



Planning Commission Meeting Agenda

Monday, February 3rd, 2025 @ 6:00 PM

Chair: Simon Stricker

City Clerk: Krista Okerman

Commission:

Deputy Clerk: Cassandra Delougherty

Joby Goerges

City Attorney: Brad Person

Steve Stricker

Roman Siltman

Victor Prociuk

City of Jenkins
33861 Cottage Avenue
Jenkins, MN 56474
(218) 568-4637

Join Zoom Meeting
<https://zoom.us/join>
Meeting ID: 353 029 2985
Password: 56474
Dial by location: (312) 626-6799 (US Chicago)

NOTE: Printed materials relating to agenda items are available for public inspection in a three-ring binder on table by Council Chamber entrance.

INTRODUCTION OF NEWLY APPOINTED PLANNING COMMISSIONER

1. Call to Order – Pledge of Allegiance
2. Roll Call
3. Approval
 - a. Agenda
 - b. Minutes from the January 6th, 2024 meeting
4. Unfinished Business
 - a. Red Oak Farm CUP
5. Miscellaneous/Communication
6. Adjournment

**COUNTY OF CROW WING
CITY OF JENKINS
MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
JANUARY 6TH, 2025**

CALL TO ORDER: The regular Planning Commission meeting was called to order at 6:00 PM by Chairman Stricker with all citing the Pledge of Allegiance.

ATTENDANCE: Present: Chairman Stricker; Commissioners Siltman, St. Stricker, Smuda, and Goerges; Deputy Delougherty.

ADDITIONS/DELETIONS: none

APPROVALS: The Agenda and Minutes from December 2nd, 2024 Regular Meeting. Chairman Stricker noticed a spelling error in the previous meeting minutes that will be corrected, and Deputy Delougherty indicated the the original agenda packet that was sent out to Commissioners for this meeting had the year of 2024 listed, but has since been corrected on the website, as well as the hard-copy provided in Chambers. **Motion to approve the agenda and minutes from the December 2nd meeting made by Goerges, seconded by St Stricker. All ayes.**

MISC/COMM *a. Shouses/Barndominiums:* Shouses and Barndominiums were discussed regarding performance standards, tax (dis)advantages (including a few examples of properties in the area), safety, compliance, code, etc., as well as potential issues of a pole shed being used as a dwelling. Guidance from the MN Dept of Labor & Industry was shared with the Commission. The Commission would like to add to the state’s definition of barndominiums and shouses by adding that it ‘is any structure that is 50% storage or more’. A proposed ordinance was provided to the Commission. Upon review, the Commission found that they would like to require a living area of at least 400ft² or 25% of the storage size, whichever is greater, and a roof pitch of 4/12. The Commission wasn’t sure that they liked (F)(2) of the proposed ordinance which requires one egress window for every 15ft of building width, arguing that many homes don’t ever have windows every 15ft apart, or any windows on their north side, in some cases. When addressing the Land Use Matrix, the Commission agreed that Barndominiums/Shouses should be permitted in Ag, RR, and R-1, but Exempt in R-2, RS, P, C-1, C-2, and I-1 Zoning Districts. Staff are contacting the County to gather more information regarding the tax classifications, in hopes that someone will be able to join a Commission or Joint meeting to better explain. Staff was directed to research surrounding cities performance standards and rules surrounding these types of dwellings. **Motion to table the agenda item pending**

further information, performance standards, and tax classifications made by Commissioner Goerges, seconded by Smuda. All ayes.

b. Storage, Commercial and Self-Storage Facilities: Commission discussed Commercial Storage and Self-Storage Facilities (aka Mini-Storage). After receiving a number of inquiries regarding different types of storage in 2017-2020, the Commission made the determination to allow Storage Buildings, Commercial as an Accessory Use by CUP in the Ag, C-1, C-2, and I-1 Zoning Districts, but to allow Self-Storage Facilities (Mini-Storage) by CUP only the same Zoning Districts. Chairman Stricker indicated that he did not believe that the intent of the Commission was to allow Storage Buildings, Commercial, or Self-Storage Facilities (Mini-Storage) to be approved as a primary use for a property, but thinks that they should be allowed on properties that have a primary business and normal business hours. Staff provided the Commission with Meeting Minutes from a number of previous meetings that discussed and prepared the ordinance at that time. The Commission would like to see performance standards from surrounding Communities, and request that Ordinance O-20-20 be amended to read that Self-Storage Facilities (Mini-Storage) are only allowed on 50% of the buildable lot size and that the Land Use Matrix be updated as shown below. Additions highlighted in yellow, deletions struck in red.

	Ag	RR	R1	R2	RS	P	C-1	C-2	I-1
Storage Buildings, Commercial	CUP AC	E	E	E	E	E	CUP AC	CUP AC	CUP AC
Self-Storage Facility (mini-storage)	CUP AC	E	E	E	E	E	CUP AC	CUP AC	CUP

Motion to move forward with researching performance standards and work toward amending Ordinance O-20-20 made by Commissioner Siltman, seconded by Smuda. All ayes.

c. Planning Commission Bylaws: Mayor Rudlang had attended the December 2nd, 2024 PC Meeting and praised the Commission for their commitment and dedication to the City of Jenkins, mentioning how challenging the position can be. He discussed the Personnel Committee's recommendation to address the bylaws that the City has put in place and recommend 80% of meetings are attended by each Commissioner. There are two Commission seats that are up appointment this year, Sean Smuda and Steve Stricker. The City Council approved the Personnel Committees recommendations On December 9th, 2024 and the approved bylaws were provided to the Commission. Both Commissioner St. Stricker and Smuda were asked to provide the City with an indication of their interest by mail, email, or by attending the next City Council Meeting on January 13th, 2025.

MISC/COMMUNICATION: none

ADJOURNMENT Motion to adjourn made by Commissioner St. Stricker, seconded by Goerges at 8:10pm. All present voted aye.

Respectfully submitted by Cassandra Delougherty, Deputy City Clerk.

Cassandra Delougherty, Deputy City Clerk

Dated: _____



AGENDA ITEM #

4a

REPORT TO PLANNING COMMISSION

Prepared by: Krista Okerman
Date: January 30, 2025
Subject: Conditional Use Permit

Report: Attached please find information regarding a Conditional Use Permit for Red Oak Farm. The Conditional Use Permit is being reviewed per City Code, gather information and determine possible ways to proceed on the permit. I have asked the property owners to attend the meeting and they have indicated they will be present. Please note this is not a public hearing, but an effort for the City and the property owners to maintain open communication and mitigate potential problems for all stakeholders.

**CITY OF JENKINS
RESOLUTION #23-02-249
APPROVING A CONDITIONAL USE PERMIT FOR
ALEXANDER W. DROWN**

WHEREAS Alexander W. Drown (“Applicant”) has submitted an application for a Conditional Use Permit to operate an Events Center in the Agricultural District at 35002 County Road 15 in the City of Jenkins, Minnesota; and

WHEREAS, the property is legally described as follows:

SW 1/4 OF SE 1/4 SUBJ TO AN ESMNT OF RECORD OF SECTION 22, TOWNSHIP 137N, RANGE 29W

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on February 6th, 2023, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Jenkins considered the Planning Commission’s recommendations at its February 13, 2023 meeting.

NOW, THEREFOR, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF JENKINS, CROW WING COUNTY, MINNESOTA, that it does hereby approve the request of Alexander W. Drown for a Conditional Use Permit, based upon Subdivision Ordinance Section XI, 11.4 which provides the standards for granting a Conditional Use Permit. The City Council’s Findings related to the standards are as follows:

1. The subject property is located at 35002 County Road 15 (PIN 26220539).
2. The subject property is 40.4 acres and is zoned, “Agricultural.”
3. The conditional use permit request is operate an “event center” primarily in a barn and other building/exterior areas located on the subject property. “Event center” is allowed in the “Agricultural” Zone with a conditional use permit.

4. The property contains a single-family dwelling served by a well and subsurface sewage treatment system and an accessory structure (barn) that does not contain plumbing facilities.
5. The proposed event space is located within an approximately 36' x 84' (3,024 sf) barn. All parking for events is proposed to be on site (southwest and southeast of barn).
6. All parking for events is proposed to be on site (southwest and southeast of barn).
7. Temporary/portable privies are proposed to be utilized and would be placed south of the barn.
8. The applicant proposes to rent out the property "during non-winter months for events such as weddings, etc."
9. The applicant intends to allow over-night camping for event attendees in the field located east of the barn.
10. The use or development is an appropriate conditional use in the land use zone.
 - a. "Event Center" is allowed with a conditional use permit in the "Agricultural" Zone.
11. The use or development, with conditions, conforms to the comprehensive land use plan.
 - a. The future land use map contained the comprehensive plan identifies the subject property as "Agricultural." The proposed use is consistent with the comprehensive plan as it will maintain the agricultural aesthetic/character of the subject property by utilizing an existing barn and continuing to utilize the agricultural fields located on the property for agricultural use.
12. The use with conditions is compatible with the existing neighborhood.
 - a. The subject property is 40 acres and the proposed event center is located approximately 600 ft from the nearest adjacent dwelling (southwest). The use, with conditions, is compatible with the surrounding neighborhood.
13. The use with conditions, with conditions will not create a public nuisance or be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
 - a. Event centers having an occupant load of 100 people have been deemed by the state legislature as "places of public accommodation" per Minnesota Statute 326B.108 and when located where there is no municipal building code enforcement (e.g. City of Jenkins), comes under the jurisdiction of the Minnesota Department of Labor and Industry for plan review and construction permits.
14. 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 diminish or impair values in the immediate vicinity.
15. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - a. There are several vacant parcel located in the vicinity of the subject property. The proposed use will not impact development of adjacent vacant parcels for uses predominant in the area (residential).
16. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - a. The proposed use will not generate additional costs for public services that would be detrimental to the economic welfare of the community.
17. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
 - a. The subject property is accessed by County Road 15 via a driveway entrance located in the southwest corner of the subject property. Crow Wing County Highway Department requires construction of a right-hand turn lane at the property entrance so additional traffic generated by the proposed use will not

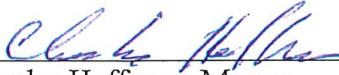
- create congestion or an indifference with traffic on surrounding properties.
18. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
 - a. All parking and loading areas are located on-site.
 19. Adequate measures have been taken or 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.
 20. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
 - a. There are no known natural, scenic or historical features of major significance located on the subject property.
 21. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

FURTHER BE IT RESOLVED that the following conditions of approval of the Conditional Use Permit shall be met:

1. Compliance with all applicable regulations including state health code, state building codes, and local liquor licensing requirements is required. **The applicant shall provide approved permits (to the city) from the State of Minnesota Department of Labor and Industry and other applicable State agencies prior to operation of the event center.**
 - a. In accordance with the email correspondence with Britt McAdamis (Minnesota Department of Labor and Industry) from January 20, 2023, "A place of public accommodation is required to be designed by licensed design professionals, this means and architect for the overall building compliance, a structural engineer for building structure, a mechanical engineer for building ventilation systems per Minnesota Rule 1800.5200, Subpart 1. Plan review of the construction documents and permitting is under the jurisdiction of the Minnesota Department of Labor and Industry."
2. The applicant shall obtain appropriate access permits from Crow Wing County Highway Department.
3. All parking shall be onsite. There shall be no parking in the public right-of-way.
4. The applicant shall limit visibility and impact to adjacent properties by maintaining a vegetative buffer between the area of the single-family dwelling/barn and the west and south property lines. Final vegetation plans shall be reviewed/approved by the planning commission and implemented prior to operation of the event center.
5. Noise generated by events shall not exceed the maximum levels in Section 7.2 "Nuisance Standards," Subpt C., "Noise" of the Jenkins Land Use and Subdivision Ordinance.
6. All amplified sound/music shall be inside of the reception facility (barn). Sound amplifications systems (e.g. speakers) shall not be allowed to be placed or generated outside of the reception facility (barn).
7. Amplified sound shall not be allowed after 12:00 AM (midnight) on the subject property.
8. The hours of operation shall be limited to 10 am-7 pm on Fridays for event set-up, 8am-12am on Saturdays & until 12pm on Sundays for clean-up.
9. Up to three camping units (cumulative) including any combination of campers, tents, or other recreation vehicle shall be allowed onsite for overnight camping.


10. There shall be a maximum of six events and/or weddings (total cumulative) held from July 1 – October 31 on an annual basis.

Adopted by the Jenkins City Council this 13th day of February, 2023.



Charles Hoffman, Mayor

ATTESTED:



Krista A. Okerman, Jenkins City Clerk-Treasurer

CITY OF JENKINS

33861 Cottage Avenue
Jenkins, MN 56474

Phone: 218-568-4637

Website: www.ci.jenkins.mn.us



May 25, 2023

Sent via mail and email.

Mr. Alex Drown
35002 County Road 15
Jenkins, MN 56472

Re: Conditional Use Permit

Dear Mr. Drown:

The City Council approved your Conditional Use Permit to operate an Event Center with conditions at the above listed address at their February 13, 2023. The Conditional Use Permit has been filed with Crow Wing County. Your Conditional Use Permit was approved with the following Findings and Conditions:

FINDINGS:

1. The subject property is located at 35002 County Road 15 (PIN 26220539).
2. The subject property is 40.4 acres and is zoned, "Agricultural."
3. The conditional use permit request is operate an "event center" primarily in a barn and other building/exterior areas located on the subject property. "Event center" is allowed in the "Agricultural" Zone with a conditional use permit.
4. The property contains a single-family dwelling served by a well and subsurface sewage treatment system and an accessory structure (barn) that does not contain plumbing facilities.
5. The proposed event space is located within an approximately 36' x 84' (3,024 sf) barn. All parking for events is proposed to be on site (southwest and southeast of barn).
6. All parking for events is proposed to be on site (southwest and southeast of barn).
7. Temporary/portable privies are proposed to be utilized and would be placed south of the barn.
8. The applicant proposes to rent out the property "during non-winter months for events such as weddings, etc."
9. The applicant intends to allow over-night camping for event attendees in the field located east of the barn.

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10. The use or development is an appropriate conditional use in the land use zone.
11. "Event Center" is allowed with a conditional use permit in the "Agricultural" Zone.
12. The use or development, with conditions, conforms to the comprehensive land use plan.
13. The future land use map contained the comprehensive plan identifies the subject property as "Agricultural." The proposed use is consistent with the comprehensive plan as it will maintain the agricultural aesthetic/character of the subject property by utilizing an existing barn and continuing to utilize the agricultural fields located on the property for agricultural use.
14. The use with conditions is compatible with the existing neighborhood.
15. The subject property is 40 acres and the proposed event center is located approximately 600 ft from the nearest adjacent dwelling (southwest). The use, with conditions, is compatible with the surrounding neighborhood.
16. The use with conditions, with conditions will not create a public nuisance or be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
17. Event centers having an occupant load of 100 people have been deemed by the state legislature as "places of public accommodation" per Minnesota Statute 326B.108 and when located where there is no municipal building code enforcement (e.g. City of Jenkins), comes under the jurisdiction of the Minnesota Department of Labor and Industry for plan review and construction permits.
18. 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 diminish or impair values in the immediate vicinity.
19. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
20. There are several vacant parcel located in the vicinity of the subject property. The proposed use will not impact development of adjacent vacant parcels for uses predominant in the area (residential).
21. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
22. The proposed use will not generate additional costs for public services that would be detrimental to the economic welfare of the community.
23. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
24. The subject property is accessed by County Road 15 via a driveway entrance located in the southwest corner of the subject property. Crow Wing County Highway Department requires construction of a right-hand turn lane at the property entrance so additional traffic generated by the proposed use will not create congestion or an indifference with traffic on surrounding properties.
25. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
26. All parking and loading areas are located on-site.

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27. 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.
28. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
29. There are no known natural, scenic or historical features of major significance located on the subject property.
30. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

CONDITIONS:

1. Compliance with all applicable regulations including state health code, state building codes, and local liquor licensing requirements is required. **The applicant shall provide approved permits (to the city) from the State of Minnesota Department of Labor and Industry and other applicable State agencies prior to operation of the event center.**
 - a. In accordance with the email correspondence with Britt McAdamis (Minnesota Department of Labor and Industry) from January 20, 2023, "A place of public accommodation is required to be designed by licensed design professionals, this means and architect for the overall building compliance, a structural engineer for building structure, a mechanical engineer for building ventilation systems per Minnesota Rule 1800.5200, Subpart 1. Plan review of the construction documents and permitting is under the jurisdiction of the Minnesota Department of Labor and Industry."
2. The applicant shall obtain appropriate access permits from Crow Wing County Highway Department.
3. All parking shall be onsite. There shall be no parking in the public right-of-way.
4. **The applicant shall limit visibility and impact to adjacent properties by maintaining a vegetative buffer between the area of the single-family dwelling/barn and the west and south property lines. Final vegetation plans shall be reviewed/approved by the planning commission and implemented prior to operation of the event center.**
5. Noise generated by events shall not exceed the maximum levels in Section 7.2 "Nuisance Standards," Subpt C., "Noise" of the Jenkins Land Use and Subdivision Ordinance.
6. All amplified sound/music shall be inside of the reception facility (barn). Sound amplifications systems (e.g. speakers) shall not be allowed to be placed or generated outside of the reception facility (barn).
7. Amplified sound shall not be allowed after 12:00 AM (midnight) on the subject property.
8. The hours of operation shall be limited to 10 am-7 pm on Fridays for event set-up, 8am-12am on Saturdays & until 12pm on Sundays for clean-up.

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9. Up to three camping units (cumulative) including any combination of campers, tents, or other recreation vehicle shall be allowed onsite for overnight camping.
10. There shall be a maximum of six events and/or weddings (total cumulative) held from July 1 – October 31 on an annual basis.

Please be advised that the highlighted items have yet to be fulfilled. This serves as a reminder that until those items have been completed, no events may take place. The next Planning Commission meeting is June 5, 2023 at 7:00 PM, which would be the last meeting prior to your approved event timeline for them to review your vegetation plans. The deadline for submittal for the meeting is Wednesday, May 31st at 2 PM.

Feel free to contact me with any questions at (218) 568-4637 or at krista.okerman@jenkins-mn.com.

Sincerely,



Krista A. Okerman, MMC
City Clerk-Treasurer/Planning and Zoning Administrator

C: Planning Commission
City Council

CITY OF JENKINS

33861 Cottage Avenue
Jenkins, MN 56474

Phone: 218-568-4637

Website: www.ci.jenkins.mn.us



November 1, 2023

Mr. Alex Drown
35002 County Road 15
Jenkins, MN 56474

**RE: City of Jenkins
Conditional Use Permit violation
PID: 26220539**

Dear Mr. Drown:

It has come to my attention through complaints and first-hand knowledge that one or more of the conditions of your Conditional Use Permit have been violated. Per the letter sent to you dated May 25, 2023, no events were to take place until the following occurred:

1. The applicant shall provide approved permits (to the city) from the State of Minnesota Department of Labor and Industry and other applicable State agencies prior to operation of the event center.
2. The applicant shall limit visibility and impact to adjacent properties by maintaining a vegetative buffer between the area of the single-family dwelling/barn and the west and south property lines. Final vegetation plans shall be reviewed/approved by the planning commission and implemented prior to operation of the event center.

To date the City has not received copies of any State permits nor have we received any final vegetation plans. Another condition of approval was that up to three camping units (cumulative) including any combination of campers, tents, or other recreation vehicle shall be allowed onsite for overnight camping. Two events were held in September; one on the 17th and another on 30th. Both of those events had a minimum of 6 campers, which is double the number of allowed camping units per the conditions.

Since this is the first I was made aware of the violation and the last date of your allowed events was to take place is October 31st, I would like the opportunity to work with you to correct this situation as opposed to initiating formal action. However, please be advised that this is a **VERY**

CITY OF JENKINS

33861 Cottage Avenue
Jenkins, MN 56474

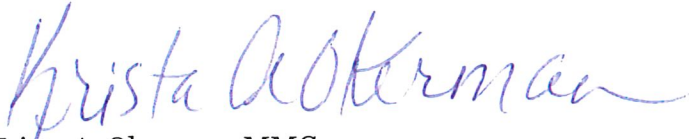
Phone: 218-568-4637

Website: www.ci.jenkins.mn.us

SERIOUS matter and no further events can take place until you have complied with the two highlighted conditions. We will be closely monitoring this situation and any further disregard of the conditions set forth in your Conditional Use Permit shall deem it suspended and a review of the violations will be conducted by the Planning Commission at that time. You have the right to appeal any decisions through a hearing of the Planning Commission.

Understand our commitment to uphold the City Code and the conditions of your Conditional Use Permit for the safety of all and the ability of people to enjoy their properties. Thank you in advance for your cooperation in resolving this matter. Feel free to contact me with any questions or concerns.

Sincerely,



Krista A. Okerman, MMC
Clerk-Treasurer/Planning and Zoning Administrator

C: Planning Commission
City Council

CITY OF JENKINS

33861 Cottage Avenue
Jenkins, MN 56474

Phone: 218-568-4637

Website: www.ci.jenkins.mn.us



January 6, 2025

SENT VIA USPS AND EMAIL

Mr. Alex Drown
35002 County Road 15
Jenkins, MN 56472

Re Conditional Use Permit for Red Oak Farm

Dear Mr. Drown,

I am writing to notify you that the City of Jenkins would like to review your Conditional Use Permit (CUP) for Red Oak Farm. As part of the review process to ensure compliance with the Conditional Use Permit conditions and the local zoning ordinances, I kindly request your attendance at the following upcoming meeting.

Meeting details:

- Date: February 3, 2025
- Time: 6:00 PM
- Location: Jenkins City Hall, 33861 Cottage Avenue, Jenkins, MN 56474

The purpose of the meeting is to assess compliance with the terms and conditions outlined in your CUP and address any questions or concerns raised by the Planning Commission, City Staff or community members. Your attendance at the meeting will provide an opportunity to present any updates, compliance matters and to respond to any inquiries.

If you have any supporting documents or updates that are relevant to your permit, I strongly encourage you to submit them to City Hall no later than January 24, 2025.

Please confirm your attendance by January 27, 2025 by contacting me at 218-568-4637 or krista.okerman@cityofjenkins.com. In the meantime, should you have any questions or require additional information, feel free to reach out to me.

We appreciate your cooperation and look forward to your participation in this important review process.

Sincerely,

A handwritten signature in cursive script that reads "Krista A. Okerman".

Krista A. Okerman, MMC
City Clerk-Treasurer/Planning and Zoning Administrator

City of Jenkins Land Use Ordinance

§ 150.283 CONDITIONAL USE PERMITS.

(A) Any use listed as a conditional use in this chapter shall be permitted only upon application to the Zoning Administrator, public hearing review and recommendation of the Planning Commission, and approval and issuance of a conditional use permit by the City Council.

(B) All applications for a conditional use permit shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten days ahead of the public hearing. The Zoning Administrator shall send the same notice ten days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and with no fee by giving 14 days' notice thereof to the Zoning Administrator, meeting time permitted.

(C) The applicant shall complete the conditional use permit application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration, and city contact information. The city shall not accept applications where the applicant has past due fees or charges due to the city until the account is made current.

(D) 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 chapter, 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:

- (1) Increasing the required lot size or yard dimension;
- (2) Limiting the height, size, or location of buildings;
- (3) Controlling the location and number of vehicle access points;
- (4) Increasing the street width;
- (5) Increasing or decreasing the number of required off-street parking spaces;
- (6) Limiting the number, size, location, or lighting of signs;
- (7) Requiring berming, fencing screening, landscaping, or other facilities to protect adjacent or nearby property; and
- (8) Designating sites for open space.

(E) The Planning and Zoning Commission shall decide the issue with consideration to the following.

(1) The following must be met.

(a) The use or development is an appropriate conditional use in the land use zone.

(b) The use or development, with conditions, conforms to the Comprehensive Land Use Plan.

(c) The use, with conditions, is compatible with the existing neighborhood.

(d) The use, with conditions, would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance, or prosperity of the city.

(2) The following must be considered.

(a) 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 diminish or impair values in the immediate vicinity.

(b) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

(c) The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

(d) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.

(e) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.

(f) 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.

(g) The conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historical feature of major significance.

(h) The conditional use will promote the prevention and control of pollution of the ground and surface waters, including sedimentation and control of nutrients.

(F) 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.

(G) Conditional use permits may be transferable where requested by an applicant and approved by the Planning Commission.

(H) Violations of the conditions of a conditional use permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall determine conditions for reinstating the permit or revocation, if applicable.

(I) Failure by the owner to act on a conditional use permit within 12 months, or failure to complete the work under a conditional use permit within two years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any conditional use permit outstanding at the time of the adoption of this chapter.

(J) All uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new conditional use permit.

(K) Appeals from the action of the city shall be filed with District Court within 30 days after City Council action.

(L) The conditional use permit shall be filed with the County Recorder within 45 days. The applicant need not wait for filing to proceed.

(M) Planned unit development procedure and submissions procedure is as follows.

(1) The applicant may submit a concept plan to the Planning Commission for review and discussion at least 14 days prior to the meeting.

(2) Based on discussion, the applicant can formally apply by submitting preliminary documents, prepared with professional help, including as a minimum the CUP application, and further shall contain the following:

- (a) Proposed concept of plan operation;
- (b) Proposed plat or floor plan, if applicable;
- (c) Proposed recreational amenities;
- (d) Proposed timing;
- (e) Proposed final security; and
- (f) Proposed development contract.

(3) The Planning Commission shall review the submissions and act on the application within the required time frame with a complete finding of facts.

(4) The applicant shall then proceed within the time frame accepted under the preliminary proposal to provide final documents as required, including:

- (a) Financial security;
- (b) Development contract;
- (c) Title opinion;
- (d) Final plat or floor plan;
- (e) Surveyor's plat check;
- (f) Final covenants and associated documents;
- (g) Final time schedule;
- (h) Final site plan which will control development; and
- (i) MPCA/MnDH approval letter on sewage system and water supply.

(Ord. passed 4-10-2017)

Minnesota Department of Public Safety State Fire Marshal Division

Fire Safety for Assembly Occupancies (Including Wedding Barns & Wineries)

Assembly occupancies

The Minnesota State Fire Code (MSFC) classifies buildings used for recreation, drinking, dining, or gathering for 50 or more people as assembly occupancies. Since these buildings have lots of people in them, the MSFC contains several fire and life safety provisions.

Barns and agricultural buildings

The MSFC expects that these buildings are used to store equipment and farming supplies. Because storage of these items poses little risk to people the fire code requirements for barns and agricultural buildings are minimal.

Converting from agricultural to assembly uses

When large numbers of people and fire hazards are brought into barns and agricultural buildings that are converted to assembly occupancies, the life safety risk increases dramatically. Few of these buildings meet the minimum fire and life safety requirements of the MSFC. The following is fire safety information for agricultural buildings that have been converted to an assembly occupancy.

Number of occupants

The MSFC establishes the number of people that are allowed in the building based on its size and how it will be used. These occupant load factors have been established based on many studies about how many people are actually in these assembly buildings. Many of the other fire code requirements are based on the number of people allowed in the building. Here are the common space requirements based on the type of use:

- For seating at table and chairs: 15 square feet per person.
- For chair seating only: 7 square feet per person.
- For dance floor areas: 7 square feet per person.

For example, a building with 3,300 square feet of table seating and 700 square feet of dance floor (4,000 square feet total) would have an occupancy load of 320 people (3,300 divided by 15 = 220 people; 700 divided by 7 = 100 people; 220 + 100 = 320 people). The MSFC requires a sign indicating the maximum occupant load; these are often seen for hotel ballrooms, bars, and restaurants.

Fire sprinkler protection

The ultimate in fire safety protection is a fire sprinkler system; it is considered an "active" fire protection system because it both alerts people to a fire and actually prevents additional fire growth. Fire sprinkler systems are required for barns and similar venues that are converted to assembly occupancies where food or alcohol is served and:

- Have 100 or more people (based on the size calculations) or
- The building is more than 5,000 square feet in size.



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Fire alarm systems

A fire alarm system is required for both new and existing assembly buildings with 300 or more occupants. The fire alarm system is required to have automatic detection in areas where fires frequently start or that are not always occupied, such as kitchens, boiler/furnace rooms, mechanical rooms, electrical rooms, larger storage rooms, and laundry rooms.

Once activated, the fire alarm system is required to sound a general evacuation signal throughout the building so people are alerted and can safely leave.

Number of exit doors

A minimum of two exit doors is required when there are 50 to 500 people in your building. Three exit doors are required when there are 501 to 1,000 people in your building and four exit doors are required when there are more than 1,000 people in your building.

These exit doors must be located remotely from one another so a single fire or other emergency does not compromise more than one exit.

Exit width

Each exit must have enough width to safely accommodate the number of people. The MSFC allows each three-foot-wide exit door to serve 160 people. Examples of exit width:

- One three-foot-wide door = 160 people
- One four-foot-wide door = 230 people
- Two three-foot-wide doors together = 320 people

If the building has 320 possible occupants (as calculated in “Number of Occupants” section above) and has two 30-inch wide doors, there is not have enough exit width for the number of people that will be in the building. Additional exit width will likely need to be provided.

If, however, there is exit width capacity for 480 people (such as thee exit doors that are 3 feet wide), the facility is allowed to have that number of people even if your occupant load capacity calculates less (such as the 320 possible occupants in the previous example).

Other door requirements

There are three additional door requirements that play into egress requirements: direction of door swing, EXIT signs, and locking hardware. All exit doors must swing outward from assembly buildings. Each exit door or set of doors must have lighted EXIT signs above them. If the doors have a lock or latch on them, the lock or latch must release from the inside through a panic hardware device (simply push on this device and the door opens).

Emergency lighting

The MSFC requires a second power supply so that people can find their way to an exit should the primary power fail. This is typically accomplished with emergency lighting units or an automatic back-up generator that provides lighting during an electrical outage.



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Cooking

Cooking operations are the leading cause of fires in assembly buildings. If you are cooking raw food inside the building by frying (surface, pan, griddle, or deep fat frying), grilling, broasting, or broiling, a commercial cooking hood with a built-in suppression system is required.

Interior finish and decorations

Decorations and interior finishes are often the items ignited early in the fire that allow the fire to grow and spread. Any decorations must be kept at least 3 feet away from heat sources. The furnishings on walls and ceilings must resist ignition and fire spread. Look for materials that have a Class A or B flame-spread ratings. These include things like gypsum wallboard and solid wood paneling. Items such as carpet, plywood, particle board, plastics, and foam plastics will allow the fire to spread and prevent people from escaping.

Open flames and ignition sources

Open-flame devices, such as candles and food warming cans, should be avoided because they can easily ignite items that are close to them; electric candles are an inexpensive and safe alternative to open-flame candles.

Extreme caution should be used when placing decorations near electric lamps and open flames. Standard electric lamps (i.e. light bulbs) can get up to 900° F, which is more than sufficient to ignite ordinary combustibles (such as wood, paper, and plastics, which typically ignite around 500° F). Light emitting diode (LED) devices are good alternatives to traditional electric lamps because they operate at much cooler temperatures (plus they save energy).

Fire department access

Does the site have enough space for emergency vehicles to get to the building and operate? Fire trucks are often 30-35 feet long and need additional space to set up hoses and be operational.

Firefighting capabilities

It cannot be assumed that the fire department will have the time, equipment, and resources to save an assembly building if it is several miles from the nearest fire station. Many barn fires are impossible to control given the distances, materials, and open nature of these buildings. A building will be much more likely to survive a fire if the owner takes appropriate precautions beforehand.

Hazardous areas

Certain rooms and areas are considered an increased hazard and must be fire-separated from the areas used by people. Examples include rooms used to store vehicles, flammable or combustible liquids, rooms used for painting, rooms used for repairing equipment, and rooms having larger furnaces and boilers (over 400,000 BTU per hour input).

One-hour fire separations can be achieved with 5/8-inch gypsum wallboard on each side of a stud wall. Any doors into these spaces must be kept closed and have one-hour fire ratings (the fire ratings are shown on a label on the door). The doors can be held open if tied to a smoke detection system that will release in the event of a fire.



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Insurance considerations

If a barn is currently insured as an agricultural building, there probably is inadequate liability coverage. In many cases, insurance companies will deny any claims if the building is improperly insured for the risk (increased personal injury risk as opposed to property loss claims generally associated with an agricultural building). Owners of these buildings should check with their insurance agent to see if there is adequate coverage for assembly events.

The liability claims for the Station Nightclub fire (a bar fire in 2003 that killed 100 and injured 230 people) was over \$150 million. Treating a serious burn injury can result in a \$1-2 million claim; if an insurance company denies coverage, the property owner will probably be sued and can be held financially responsible for that. The State Fire Marshal recommends a minimum of \$5 million of liability coverage, but building owners may want to consider more based on your personal worth, finances and legal exposure. The owner's insurance agent or attorney should be consulted on the minimum amount of liability insurance needed.

