



CITY OF MILACA  
PLANNING COMMISSION AGENDA  
JULY 10, 2023  
6:00 P.M.  
255 1<sup>ST</sup> ST E, CITY HALL COUNCIL ROOM

1. Open Regular Planning Commission Meeting
2. Call to Order/Roll Call
3. Approve minutes from May 15, 2023
4. Open Public Hearings: Time \_\_\_\_\_
  - a. Planned Unit Development - Bluewaters-Potato Patch-Milaca MN, LLC
5. Close Public Hearings: Time \_\_\_\_\_
6. New Business
  - a. Planning Commission Vacancy
7. Miscellaneous
8. Adjourn

CITY OF MILACA PLANNING COMMISSION

May 15, 2023 – 6:00 p.m.

1. Members Present – Brad Tolzman, Brett Freese, Joel Millam, Arla Johnson, Hayden Hultman and Pam Novak. Brett Freese excused himself from the meeting at 6:30 p.m.
2. Others Present – Tammy Pfaff, City Manager and Deloris Katke. Please see attached list of Milaca citizens in attendance.
3. Motion made by Arla Johnson, seconded by Joel Millam to accept the Secretary's report from the March 13, 2023 meeting. Motion carried.
4. The public hearing was opened at 6:02 p.m.
  - a. Variance Application request for Darryl and Mary Stimmler. It was explained that the Stimmler's lot is of a unique size to the city and poses difficulty in meeting code standards for lot coverage and side setbacks. Motion made by Arla Johnson and seconded by Hayden Hultman to allow the building as presented. Motion carried. This will be sent to City Council for final approval.
  - b. Preliminary Plat and Conditional Use Permit for Bluewaters-Potato Patch-Milaca. Many citizens spoke regarding their concerns of the proposed building of 11 townhomes in the Potato Patch. Some of the concerns included potential flooding, the time frame of the construction, no sidewalks, increased traffic and wetlands. Gragg Chaffin, co-owner of Bluewaters was present and answered questions and also explained their plan of starting with one 4-plex, see how sales for those go and then possibly put in footings for the other two sections so that work can be done on them in the winter months. He is expecting construction to be done summer of 2024 if all goes according to plan. Motion made by Joel Millam to accept the Preliminary Plat with the following conditions.
    1. Lot lines for the townhouse lots will be adjusted as recommended by the Planner's report of May 8, 2023 to take into account 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.
    2. Outlet A will be revised to include the entire driveway and common parking area.
    3. A 10 foot wide drainage and utility easement shall be provided around the perimeter of the plat.
    4. 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.

Motion seconded by Arla Johnson. Motion carried. This will be sent to the City Council for final approval.

Regarding the Conditional Use Permit. Motion made by Joel Millam and secondary to Arla Johnson to accept the Conditional Use Permit with the following conditions. Motion carried. This will be sent to City Council for final approval.

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.

c. Zoning change to 156.038 (D) (48) to allow slaughtering in the B2 zoning district. Changes will be made to require 1 acre of land for a building to include meat market with slaughtering facilities. Motion made by Joel Millam and seconded by Hayden Hultman to accept this change. Motion carried. This will be sent to city council for final approval.

d. The city applied for a grant to have the airport road upgraded and it was approved. The airport road is jointly in Milaca and Borgholm Townships. A representative from Borgholm Township talked at the last city council meeting voicing their concerns about being able to deal with the upkeep of the road in years to come because of their low threshold of monies. They brought up to the council the possibility of annexing both Milaca and Borgholm properties into the City of Milaca so the city would be responsible for the upkeep. Motion made by Pam Novak and seconded by Joel Millam to move forward with this request. Motion carried.

It should be noted that the Public Hearing closed at 6:46 p.m.

Pam Novak inquired on what is going on in industrial park where CoinTainer was. Tammy reported that storage units are being constructed by Mark Haugen. She also asked about the proposed apartment buildings by Heggie's. Tammy reported that there is nothing new to report on this project.

Motion made by Arla Johnson and seconded by Joel Millam to adjourn the meeting at 7:15 p.m. Motion carried.

Respectfully Submitted,

Pam Novak

## § 156.043 PUD, PLANNED UNIT DEVELOPMENT DISTRICT.

(A) *Purpose.* The purpose of the planned unit development district (PUD) is to permit great flexibility in the use and design of structures and land in situations where modification of specific provisions of this chapter will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based, and will not be harmful to the neighborhood in which the districts occur.

(B) *Permitted, accessory, and conditional uses.* The following are permitted, accessory, and conditional uses within the PUD district:

(1) Permitted, accessory, and conditional uses allowed within the zoning district where the proposed PUD is to be located; and

(2) Other uses provided that these uses shall not occupy more than 10% of the gross land area.

(C) *Lot area regulations.* The provisions of this section shall be applied to land of one or more acres in size. The total land area may not be less than that required under the other district provisions for the equivalent use and number of structures or units.

(D) *Procedural requirements.*

(1) *Preliminary development plan.*

(a) The applicant requesting a planned unit development shall first submit a preliminary development plan in accordance with the procedures for amendments set forth and regulated by this chapter.

(b) The preliminary development plan shall consist of location and preliminary site maps including maps and/or statements describing proposals suggested for land use, parking, drainage, utilities, and other additional data required by the Planning Commission or City Council.

(2) *Final development plan.*

(a) Within one year from date of City Council approval of the preliminary development plan, the applicant shall submit a final development plan to the Planning Commission.

(b) The final development plan shall include:

1. Complete site development plans;
2. Complete landscaping plans (where necessary);
3. Complete parking and circulation plans;
4. Complete drainage and other utility system plans;
5. Preliminary architectural floor plans; and
6. Additional data as required by the Planning Commission.

(c) The Planning Commission shall review the final development plan to assure consistency with the approved preliminary development plan. The Planning Commission shall recommend for approval or disapproval with conditions and reasons thereof to the City Council. In case the plan is disapproved, the applicant shall be notified in writing of the reason for disapproval and what requirements are necessary to meet the approval of the Commission.

(d) The final development plan, together with the recommendations of the Planning Commission, shall be submitted to the City Council at its next regularly scheduled meeting. If accepted, the final development plan shall be approved by resolution, including acceptance of all agreements for basic improvements, public dedications, and other requirements as indicated by the City Council. If denied, the reasons for refusal shall be set forth in the proceedings of the Council and reported to the applicant.

(3) *Approved plans.* Requests for variances may be approved when consistent with the purpose of this section. All approved final development plans which include the platting or replatting of property within the PUD shall be filed and recorded with the County Recorder's office. Failure to do so within one year of Council's final approval shall result in the requiring of a new preliminary development plan according with the procedures set forth in this section to ensure compliance with any new requirements.

(4) *Recording on Zoning Map.* Upon approval of the first PUD, the Zoning Administrator shall record the PUD district onto the Zoning Map and designate the district as PUD-1. Thereafter, future approved PUD districts shall be designated in sequential order, i.e., PUD-2, PUD-3, PUD-4, and so on.

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

## Planning Report

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**Date:** July 10, 2023

**To:** Milaca Planning Commission

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

**Request:** Planned Unit Development, Preliminary Development Plan  
6<sup>th</sup> Addition to Milaca (“Potato Patch”)

**Owner:** Bluewaters-Potato Patch-Milaca, MN LLC

**Applicant:** Gregg Chaffin

**Address:** Highway 23, 2<sup>nd</sup> Avenue SW, 5<sup>th</sup> Street SW

**PIDS:** 21-046-0170

**Zoning:** B-2 General Business

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### INTRODUCTION

Gregg Chaffin is proposing townhouses on the vacant land on 2<sup>nd</sup> Avenue SW between Highway 23 and 5<sup>th</sup> Street SW, a parcel known as the “Potato Patch”. The project was previously reviewed by the Planning Commission as a Conditional Use Permit (CUP) for multi-family in the B-2 district but has been revised slightly and is now being requested as a Planned Unit Development (PUD). See our previous planning report of May 8, 2023, for additional details.

A PUD is a rezoning under Milaca zoning and is reviewed in two steps. The current request, preliminary development plan, only needs to show the general layout and site plan. It would be followed by the PUD final development plan, which would have complete site plans, landscape plan, drainage and utility plans, plat, and other details.



### REVISED PLAN

The current plan is almost identical to the previously reviewed plan, with 11 townhouses in three buildings, but revised to take into account our earlier recommendations and other adjustments made by the applicant, including the following, illustrated on the graphic attached:



**Re: Potato Patch PUD**

- 1) A portion of the 5<sup>th</sup> Street SW ROW (dedicated as Hill Street) at the south end of the property is shown vacated, as recommended.
- 2) The site plan is sifted southward to take into account the 5<sup>th</sup> Street SW ROW vacation and to stay further from the slope at the north end of the property, as recommended.
- 3) The buildings are shifted south to allow a 5-ft buffer between the parking lot drive aisle and the northernmost townhouse building, as recommended.
- 4) The three buildings are 12 ft apart, vs. the 20 ft required by zoning (10-ft side setbacks each side) recommended previously. This relaxation of the setback requirements is allowed in a PUD, but not with a CUP unless a variance is also granted.
- 5) The 11 townhouses would be platted each within their own lot, with one larger outlot for the common areas. The previous plan had three townhouse lots, one for each 3- or 4-unit building, not one for each townhouse unit.

**RECOMMENDATION**

We recommend approval of the PUD preliminary development plan for the Potato Patch townhouse project on parcel PID 21-046-0170, as depicted on Concept 1A and Concept 1B dated 6/23/2023 from Johnson Engineering Group, with the following conditions:

- 1) A portion of the 5<sup>th</sup> Street SW right-of-way at the south end of the site will be petitioned to be vacated as illustrated on the submitted site plans, 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 reflected on the plat as illustrated on the submitted site plan.
- 3) Outlot A will include the entire driveway, parking and common areas.
- 4) A 10-foot-wide drainage and utility easement shall be provided on the north, south, and east sides of the plat and a 30-foot-wide drainage and utility easement on the west side.
- 5) A landscape plan will be submitted for review and approval by the City Engineer and City Planner prior to issuing a building permit.
- 6) A lighting plan will be submitted for review and approval by the City Engineer and City Planner prior to issuing a building permit.
- 7) 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.
- 8) All requirements of the City Engineer and Public Works Director will be followed with respect to grading, stormwater, utilities, and other issues.



**Re: Potato Patch PUD**

*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. Within a PUD, the permitted and conditional uses of the underlying district are allowed.
- 2) The reduced side setbacks in the proposed plan, 12 feet between structures vs. 20 feet required by B-2 zoning standards, are reasonable and appropriate in the context of this site and a planned unit development, which can allow flexibility on these standards.
- 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 purpose and intent of the PUD standards in 156.043.

**60-DAY DEADLINE**

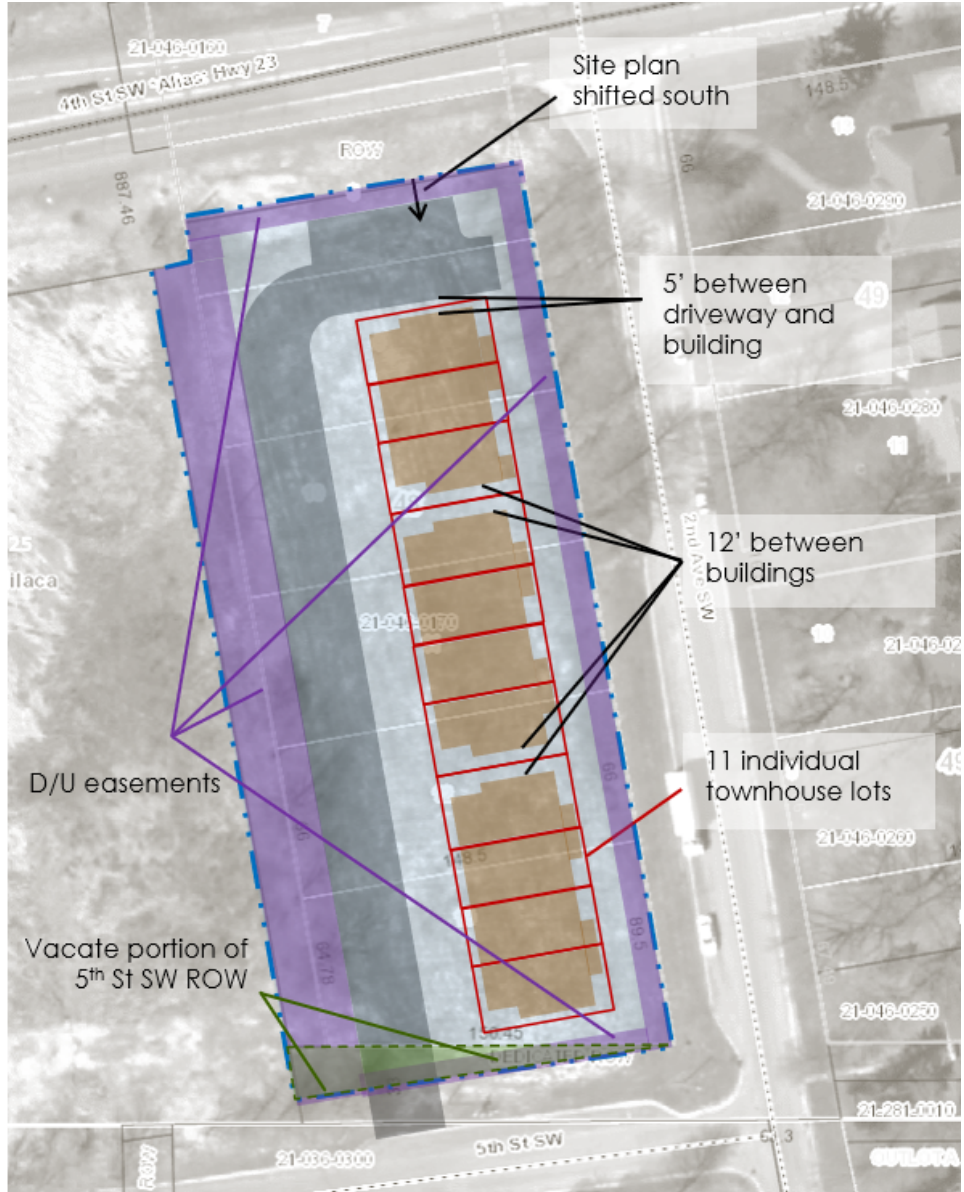
The plat application was received on May 1, 2023. Per State statute 15.99 it has a 120-day deadline for final City Council action, which is up on August 30, 2023. The previous CUP application 60-day deadline is up July 1, 2023, but that application is withdrawn and a new PUD application was submitted on June 28, 2023. The 60-day deadline for final action on the PUD is August 28, 2023.

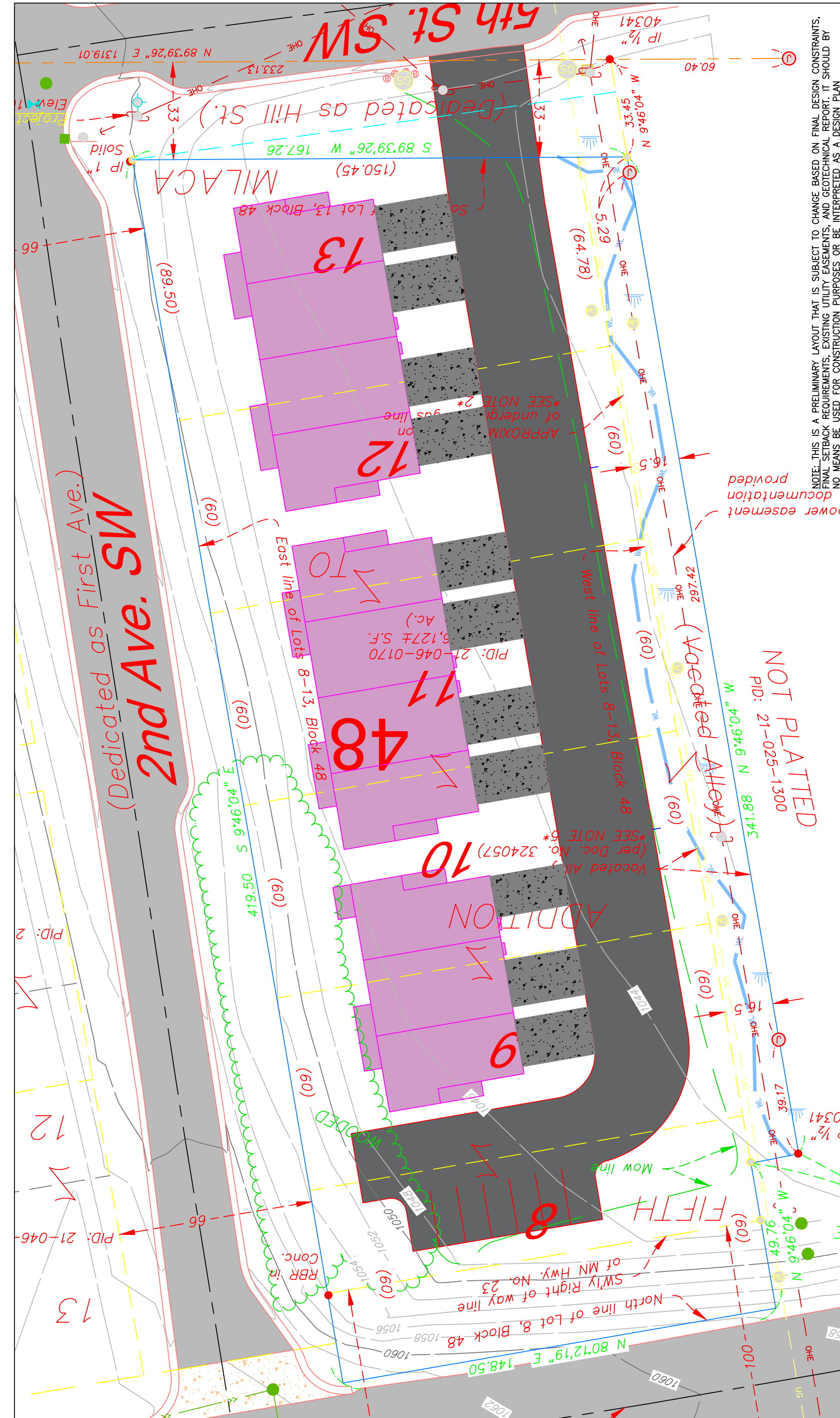




Re: **Potato Patch PUD**

**Revised Site Plan – Potato Patch PUD**





NOTE: THIS IS A PRELIMINARY LAYOUT THAT IS SUBJECT TO CHANGE BASED ON FINAL DESIGN CONSTRAINTS, FINAL SETBACK REQUIREMENTS, EXISTING UTILITY EASEMENTS, AND GEOTECHNICAL REPORT. IT SHOULD BY NO MEANS BE USED FOR CONSTRUCTION PURPOSES OR BE INTERPRETED AS A DESIGN PLAN

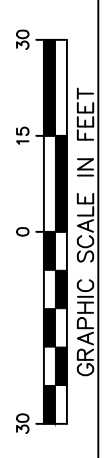
REV	REVISION DESCRIPTION	DWN	APP	REV DATE

DWN BY		CHK'D	APP'D	PROJECT	SHEET TITLE
MPJ	MPJ	MPJ	DJU		
MPJ	MPJ	MPJ	DJU	Milaca Potato Patch Property	Concept Plan w/ Prelim Survey Notes
DWMG DATE				CLIENT	PROJECT NO. P2022-38
6/23/2023					
SCALE				SHEET NO. Concept 1A	
1"=30'				REV NO.	

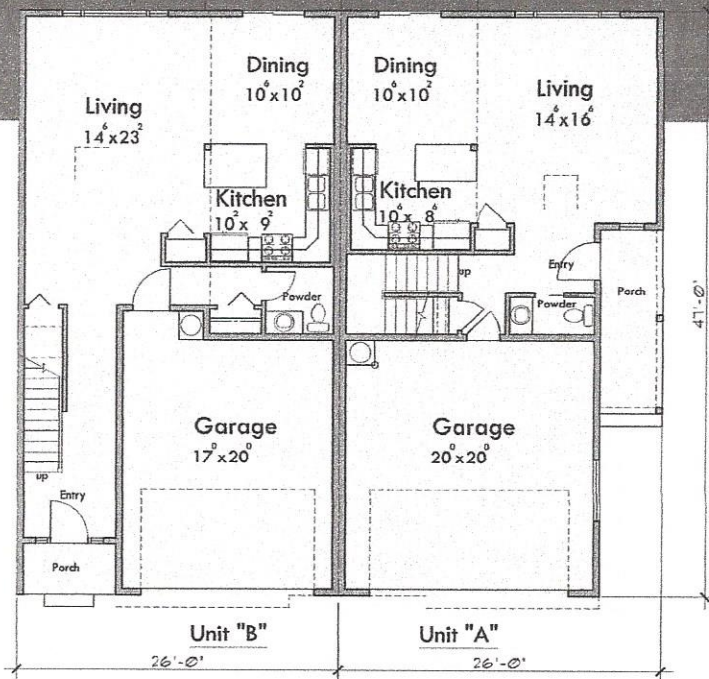
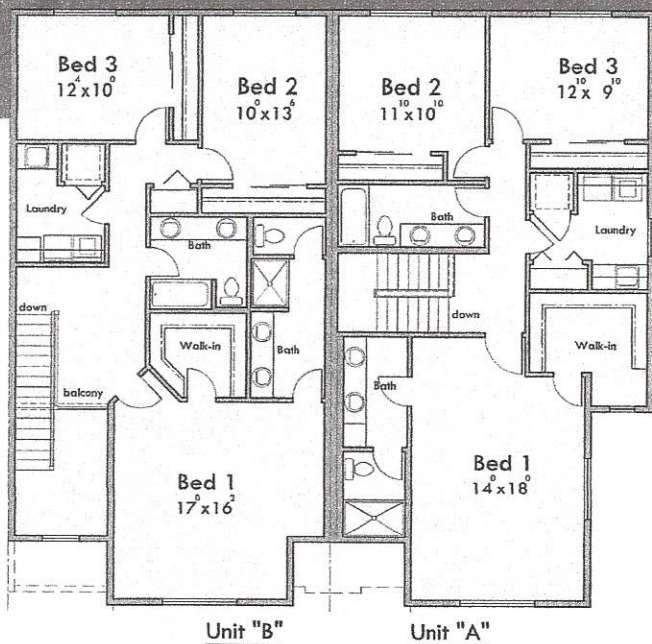
PROJECT: Milaca Potato Patch Property  
CLIENT: BlueWaters Companies, Inc  
17029 Vickers Street NE  
Harm Lake, MN 55304

PO Box 394  
Windom, MN 56101  
(507) 832-8460

**JEG** JOHNSON ENGINEERING GROUP







## 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.