

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 28<sup>th</sup>, 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 5<sup>th</sup> 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 5<sup>th</sup> Avenue SE is zoned R-2 One and Two Family Residential District.
  - 2) The lot at 260 5<sup>th</sup> 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 5<sup>th</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 Millaca 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 3<sup>rd</sup> 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*