



CITY OF MILACA
PLANNING COMMISSION AGENDA
MAY 15, 2023
6:00 P.M.
255 1ST ST E, CITY HALL COUNCIL ROOM

1. Open Regular Planning Commission Meeting
2. Call to Order/Roll Call
3. Approve minutes from March 13, 2023
4. Open Public Hearings:
 - a. Variance Application request from Darryl & Mary Stimmler
 - b. Preliminary Plat from Bluewaters-Potato Patch-Milaca MN, LLC **HANDOUT AT MEETING**
 - c. Conditional Use Permit from Bluewaters-Potato Patch-Milaca MN, LLC **HANDOUT AT MEETING**
 - d. Zoning Code 156.038 (D)(48) Amendment
5. Close Public Hearings:
6. New Business
 - a. Variance Application request from Darryl & Mary Stimmler
 - b. Preliminary Plat from Bluewaters-Potato Patch-Milaca MN, LLC
 - c. Conditional Use Permit Request by Bluewaters-Potato Patch-Milaca MN, LLC
 - d. Zoning Changes to 156.038 (D)(48) to allow slaughtering in the B2 Zoning District
 - e. Discuss possible annexation from Borgholm and Milaca Townships
7. Miscellaneous
8. Adjourn

PLANNING COMMISSION MEETING ON MAY 15, 2023

Variance for Lot Coverage and Set-Back from Darryl & Mary Stimmler: They would like to replace their current 8x10 shed with a 10x18 shed but this shed is/would be located within approximately 2.5 feet from north property line. This shed would also cover more than the 60% allowed by Ordinance. See Phil Carlson's Planning Report for more details.

Preliminary Plat from Bluewaters-Potato Patch-Milaca MN, LLC: Some questions to ask:

1. Who maintains the road into the development?
2. Where is water/sewer coming in from?
3. Utility easements?
4. Will there be a water meter for each townhouse building or one big meter?

We will have plans available for viewing at the meeting.

Conditional Use Permit from Bluewaters-Potato Patch-Milaca MN, LLC: Greg Chaffin from Bluewaters-Potato Patch-Milaca MN, LLC would like to construct two four plex dwellings and one three plex dwelling. Height of these dwellings would be 31.5 feet.

Some questions that may want to be asked are:

1. Who is responsible for lawn/land maintenance?
2. Who is responsible for road plowing/maintenance?
3. Is this an HOA or privately owned?

Zoning Changes to Allow Slaughtering in the B2 Zone: City of Milaca has been approached by a potential land buyer to build a meat market in the B2 Zone. Meat markets are allowed but not slaughtering. This potential buyer would like to have a slaughtering business as well. Planning Commission could allow this but put a stipulation that slaughtering is only allowed in B2 with one acre or more. This would prevent any slaughtering in the downtown area. See Ordinance #156.038 (D)(48).

Possible Annexation from Borgholm and Milaca Townships: See map enclosed in your packet on the possible annexation area (orange colored area). If this is considered, we would want some stipulation in regard to salvage yards (Terry Wade lot). Would we require a fence around his entire property? If so, how high? Would we give him so much time to "clean up"? This is just in the beginning stage. Many more meetings to be held on this topic.

March 13, 2023 – 6:00 pm

1. Members present – Brett Freese, Arla Johnson, Joel Millam, Pam Novak and Brad Tolzman. Member absent – Hayden Hultman.
2. Others present – Tammy Pfaff, City Administrator.
3. Motion made by Brett Freese and seconded by Arla Johnson to accept the Secretary report from the December 5, 2022 meeting. Motion carried.
4. Public Hearing was opened at 6:04 pm. Having no one present to speak, the Public Hearing was closed at 6:05 pm.
5. New Business
 - a. Preliminary Plat Request from CKW Developers for Boulder Ridge Fourth Addition. Based on presented Conditions of Approval/Findings of Fact for Approval, motion was made by Joel Millam and seconded by Arla Johnson to accept the request. Motion carried.
 - b. Final Plat Request from CKW Developers for Boulder Ridge Fourth Addition: Based on presented Conditions of Approval/Findings of Fact for Approval, motion was made by Joel Millam and seconded by Arla Johnson to accept the request. Motion carried.
 - c. Planned Unit Development Amendment. Based on presented Conditions of Approval/Findings of Fact for Approval, motion made by Arla Johnson and seconded by Joel Millam to accent the request. Motion carried.

Conditions of Approval

1. The applicant will submit a full preliminary and final plat, to be reviewed and approved by the city engineer and city attorney and recorded with the county prior to a building permit being issued for the proposed duplex on Outlot B or other future development.
2. The applicant will submit plans and information on grading, drainage, storm water management, water and sewer as required by the city engineer.

Findings of Fact for Approval

1. The Boulder Ridge plat was approved in 2004 with a variety of housing types under the city's PUD zoning standards.
 2. The current request reconfigures some of the outlots, changing from 16 units in fourplexes to 12 units in duplexes.
 3. The proposed changes meet the intent and purpose of the city's PUD standards.
 - d. Fill vacancy for Laurie Gahm. Laurie was appointed to the city council to fill a vacancy so can no longer be on the commission. Tammy asked the commission members to submit names for a new member.
6. Having no further business to discuss, motion made by Joel Millam and seconded by Pam Novak to adjourn at 6:10 pm.

Respectfully Submitted,

Pam Novak



MILACA *Minnesota*

255 First Street East, Milaca, MN 56353

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

VARIANCE APPLICATION

Application is hereby submitted for Variance (Detailed Description of Variance -attach if necessary)
To replace an existing shed with a larger one to be placed near the north property line, where the present shed is placed. This request is being submitted in the hopes of having enough storage on our own property to eliminate having to rent a storage unit. Our hardship is that we have a half lot which is only 33' wide.

ADDRESS OF PROPERTY 238 - 2nd Avenue NW, Milaca, MN

PROPERTY IDENTIFICATION NUMBER 21-040 - 0170

OWNER NAME Darryl H & Mary A Stimmler

OWNER ADDRESS [REDACTED]

STREET ADDRESS

Milaca

MN

56353

CITY

STATE

ZIP CODE

TELEPHONE [REDACTED]

EMAIL ADDR [REDACTED]

APPLICANT NAME Darryl H & Mary A Stimmler

APPLICANT ADDRESS [REDACTED]

STREET ADDRESS

Milaca

MN

56353

CITY

STATE

ZIP CODE

TELEPHONE ([REDACTED]

EMAIL ADDR [REDACTED]

THE FOLLOWING INFORMATION IS SUBMITTED IN SUPPORT OF THIS APPLICATION:

- COMPLETED APPLICATION FOR VARIANCE
- FEE OF \$300.00 PLUS \$50.00 RECORDING FEE *Paid \$ 300.00 - see notes below.*
- LEGAL DESCRIPTION OF PROPERTY ATTACHED
- DEPENDING ON THE VARIANCE REQUESTED, THE FOLLOWING MAY BE REQUIRED:
 - 8 COPIES OF SITE PLAN
 - 8 COPIES OF SIGN PLAN
 - 8 COPIES OF ANY OTHER APPROPRIATE PLANS OR DRAWINGS
- A NARRATIVE EXPLAINING THE PURPOSE OF THE REQUEST, THE EXACT NATURE OF THE VARIANCE AND THE JUSTIFICATION OF THE REQUEST (ATTACH SHEET IF NECESSARY)
- OTHER letter from neighbor approving request

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 Darryl St. Mary & Nancy A Stimmler

DATE 5/1/2023

COMMENTS/REVISIONS _____

Paid \$ 300.00 Receipt # 17167. May Stimmler to record herself, if approved.

RECEIVED BY: _____

CITY MANAGER SIGNATURE/ZONING ADMINISTRATOR

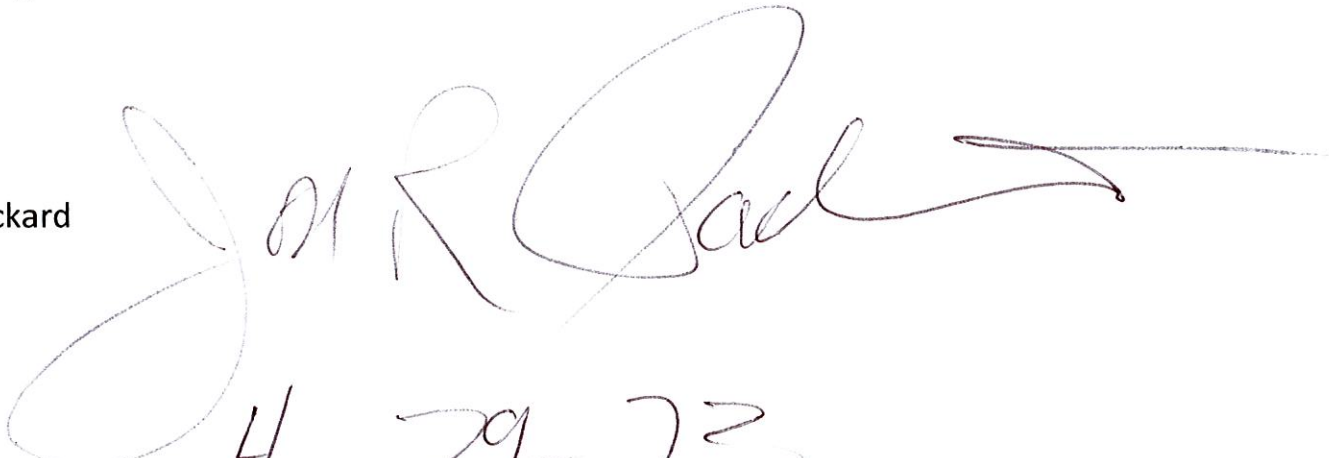
DATE

To whom it may concern:

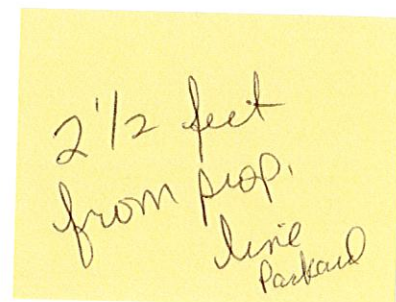
My name is Jon Packard and I live at 240 – 2nd Avenue NW. My neighbors to the south, Darryl & Mary Stimmler, are requesting to replace a shed on their property, which would be close to our property line. I am writing to let you know that I have no objections to the Stimmlers placing a shed where they are requesting.

Sincerely,

Jon Packard



4-29-23



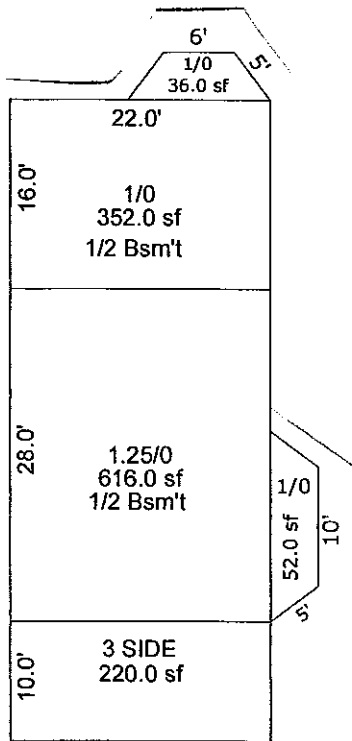
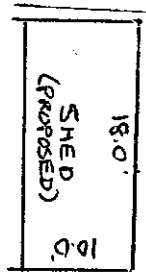
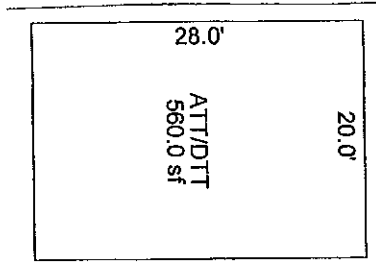
2 1/2 feet
from prop.
line
Packard

Parcel #21-040-0170 - S 1/2 of Lot 4, Block 2, Original Milaca

Lot size is 33' x 148.5' - 238 - 2nd Avenue NW

N - S ALLEY

E - W ALLEY



2ND AVENUE NW



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: 4/10/2023

02-040-0170



Planning Report

Date: May 15, 2023

To: Milaca Planning Commission

From: Phil Carlson, AICP, Stantec

Request: Variances – Lot Coverage Limit and Side Setback for New Shed

Owners: Darryl and Mary Stimmler

Applicants: Darryl and Mary Stimmler

Address: 238 2nd Avenue NW

PID: 21-04-0170

Zoning: R-2 One and Two Family Residential District

INTRODUCTION

Darryl and Mary Stimmler own the home at 238 2nd Avenue NW. They want to replace a shed on their property with a larger shed, but the lot is already over the allowed lot coverage limit and the new shed is proposed closer than the required side setback. They are requesting variances to the lot coverage limit and to the side setback for the new shed.



VARIANCE REQUESTS

There is an existing 8' X 10' shed on the north side of the lot, setback about 6 ft from the north side lot line. The existing garage at the rear of the lot is setback about 3 ft from the side lot line; the required setback is 10 ft. The site sketch with the application shows a new 10' X 18' shed in line with the garage, or about 3 ft from the side lot line, illustrated on the next page. The side setback variance is one of the variances requested.

The area between the house and garage in front of the existing and proposed sheds is almost all paved driveway area with access to a side alley. Together with the house, garage, patio, and front sidewalk, the total hardcover on the lot is about 3,100 sq ft – this is approximate, measured from an aerial photo; there is no survey. The driveway and patio area are shown in the photo on the next page. The lot is 33' X 148.5', or 4,900 sq ft. Total hardcover on the lot is therefore about 63%, above the zoning code limit of 60%. Building the larger shed would add more hardcover, pushing the lot further over the lot coverage limit – this is the second variance requested.



Re: Stimmler, 238 2nd Avenue NW – Variances



The existing conditions and the proposed shed are shown in the illustrations on the next page, viewed from the rear alley. These are approximate based on the applicants' sketch and on 2014 street view photos, but they show generally what is proposed. The top photo shows the assumed property line between 238 and 240 2nd Avenue NW with the white dot-dashed line. The assumed side setback for the garage is shown in the red dashed line. This is also the assumed setback for the new shed.



Re: Stimmler, 238 2nd Avenue NW – Variances



VARIANCE CRITERIA & ZONING ISSUES

Section 156.166 of the Milaca Zoning Code (excerpted at the end of this report) lists the potential impacts that a variance might have;

- (A) Impair an adequate supply of light and air to adjacent property;
- (B) Unreasonably increase the congestion in the public right-of-way;
- (C) Increase the danger of fire or endanger the public safety;
- (D) Unreasonably diminish or impair established property values within the neighborhood;
- (E) Cause an unreasonable strain upon existing municipal facilities and services;
- (F) Be contrary in any way to the provisions and intent of the city's growth management system/Comprehensive Plan; or
- (G) Have a negative direct and indirect fiscal impact upon the city, county, or school district, unless the proposed use is determined to be in the public interest.

A reasonable reading of these issues and the Stimmlers' request is that it will not pose any of these negative impacts.



Re: Stimmler, 238 2nd Avenue NW – Variances

The criteria for considering a variance are in Section 156.167 (also at the end of this report) and are based in part on Minnesota State statute on variances:

- A variance may be granted when it is demonstrated that this action will be in keeping with the spirit and intent of this chapter and when the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his or her property and not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.
- Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the chapter. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. A non-economic hardship shall exist by reason of one or more of the following:
 - Narrowness, shallowness, or shape of a specific parcel of property or a lot existing and of record upon the effective date of this chapter;
 - Exceptional topographic or water conditions of a specific parcel of land or lot; or
 - Inadequate access to direct sunlight for solar energy systems.
- A variance may be granted for the above reasons when the strict application of the provisions of this chapter would result in exceptional difficulties in developing the property in a legally permissible manner. The City Council may impose conditions in granting the variance to insure compliance and to protect adjacent properties.

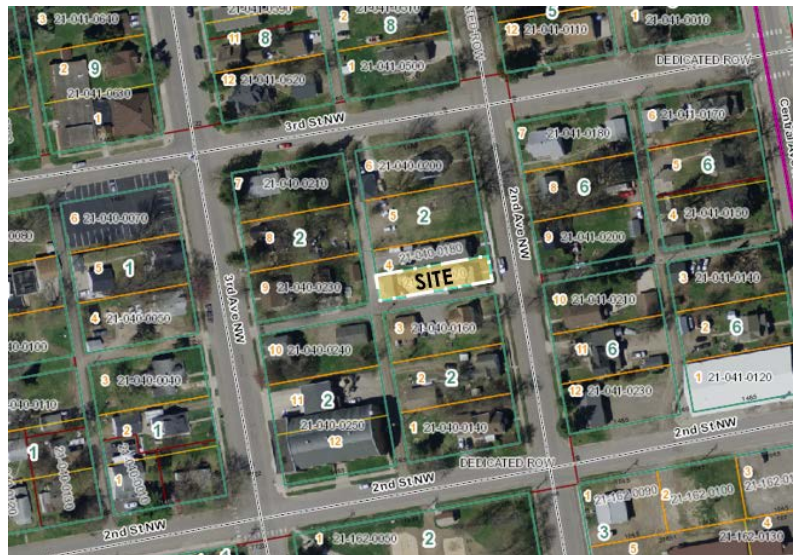
Reasonable Use

The proposed use – a 10’ X 18’ shed on a residential lot – is typical and reasonable.

Unique Circumstances

The lot in question is only 33 ft wide and 4,900 sq ft in area, as is the neighboring lot at 240 2nd Avenue NW. The property is in the middle of a single family neighborhood, surrounded by other single family lots, all of which are 66 ft wide and nearly 10,000 sq ft in size, illustrated in the aerial photo to the right. These two lots are unique in this neighborhood and perhaps in the entire city. This is a key issue for this variance request.

In this context, if the lot in question were 10,000 sq ft in size (the City’s minimum for





Re: Stimmler, 238 2nd Avenue NW – Variances

the R-2 district), the 3,100 sq ft of hardcover would only be 31% of the lot and would easily meet the City's standard. If the lot were 80 ft wide (the City minimum width) or even 66 ft wide, as are the neighboring lots, it could easily meet the required 10-ft side setback as well.

Practical Difficulty/Undue Hardship

The Milaca code mentions "undue hardship" in meeting the code standards, whereas State statute was updated in 2011 using the term "practical difficulty". Under either term, the conditions on this lot make it difficult if not impossible to meet both the hardcover limit and the side setback. The amount of hardcover existing and proposed on this property is not unreasonable and would not come close to the limit on a lot of typical size. A 10-ft setback would be unreasonable to meet on this 33-ft-wide lot but would not be difficult to achieve on a lot of typical width. Narrowness of a lot is one of the issues specifically mentioned in the code to be considered.

Essential Character

The "character" of this area is illustrated in the graphics earlier in this report. The new shed would not be out of character and would not negatively impact the area. The neighbors at 240 2nd Avenue NW – the people most affected by the new shed – have voiced their support for the variance request.

Economic Considerations

The economic issue usually means whether the applicant meet the code by spending more money. The answer is no, it is the dimension of the property that creates the difficulty here.

RECOMMENDATION

We recommend that the Planning Commission recommend approval of the variances to the lot coverage limit and to the side setback for the proposed shed at 238 2nd Avenue NW as submitted by the applicants.

Findings of Fact for Approval

- 1) The lot at 238 2nd Avenue NW is zoned R-2 One and Two Family Residential District.
- 2) The subject property is 33 feet wide and 4,900 square feet in area.
- 3) Milaca zoning standards for the R-2 District are 80-foot minimum lot width, 10,000 square foot minimum lot size, and 10-foot side setback. Maximum lot coverage is 60%.
- 4) The existing lot has about 3,100 square feet of hardcover, or 63% of the lot.
- 5) The existing garage is setback about 3 feet from the north side lot line. The existing shed is setback about 6 feet from the north side lot line.



Re: Stimmler, 238 2nd Avenue NW – Variances

- 6) The applicants propose a new 10' X 18' shed on the property to be setback approximately 3 feet from the north side lot line, in line with the existing garage.
- 7) The 33-foot width and 4,900-square-foot lot size are unique in this neighborhood and among the smallest in the City. These are unique characteristics of the lot not created by the applicant which pose practical difficulties in meeting the code standard for lot coverage and the side setback.
- 8) The proposed shed will not alter the essential character of the locality.
- 9) The request does not pose any of the negative impacts listed in Section 156.166 and meets the criteria for granting a variance in Section 156.167 of the Milaca Zoning Code.

PLANNING COMMISSION MOTION TEMPLATES

- *Approval*
The Planning Commission recommends that the City Council approve the variances to the lot coverage limit and side setback at 238 2nd Avenue NW as submitted by the applicants, with the Findings of Fact in the Planner's report of May 15, 2023 [*or as revised with conditions*].
- *Denial*
The Planning Commission recommends that the City Council deny the variances to the lot coverage limit and side setback at 238 2nd Avenue NW as submitted by the applicants, with the Findings of Fact [*prepared by the Planning Commission*].
- The Commission moves to continue the item to a future meeting for further discussion or to gather more information.

60-DAY DEADLINE

The application was received and fees paid on May 1, 2023. The deadline for final action by the City Council per State statute 15.99 is July 1, 2023.



Re: Stimmler, 238 2nd Avenue NW – Variances

§ 156.166 FINDING OF FACT.

In considering all requests for a variance or appeal, the Board of Adjustments and Appeals shall make a finding of fact as appropriate that the proposed action will not:

- (A) Impair an adequate supply of light and air to adjacent property;
- (B) Unreasonably increase the congestion in the public right-of-way;
- (C) Increase the danger of fire or endanger the public safety;
- (D) Unreasonably diminish or impair established property values within the neighborhood;
- (E) Cause an unreasonable strain upon existing municipal facilities and services;
- (F) Be contrary in any way to the provisions and intent of the city's growth management system/Comprehensive Plan; or
- (G) Have a negative direct and indirect fiscal impact upon the city, county, or school district, unless the proposed use is determined to be in the public interest.

§ 156.167 CONDITIONS FOR GRANTING VARIANCES.

(A) (1) The City Council, after receiving recommendations from the Planning Commission, may not permit as a variance any use that is not permitted under this chapter for property in the zone where the affected person's land is located.

(2) A variance may be granted when it is demonstrated that this action will be in keeping with the spirit and intent of this chapter and when the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his or her property and not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.

(B) Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the chapter. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. A non-economic hardship shall exist by reason of one or more of the following:

- (1) Narrowness, shallowness, or shape of a specific parcel of property or a lot existing and of record upon the effective date of this chapter;
- (2) Exceptional topographic or water conditions of a specific parcel of land or lot; or
- (3) Inadequate access to direct sunlight for solar energy systems.

(C) A variance may be granted for the above reasons when the strict application of the provisions of this chapter would result in exceptional difficulties in developing the property in a legally permissible manner. The City Council may impose conditions in granting the variance to insure compliance and to protect adjacent properties.

(D) A variance shall not allow any use which is not a permitted principal use, a permitted accessory use, or a permitted use requiring a conditional use permit. The only lawful variance is one which is usually called a "non-use variance," and the use of the variance procedure does not authorize any kind of unlawful "spot zoning."



CITY OF
MILACA *Minnesota*

255 First Street East, Milaca, MN 56353

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

APPLICATION FOR CONDITIONAL USE PERMIT

ADDRESS OF PROPERTY FOR CONDITIONAL USE PERMIT REQUEST

PROPERTY IDENTIFICATION NUMBER: 21- ~~036-02001~~
046.0170

PROPERTY OWNER INFORMATION

NAME: BLUEWATERS - POTATO PATCH - MILACA, MN LLC

ADDRESS: 17029 VICKERS ST. NE

STREET ADDRESS

HAM LAKE MN 55304

CITY

STATE

ZIP CODE

TELEPHONE: (763) 777-0077 HOME

() SAME CELL

E-Mail Address greg.bluewatersco@gmail.com

The following information is submitted in support of this application:

APPLICANT INFORMATION (IF DIFFERENT FROM PROPERTY OWNER INFORMATION)

NAME: SAME GREG CHAFFIN

ADDRESS: _____

STREET ADDRESS

CITY

STATE

ZIP CODE

TELEPHONE: () _____ HOME

() _____ CELL

E-Mail Address _____

Completed Application for Conditional Use Permit

Fee of \$250.00 *Paid 05.01.23 Receipt # 171168*

Full legal description of property (*Not from your property tax statement*)

MC 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.

[Signature]

Property Owner Signature

5/1/2023

Date

COMMENTS/REVISIONS: _____ _____ _____

CITY STAFF RECEIVING APPLICATION: *[Signature]*

DATE: *05.01.23*



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

Subdivision Name _____ Owner's Name _____

FULL LEGAL DESCRIPTION OF PROPERTY (Attach description if needed)

SEE ATTACHED PRELIMINARY PLAT W/ LEGAL DESCRIPTION

ADDRESS OF PROPERTY

SIXTH ADDITION TO MILACA / HWY 23 - 2ND AVENUE S/W AND 5TH ST. S/W

OWNER NAME

BLUEWATERS - POTATO PATCH - MILACA, MN LLC

OWNER ADDRESS

17029 VICKERS STREET NE

STREET ADDRESS

HAM LAKE
CITY

MN

55304

STATE

ZIP CODE

TELEPHONE

(763) 777-0077

EMAIL ADDRESS

greg.bluewaters00@gmail.com

APPLICANT NAME

GREG CHAFFIN

APPLICANT ADDRESS

SAME

STREET ADDRESS

CITY

STATE

ZIP CODE

APPLICANT TELEPHONE

(763) 777-0077

EMAIL ADDRESS

SAME

THE FOLLOWING INFORMATION IS SUBMITTED IN SUPPORT OF THIS APPLICATION:

- COMPLETED APPLICATION FOR PRELIMINARY PLAT
- FEE OF \$350.00 FOR **10 LOTS OR LESS** PLUS \$20.00 PER PROPOSED LOT OR DWELLING UNIT
- FEE OF \$300.00 FOR **MORE THAN 10 LOTS** PLUS \$20.00 PER PROPOSED LOT OR DWELLING UNIT
PD. \$520.00 05.01.23 Receipt #17168
- ESCROW FEE OF \$2,500.00 FOR ASSOCIATED ENGINEERING AND LEGAL EXPENSES
PD. \$2500.00 05.01.23 Receipt #17168
- LEGAL DESCRIPTION OF PROPERTY ATTACHED
- 8 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 *Al Chaffin*

DATE 5/1/2023

COMMENTS/REVISIONS _____

RECEIVED BY: _____
CITY MANAGER SIGNATURE/ZONING ADMINISTRATOR DATE



May 1, 2023

City of Milaca
255 First Street East
Milaca, MN 56353

Planning Commissioners:

This narrative is to accompany the Preliminary Plat and Conditional Use Permit applications being submitted for consideration on this date for the property known as 'The Potato Patch', ID # 21-046-0170. The land is south of Hwy 23, west of 2nd Ave SW, and north of 5th Street SW, bordered on the west by a wetland.

We have completed a Wetlands Delineation process and have attached a map of what that looks like with reference to this property. We have the complete report for your records if requested.

We have attached a Preliminary Plat indicating the right of way for Hwy 23, easements and set-backs as required. We can furnish this complete information to you if requested.

§ 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.

MINOR SUBDIVISIONS, RESUBDIVISIONS, VARIANCES, AND THE LIKE § 155.125 PLANNED UNIT DEVELOPMENTS:

Upon receiving a report from the Planning Commission the City Council may grant a variance from the provisions of these regulations in the case of a planned unit development, as defined in Chapter 156 of this code, provided that the Council shall find that the proposed development is fully consistent with the purpose and intent of these regulations and the Comprehensive Plan.

This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques such as cluster development.

If the preliminary plat is approved we would start working on the site engineering and building plans to submit for building permits.

17029 Vickers Street NE, Ham Lake, MN 55304

Greg Chaffin . Partner, Senior Construction Manager . 763-777-0077 . greg.bluewatersco@gmail.com



We believe that we would fall under the following residential district for this multiple family development:

§ 156.037 R-3, MULTIPLE FAMILY RESIDENTIAL HIGH DENSITY DISTRICT.

(A) *Purpose.* The purpose of the R-3 Multiple Family Residential District is to provide for high density housing where public sewer and water service can be provided.

(C) *Permitted principal uses.* (4) Townhouses.

Our plan is to construct eleven townhouses on this property, if approved, consisting of two four-plex buildings and one three-plex building. We have attached some general information with regards to what they would like with some changes to exterior finishes, floor plans, etc.

Please consider this request and we look forward to answering any questions that you might have at the meeting on Monday, May 15, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Chaffin", written over a light blue horizontal line.

Gregory T. Chaffin



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323

December 12, 2022

Regulatory File No. MVP-2022-02002-SRK

Greg Chaffin
17029 Vickers Street NE
Ham Lake, Minnesota 55304

Dear Mr. Chaffin:

We are responding to your request, submitted by Bogart Pederson and Associates Inc. on your behalf, for Corps of Engineers (Corps) concurrence with the delineation of aquatic resources completed on the BlueWaters Companies site. The project site is in Section 25, Township 38 North, Range 27 West, Mille Lacs County, Minnesota.

We have reviewed the delineation report dated October 6, 2022 and concur that Wetland Delineation Exhibit depicts a reasonable approximation of the location and boundaries of aquatic resources on the property. This delineation can be used for planning and will generally be sufficient for Corps permitting purposes. However, this "reasonable approximation" concurrence may not fulfill state or local delineation requirements. It may be necessary to review this determination in response to changing site conditions or new information.

Additional Information regarding Jurisdiction and Permitting:

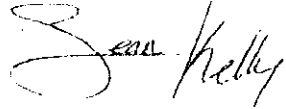
No jurisdictional determination was prepared for this project, nor is one required to support a permit application. If you submit a permit application, we will assist you in identifying aquatic resources that are not subject to Corps regulation to exclude those resources from the permit evaluation. A permit application should include this delineation, any subsequent revisions, and any state or local delineation approvals. You are advised that a permit or exemption from a state or local agency does not satisfy the requirement to obtain a Corps permit where one is needed.

Please note that the Corps has issued Nationwide General Permits and Regional General Permits that provide authorization for many minor activities. Many of those general permits require a pre-construction notification and Corps verification prior to starting work. However, several general permits also have "self-certifying" provisions that eliminate the need to provide notice to the Corps, provided the permittee complies with the terms and conditions of the general permit. Current general permit terms and conditions can be found at: <https://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/>.

Regulatory Division (File No. MVP-2022-02002-SRK)

If you have any questions, please contact me in our Brainerd office at (651) 290-5769 or Sean.R.Kelly@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink that reads "Sean Kelly". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Sean Kelly
Lead Project Manager

cc:

Matt Blesi (Agent)
Lynn Gallice (SWCD)
Matt Johnson (BWSR)
Keenan Hayes (LGU)

Wetland Delineation Exhibit

for

Greg Chaffin

BlueWaters Companies Inc.

City of Milaca

Mille Lacs County, MN

S25 T38 R27

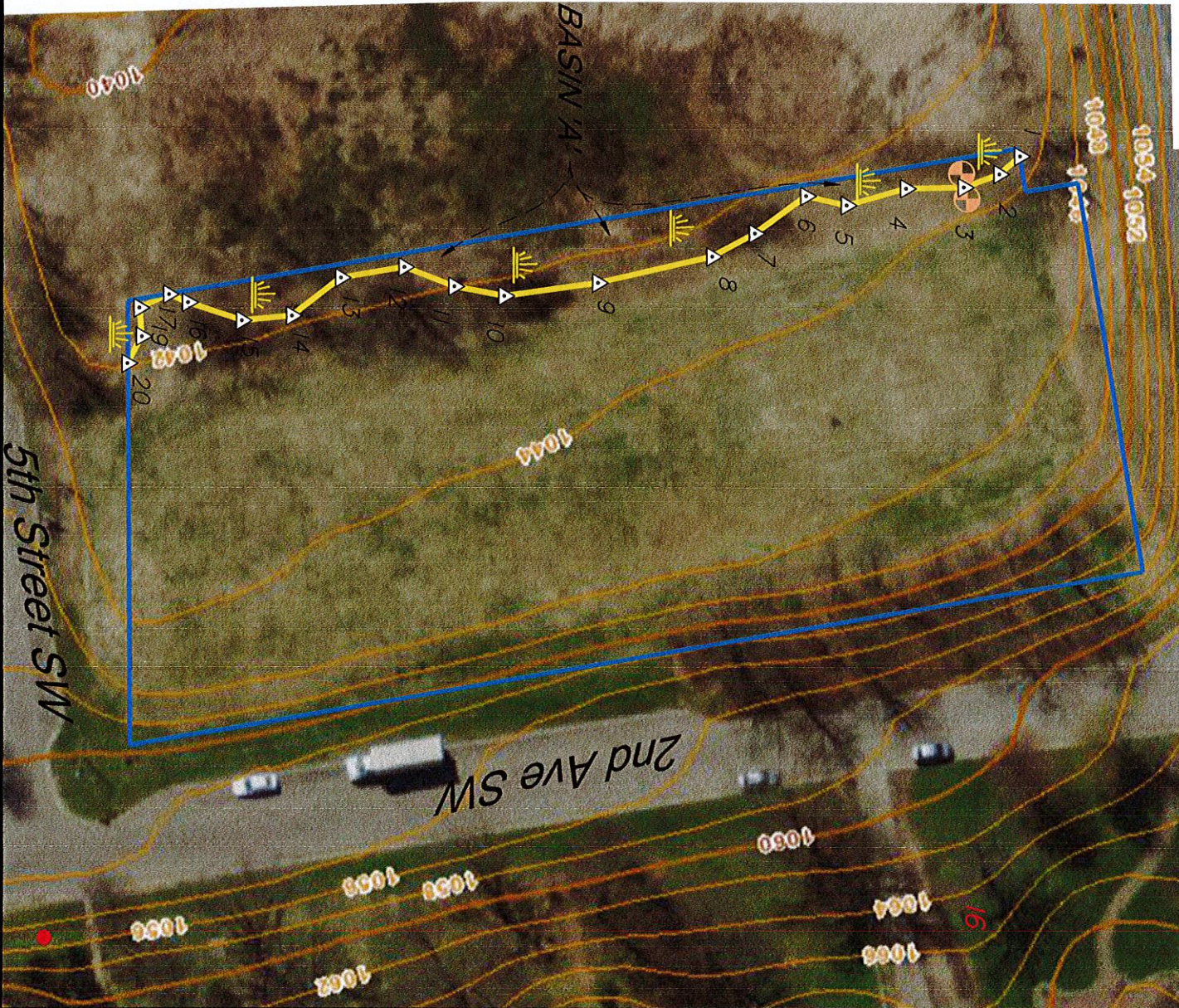
PID No. 21-046-0170








Investigated Approximately 1.4 Acres consisting of Lots 8 through 13
Block 48 FIFTH ADDITION TO MILACA.

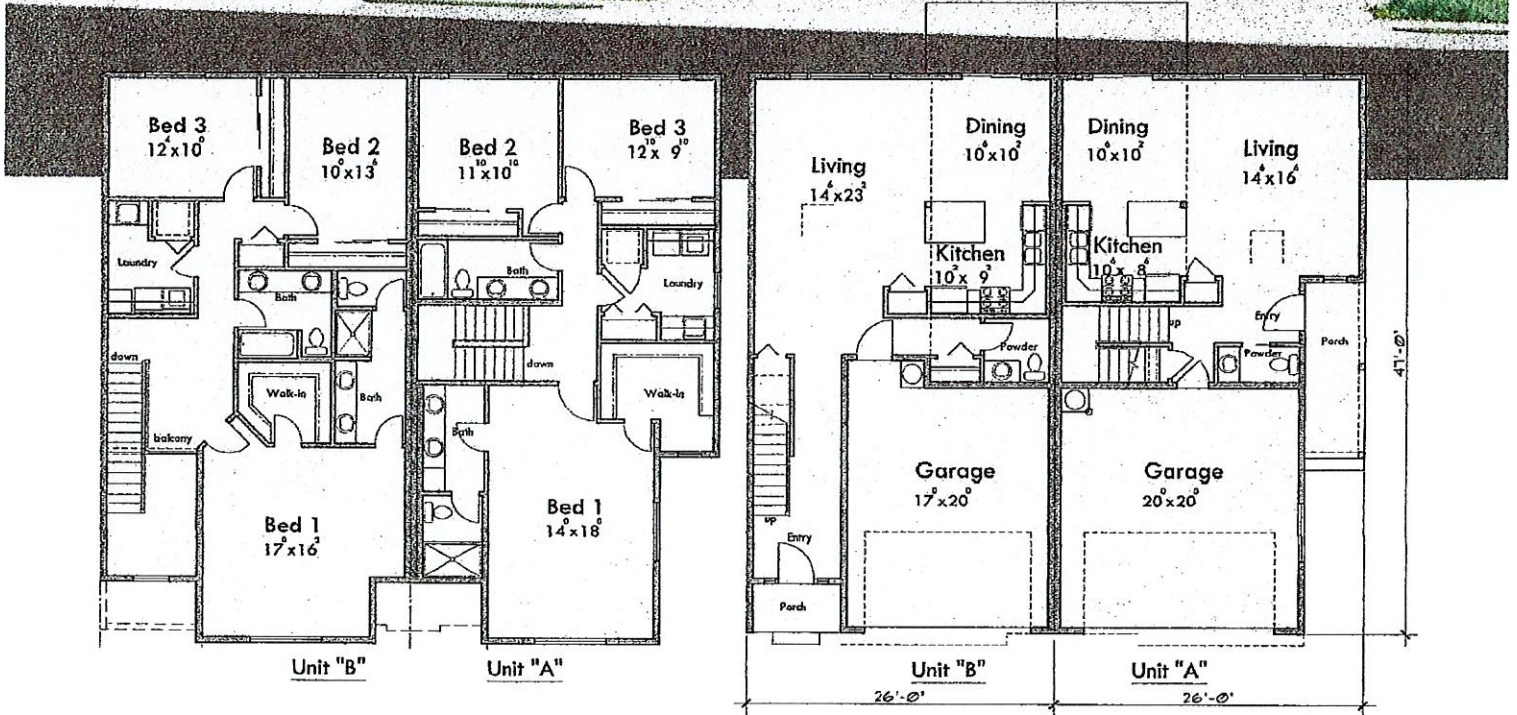
Basin "A": Area 0.10 Acres, 378 +/- LF delineated, flags A-1 to A-20,
Type 2 Wetland / Type 3 Wetland.

Aerial Image = Mille Lacs County GIS-Spring 2020
Contours = MN DNR LIDAR
Field Visit = October 5, 2022

State Hwy 23



-  Denotes soil boring
-  Denotes wetland edge
-  Denotes Area Investigated
-  Denotes numbered wetland flag
-  Denotes wetland area
-  Denotes major contour
-  Denotes minor contour



PLAN #F-610

Unit "B" Square Footage:

Main Floor: — 814 sq. ft.
 Upper Floor: — 1080 sq. ft.
 Total Living: — 1894 sq. ft.
 Garage — 376 sq. ft.

Unit "A" Square Footage:

Main Floor: — 664 sq. ft.
 Upper Floor: — 1078 sq. ft.
 Total Living: — 1742 sq. ft.
 Garage — 431 sq. ft.

Height of highest point 31.5'

Planning Report

Date: May 8, 2023

To: Milaca Planning Commission

From: Phil Carlson, AICP, Phil Gravel, PE, Stantec

Request: Preliminary Plat, 6th Addition to Milaca (“Potato Patch”) Conditional Use Permit – Multi-Family (Townhouses) in B-2

Owner: Bluewaters-Potato Patch-Milaca, MN LLC

Applicant: Gregg Chaffin

Address: Highway 23, 2nd Avenue SW, 5th Street SW

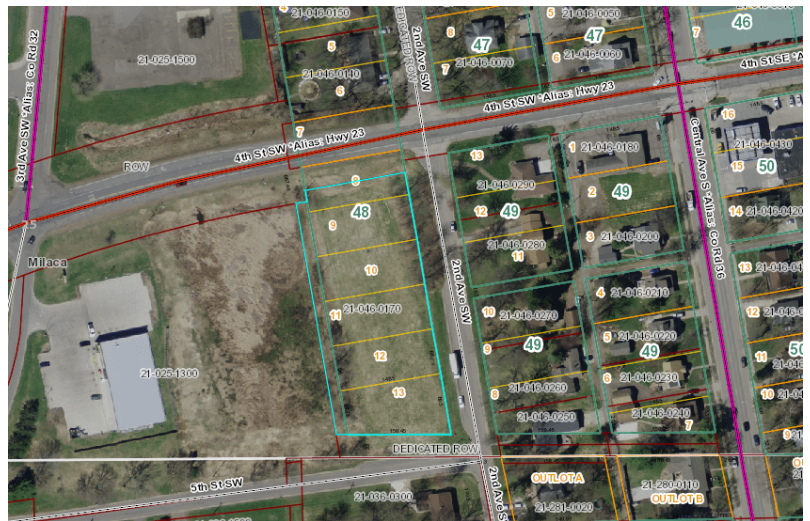
PIDS: 21-046-0170

Zoning: B-2 General Business

INTRODUCTION

Gregg Chaffin is proposing townhouses on the vacant land on 2nd Avenue SW between Highway 23 and 5th Street SW, a parcel known as the “Potato Patch”. The requests are for a preliminary plat for the townhouse project and a Conditional Use Permit (CUP) for multi-family in the B-2 district.

The site is guided for Low Density Residential but is zoned B-2 General Business. Multi-family residential is allowed as a conditional use in the B-2 district.



The site is about 1.27 acres in size with frontage on Highway 23, 2nd Avenue SW and 5th Street SW. The project proposes three townhouse buildings – one with 3 units, the other two with 4 units each, for a total of 11 units. The density would be about 8.6 units/acre.



Re: [REDACTED] - PUD & Plat
Potato Patch-Sixth Addition

SITE & PROJECT FEATURES

There is a short steep slope from Highway 23 down into the site and a somewhat more gradual slope from 2nd Avenue SW down into the site. Access to the site is proposed only from 5th Street SW due to this slope condition, illustrated to the right.

The features of the project are illustrated on the next page. The property consists of one lot now but would be divided into three lots for the townhouse buildings and an outlot for the driveway. There are seven parking spaces proposed on the

north side of the site with a driveway along the west side of the site from 5th St SW serving the townhouses and this parking. The driveway would dead-end in the NE corner of the site. Outlot A is proposed on the west side of the site, to include most of the driveway and open space.



One issue we suggest addressing is the street right-of-way dedicated as Hill Street on the south side of the property abutting 5th Street SW. The angle of this ROW does not match 5th St SW or the project site property lines and a portion could be vacated to straighten out the lot lines and ROW lines. This is illustrated on the next page following the site graphic – a triangle of ROW would be vacated and revert back to the Potato Patch property, maintaining the 33-ft width noted.

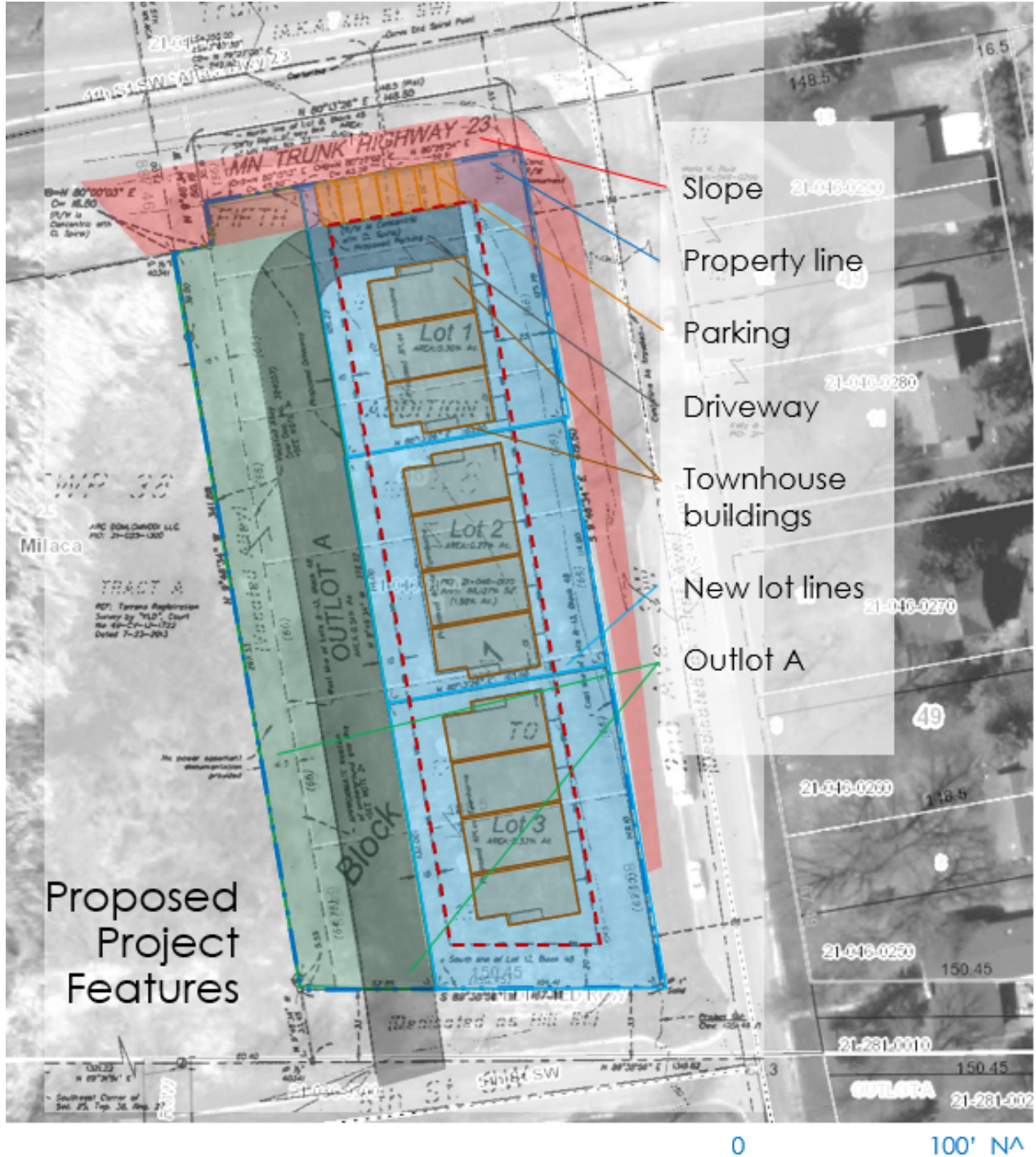
With the added property due to the vacated ROW, the townhouse buildings can be shifted south. This would allow a 5 ft space between the northern building and the driveway, where there is no space now, and also would allow the required 10 ft setback between the townhouse buildings and the new lot lines. Currently only 5 ft is shown on the proposed plans. The parking area is within the slope up to Highway 23, but only a short way, and we believe this can be built with careful grading or a retaining wall. We also suggest adding a “bumpout” area at the end of the driveway as a turnaround, since the driveway dead-ends – this allows cars a space to back into as they leave the parking area. With this shift in the site plan the lot lines for the townhouse buildings would be adjusted as well.

As submitted, Outlot A is proposed on the west side of the site. We suggest that Outlot A also include the parking area and northern segment of the driveway, since these are common features, appropriate for the outlot, illustrated on the fourth page following.

Lastly, the City Engineer asks that a 10-ft-wide drainage and utility easement be provided around the entire site, illustrated on the last of the attached graphics.

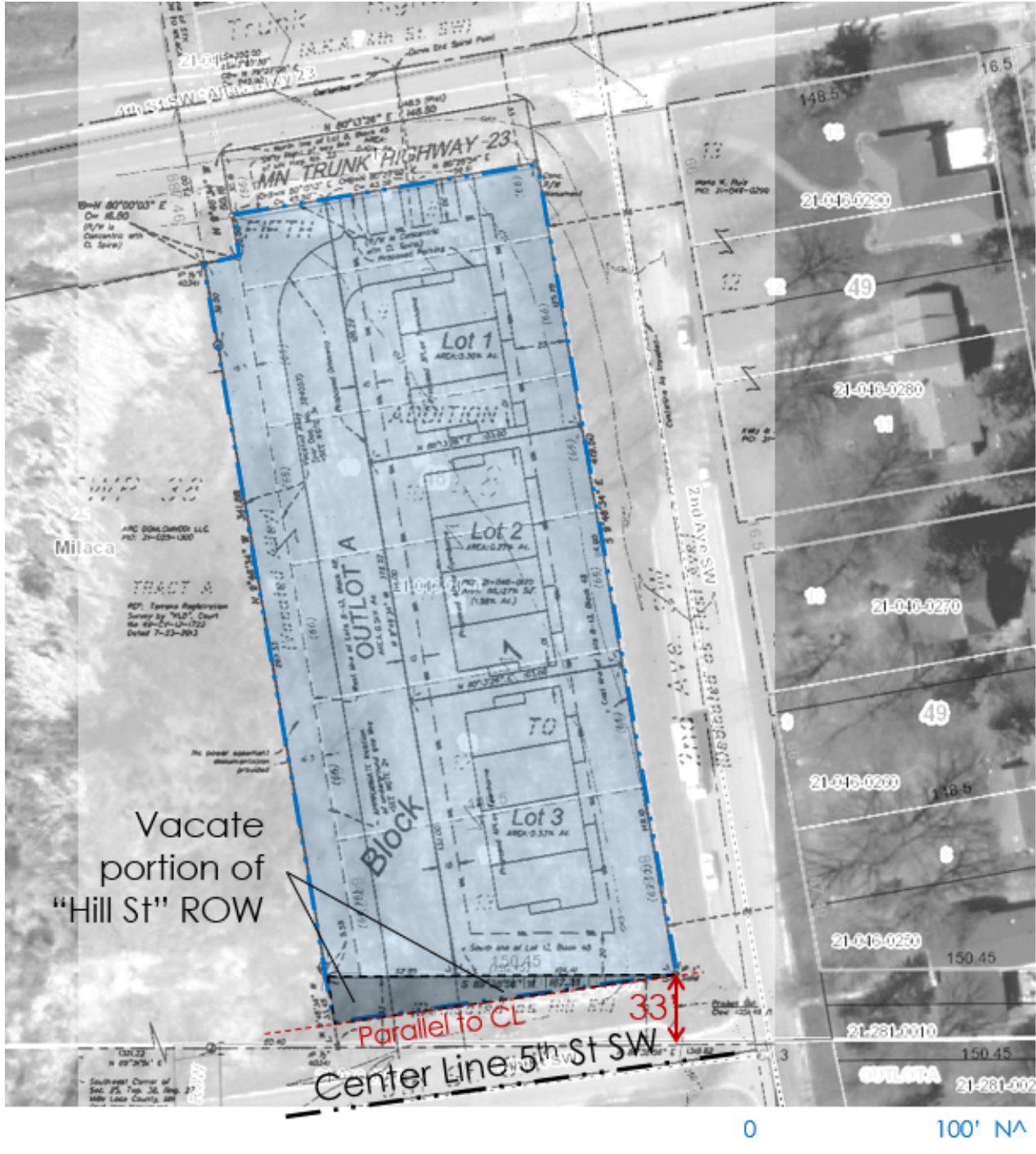


Re: [REDACTED] - PUD & Plat
 Potato Patch-Sixth Addition



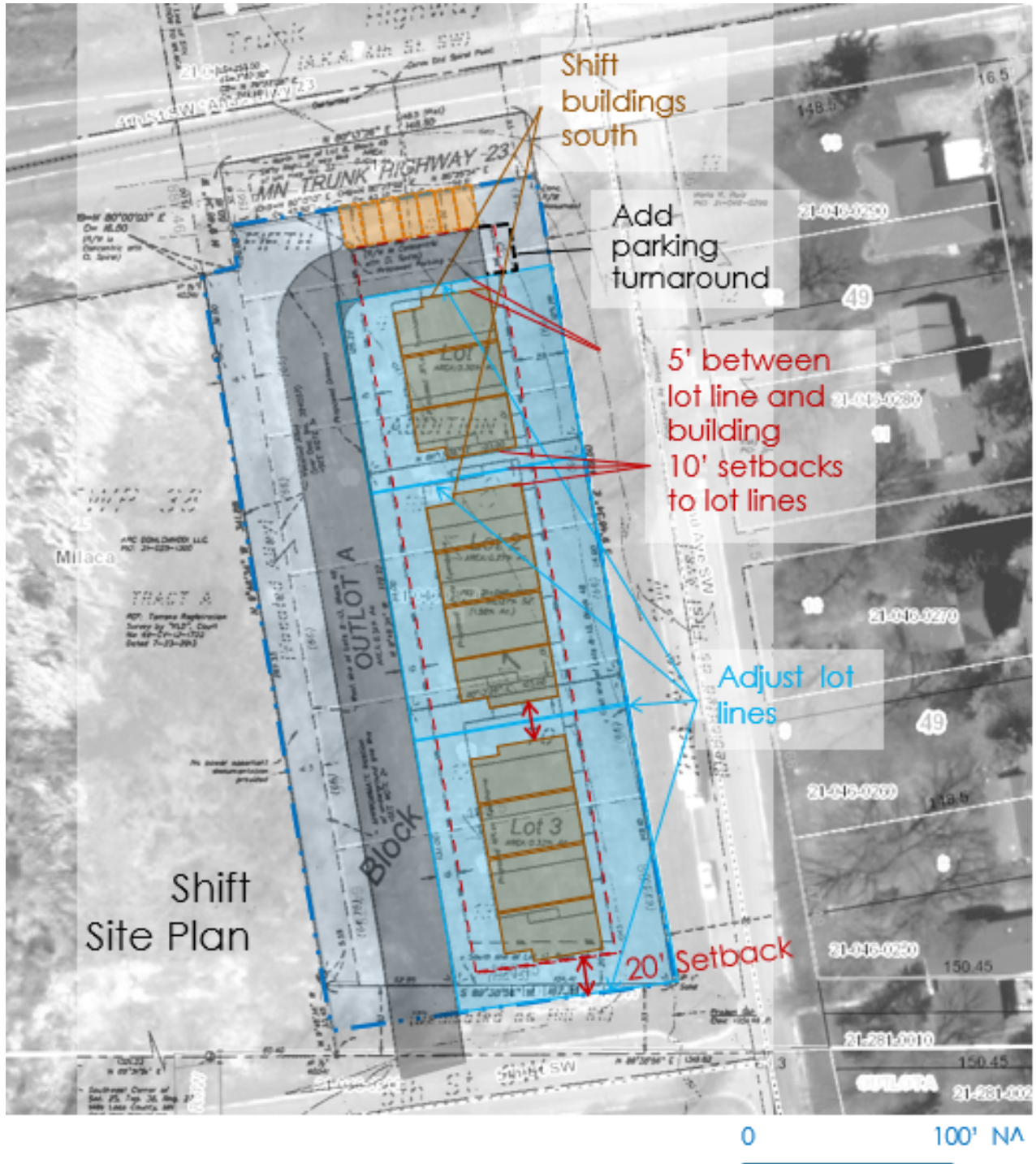


Re: [REDACTED] - PUD & Plat
Potato Patch-Sixth Addition



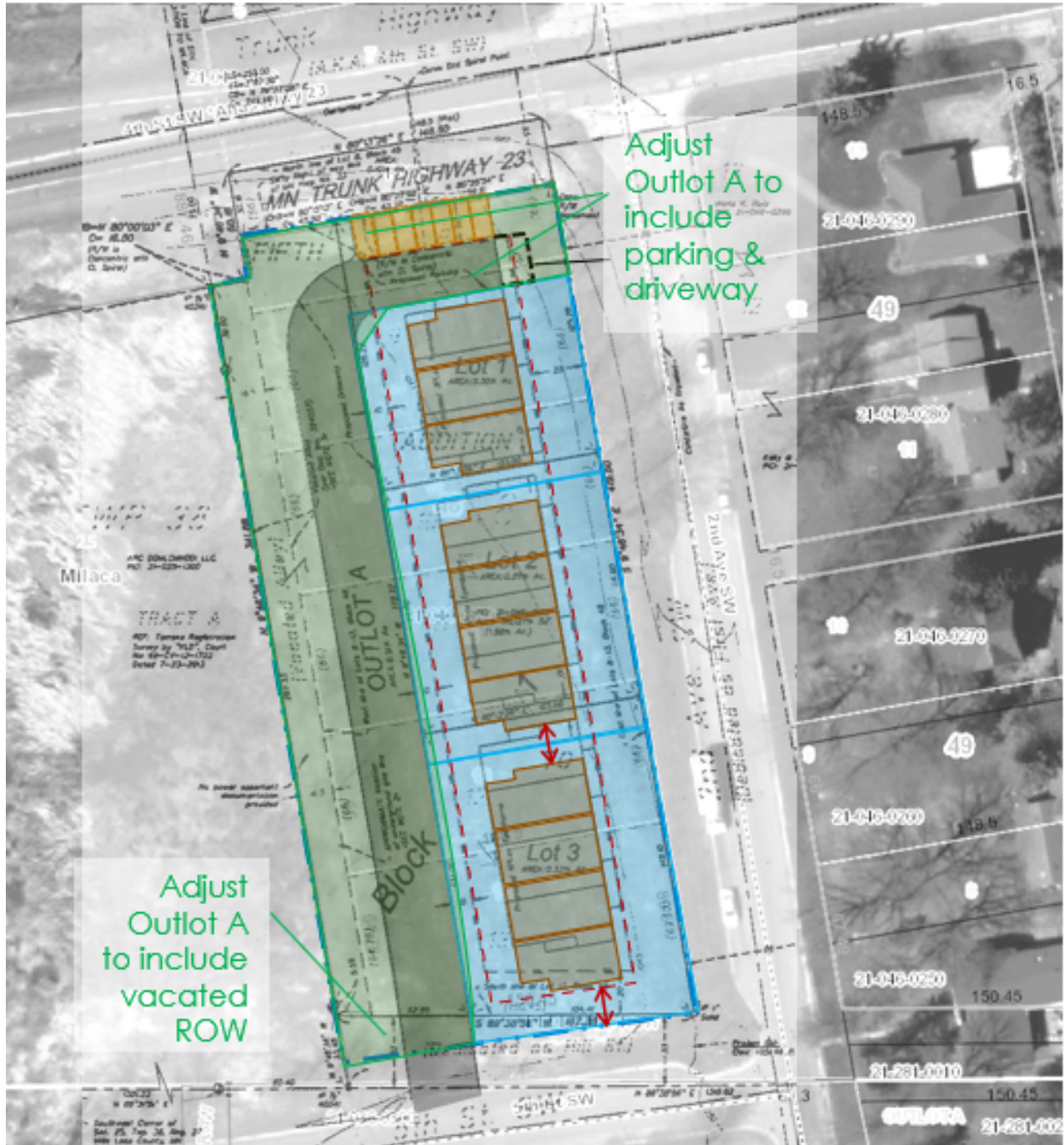


Re: [REDACTED] - PUD & Plat
Potato Patch-Sixth Addition



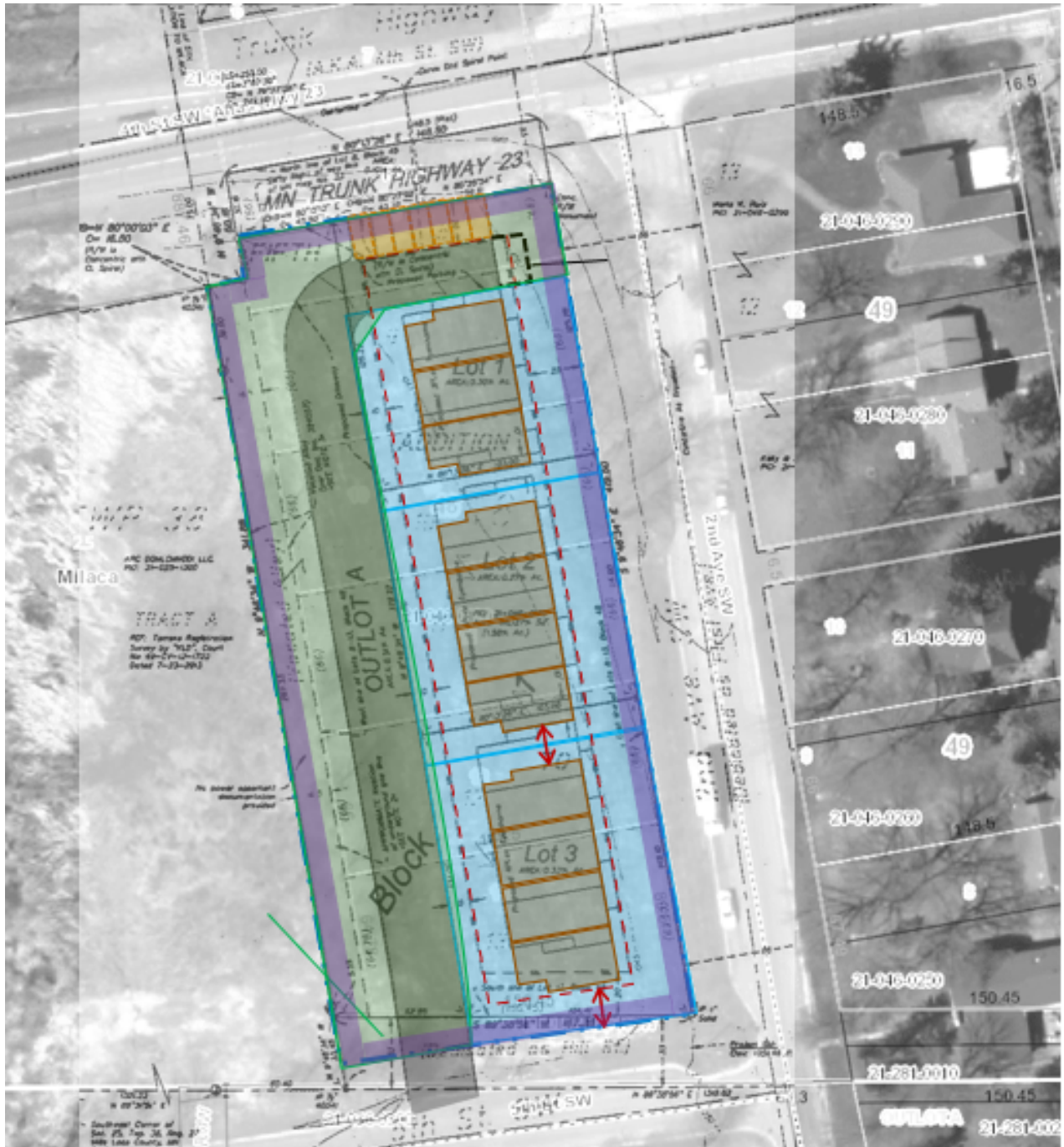


Re: [REDACTED] - PUD & Plat
Potato Patch-Sixth Addition





Re: [REDACTED] - PUD & Plat
 Potato Patch-Sixth Addition



0 100' NA



Re: [REDACTED] - PUD & Plat

Potato Patch-Sixth Addition

CUP Criteria

A conditional use in planning practice is considered a *permitted use* to which *reasonable conditions* can be attached based on findings of fact. The Milaca Zoning Code in Section 156.150(D) defines the Planning Commission's role in the CUP process:

(D) The Planning Commission shall consider possible adverse effects 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.*

A reasonable analysis of the above factors would conclude that the proposed use meets all these criteria – the parcel is now vacant and would aid the city's growth; the geographic area would support the use; the use would not depreciate the area; the character of the area is a mix of commercial and residential uses near downtown; and there is a definite need for multi-family housing in Milaca.

SITE ISSUES

Setbacks

The proposal, as recommended with revisions, meets the required setbacks, as illustrated on the graphic earlier in this report, with the red dashed line:

- 25 ft front setback
- 20 ft corner side setback
- 10 ft side setback
- 10 ft rear setback

Height

The building is 31.5 ft tall at the at the peak of the roof and meets the zoning code height limit of 35 feet.

Parking

Each unit would have a two-car garage, meeting the required parking standard of 2 spaces per unit, plus there are 7 visitor spaces. Two of the visitor spaces should be dimensioned and striped for handicapped parking.

Landscaping

No landscape plan was submitted. This can be reviewed and approved by the City Planner and City Engineer at the building permit stage.



Re: [REDACTED] - PUD & Plat
Potato Patch-Sixth Addition

Lighting

All site lighting should be downcast, cutoff type fixtures such that the light source is not visible beyond the property line.

Lot Coverage

Lot coverage is not legible on the site survey, but we believe the site plan meets the requirement of no more than 60% hardcover for residential uses. This property is zoned B-2, but multi-family residential is allowed, so it is indirectly a "residentially zoned property".

Engineering Comments

- A 10-foot wide drainage and utility easement should be provided around the perimeter of the plat.
- A Utility Layout Plan and a Grading Plan (with stormwater management plan) needs to be submitted for review prior to any city action on the final plat.
- It is assumed that the access road, sanitary sewer, water main, and drainage facilities within the site would be privately owned and maintained.

RECOMMENDATIONS

Preliminary Plat

We recommend approval of the preliminary plat for the Sixth Addition to Milaca as submitted, with the following conditions:

- 1) A portion of the Hill Street right-of-way at the south end of the site will be petitioned to be vacated as illustrated in the Planner's report of May 8, 2023 and, if approved by the City Council, this property will be added to the project parcel.
- 2) Lot lines for the townhouse lots will be adjusted as recommended in the Planner's report of May 8, 2023 to take into account the vacated Hill Street right-of-way, the required 10-foot side setbacks internally between the new lots, and to provide at least 5 feet between the northern line of proposed Lot 1 and the driveway.
- 3) Outlot A will be revised to include the entire driveway and common parking area.
- 4) A 10-foot wide drainage and utility easement shall be provided around the perimeter of the plat.
- 5) A Utility Layout Plan and a Grading Plan (with stormwater management plan) will be submitted for review prior to any city action on the final plat.



Re: [REDACTED] - PUD & Plat
Potato Patch-Sixth Addition

Conditional Use Permit

We recommend approval of the conditional use permit for the 11-unit townhouse project as submitted, with the following Conditions and Findings of Fact:

Conditions of Approval

- 1) The site plan will be revised as recommended in the Planner's report of May 8, 2023, to be reviewed and approved by the City Engineer and City Planner prior to issuing a building permit.
- 2) A landscape plan will be submitted for review and approval by the City Engineer and City Planner prior to issuing a building permit.
- 3) A lighting plan will be submitted for review and approval by the City Engineer and City Planner prior to issuing a building permit.
- 4) Lot coverage will be confirmed as less than 60%, to be reviewed and approved by the City Engineer and City Planner prior to issuing a building permit.
- 5) All requirements of the City Engineer and Public Works Director will be followed with respect to grading, stormwater, utilities, and other issues.

Findings of Fact

- 1) The property is zoned B-2. Multi-family residential is a conditional use in that district. The use is presumed to be a permitted use to which reasonable conditions may be attached.
- 2) Criteria for considering a conditional use are found in Section 156.150(D) of the Milaca Zoning Code. The proposed project meets all of these criteria – the parcel is now vacant and would aid the city's growth; the geographic area would support the use; the use would not depreciate the area; the character of the area is a combination of commercial and residential uses; and there is a definite need for multi-family housing in Milaca.
- 3) Conditions of approval related to maintenance of landscaping, site lighting, and other site features are reasonable and necessary to preserve the character of the area.
- 4) Adherence to the City's engineering standards is reasonable and necessary to promote orderly development in the City.
- 5) The project as revised per these conditions meets the CUP criteria in 156.150(G).

60-DAY DEADLINE

The plat application was received on May 1, 2023. Per State statute 15.99 it has a 120-day deadline for final City Council action, which is up on August 30, 2023. The CUP deadline is 60 days and is up July 1, 2023.



Re: [REDACTED] - PUD & Plat
Potato Patch-Sixth Addition

Conditional Use Permit Conditions

Section 156.150(G) of the Zoning Code notes the kinds of conditions to be considered in reviewing a Conditional Use Permit, not all of which apply to this request:

(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 §§ 156.075et 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.

§ 156.038 B-1, CENTRAL BUSINESS DISTRICT.

(A) *Purpose.* This district is designed and intended as a specialized district directed to serve the pedestrians in a compact central area for the city. The B-1 District will provide for a high density shopping and business environment, especially stressing the pedestrian function and interaction of people and businesses.

(B) *Minimum requirements.*

Requirement	Conditions	Dimension
Requirement	Conditions	Dimension
Building, area		No minimum
Building height, minimum		3 stories or 35 ft., whichever is the lesser
Lot area		No minimum
Lot width		No minimum
Front yard		No minimum
Rear yard	Most cases	No minimum
	Abutting a residential zoned lot	30 ft.
Side yar	Most cases	No minimum
	Abutting a residential zoned lot	10 ft.

(C) *Special requirements.*

(1) Every use shall be conducted within a completely enclosed structure, except as indicated or allowed by conditional use.

(2) Marquees and canopies may project to within not more than two feet of the curb of the street, provided the base of any marquee or canopy is at least eight feet above the grade of the sidewalk.

(3) Heating, ventilation, air conditioning units (HVAC), whether roof-mounted or wall-mounted, shall be located not less than eight feet above existing grade, and shall not project more than 24 inches beyond the vertical outside wall of the structure upon which they are mounted that is adjacent to a right-of-way. Said units shall match the exterior color of the building. Each HVAC shall be equipped with a catchment basin to contain condensation, moisture, drippings or other residue of any kind, which shall drain by conduit to a disposal location within the building.

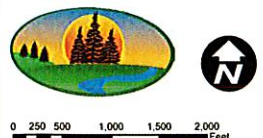
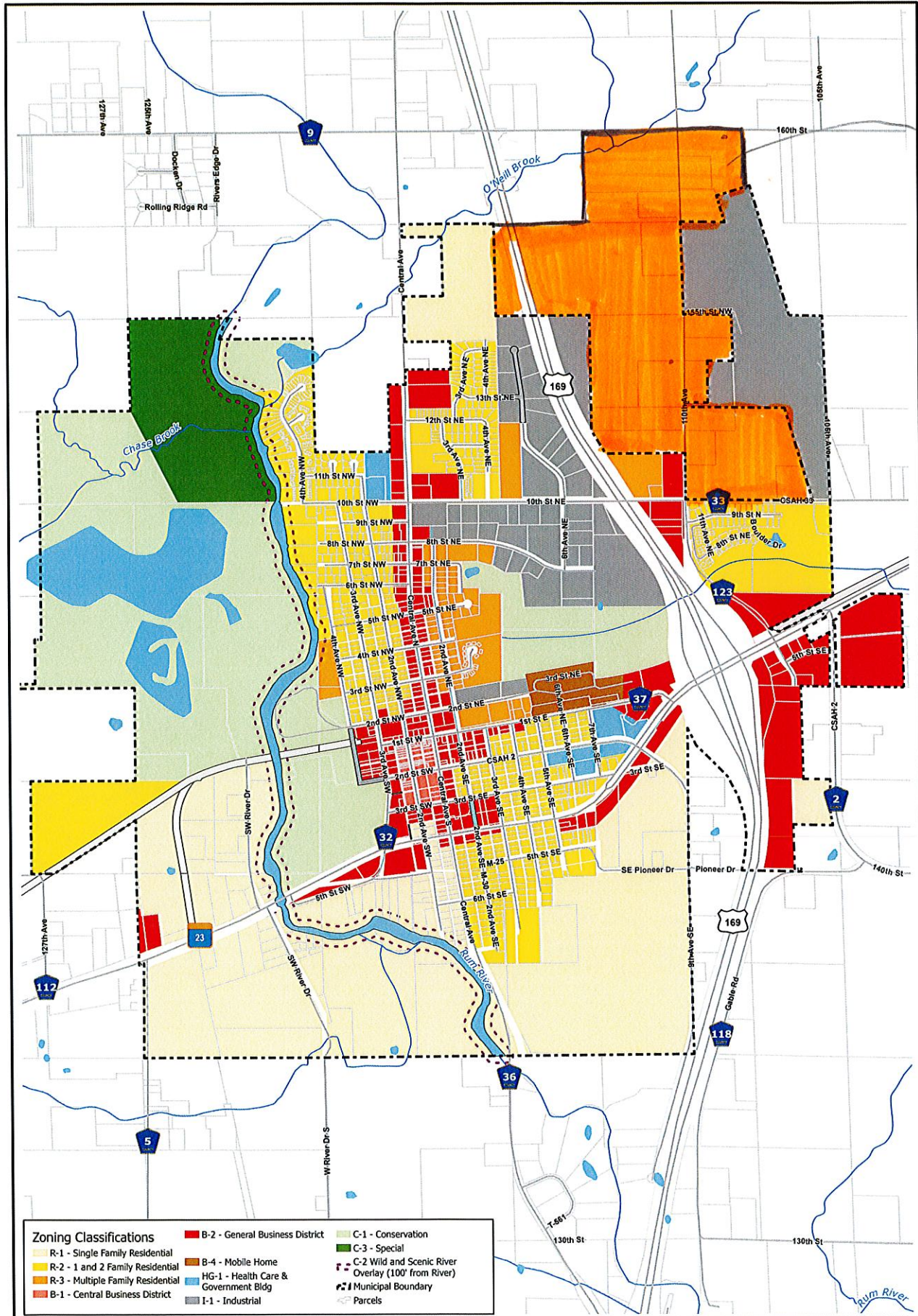
(4) Business signs and advertising devices shall be regulated by §§ 156.130 *et seq.*

(D) *Permitted principal uses.*

- (1) Antique store;
- (2) Apparel and accessory store;
- (3) Appliance store, sales, and service;

- (35) Garden supplies store; need not be enclosed, provided all unenclosed portions of the use are located on the rear one-half of the zoning lot;
- (36) Gift, novelty, or souvenir store;
- (37) Grocery store;
- (38) Hardware store;
- (39) Health equipment store;
- (40) Hotel;
- (41) Interior decorator;
- (42) Jewelry store;
- (43) Laboratory, dental or medical;
- (44) Liquor store (off-sale);
- (45) Locksmith;
- (46) Luggage store;
- (47) Masage therapy not regulated by the Adult Use Ordinanace;
- (48) Meat market and processing, not including slaughtering;
- (49) Motel;
- (50) Motorcycle shop;
- (51) Mortuary;
- (52) Music store, accessories, and studio;
- (53) Newsstand;
- (54) Office of any type;
- (55) Optician;
- (56) Optical goods;
- (57) Paint and wallpaper store;
- (58) Photographic studio or picture processing;
- (59) Public buildings, city hall, library, museum;
- (60) Radio and television broadcasting, excluding transmitter;
- (61) Restaurants;
- (62) Savings and loan association, state or federally chartered, including drive- through facilities;
- (63) Secondhand shops;
- (64) School (private);

orange
Potential
Annexation
Area



CITY OF MILACA, MN

ZONING MAP

February 2023



Notes
1. Coordinate System: NAD 1983 HARN Adq MN
Mile Lacs Feet
2. Data Sources: Mile Lacs County; US Fish and
Wildlife