CITY OF MILACA PLANNING COMMISSION AGENDA JUNE 3, 2024 6:00 P.M. 255 1ST ST E, CITY HALL COUNCIL ROOM

1.	Open Regular Planning Commission Meeting					
2.	Call to Order Time/Roll Call					
	Brett FreezeArla JohnsonGreg KuperusJoel Mill	am	_Brad To	zman		
3.	Approve minutes from November 13, 2023	MB	2 nd	AIF	o	
4.	Open Public Hearings: Time a. Preliminary Plat for Worth Custom Homes					
	Close Public Hearings: Time					
5.	New Business					
	a. Preliminary Plat for Worth Custom Homes	MB	2 nd	AIF	0	
	b. Interview Planning Commission Candidates	MB	2 nd	AIF	0	
	c. Appoint a Secretary for Planning Commission	MB	2 nd	AIF	0	
6.	Miscellaneous Next meeting possibly review tarp-like structure Ordinance and or	reate a S	Solar Pane	el Ordina	nce	
7.	Adjourn					

CITY OF MILACA PLANNING COMMISSION MEETING MINUTES

NOVEMBER 13, 2023

6:00 P.M.

- 1. OPEN PLANNING COMMISSION MEETING: Brad Tolzman Chairman
- 2. MEMBERS PRESENT: Roll Call:
 - a. Joel Millam, Brett Freese, Arla Johnson, Brad Tolzman
 - Others Present: City Manager Tammy Pfaff, Assistant City Clerk Deloris Katke, Council Liaison Norris Johnson, Greg Kuperus
- 3. APPROVAL OF MINUTES FROM AUGUST 14, 2023:

Chairman Tolzman called for a motion to approve the minutes from August 14, 2023. Motion to approve minutes from August 14, 2023 made by Arla Johnson, seconded by Joel Millam. No further discussion. All in favor. Motion passes.

- 4. PUBLIC HEARINGS: Opened at 6:03 p.m.
 - a. Chapter 34 Zoning Fee Increases: City Manager Pfaff stated that the city has a consultant that charges \$150 an hour and our fees need to increase to reflect these charges, especially when we have a lot of activity in town. Tammy stated that these increases are consistent with other cities. PC Member Millam asked what cities we have compared to: City of Foley, City of Mora, City of Princeton and City of Rush City. PC Member Freese asked if a percentage was used or if we just adjusted the fees. City Manager Pfaff stated an adjustment was made to some of the fees. City Manager Pfaff stated that some fees now have an escrow to be collected. Greg Kuperus asked when the escrow would be required. City Manager Pfaff replied on Conditional Use Permits, Variances, subdivisions, re-zoning. More discussion on escrow. Chairman Tolzman stated that the city wasn't looking to make money on these increases but rather to just break even. City Manager stated taxpayers shouldn't have to pay for that. PC Millam stated he didn't think he agreed with that. He feels taxpayers should be paying for improvements to the city. He's not saying it isn't right, he just did not agree with that statement. PC Member Freese said you could look at it both ways. Chairman Tolzman agreed that maybe it could be worded differently. PC Member Millam questioned whether there was a position within the city that this consultant was taking over. City Manager Pfaff stated that he is our Planning and Zoning and we use him for more complicated/involved issues. City Manager Pfaff continued to state that staff will take care of minor zoning issues.

b. Amendment to the Zoning Code #156.036(E)(9) Request by Councilmember Norris Johnson: Council member Johnson stated that society is changing and the single family homes are not much of an issue now that younger people are looking at renting out for income purposes. This is becoming the trend in society. The demand is in rental

properties and because of that, this amendment would be helpful to open up for more buyers and sellers which would be good for the environment.

The other reason is that there are several other homes that are rentals that are under the radar and maybe by passing this amendment that it would make more of these rentals in compliance.

Johnson further stated that he would like to see the 10,000 square feet lot eliminated simply because a lot of these older lots in town are not that size so it's really not accurate.

Other provisions in the ordinance states not to cover more than 60% of the lot and to have adequate parking (2 spots per unit) and all these provisions would still apply. All units would still need to comply with the rental ordinance as well and have the units inspected by building official and fire officials.

PC Member Millam asked if these were just conversions to single homes and Council member Johnson replies yes. PC Member Millam asked that if this was a brand new apartment building that that would be a total different ball game and Johnson replied yes. This would just address single family homes. Johnson further stated again that we are seeing a trend in more rental units particularly more affordable.

City Manager Pfaff stated under (b) by eliminating the 10,000 square feet that this could open it up to allow tiny houses and asked the Planning Commission if they were OK with the possibility of having tiny houses in the city. Council member Johnson stated that we do have a minimum of square feet for new homes. PC Member Freese questioned the size of the lot for the new home on Hwy. 23. City Manager Pfaff stated that lot was big enough. PC Member Millam stated that we gave them a variance because they were too close to the right of way. City Manager Pfaff stated there is a resident here in town that would like to tear down a garage on her lot and build a tiny home so you have to think about all these small lots in town that could allow a tiny home. Is that what you want? Council member Johnson stated that there are already a lot of smaller homes in Milaca that are probably only 700-800 square feet. PC Member Millam stated that even a tiny home would have to hook up to city sewer and water and they would be subject to the 60% lot coverage and parking and setbacks. PC Member Millam stated that he likes the idea of being able to convert a home to more than 2 units.

- 5. Public Hearings closed at 6:21 p.m.
- 6. NEW BUSINESS:
 - a. Chapter 34 Zoning Fees Increases: PC Member Millam made a motion to recommend approval of the Chapter 34 Zoning Fees Increases as presented. PC Member A. Johnson seconded the motion. No further discussion. All in favor. Motion passes.
 - **b.** Amendment to the Zoning Code #156.036(E)(9): PC Member Millam motioned to approve the changes to Zoning Code #156.036(E)(9) as presented by Council member Norris Johnson. Arla Johnson seconded the motion. No further discussion. All in favor. Motion passes.
 - c. Interview Planning Commission Candidate: Greg Kuperus live off 3rd Ave and built a new home. Graduated from Milaca High School. Went to school in Wisconsin for Construction Management. Custom home builder in the cities. He has had experience in dealing with completing variance applications, etc. as a builder. He has worked in Edina, Lake Minnetonka. City Manager Pfaff then stated there were a few questions she wanted to ask:
 - 1. What are your goals/accomplishments for being on the Planning Commission? To work with the developer and meet ordinance codes.
 - 2. How would you accomplish getting a resident or commercial business to comply to zoning ordinances? Make sure ordinances are readily available for public. Help them work with the consultant.
 - 3. What would you change in the zoning ordinance? Haven't had a chance to review it.
 - 4. **How would you improve the City of Milaca?** Being on the Planning Commission and to be willing to work with developers/landowners.
 - How would you handle conflict or a difference of opinion with a Planning Commission member's views if you did not agree with them? Talk about it via email or phone call.

PC Member Freese made a motion to approve Greg Kuperus' membership to the Planning Commission. Seconded by PC Member Millam. No further discussion. All in favor. Motion passes.

PC Chairman asked if there was another candidate and City Manager Pfaff stated Dan Hollenkamp backed out.

d. Planning Commission Vacancy: City Manager Pfaff stated we are still looking for a few members especially now that Pam Novak has resigned as of 12-31-2023. PC Chairman Tolzman called for a motion to accept the resignation of Pam Novak

effective 12-31-2023. Motion made by PC Member Millam. Seconded by PC Member A. Johnson. No further discussion. All in favor. Motion passes.

7. MISCELLANEOUS:

City Manager Pfaff stated the developers are on hold for financing. Jarod Worth is working on his designs right now. Sam, from the meat market, had a meeting with us and he is coming along with his plans. The road is in. He needs to put the road in to his business.

PC Member Millam asked how the meter replacement was coming and City Manager Pfaff stated that they are about 95% complete. There are a few residents that refuse to comply and we may need to get our city attorney involved.

8. ADJOURN:

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

Meeting adjourned at 6:34 p.m.



APPLICATION FOR PRELIMINARY PLAT REQUEST

APPLICATION IS HEREBY MADE FOR A PRELIMINARY PLAT FOR

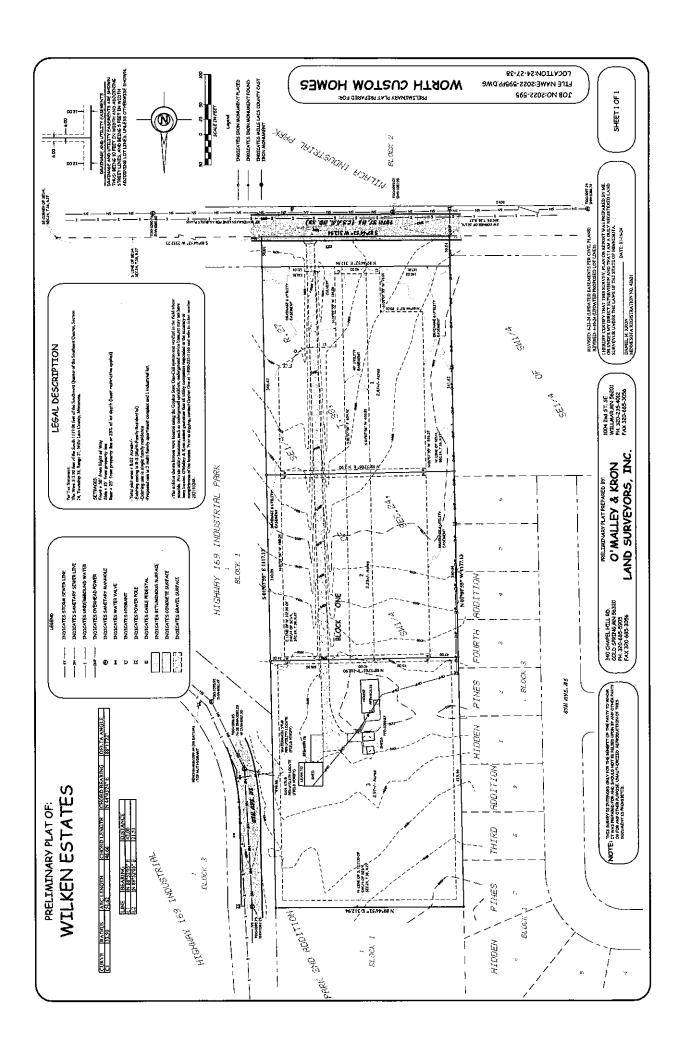
Subdivision Name	Owner's Name		
FULL LEGAL DESCRIPTION OF PROPERTY (Attach description is The west 312.9 feet of the south 1117.0 of the Southeast quarter of Section 24 Mille Lacs County; Minnestota	feet of the So . Town ship 38	wthwest Quaw North, Range	ter 27 we
PROPERTY 420 10 th St NE MI	laca, MN		
OWNER Jarod Worth of Worth Cu	stom Homes		
OWNER ADDRESS 9868 105th St NE 8 STREET ADDRESS			
Otsego	MW STATE	55362 ZIP CODE	
TELEPHONE (612) 578 - 9618 EMAIL ADDRESS jard @ worth custom home	SMN. Com		
APPLICANT NAME_ Jarod Worth			
APPLICANT ADDRESS 9868 105th ST NE STREET ADDRESS			
Otsego CITY	MN STATE	55362 ZIP CODE	
APPLICANT TELEPHONE (412) 578- 9618			
EMAIL ADDRESS jarod @ worth custom how	mes MN. Com		

THE FOLLOWING INFORMATION IS SUBMITTED IN SUPPORT OF THIS APPLICATION:
COMPLETED APPLICATION FOR PRELIMINARY PLAT
\$400.00 FOR 10 LOTS OR LESS PLUS \$25.00 PER PROPOSED LOT OR DWELLING UNIT; OR
\$350.00 FOR MORE THAN 10 LOTS PLUS \$25.00 PER PROPOSED LOT OR DWELLING UNIT
ESCROW FEE OF \$3,500.00 FOR ASSOCIATED ENGINEERING AND LEGAL EXPENSES
LEGAL DESCRIPTION OF PROPERTY ATTACHED
12 COPIES OF SURVEY
12 COPIES OF SITE PLAN
OTHER

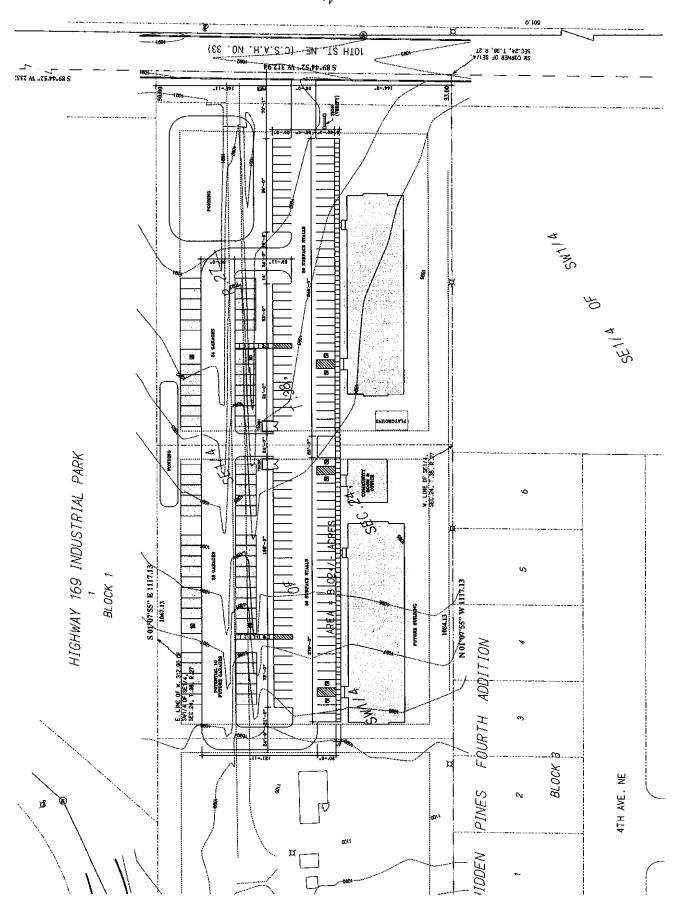
OWNER'S SIGNATURE
DATE 4-25-2/4
COMMENTS/REVISIONS

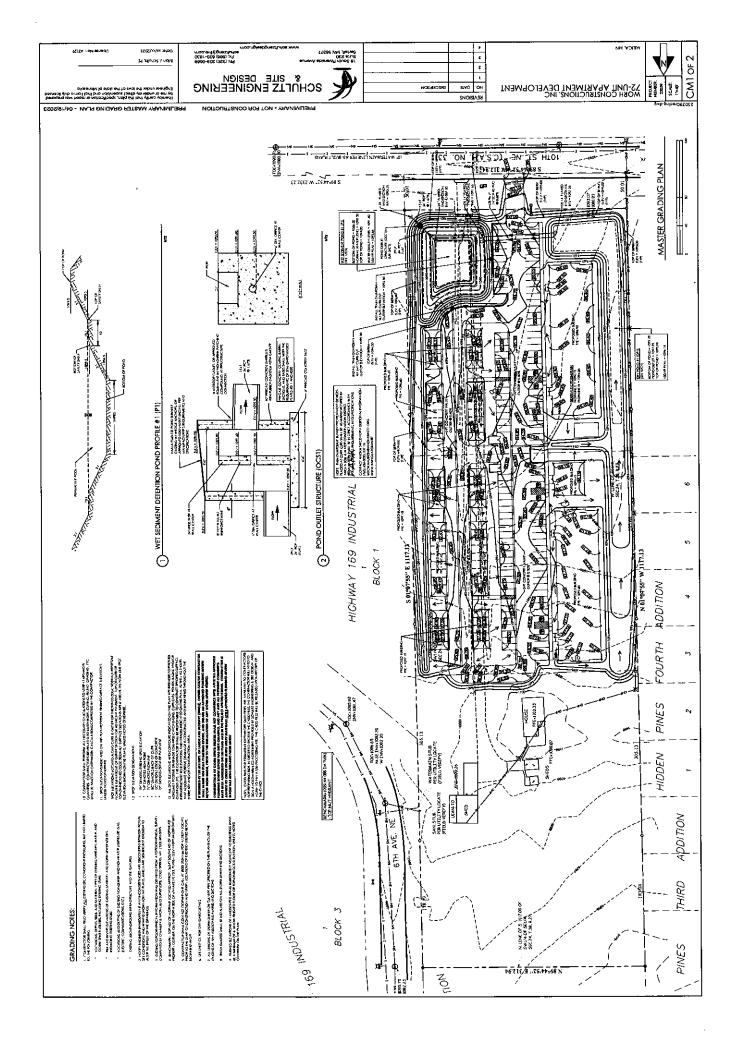
RECEIVED BY:
CITY MANAGER SIGNATURE/ZONING ADMINISTRATOR DATE

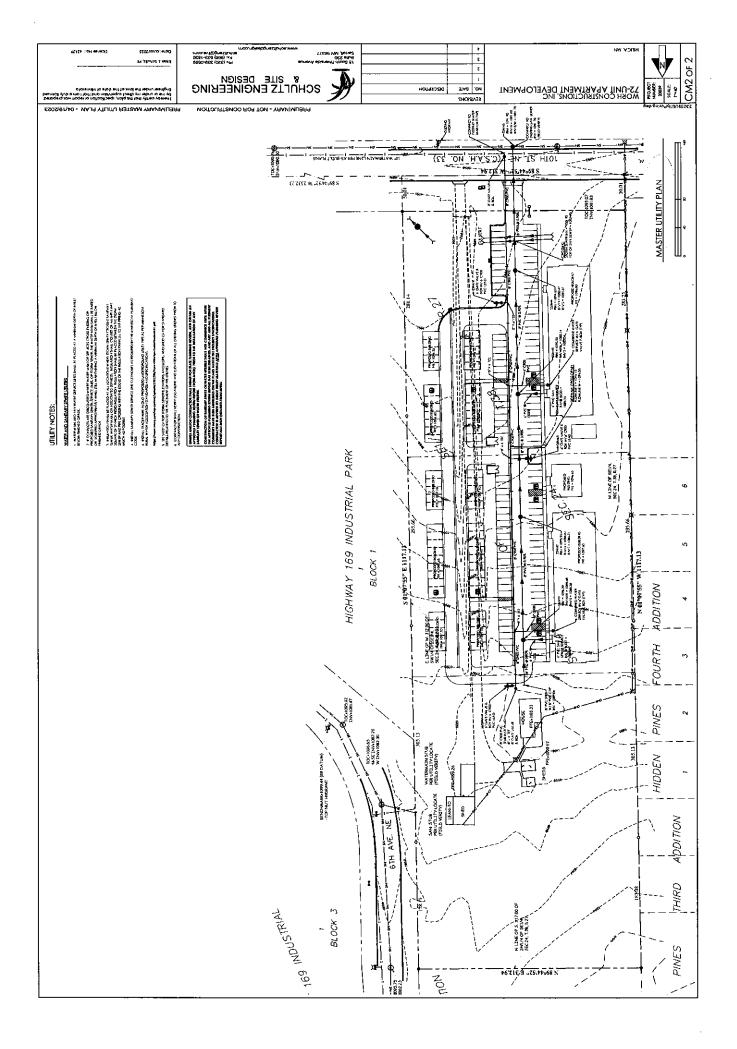
J:\Share\Forms\Zoning\PRELIMINARY PLAT APPLICATION.docx www.cityofmilaca.org



All ACA INOUSTAIN PAPA









Planning Report

Date: June 3, 2024

To: Milaca Planning Commission

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

Request: Preliminary Plat

Owner: Worth Construction Inc.

Applicant: Jarod Worth, Worth Custom Homes

Address: 420 10th Street NE

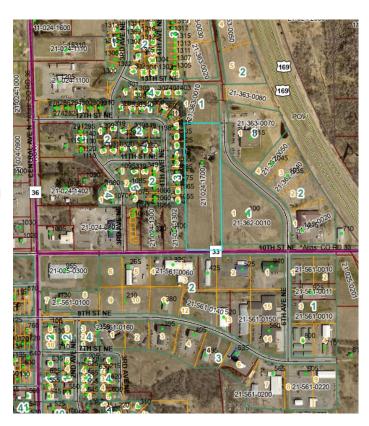
PID: 21-024-1700

Zoning: R-3 Multiple Family Residential District

INTRODUCTION

The 8.02-acre property at 420 10th Street NE was rezoned in December 2022 to R-3 Multiple Family Residential. Previously it had been guided Industrial and zoned R-2 One and Two Family Residential. At that time, Jarod Worth suggested three apartment buildings for the property. Now he is proposing a plat to divide the property into three lots, two of which would be developed with one apartment building each. The northern parcel would be reserved for a future commercial or industrial use. The current request is only for the plat, creating three lots. There is no building permit, zoning, or other land use application for any of the lots at this time.

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: Jarod Worth, Preliminary Plat – 420 10th Street NE

ANALYSIS

Land Use

The property is guided and zoned for high density residential – two maps to the right. The proposed lots are of sufficient size and shape to develop apartment buildings.

The entire property is zoned R-3 so if Mr. Worth wants to develop the northern parcel as commercial or industrial that lot would need to be re-guided and rezoned. That is not part of the current subdivision request.

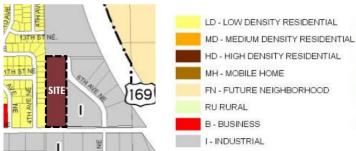
Density

The two southern lots shown on the apartment site plan total about 4.7 acres. Density in the R-3 district is based on the number of bedrooms in the apartment units. If all units are one bedroom or efficiency, the maximum allowable density would be about 22 units/acre. If they were all two bedroom or more, the maximum density would be about 15 units/acre. The range of units allowable on the 4.7 acres, therefore, would be about 68-102 units. The actual development of the lots is not part of this application, only the creation of the three lots.

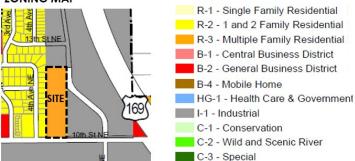
Access & Frontage

In the present configuration the southern lot of the proposed plat, Lot 1, has frontage and access on 10th Avenue NE; the northern lot, Lot 3, has frontage and access on 6th Avenue NE, but the middle lot, Lot 2, does not have frontage on a public street - maps bottom right. There needs to be either a street right-of-way platted to serve Lot 2 or easements created that would allow cross access. A street is not necessary; easements are acceptable.

FUTURE LAND USE



ZONING MAP







Re: Jarod Worth, Preliminary Plat – 420 10th Street NE

Engineering

- 1. Grading Plan. There is existing drainage flowing from the parcels west of 420 10th Street that must not be blocked see aerial and photo below. Applicant shall provide evidence that existing drainage flowing from the west will not be impeded.
- 2. Grading Plan. All proposed drainage improvements (storm piping and ponds) shall be considered private and shall be perpetually maintained by the property owner.
- 3. Permits. Applicant shall obtain all necessary permits for the site improvements including MDH, MPCA, Mille Lacs County wetlands, and Mille Lacs County Public Works Department permits.
- 4. Construction. A preconstruction conference shall be held with the contractor, developer, and city public works supt. prior to any site construction.
- 5. Record Plans. As built record plans shall be submitted prior to final project acceptance by the city.
- 6. We have not reviewed lighting or landscape plans for the project, since this is not a site plan review, only a plat.





RECOMMENDATION

We recommend that the Planning Commission recommend approval of the preliminary plat for Jarod Worth for the property at 420 10th Street NE as submitted on the survey from O'Malley & Kron Land Surveyors., Inc. dated 1-16-24, with the following conditions and findings of fact:



Re: Jarod Worth, Preliminary Plat – 420 10th Street NE

Conditions for Approval

- 1) The applicant will provide access easements between Lots 1 and 2 to 10th Street NE, to be reviewed and approved by the City Engineer.
- 2) Grading Plan. There is existing drainage flowing from the parcels west of 420 10th Street that must not be blocked, as illustrated in the Planner's report dated June 3, 2024. Applicant shall provide evidence that existing drainage flowing from the west will not be impeded.
- 3) Grading Plan. All proposed drainage improvements (storm piping and ponds) shall be considered private and shall be perpetually maintained by the property owner.
- 4) Permits. Applicant shall obtain all necessary permits for the site improvements including MDH, MPCA, Mille Lacs County wetlands, and Mille Lacs County Public Works Department permits.
- 5) Construction. A preconstruction conference shall be held with the contractor, developer, and city public works superintendent prior to any site construction.
- 6) Record Plans. As built record plans shall be submitted prior to final project acceptance by the city.

Findings of Fact for Approval

- 1) Worth Construction Inc. owns the property at 420 10th Street NE, which is zoned R-3 Multiple Family Residential.
- 2) The proposed plat for the property prepared by O'Malley & Kron Land Surveyors., Inc. dated 1-16-24 divides the property into three lots, Lots 1, 2, and 3, Block 1.
- 3) Lot 2 of the proposed plat does not have frontage or access on a public street which must be provided by easement or public street right-of-way.
- 4) The proposed plat as conditioned here meets the standards in the Milaca Subdivision Code Section 155.020 to 155.022.

DEADLINE FOR CITY COUNCIL ACTION

The plat application was received April 25, 2024. The deadline for City Council action on a preliminary plat is 120 days per State statute 462.358 Subd. 3b is final plat is August 24, 2024. A plat has a separate 120-day timeline vs. zoning applications which have a 60-day timeline.

CITY OF MILACA

PRELIMINARY PLATTING PROCEDURE

§ 155.020 PRELIMINARY PLAT; PREPARING AND FILING.

- (A) Prior to the preparation of the preliminary plat, the subdivider shall prepare a subdivision sketch plan for review by the Planning Commission. The sketch plan will be submitted as a basis for informal discussion between the subdivider and the Planning Commission and shall not constitute formal filing of the plat with the city. The Planning Commission shall provide advice and assistance to the subdivider but will take no action on the sketch plan. The sketch plan should, as a minimum, show the site's location in the community, the type of development proposed, and preliminary lot and road layout including proposed minimum lot size. The subdivider shall pay the expense (if any) incurred by the city for the services to the city and/or Planning Commission of the Engineer and Attorney in the review of the sketch plan.
- (B) When the subdivider feels he or she is ready to prepare the preliminary plat, he or she shall have his or her surveyor and/or planner draw one which is in conformity with the requirements of this chapter, as described in §§ 155.080 et seq.
- (C) The subdivider shall fill out an application for consideration of planning request, or other application blanks as may be required. At the time of filing, the subdivider shall pay appropriate fees as set forth in Chapter 34.
- (D) The subdivider shall furnish the City Manager-Clerk with 12 copies of the preliminary plat at least 15 days prior to the Planning Commission meeting at which it is to be considered.

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

§ 155.021 REVIEW OF PRELIMINARY PLAT.

- (A) The City Manager-Clerk shall, upon receipt of the preliminary plat and application, refer three copies of the plat and application to the City Council, two copies of the plat to the Planning Commission, one copy of the plat to the school district if applicable, one copy to the County Planning Commission, and one copy to the Town Board if applicable.
- (B) If the proposed subdivision abuts any state trunk highway, the City Manager-Clerk shall also refer one copy to the state District Highway Headquarters for review as required by state law; if it adjoins a public body of water one copy shall be referred to the state Commission of Natural Resources for review, and one copy to the Watershed District Board if applicable. Within five days after receiving the preliminary plat that includes or borders on an existing or proposed county road, the City Manager shall submit it to the County Engineer for review.
- (C) The Engineer, Fire Chief, and Utilities Superintendent, and if appropriate, the School Board, County Planning Commission, Town Board, and the District Highway Engineer, shall within 30 days submit reports to the Planning Commission expressing recommendations for approval, disapproval, or revisions of the preliminary plat.
- (D) Within 45 days after the plat is filed, the Planning Commission shall hold a public hearing on the plat. One notice of the purpose, time, and place of this public hearing shall be published in the official newspaper at least ten days prior to the day of the hearing. The subdivider shall furnish the City Manager-Clerk with the names and mailing addresses of owners of all lands within 300 feet of the boundaries of the preliminary plat and the City Manager-Clerk shall give mailed notice of the hearing to these owners at least ten days prior to the day of the hearing, although failure of any property owner to receive notification shall not invalidate the proceedings.
- (E) The subdivider or his or her representatives shall appear before the Planning Commission at the public hearing, in order to answer questions concerning the preliminary plat.
- (F) The report of the Planning Commission shall be submitted to the City Council not later than 30 days after the public hearing on the plat. If the Planning Commission fails to make a report, the City Council shall proceed without the report. Failure to receive a report from the Planning Commission as herein provided shall not invalidate the proceedings or actions of the City Council.

(G) The City Council shall either approve or disapprove of a proposed plat within 120 days after a preliminary plat which contains all of the data required by § 155.041 and which conforms to the minimum design standards required by §§ 155.055 et seq. is submitted to the city unless the subdivider agrees to an extension of this time. The City Council may hold a public hearing on the plat following notice as provided herein. After receiving the Planning Commission's recommendations, the City Council will act to approve or disapprove the plat at its next regularly scheduled meeting. Approval of the plat shall be by passage upon a simple majority vote of the entire membership of the City Council. (Ord. 179, passed 2-16-78)

§ 155.022 PRELIMINARY PLAT APPROVAL OR DISAPPROVAL.

- (A) Approval of the preliminary plat is an acceptance of the general layout and indication to the subdivider that he or she may proceed toward fulfilling the necessary steps for approval of the plat in accordance with the terms of approval. This approval does not constitute final acceptance of the subdivision.
- (B) The City Council may require modifications, changes, and revisions of the plat, as it deems necessary to protect the health, safety, morals, comfort, convenience, and general welfare of the community.
- (C) If the City Council does not approve the plat, the reasons for this action shall be recorded in the proceedings and transmitted to the applicant within 15 days.

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

§ 155.023 AMENDMENT TO PLAT; PROCEDURE.

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

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

PRELIMINARY PLAT DATA REQUIREMENTS

The owner or subdivider shall prepare a preliminary plat that conforms to the City's Subdivision Code and contain the following information:

Identification and Description.

- 1. Proposed name of subdivision, not the same as any existing subdivision.
- 2. Date and North Point.
- 3. Scale of Plat, not less than one (1) inch to two hundred (200) feet. The plat shall utilize a bar scale. (Standard Engineer Scale).
- 4. Indication of any proposed covenants.
- 5. Location map indicating location of proposed subdivision in relationship to general known area.
- 6. Legal description of proposed subdivision.
- 7. Title opinion of title insurance policy indicating fee ownership of land to be subdivided.

Existing Conditions and Proposed Design Features.

- 1. Boundary line of proposed subdivision to such a degree of accuracy that no major changes are necessary in preparing the plat.
- 2. Zoning of land within and abutting the subdivision within three hundred (300) feet.
- 3. Layout, dimensions and acreage of proposed lots and blocks.
- 4. Name, location and right-of-way width of existing or proposed streets, highways, alleys, sidewalks, and pedestrian ways.
- 5. High water mark of all lakes, rivers, streams and wetlands.
- 6. Location and dimensions of existing and proposed public sewer and water systems.
- 7. Existing and proposed storm water drainage system including drainage easements and drawing or water movements. Data should include sizes, grades, catch basin locations, manholes, hydrants, street pavement width and type.
- 8. Boundary lines of adjoining un-subdivided or subdivided land adjoining the purposed plat.
- 9. Proposed zoning changes, if necessary.
- 10. Minimum front, side, and rear yard setbacks as required the Zoning Ordinance.
- 11. Location, dimensions, sizes of areas, other than streets, alleys, pedestrian ways, and utility easements, proposed to be dedicated or reserved for public uses.
- 12. Existing topography, including contour lines at two (2) foot or less, intervals. Water courses, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. United States Geological Survey (U.S.G.S.) Data may be used for all topographic mapping where feasible.

Supplemental Information. The following information may be required if it is deemed necessary and appropriate by the Zoning Administrator.

- 1. Soil survey, grading plan, soil erosion and sediment control plan, and landscaping plan.
- 2. Statement of proposed use of development including type and number of structures and units.
- 3. Statement of adequacy of existing or proposed utilities to accommodate or serve the proposed development.
- 4. Statement relative to the relationship of the proposed subdivision with existing or potential adjacent subdivisions.
- 5. Statement of estimated costs of proposed required improvements.

- 6. Other information deemed necessary by the Zoning Administrator, Planning Commission, City Council or City Engineer.
- 7. Soil borings and percolation tests for each proposed lot for on-site sewage disposal systems if area being subdivided does not have a municipal system.
- 8. A copy of all existing and proposed private restrictions (restrictive covenants) shall be submitted.
- 9. An environmental impact study of the subdivision.