument is acknowledged before me on this _____ day of _____, 20____, by Samuel J. Nelson, Licensed Land Surveyor, Minnesota License Number 40241.
My commission expires _____
Notary Public, _____ County, Minnesota
My commission expires _____
Approved by the Planning Commission of the City of Milaca this _____ day of _____
Signed: _____
Chairperson
Attest: _____
Secretary
Approved by the City of Milaca, Minnesota this _____ day of _____
Signed: _____ Mayor
Attest: _____ City Administrator

PROPERTY BOUNDARY MONUMENT LEGEND
 ○ SET 1/2 IN. DIA. BY 1/2 LONG IRON PIPE WITH CAP STAMPED "FIELD ADJUST"
 ● SET 1/4 IN. DIA. WITH CAP STAMPED "FIELD ADJUST"
 ● FOUND IRON MONUMENT (AS SPECIFIED)
 ● GOVERNMENT SECTION CORNER MONUMENT
 (P) ONE-SIDED FEE UNDEVELOPED PLAT OF RECORD



In witness whereof, M. Homes LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.
M. Homes LLC, President
STATE OF MINNESOTA
COUNTY OF _____
This instrument was acknowledged before me this _____ day of _____, 20____, by M. Homes LLC, President of M. Homes LLC, a Minnesota limited liability company, on behalf of the company.
Notary Signature: _____ (Notary Printed Name)
Notary Public, _____ County, Minnesota
My commission expires _____
My commission expires _____

12/10/2024
DRAFT

Planning Report

Date: January 13, 2025

To: Milaca Planning Commission

From: Phil Carlson, AICP; Kribashini Moorthy; Stantec

Request: Conditional Use Permit/Preliminary & Final Plat

Owner: Open Range Property Acquisitions LLC (Susan Oeffling)

Applicant: Mitchell Long, ML Homes

Address: 1000 Block of 3rd Avenue NE

PIDS: 21-120-0035, 21-120-0040, 21-120-0050, 21-120-0060, 21-120-0070, 21-120-0080, & 21-120-0090

Zoning: R-2

INTRODUCTION

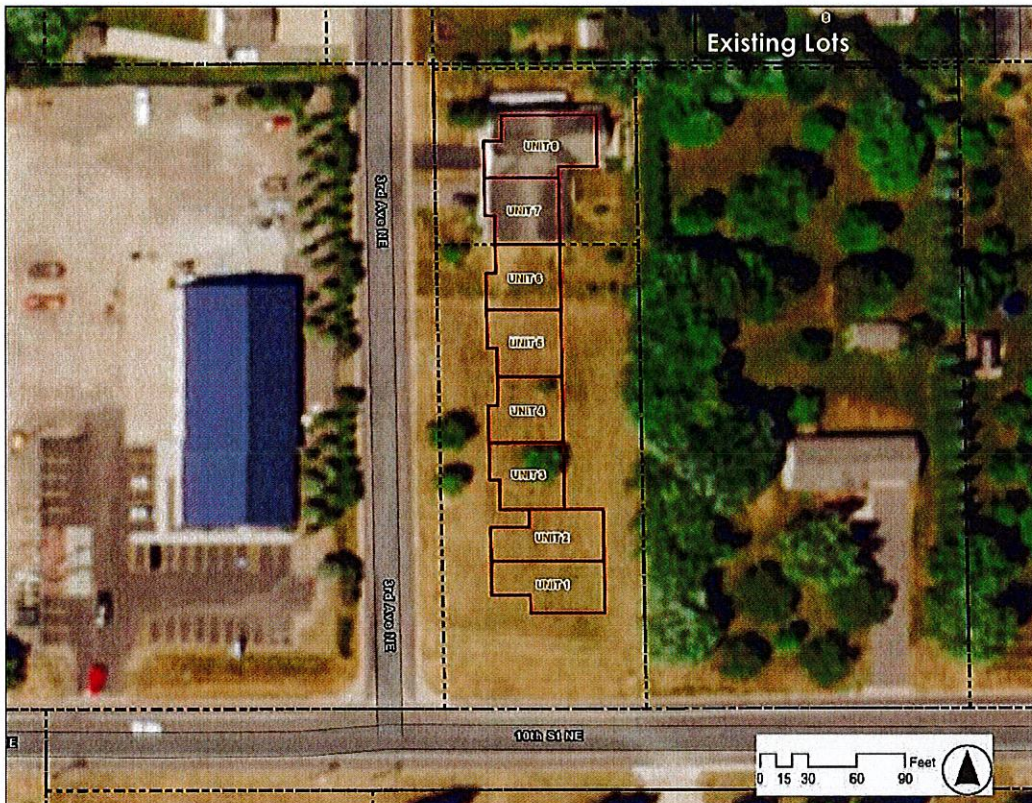
Open Range Property Acquisitions LLC owns the vacant townhouse parcels at the intersection of 10th St NE and 3rd Ave NE in the R-2 One and Two Family Residential (Medium Density) zoning district. The parcels were platted for the Birch Country Townhomes project that proposed eight townhomes, but only two were built, Units 7 and 8, at the north end of the property. The remaining parcels are vacant. The applicant wants to replat the vacant property as four single-family lots instead of the six platted townhouse lots and the one common area lot. The request involves a subdivision (preliminary and final plat) and a conditional use permit (CUP).



The R-2 district allows townhomes and other multi-family dwellings with a CUP, with minimum lot area of 5,500 square feet per unit, which the current request meets. Re-platting the property for denser single family dwellings fits the intent of the district. Essentially this request is being processed as *detached* townhomes (single family lots) with lots that meet the lot size standards, with a CUP. There are numerous criteria for approval of a CUP in the CUP section of the code, excerpted at the end of this report, all of which this request meets.

AMENDMENT TO PLAT, CONDITIONAL USE PERMIT

The proposed lots range from 7,100 to 9,600 square feet in area, with lot widths from 57 to 77 feet. The single family homes would be similar in character to the properties in the neighborhood and would look less dense than the previously developed townhome development.

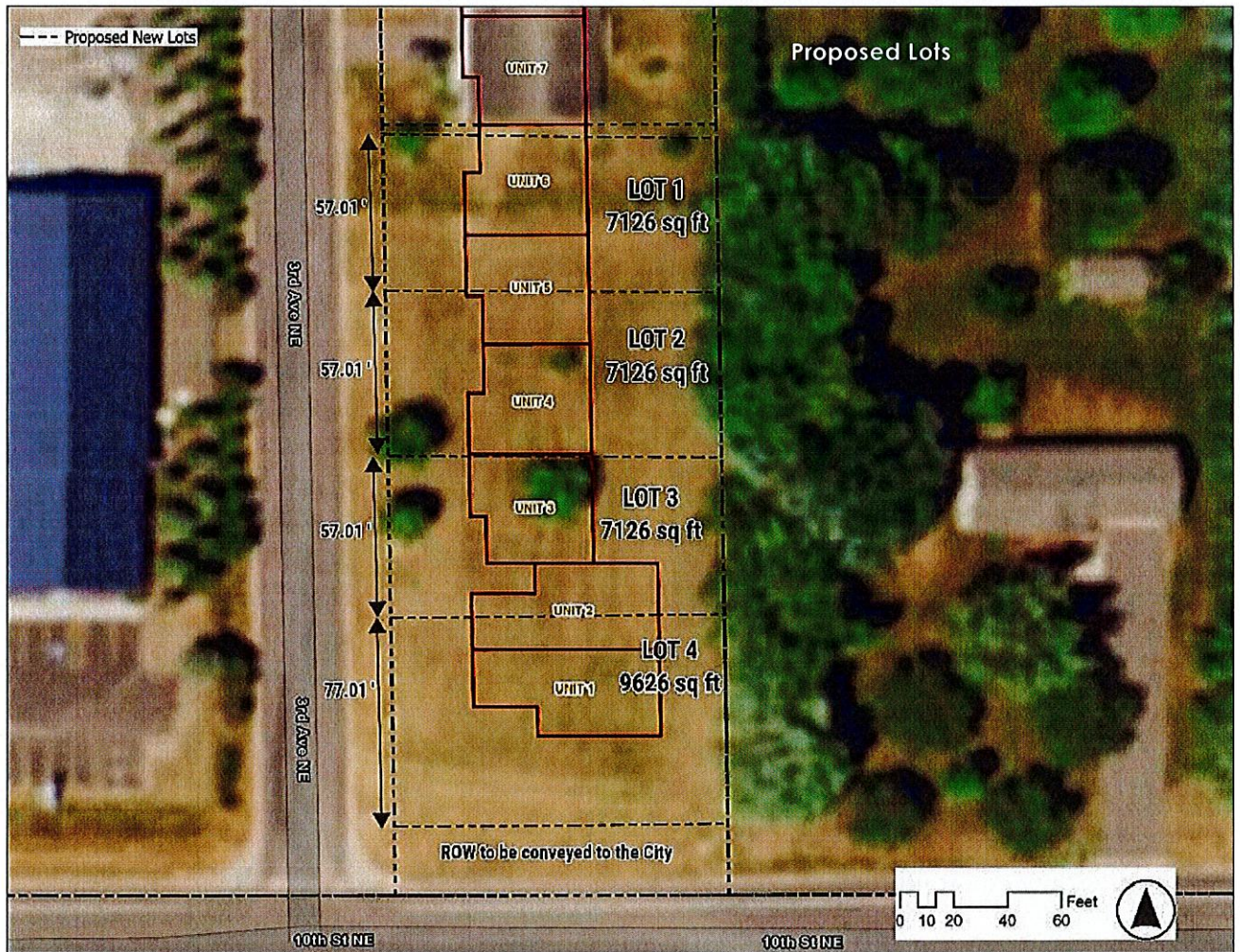


The Milaca Subdivision Code, in Section 155.023, allows the amendment of lot lines after a plat is approved following a simplified process if the plat is not too different from the original plat. This current plat request is different enough from the original that a new plat and public hearing are required.

The new plat (see next two pages) dedicates 33 ft of right-of-way to 10th Street NE on the south side. The south side wall of existing townhouse Unit 7 is on the property line (zero setback). As noted in the applicant's narrative, the proposed plat includes a strip of land 5 to 7 feet wide, shown as Outlot A on the proposed plat, that will be conveyed to the owner of Unit 7, allowing access to the south wall of Unit 7 and some private yard space.

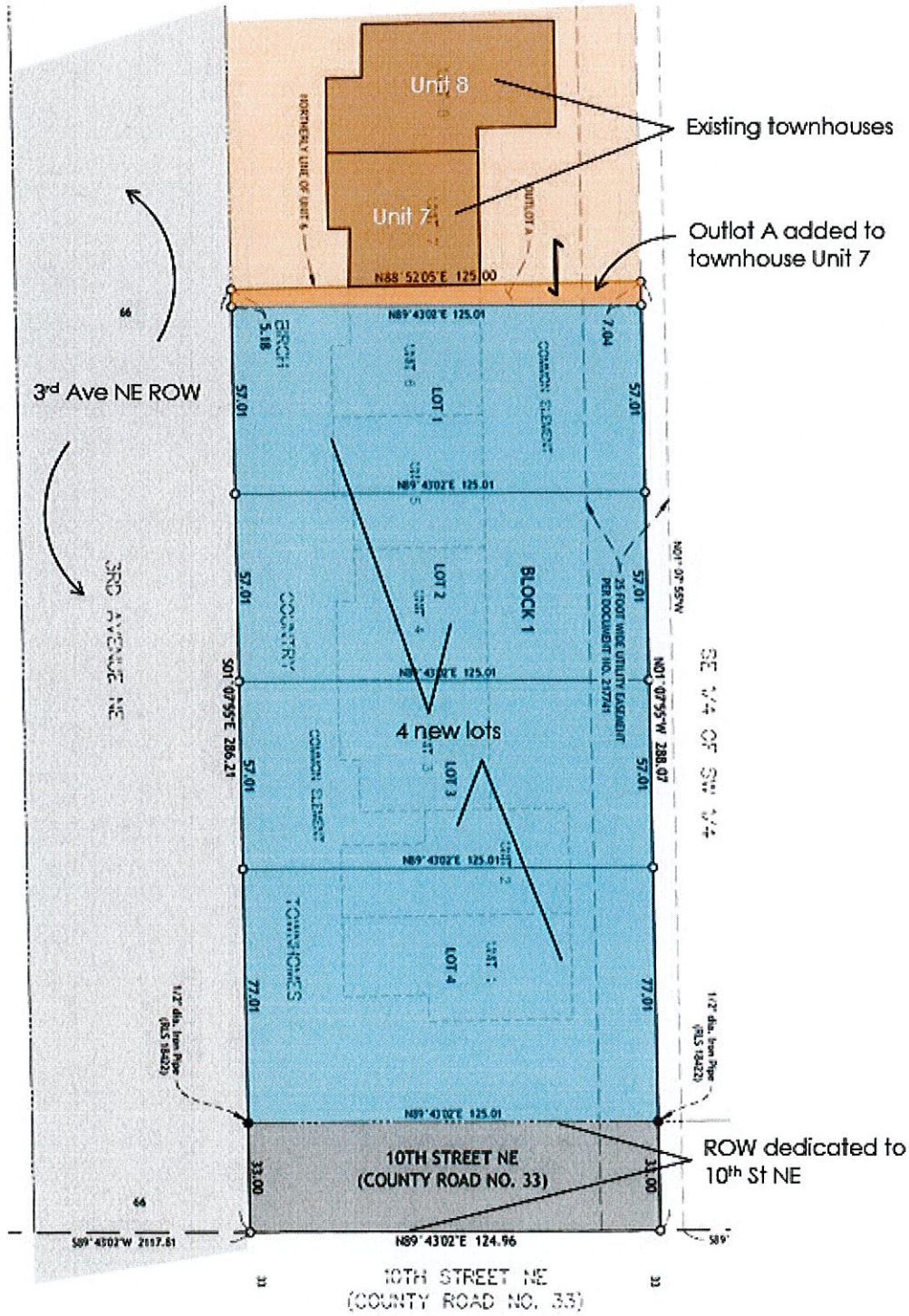
ENGINEERING COMMENTS

- 1) Grading. Lot grading shall be completed such that no new hard surface drainage is directed to adjacent properties.
- 2) Municipal Utilities. Existing sanitary sewer and water services are to be used for the new homes. Services that are not used shall be abandoned behind the street curb as directed by the Public Works Director.
- 3) Erosion and Sediment Control. Erosion and sediment control during construction shall be as directed by the Public Works Director.



Proposed Preliminary Plat

North



RECOMMENDATION

The request involves two separate actions – a CUP and a plat. The CUP can be acted on conditioned on the plat being approved, and vice versa. The request should be handled with two separate motions and votes.

Conditional Use Permit

We recommend approval of the conditional use permit to allow four small-lot single family dwellings on the property owned by Open Range Property Acquisitions LLC, as depicted on the preliminary plat for the Birch Country Addition, prepared by Kramer Leas and Deleo, dated 11/7/2024, with the following condition and findings of fact:

Condition for Approval of Conditional Use Permit

- 1) The conditional use permit is approved only if the requested replat is approved.

Findings of Fact for Approval of Conditional Use Permit

- 1) Open Range Property Acquisitions LLC owns the property in the 1000 block of 3rd Avenue NE, consisting of six vacant townhome lots and a common lot, zoned R-2 One and Two Family Residential (Medium Density), with existing PID numbers 21-120-0035, 21-120-0040, 21-120-0050, 21-120-0060, 21-120-0070, 21-120-0080, & 21-120-0090.
- 2) The Milaca Zoning Code for the R-2 zoning district allows townhomes and multi-family dwellings as conditional uses, with minimum lot size of 5,500 square feet.
- 3) The applicant proposes to replat the property with four single family lots ranging in size from 7,100 to 9,600 square feet in area, with lot widths from 57 to 77 feet. The proposed lot sizes and resulting density meet the R-2 standards for multi-family dwellings.
- 4) The Milaca Zoning Code, in Section 156.150 (D), (F), and (G) has criteria and issues to be considered for conditional uses, including impact on the surrounding area; provision of parking and utilities; adequacy of the street serving the property; and other issues.
- 5) The proposed replat for smaller lot single family home lots is compatible with the surrounding area and meets the Zoning Code criteria for approval of a conditional use permit.

Preliminary and Final Plan

We recommend approval of the preliminary and final plat of the Birch Country Addition, prepared by Kramer Leas and Deleo, dated 11/7/2024, with the following conditions and findings of fact:

Condition for Approval of Preliminary and Final Plat

- 1) The preliminary and final are approved only if the requested conditional use permit is approved.
- 2) Lot grading shall be completed such that no new hard surface drainage is directed to adjacent properties.
- 3) Existing sanitary sewer and water services are to be used for the new homes. Services that are not used shall be abandoned behind the street curb as directed by the Public Works Director.
- 4) Erosion and sediment control during construction shall be as directed by the Public Works Director.

Findings of Fact for Approval of Preliminary and Final Plat

- 1) Open Range Property Acquisitions LLC owns the property in the 1000 block of 3rd Avenue NE, consisting of six vacant townhome lots and a common lot, zoned R-2 One and Two Family Residential (Medium Density), with existing PID numbers 21-120-0035, 21-120-0040, 21-120-0050, 21-120-0060, 21-120-0070, 21-120-0080, & 21-120-0090.
- 2) The applicant proposes the Birch Country Addition plat to replat the property with four single family lots, Lots 1, 2, 3, and 4, Block 1.
- 3) The proposed lots range in size from 7,100 to 9,600 square feet in area, with lot widths from 57 to 77 feet. The proposed lot sizes and resulting density meet the R-2 standards for multi-family dwellings.
- 4) The applicant has applied for a conditional use permit to allow the single family lots in the R-2 zoning district.
- 5) The proposed Birch Country Addition plat satisfies the conditions for approval of a plat in Chapter 155 of the Milaca Code.

MOTION TEMPLATES

Approval

- The Planning Commission recommends approval of the conditional use permit for the lots in the Birch Country Addition plat as described in the applicant's submitted materials and with the conditions and findings of fact (or as modified) in the Planner's report of January 13, 2025.
- The Planning Commission recommends approval of the preliminary and final plat for Birch Country Addition as described in the applicant's submitted materials and with the conditions and findings of fact (or as modified) in the Planner's report of January 13, 2025.

Denial

If the Planning Commission wishes to recommend denial of either the CUP or plat, the members would need to craft findings that would support denial.

DEADLINE FOR ACTION

The final revised applications were received December 31, 2024. The 60-day deadline for final action by the City Council on the CUP per State statute 15.99 is March 2, 2025. The deadline for final action on the preliminary plat by the City Council (120 days, not 60 days like zoning applications) per State statute 462.358 Subd. 3b is May 1, 2025.

SUBDIVISION CODE EXCERPTS

§ 155.023 AMENDMENT TO PLAT; PROCEDURE.

Should the subdivider desire to amend the plat as approved, he or she may submit an amended plat that shall follow the same procedure as a new plat, except for the public hearing and fee, unless the amendment is in the opinion of the City Council of such scope as to constitute a new plat, and then it shall be refiled.

§ 155.020 PRELIMINARY PLAT; PREPARING AND FILING.

(A) Prior to the preparation of the preliminary plat, the subdivider shall prepare a subdivision sketch plan for review by the Planning Commission. The sketch plan will be submitted as a basis for informal discussion between the subdivider and the Planning Commission and shall not constitute formal filing of the plat with the city. The Planning Commission shall provide advice and assistance to the subdivider but will take no action on the sketch plan. The sketch plan should, as a minimum, show the site's location in the community, the type of development proposed, and preliminary lot and road layout including proposed minimum lot size. The subdivider shall pay the expense (if any) incurred by the city for the services to the city and/or Planning Commission of the Engineer and Attorney in the review of the sketch plan.

(B) When the subdivider feels he or she is ready to prepare the preliminary plat, he or she shall have his or her surveyor and/or planner draw one which is in conformity with the requirements of this chapter, as described in §§ [155.080 et seq.](#)

(C) The subdivider shall fill out an application for consideration of planning request, or other application blanks as may be required. At the time of filing, the subdivider shall pay appropriate fees as set forth in [Chapter 34](#).

(D) The subdivider shall furnish the City Manager-Clerk with 12 copies of the preliminary plat at least 15 days prior to the Planning Commission meeting at which it is to be considered.
(Ord. 179, passed 2-16-78)

§ 155.021 REVIEW OF PRELIMINARY PLAT.

(A) The City Manager-Clerk shall, upon receipt of the preliminary plat and application, refer three copies of the plat and application to the City Council, two copies of the plat to the Planning Commission, one copy of the plat to the school district if applicable, one copy to the County Planning Commission, and one copy to the Town Board if applicable.

(B) If the proposed subdivision abuts any state trunk highway, the City Manager-Clerk shall also refer one copy to the state District Highway Headquarters for review as required by state law; if it adjoins a public body of water one copy shall be referred to the state Commission of Natural Resources for review, and one copy to the Watershed District Board if applicable. Within five days after receiving the preliminary plat that includes or borders on an existing or proposed county road, the City Manager shall submit it to the County Engineer for review.

(C) The Engineer, Fire Chief, and Utilities Superintendent, and if appropriate, the School Board, County Planning Commission, Town Board, and the District Highway Engineer, shall within 30 days submit reports to the Planning Commission expressing recommendations for approval, disapproval, or revisions of the preliminary plat.

(D) Within 45 days after the plat is filed, the Planning Commission shall hold a public hearing on the plat. One notice of the purpose, time, and place of this public hearing shall be published in the official newspaper at

least ten days prior to the day of the hearing. The subdivider shall furnish the City Manager-Clerk with the names and mailing addresses of owners of all lands within 300 feet of the boundaries of the preliminary plat and the City Manager-Clerk shall give mailed notice of the hearing to these owners at least ten days prior to the day of the hearing, although failure of any property owner to receive notification shall not invalidate the proceedings.

(E) The subdivider or his or her representatives shall appear before the Planning Commission at the public hearing, in order to answer questions concerning the preliminary plat.

(F) The report of the Planning Commission shall be submitted to the City Council not later than 30 days after the public hearing on the plat. If the Planning Commission fails to make a report, the City Council shall proceed without the report. Failure to receive a report from the Planning Commission as herein provided shall not invalidate the proceedings or actions of the City Council.

(G) The City Council shall either approve or disapprove of a proposed plat within 120 days after a preliminary plat which contains all of the data required by § [155.041](#) and which conforms to the minimum design standards required by §§ [155.055](#) *et seq.* is submitted to the city unless the subdivider agrees to an extension of this time. The City Council may hold a public hearing on the plat following notice as provided herein. After receiving the Planning Commission's recommendations, the City Council will act to approve or disapprove the plat at its next regularly scheduled meeting. Approval of the plat shall be by passage upon a simple majority vote of the entire membership of the City Council.

(Ord. 179, passed 2-16-78)

§ 155.022 PRELIMINARY PLAT APPROVAL OR DISAPPROVAL.

(A) Approval of the preliminary plat is an acceptance of the general layout and indication to the subdivider that he or she may proceed toward fulfilling the necessary steps for approval of the plat in accordance with the terms of approval. This approval does not constitute final acceptance of the subdivision.

(B) The City Council may require modifications, changes, and revisions of the plat, as it deems necessary to protect the health, safety, morals, comfort, convenience, and general welfare of the community.

(C) If the City Council does not approve the plat, the reasons for this action shall be recorded in the proceedings and transmitted to the applicant within 15 days.

(Ord. 179, passed 2-16-78)

§ 155.024 FINAL PLAT; PREPARING AND FILING.

(A) After approval of the preliminary plat, the final plat may be prepared. It shall incorporate all changes, modifications, and revisions required; otherwise, it shall conform to the approved plat.

(B) In the case of large subdivisions, to be developed in stages, the subdivider may be granted permission to prepare a plat for only the portion of the approved plat that he or she proposes to develop at this time, provided this portion conforms with all the requirements of these regulations. The subdivider may be required, as a condition of approval, to submit an estimated time schedule for further staging of the platting and recording.

(C) All plats shall comply with the provisions of state statutes and the requirements of this chapter.

(D) The subdivider shall file 12 copies of the final plat with the City Manager-Clerk no later than six months after the date of approval of the preliminary plat. If this is not done, the approval of the preliminary plat will be considered void unless an extension is requested by the subdivider and granted in writing by the City Council.

(E) The subdivider shall submit, with the final plat, a current abstract of title or a registered property certificate along with any unrecorded documents and an opinion of title by the subdivider's attorney.

(Ord. 179, passed 2-16-78)

§ 155.025 REVIEW OF FINAL PLAT.

(A) The City Manager-Clerk shall, upon receipt of the plat, refer one copy to the City Council, the Engineer, and the County Planning Commission and Watershed District Board if applicable, and to applicable utility companies, to the State Department of Transportation, and to the applicable school district board; two copies to the Planning Commission; and one copy, with the abstract of title or registered property certificate and opinion of title, to the Attorney.

(B) The City Council may refer the plat to the Planning Commission for recommendation if they feel the plat is substantially different from the preliminary plat. The Planning Commission shall submit a report to the City Council within 45 days.

(C) The Engineer and Attorney shall submit a report to the City Council within 15 days upon receipt of the plat or at the next regular meeting of the City Council, whichever period is later, expressing their recommendations on the final plat. The City Council may require a report from the Fire Chief and/or Utility Superintendent.

(D) Prior to approval of the plat, the subdivider shall have installed all improvements or executed an agreement with the City Council for their installation. Improvements shall conform to approved engineering standards and be in compliance with the regulations in §§ [155.105](#) *et seq.*

(Ord. 179, passed 2-16-78)

§ 155.026 FINAL PLAT APPROVAL OR DISAPPROVAL; RECORDING.

(A) The City Council shall take action on the plat; this shall be done not more than 60 days after the final plat is filed with the City Manager-Clerk. If the plat is not approved, the reasons for this action shall be recorded in the official proceedings and transmitted to the subdivider within the 60-day period.

(B) If this plat is approved the City Council shall sign the plat and the subdivider shall then record it with the County Recorder within 180 days or the approved plat shall be considered void.

(C) The subdivider shall, immediately upon recording, furnish the City Manager-Clerk with a reproducible copy, either cron-aflex or its equivalent, of the recorded plat and two prints. Failure to furnish these copies shall be grounds for refusal to issue building permits for the lots within the plat.

(D) Upon receiving approval of the plat for a portion of the preliminary plat, the subdivider shall not be required to request a continuation of the recognition of the preliminary plat so as to maintain its approval, except that in the event a zoning amendment is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting.

(Ord. 179, passed 2-16-78)

ZONING AMENDMENTS AND CONDITIONAL USE PERMITS

§ 156.150 APPLICATION PROCEDURE.

(A) Request for chapter amendments or conditional use permits, as provided within this chapter, shall be filed with the Zoning Administrator on an official application form. The application shall also be accompanied by complimentary copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The Zoning Administrator shall refer the application, along with all related information, to the city Planning Commission for consideration and a report at least 15 days before the next regular meeting.

(B) The Zoning Administrator, on behalf of the Planning Commission, shall set a date for a public hearing. Notice of the hearing shall be posted as provided by state law at least ten days prior to the date of the hearing. For conditional use permits and for amendments, notice shall be mailed not less than ten days prior to all property owners of record according to the county assessment records, within 350 feet of the property to which the request relates. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this division has been made.

(C) The Planning Commission shall consider the request and hold a public hearing at its next regular meeting unless the filing date falls within 15 days of that meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The Zoning Administrator shall refer the application, along with all related information, to the Planning Commission for consideration. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment or conditional use.

(D) The Planning Commission shall consider possible adverse affects of the proposed amendment or conditional use. Its judgment shall be based upon, but not limited to, the following factors:

- (1) Relationship to the city's growth management system/Comprehensive Plan;
- (2) The geographical area involved;
- (3) Whether the use will tend to or actually depreciate the area in which it is proposed;
- (4) The character of the surrounding area; and
- (5) The demonstrated need for the use.

(E) The Planning Commission, City Council, and city staff shall have the authority to request additional information from the applicant concerning operational factors, this information to be declared necessary to establish performance conditions in relation to all pertinent sections of this chapter.

(F) The Planning Commission shall make a finding of fact and recommend actions or conditions, including explanations of any negative votes, relating to the request to the City Council.

(G) For all conditional uses, the following conditions shall be met:

- (1) The land area and setback requirements of the property containing the use or activity shall be the minimum established for the district.
- (2) Where applicable, all city, state, and federal laws, regulations, and ordinances shall be complied with and all necessary permits secured.
- (3) Adequate off-street parking and loading shall be provided in accordance with §§ [156.075](#) *et seq.* This parking and loading shall be screened and landscaped from abutting residential uses in compliance with this subchapter.

- (4) The proposed water, sewer, and other utilities shall be capable of accommodating the proposed use.
 - (5) The street serving the proposed use or activity shall be of sufficient design to accommodate the proposed use or activity, and the use or activity shall not generate such additional extra traffic to create a nuisance or hazard to existing traffic or to surrounding land uses.
 - (6) All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced or grassed to control dust and drainage.
 - (7) All open and outdoor storage, sales, and service areas shall be screened from view from the public streets and from abutting residential uses or districts.
 - (8) All lighting shall be designed as to have no direct source of light visible from adjacent residential areas or from the public streets.
 - (9) The use or activity shall be properly drained to control surface water runoff.
 - (10) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.
 - (11) Where structures combine residential and non-residential uses, these uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.
- (H) Upon receiving the report and recommendation of the Planning Commission, the City Council shall place the application and/or report and recommendation on the agenda for the next regular meeting. The reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- (I) Upon reviewing the application and/or receiving the report and recommendation of the Planning Commission, the City Council shall take one of the following actions within the time frame established by M.S. § 15.99, as it may be amended from time to time:
- (1) Approve or disapprove the request as recommended by the Planning Commission;
 - (2) Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. These modifications, alterations, or differing conditions shall be in writing and made part of the Council's records; or
 - (3) Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one time on a singular action.
- (J) The amendment of any portion of this chapter which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the City Council. Other amendments require a majority vote of the entire Council. Conditional use permit decisions shall be by a majority of those voting on the question. The Zoning Administrator shall notify the applicant in writing of the Council's action within the time frame established by M.S. § 15.99, as it may be amended from time to time.
- (K) The recommendation of the Planning Commission shall be advisory to the City Council. The decision of the City Council shall be final subject to judicial review.

(Ord. 134/94, passed 3-24-94)

§ 156.151 PERMIT CONDITIONS.

Conditional use permits shall remain in effect as long as the conditions agreed upon are observed. Nothing shall prevent the city from enacting or amending official controls to change the status of conditional uses.

(Ord. 134/94, passed 3-24-94)

§ 156.152 PERMIT EXPIRATION AND EXTENSION.

Whenever within one year after granting a conditional use permit, the terms as permitted by the permit shall not have been completed, then that permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. The extension shall be requested in writing and filed with the Zoning Administrator or City Manager-Clerk at least 30 days before the expiration of the original conditional use permit. There shall be no charge for the filing of this petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. The petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision and shall be requested only one time on a singular action.

(Ord. 134/94, passed 3-24-94)

§ 156.153 PERFORMANCE BOND.

(A) The Planning Commission and City Council shall have the authority to require a performance bond or other security when it is deemed necessary and appropriate.

(B) Except in the case of non-income producing residential property, upon approval of a conditional use permit the city may be provided with a surety bond, cash escrow, certificate of deposit, other securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. The security shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the city.

(C) The security may be in the amount of the City Council's estimated costs of labor and materials for the proposed improvements or development. The project can be handled in stages upon the discretion of the City Council.

(Ord. 134/94, passed 3-24-94)

§ 156.154 AMENDMENTS; INITIATION.

The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this chapter. Any person owning real estate within the city may initiate a request to amend the district boundaries or text of this chapter so as to affect that real estate. All amendment requests must first be reviewed by the Planning Commission and then approved by the City Council.

(Ord. 134/94, passed 3-24-94)

12/03/2024

Dear Tammy and Delores

Effective December 31 2024 I will be resigning from The Planning Commission. I have been on this for 27 years and have worked with many different persons and have enjoyed time on it. Milaca is growing with the current leadership and is it is good to see that and happy I could be a part of this.

Sincerely

A handwritten signature in cursive script that reads "Arla Johnson". The signature is written in black ink and is positioned above the printed name.

Arla Johnson