



CITY OF
MILACA *Minnesota*

255 First Street East, Milaca, MN 56353

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

CITY OF MILACA
PLANNING COMMISSION AGENDA
December 5, 2022
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 October 11, 2022
4. Open Public Hearing;
 - a. Rezoning Application from Eric & Jill Hardy – 420 10th St NE
5. Close Public Hearing
6. New Business
 - a. Rezoning Application from Eric & Jill Hardy – 420 10th St NE
7. Miscellaneous
8. Adjourn

City of Millaca Planning Commission

October 11, 2022 – 6:00 pm

1. Members present: Joel Millam, Laurie Gahm, Arla Johnson, Pam Novak
2. Other present: Phil Carlson, City Planner; Tammy Pfaff, City Administrator; Dolores Katke, and Millaca citizens (see attached list)
3. Motion made by Arla Johnson and seconded by Laurie Gahm to accept September 28th, 2022 Secretary minutes, motion carried.
4. Public Hearing/New Business – these were consolidated to avoid duplicate discussions
 - a. Conditional Use Permit request from Lutheran Social Services OBO Arleen Trebush, at 260 5th Ave SE. Phil Carlson discussed the situation of the Trebush property. The property is zoned residential so can only have two occupancies. As of right now, there are three, with a proposal to add a fourth in the basement. There is no record in the city of when the building was changed to a three-unit residence. It was the recommendation of Phil Carlson, based on Findings of Fact that the conditional use permit be denied. Motion made by Laurie Gahm, seconded by Arla Johnson to deny the conditional use permit. Motion carried;

Findings of Fact

- 1) The property at 260 5th Avenue SE is zoned R-2 One and Two Family Residential District.
 - 2) The lot at 260 5th Avenue SE is approximately 9,802 square feet in size and 66 feet wide. Minimum lot standards in the R-2 district for single family or two family homes are 10,000 square feet lot area and 80-foot lot width. The existing lot does not meet the minimum standards for conversion to a two family structure.
 - 3) The existing structure at 260 5th Ave SE was built as a single family home and is classified as one single family housing unit by the Mille Lacs County assessor.
 - 4) The Millaca Zoning Code allows conversion of a single family home to two units with a conditional use permit if it meets the minimum lot area standard. Use of the property for a single unit or two units is a reasonable use.
 - 5) The City building Inspector confirmed in September 2022 that the structure is now divided into three separate living units.
 - 6) There is no record the City of Millaca approved or issued a conditional use permit for two or more dwelling units on the property.
 - 7) The property as currently used does not conform to the Millaca Zoning Code.
 - 8) The request for three units or four units in the structure is not allowed by the standards of the R-2 district in the Millaca Zoning Code.
- b. Conditional Use Permit request from CKW Developers, at 555 Hwy 23 E. Shawn Williams was present to discuss his proposal for an eight-unit apartment building at stated address. Michelle Golombiecki, Jojean Ziegler, and Susan Sussman spoke of their concerns regarding city sewer and water, traffic flow, parking, privacy of neighboring property, broadband infrastructure, and removal of snow to prevent flooding in the spring. Two letters were submitted to the Commissioners by neighboring property owners expressing concern. Shawn Williams addressed concerns; the south side of the apartment will have a garage to serve as a privacy

barrier. He has spoken with Zieglers (to the west) where a privacy fence will be installed. Phil Carlson stated CKW Developers have met all specifications for the eight-unit apartment building. Motion made by Laurie Gahm, seconded by Arla Johnson to accept a conditional use permit for CKW Developers based on Findings of Fact. This will go to the 10/19/22 City Council for final approval.

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 parcels 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.

- c. Variance request from CKW Developers, at 355 3rd Ave SE. Shawn Williams discussed variance request to move the required set-back of a home to be built at this address, at a 14 foot set-back, which is 16 feet away from the right-of-way as opposed to the 30 feet as is currently code. It was noted that other properties in the block are not within the required set-back either. Many property neighbors expressed concerns regarding encroachment on their properties. It was reiterated the variance only pertains to the Hwy 23 side of the property. Motion made by Pam Novak, seconded by Laurie Gahm to accept the variance based on Findings of Fact. Motion carried. This will go to the 10/19/22 City Council for final approval.

Findings of Fact for Approval

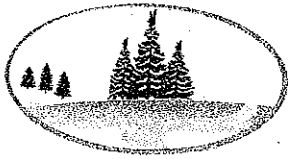
- 1) The lot at 355 3rd Avenue SE is 66 feet wide with a 10-foot-wide right-of-way easement for Highway 23 making the lot width 56 feet for purposes of calculating setbacks.
- 2) The required corner side setback in the Milaca Zoning Code for the Highway 23 side of the lot in questions is 30 feet. The required side setback for the interior north side yard is 10 feet, resulting in a buildable lot width meeting the required setbacks of 16 feet.
- 3) The dimensions of the lot and the imposition of the highway right-of-way easement are circumstances not shared by many lots in Milaca and not created by the applicant.
- 4) The applicant proposes to build a new 24-foot-wide house at a 14-foot setback from the highway 23 right-of-way easement, a variance of 16 feet from the required setback.
- 5) There are five existing structures – houses and a garage – identified on the Mille Lacs County aerial in the two blocks east of the subject property. All of these structures extend into the required 30-foot setback by 7 feet to 47 feet, four of them by more than the proposed house.
- 6) Allowing the house to be located closer to the highway than required by zoning code standards allows more yard space on the north side of the home away from the noise of the highway, a reasonable accommodation in this environment.
- 7) Allowing a 24-foot-side house on the parcel in question closer to the highway than the required setback would not alter the character of this area.

8) The proposed variance meets the criteria in Sections 156.166 and 156.167 of the Milaca Zoning Code for granting variances.

- d. Variance request from Ethel Hakes, and David, Daniel and Lisa, and Donald Hakes. The Hakes family own three adjacent properties. The house at 315 3rd Ave NW crosses the property line of the adjacent property at 1.6 feet. The family requests a variance to change the property line and make the plots of land correct. Motion made by Laurie Gahm, seconded by Arla Johnson to accept the variance request. Motion carried.
- e. Public Hearing was closed.
- f. With no further business to be discussed, Motion made by Arla Johnson, seconded by Pam Novak to adjourn. Meeting adjourned at 6:50pm.

Respectfully Submitted -

Pam Novak



CITY OF
MILACA *Minnesota*

255 First Street East, Milaca, MN 56353

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REZONING APPLICATION

Application is hereby made for Rezoning from (description of Rezoning)

Residential R2 to Residential R3

ADDRESS OF PROPERTY 420 10th St NE Milaca MN 56353

PIN # 21-024-1700

OWNER

NAME Eric & Jill Hardy

OWNER ADDRESS 420 10th St NE

STREET ADDRESS

Milaca

MN

56353

CITY

ST

ZIP CODE

TELEPHONE (320) 223-1451

APPLICANT

NAME Eric & Jill Hardy

APPLICANT ADDRESS 420 10th St NE

STREET ADDRESS

Milaca

MN

56353

CITY

ST

ZIP CODE

TELEPHONE (320) 223-1451

THE FOLLOWING INFORMATION IS SUBMITTED IN SUPPORT OF THIS APPLICATION:

- COMPLETED APPLICATION FOR REZONING
- FEE OF \$200.00
- LEGAL DESCRIPTION OF PROPERTY ATTACHED
- DEPENDING ON THE REZONING REQUESTED, THE FOLLOWING MAY BE REQUIRED:
 - 16 COPIES OF SITE PLAN
 - 16 COPIES OF SIGN PLAN
 - 16 COPIES OF ANY OTHER APPROPRIATE PLANS OR DRAWINGS
- A NARRATIVE EXPLAINING THE PURPOSE OF THE REQUEST, THE EXACT NATURE OF THE REZONING AND THE JUSTIFICATION OF THE REQUEST
- 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.

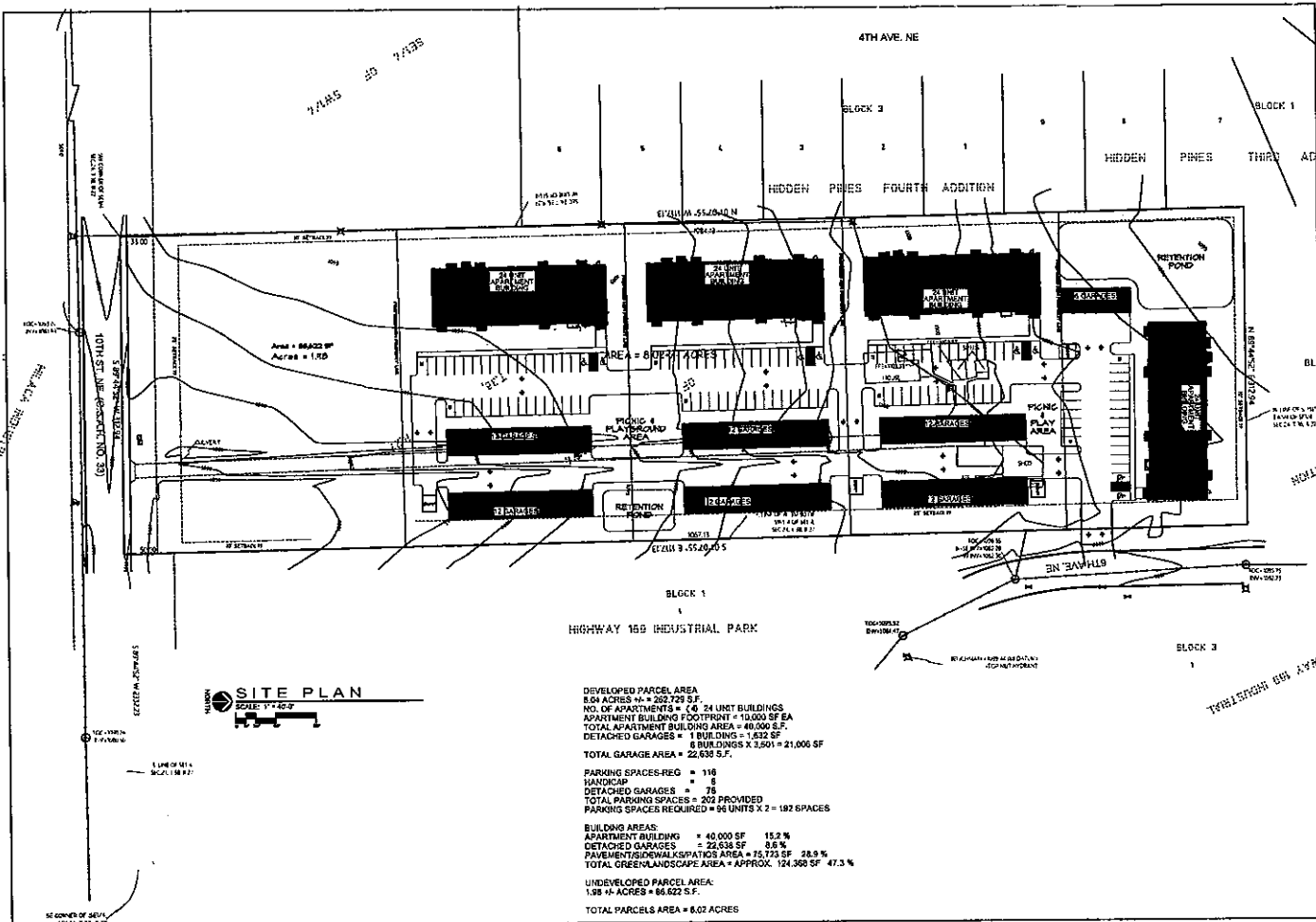
APPLICANT'S SIGNATURE *Eric Hardy* *Dill Hardy*

DATE 11/3/2022

COMMENTS/REVISIONS Rezone to help Milaca with the housing shortage. Build Multi-Family Living.

RECEIVED BY: *Dulcis Kalle* 11.03.22
CITY MANAGER SIGNATURE/ZONING ADMINISTRATOR DATE

*Paid \$200
Check # 3919
Receipt # 17104*



SITE PLAN
 SCALE: 1" = 40'

DEVELOPED PARCEL AREA
 8.04 ACRES = 262,729 S.F.
 NO. OF APARTMENTS = 100 24 UNIT BUILDINGS
 APARTMENT BUILDING FOOTPRINT = 10,000 SF EA
 TOTAL APARTMENT BUILDING AREA = 40,000 S.F.
 DETACHED GARAGES = 1 BUILDING = 1,032 SF
 TOTAL GARAGE AREA = 22,638 S.F.

PARKING SPACES-REG = 116
 HANDICAP = 8
 DETACHED GARAGES = 75
 TOTAL PARKING SPACES = 202 PROVIDED
 PARKING SPACES REQUIRED = 96 UNITS X 2 = 192 SPACES

BUILDING AREAS:
 APARTMENT BUILDING = 40,000 SF 15.2 %
 DETACHED GARAGES = 22,638 SF 8.6 %
 PAVEMENT/SIDEWALK/SPATIOCS AREA = 75,775 SF 28.9 %
 TOTAL GREENLANDSCAPE AREA = APPROX. 124,360 SF 47.3 %

UNDEVELOPED PARCEL AREA:
 1.98 +/- ACRES = 66,622 S.F.
 TOTAL PARCELS AREA = 8.02 ACRES

KEENAN ARCHITECTURAL GROUP
 ARCHITECTS
 1001 W. WASHINGTON ST. MILACA, MN 56251
 PH. 755.555.5551 FAX 755.542.6514

PROGRESS DRAWING NOT FOR CONSTRUCTION
 10/31/2022

NEW APARTMENT COMPLEX OF WORTH APARTMENTS
 10th STREET N.E. (C.S.A.H. NO. 33)
 MILACA, MINNESOTA

SHEET
A1
 OF 2 SHEETS

*8 units per floor
 3 floors ea. block*

DEVELOPED PARCEL AREA

6.04 ACRES +/- = 262,729 S.F.

NO. OF APARTMENTS = (4) 24 UNIT BUILDINGS

APARTMENT BUILDING FOOTPRINT = 10,000 SF EA

TOTAL APARTMENT BUILDING AREA = 40,000 S.F.

DETACHED GARAGES = 1 BUILDING = 1,632 SF

6 BUILDINGS X 3,501 = 21,006 SF

TOTAL GARAGE AREA = 22,638 S.F.

PARKING SPACES-REG = 116

HANDICAP = 8

DETACHED GARAGES = 78

TOTAL PARKING SPACES = 202 PROVIDED

PARKING SPACES REQUIRED = 96 UNITS X 2 = 192 SPACES

BUILDING AREAS:

APARTMENT BUILDING = 40,000 SF 15.2 %

DETACHED GARAGES = 22,638 SF 8.6 %

PAVEMENT/SIDEWALKS/PATIOS AREA = 75,723 SF 28.9 %

TOTAL GREEN/LANDSCAPE AREA = APPROX. 124,368 SF 47.3 %

UNDEVELOPED PARCEL AREA:

1.98 +/- ACRES = 86,622 S.F.

TOTAL PARCELS AREA = 8.02 ACRES

Planning Report

Date: December 5, 2022

To: Milaca Planning Commission

From: Phil Carlson, AICP, Stantec

Request: Rezoning – R-2 One & Two Family Residential to R-3 Multiple Family Residential

Owners: Eric and Jill Hardy

Applicants: Eric and Jill Hardy

Address: 420 10th Street NE

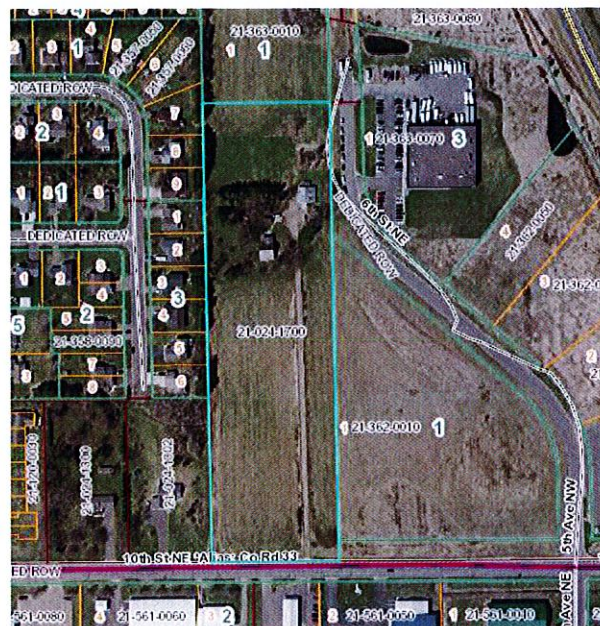
PID: 21-024-1700

Zoning: R-2 One and Two Family Residential District

INTRODUCTION

Eric and Jill Hardy own the single family home at 420 10th Street NE. The 8-acre parcel fronts on 10th Street NE with a long driveway serving the home which sits on the north side of the lot. The lot also has street frontage at its northeast corner where 6th Ave NE curves to touch the property. The property is vacant except for the residence and garages on the north side. The request from the Hardy's, through developer Jarod Worth, is to rezone the property from R-2 to R-3 to allow apartments to be built.

Adjacent uses are single family homes along the entire west side of the lot – homes fronting on 10th Street NE and 4th Avenue NE – and vacant industrial land to the north and east, except for the Heggie's Pizza facility across 6th Ave NE opposite the NE corner of the property.

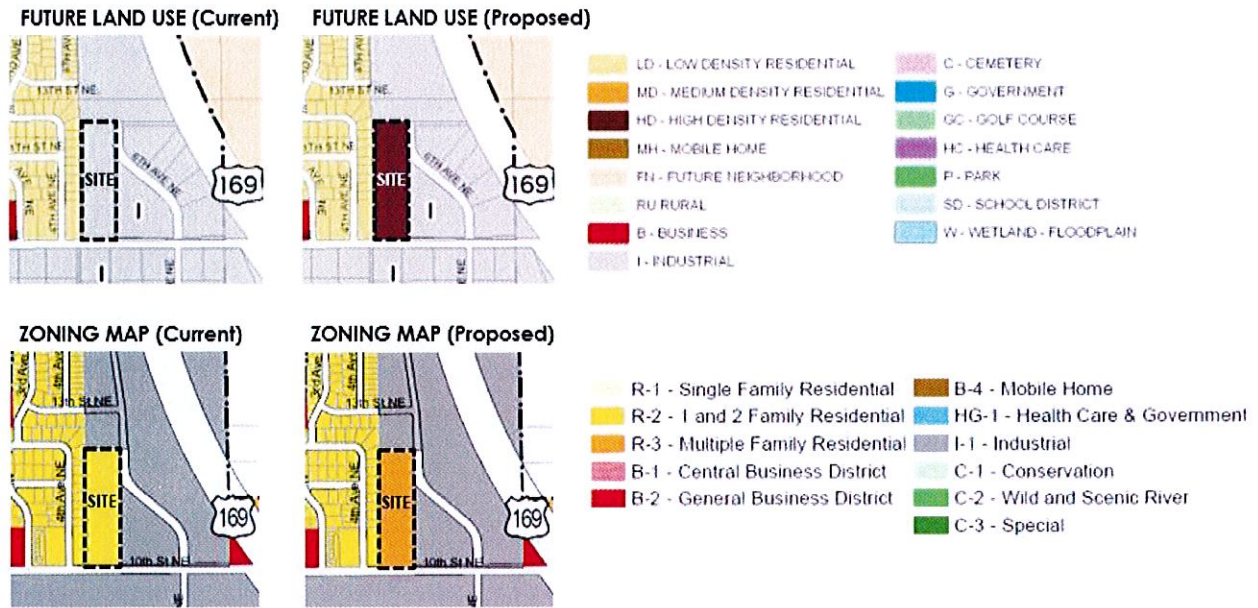




Re: Hardy, 420 10th Street NE – Rezoning from R-2 to R-3

PLANNING & ZONING

The property is guided Industrial on the Planned Land Use map (also called the Future Land Use Plan) in the 2007 Comprehensive Plan but is currently zoned R-2 One and Two Family Residential, as illustrated on the map excerpts below. The Future Land Use Plan and the Zoning Map should be in line with one another, so if this request is recommended for approval, we suggest the Land Use Plan also be amended to HD – High Density Residential.



REZONING REQUEST

The request is to rezone the property to R-3. The application includes a site plan for four 24-unit apartment buildings, but the current request does not involve review of the site plan. If the rezoning is approved by the City Council the applicants would be able to propose any use that is permitted in the R-3 district, plus accessory uses and other uses by conditional use permit. The list of those uses is included at the end of this report.

Density in the R-3 district is regulated by lot area per apartment unit – 3,000 sq ft of lot area for each 2-bedroom unit and 2,000 sq ft of lot area for each efficiency or 1-bedroom unit. If all units were 2-bedroom, the allowable density would be about 14.5 units/acre. If half of the units were efficiency or 1-bedroom, the allowable density would be about 17.5 units/acre. The suggested 96 units in four buildings are placed on the northern 6 acres of the 8-acre site, leaving a 2-acre undeveloped parcel on the south side abutting 10th Street SE. The density of the project on the whole site (96 units/8 acres) would be 12 units/acre. If only the 6-acre northern parcel is counted (96 units/6 acres), that would be about 16 units/acre, within the allowable R-3 density if some are smaller units. The developer is not bound by the plan presented – once rezoned, the property could be developed for any permitted use up to the maximum allowed by the Zoning Code.

Design with community in mind



Re: Hardy, 420 10th Street NE – Rezoning from R-2 to R-3

PLANNING ISSUES

With any zoning decision, the City should determine that the uses are appropriate in a given location and that the pattern of land uses around it makes sense. In this case, the Hardy property is at the north edge of the City abutting a single family neighborhood, and it also abuts industrial land and uses. It is on a through street, 10th Street NE, that connects to Central Avenue a few blocks west and 10th Avenue a few blocks east on the other side of Highway 169 – it has good access for a multi-family project. The property would provide a transition or buffer between single family residential and industrial land with its long north-south dimension, an ideal arrangement. Additionally, Milaca needs more affordable housing, and an apartment project could provide it.

The site plan also makes sense (if designed that way) by placing the apartment buildings on the west side toward the residential neighborhood and placing the garage buildings on the east side as a buffer to noise and activity on the industrial land.

For these reasons, the rezoning makes sense, but there are potential concerns raised by the site plan accompanying the application and by possible future plans. Mr. Worth indicated he has other plans for the undeveloped parcel and would want to divide the apartment project into four separate lots. Some of these issues are illustrated on the map on the next page:

- The site plan shows access only at the NE corner of the lot from 6th Ave NE and not from 10th Street SE. If the property were developed like this, all apartment traffic would access the site only from 6th Ave NE, which would be less convenient and more circuitous than access from 10th Street NE. On future plans we suggest there be more than one access point, preferably to 10th Street NE.
- If the apartment buildings were separated on four different lots, there would need to be public street access to each, especially if they might be under different ownership or management. Only the north two lots have direct frontage to 6th Ave NE; the other two do not. There could be cross easements between the lots, which is sometimes done, but the amount of traffic might strain one access point.
- The front 2 acres of the site are shown on the plan as an "undeveloped parcel", and Mr. Worth indicated he would like that to be zoned for commercial or industrial at some point. The rezoning and land use pattern makes sense if all residential, since the lot fronts 10th Street NE. If the lot is divided up, the access issue would be more complicated.
- If the front parcel is developed for commercial or industrial, it would surround the 6-acre apartment parcel on three sides with non-residential uses, leaving the apartment project as a small island of high density residential zoning with only one access to the east onto 6th Ave NE. If the entire property is rezoned to R-3 as requested the front parcel would also be R-3, so any change to commercial or industrial would need a separate rezoning request and approval.



Re: Hardy, 420 10th Street NE – Rezoning from R-2 to R-3

- Dividing the property into several parcels would require a plat, also a separate future request from the current rezoning application.
- Required front setback under R-3 standards is 30 ft to 6th Ave NE (25 ft is shown on the site plan). Required side setback is 15 ft to the west (35 ft is shown on the site plan, more than adequate).

Since the site plan is *not* part of the rezoning request, the above issues are not pertinent to the current request, but they would be to any future request for rezoning on the front parcel of land or for a plat.





Re: Hardy, 420 10th Street NE – Rezoning from R-2 to R-3

ZONING AMENDMENTS

The Milaca Zoning Code in Sect. 156.150(D) gives guidance to the Planning Commission on zoning amendments:

(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, with my notes on each:

- (1) **Relationship to the city’s growth management system/Comprehensive Plan;**
The Land Use Plan would be changed with the rezoning if approved and would create a logical pattern.
- (2) **The geographical area involved;**
The area and context are appropriate, as discussed above.
- (3) **Whether the use will tend to or actually depreciate the area in which it is proposed;**
The use would not likely depreciate the area.
- (4) **The character of the surrounding area;**
The character of the area is appropriate in terms of existing and future uses and the transition between them, from existing single family to the west to high density residential on this parcel to industrial to the east.

and

- (5) **The demonstrated need for the use.**
Milaca needs more housing, especially housing that is reasonably affordable.

RECOMMENDATION

We recommend approval of the rezoning of the property at 420 10th Street NE to R-3 Multiple Family Residential and re-guiding on the Future Land Use Plan map to HD – High Density Residential.

Findings of Fact for Approval

- 1) The lot at 420 10th Street NE is situated between a single family residential neighborhood on the west and industrial land and uses to the east, south, and north.
- 2) The proposed zoning designation as R-3 Multiple Family Residential provides a buffer and transition between the abutting land uses, a desirable land use pattern.



Re: Hardy, 420 10th Street NE – Rezoning from R-2 to R-3

- 3) The City's Future Land Use Plan and Zoning Map should be in conformity. Amending the Future Land Use Plan to HD – High Density Residential to match the requested R-3 zoning is appropriate.
- 4) There is a need for more multi-family housing in Milaca, which this property could help provide.
- 5) The request satisfies the factors for rezoning in Sect. 156.150(D) of the Milaca Zoning Code.

The City cannot typically add conditions to a rezoning, as can be done with variances, conditional use permits, or plats. The rezoning stands on its own, allowing the owner to put the property to use for any of the permitted or conditional uses in the zoning code if they meet the applicable standards.

The City would be within its authority to deny the rezoning, but there would need to be Findings of Fact supporting the denial, which might include the following.

Findings of Fact for Denial

- 1) The property at 420 10th Street NE is currently guided Industrial on the City's Future Land Use Plan and zoned R-2 One and Two Family Residential.
- 2) The City wishes to keep the property for single family residential use as zoned or for future industrial use as designated on the Future Land Use Plan and not allow it for multi-family residential use.

PLANNING COMMISSION MOTION TEMPLATES

The Planning Commission recommends to the City Council, which has final authority to approve or deny the rezoning request. Options for Planning Commission recommendations and motions might include the following, with Findings of Fact:

- *Approval*
The Planning Commission recommends that the City Council approve the rezoning to R-3 Multiple Family Residential for the property at 420 10th Street NE, with the Findings of Fact in the Planner's report of December 5, 2022 [or as revised].
- *Denial*
The Planning Commission recommends that the City Council deny the rezoning for the property at 420 10th Street NE, with the Findings of Fact in the Planner's report of December 5, 2022 [or as revised].

60-DAY DEADLINE

The application was received and fees paid on November 3, 2022. The deadline for final action by the City Council per State statute 15.99 is January 3, 2023.



Re: Hardy, 420 10th Street NE – Rezoning from R-2 to R-3

R-3 MULTIPLE FAMILY RESIDENTIAL HIGH DENSITY DISTRICT – PERMITTED & CONDITIONAL USES

From Section 156.037 of the Milaca Zoning Code:

(C) *Permitted principal uses.*

- (1) One family residences;
- (2) Two family residences;
- (3) Rooming houses, boarding houses;
- (4) Townhouses;
- (5) Apartment buildings;
- (6) Public and parochial schools;
- (7) Churches; and
- (8) Manufactured homes.

(D) *Permitted accessory uses.*

- (1) Off-street parking spaces and garages as required in this chapter;
- (2) Recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use residence and their guests;
- (3) Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment; and
- (4) Fencing, screening, and landscaping as permitted and regulated in this chapter.

(E) *Uses requiring a conditional use permit.*

- (1) Cemeteries;
- (2) Municipal buildings;
- (3) Off-street parking lots;
- (4) Nursery schools;
- (5) Nursing homes, rest homes;
- (6) Public utilities buildings;
- (7) Funeral homes;
- (8) Clubs and lodges;
- (9) Home occupations;
- (10) Clinics and hospitals;
- (11) Planned unit developments as required by this chapter.
- (12) Conversions of single family units into multi-family dwellings, provided that:
 - (a) No existing family dwellings shall be converted into more than two dwelling units;
 - (b) Lot size shall be at least 10,000 square feet with public sewer;
 - (c) Adequate off-street parking is provided in accordance with this chapter;
 - (d) Constructed to the Minnesota State Building Code;
- (13) Manufactured home parks licensed by the State Department of Health;
- (14) Accessory structures larger and/or taller than the principal building.