

**WILLMAR PLANNING COMMISSION  
CITY OF WILLMAR, MN  
WEDNESDAY, DECEMBER 15, 2021**

**MINUTES**

1. The Willmar Planning Commission met on Wednesday, December 15<sup>th</sup>, 2021, at 6:45 p.m. at the Willmar City Offices Conference Room #1.  
  
\*\* Members Present: Jonathan Marchand, Jeff Kimpling, Cletus Frank, Steven Dresler, and Terry Sieck  
  
\*\* Members Absent: Stephanie Carlson, Khalif Ahmed  
  
\*\* Others Present: Kayode Adiatu – Planner, Willard Huyck – Planner, Attorney Wayne Larson, Mr. Rohner Harlan, Ms. Pearl, and Mr. Gary Peterson.
2. MINUTES: Minutes of November 17, 2021 work session was approved as presented. Motioned by Commissioner Frank, seconded by Commissioner Sieck.
3. CHANGES OR ADDITIONS TO AGENDA: No changes or additions were made to the agenda.
4. ROHNER REZONE - INTRODUCTION: Planner Adiatu presented a proposed rezone of a property on 2987 HWY 12, legally described as PART OF NW1/4 OF NW1/4: COMM AT A PT IN C-LINE OF TH #12 WHICH PT IS 152.8' SE'LY MEAS ALONG C-LINE FROM PT INTERS WITH W LINE OF SEC 16; TH SW'LY 75' FOR BEG; TH SE'LY 336.78', TH SW'LY 330', TH NW'LY 336.78', TH NE'LY TO PT OF BEG.

The applicant is Mr. Rohner and he is requesting to rezone the said property from I-2 (General Industry) to GB (General Business), to allow for the use a Grocery store. Staff notified the Board of several attempts to meet with the Mr. Rohner regrading pursuing other alternatives to rezone but to no avail. Staff reviewed the application and recommended that there is no substantial justification to rezone the property as it is not permitted in the City's zoning Ordinance. In addition, staff is opposed spot-zoning properties.

Mr. Larson spoke on behalf of Mr. Rohner, and explained to the Board that there are other businesses in the area that are zoned General Business. He further explained that Mr. Ronher is negotiating with the City to buy the entire land south of his property. He later concluded that there is no substantial reason why the property should not be rezoned. Mr. Rohner also explained the past uses of the property to the Board when he bought it about 30 years ago. The property was used as a Grocery store at some point, and Mr. Rohner assumed that it could also be used as one when he rented it out to Miss Pearl, the business owner.

Director Walker noted that the application was not submitted on time for it to be an actionable item but that the Board can discuss the issue and take a position in the next meeting.

Commissioner Frank asked if the Grocery store is in the North or South of the lot. Planner Adiatu replied that it is in the Northside of the lot, and that there is a workshop to the South of it.

Commissioner Dressler asked if anyone knows the zoning of the property 30 years ago. Planner Adiatu replied that it used to be I-1 (Limited Industry), and that the use as a Restaurant may be allowed in I-1 district. Commissioner Dressler asked if we know when the zoning changed to I-2. Planner Adiatu replied that the zoning changed when the property was annexed into the City, but could not find the information as to when it changed.

Commissioner Dressler asked about the processes behind the changing the zoning of a property by the City. Director Walker replied that the City would issue a Use change and notified members of the public regarding the zoning change. Commissioner Dressler then asked what the minimum lot requirement is in an I-2 district. Director Walker responded that there is no building size requirement, but the lot size requirement is 20,000 sq. ft.

Commissioner Kimpling addressed the Board that the agenda item is only preliminary, and that the Planning team would recommend other possible options to help the Board decide on the matter. Commissioner Dressler also asked that the Planning team provide the uses of both I-2 and GB districts to determine other possible options.

Planner Adiatu explained that the option in General Business is wide open and that is why the City is apprehensive to changing the zoning of a district to GB for single business. Director Walker also stated that he and Planner Adiatu aren't beholden to how things have been done in the past and that we are not interested in changing the zoning of a district for single businesses.

Commissioner Frank asked what Mr. Rohner's plan is if he were to purchase the rest of the property. Mr. Rohner responded that he would let it sit there for now.

Commissioner Kimpling asked if the Planning team needs any other document be submitted for the rezone application. Planner Adiatu replied that the current application is sufficient to move forward to the decision stage. Commissioner Frank asked the Planning team to conduct a feasibility study on the development surrounding the property to determine its impact on the current zoning.

Commissioner Kimpling moved to close the discussion and recommended that the matter be decided at the public hearing.

5. GUN SALES/ INDOOR GUN RANGES - INTRODUCTION: Planner Adiatu presented the proposal by Mr. Gary who intends to reconfigure a section of his property to a gun range facility. The Planning team made several findings on the zoning requirements of gun ranges as the current zoning ordinance does not have a provision of indoor gun ranges. Following the closure of the City Auditorium gun range, Mr. Gary hopes to continue his business, and is working with the Planning team regarding his plan.

At this point, Commissioner Kimpling recognized the presence of Commissioner Marchand, the Planning Commission Chairman who had just arrived.

Director Walker explained the purpose of the matter stating that Mr. Gary's application is not the catalyst for the proposal. The purpose is to rather have a conceptual conversation about the zoning possibilities with the intent to introduce a text amendment in the zoning ordinance that would accommodate the use in a preferred district. He stated that gun ranges by itself in the Industrial district cannot be profitable, therefore would still outlaw gun ranges through zoning. He further the plan to entertain the gun ranges with a conditional use permit on multiple levels.

Commissioner Dressler asked if there is a current zoning district in Kandiyohi County. Director Walker responded he cannot speak for the county but that there is no zoning provision that allows indoor gun ranges within the city limit.

Mr. Gary Peterson stepped forward and provided the Board with his indoor gun range plans including pictures of existing classroom and site plans of his proposed indoor range. The property in question is located at 508 Industrial Dr. SW, and is currently being used as a printing and storage facility. Mr. Gary plans to use the classroom for the gun range he is proposing. He suggested three key elements that needs to be considered by the Board. First is the structural containment; ensuring that no rounds can possibly leave the range. Second is bullet absorption; ensuring that no rounds can ricochet to injure students, and third element is the environmental regulations; where the City and the State ensure general safety standards are met.

Commissioner Marchand asked how far away do students come for gun range classes. Mr. Gary replied that people come from a long way out of town. Commissioner Frank if the gun range is going to be in the same room as the class. Mr. Gary responded that the classroom is 60 ft. length classroom and the range would occupy about 16 ft.

Commissioner Dressler asked if the property would be rezoned. Director Walker responded that it would be allowed use with a Conditional Use Permit application. He further stated that there are plans to go through the Zoning Ordinance to update the uses in each district, and striking out the uses that do not fit any more.

With no further question or concern, the discussion closed.

6. LANGMO TRUST LOTS MERGED - INTRODUCTION: Planner Adiatu introduced the proposed parcels merge by James Langmo, represented by Attorney Wayne Larson, on the property located at 3210 Eagle Ridge Dr, NW, legally described as Lot 2, Block 1 Eagles Landing Twin Fifth Addition; Outlot B Eagles Landing Twin Sixth Addition. The property is zoned R-2 (One and Two Family Residential District). Planner Adiatu explained to the Board that the changes have zero impact on the property, as Outlot B was left to serve as access to the said property, and currently does not sit on the public utilities. The Police department, WMU, Engineering all have no concerns regarding the proposed merge.

Mr. Larson stated that the purpose of the merge is to allow for a single tax statement. He further asked how the Board wants to execute the replatting process, being a unique case. Planner Adiatu responded that the Subdivision Ordinance in the municipal code provides for a lots merge as well.

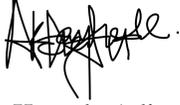
Commissioner pointed out that they need to create another survey showing the two lots to be merged as part of the application process.

With no further question, the discussion closed.

7. Miscellany: Director Walker notified the Board of many land use and zoning issues that is coming in the next 8 months for deliberations. Some of these deliberations would be held at the work sessions. He also reiterate essence of introducing a preliminary meeting for every agenda item to allow the Board to have enough time to ask relevant questions that will inform their decision making.

There being no further business to come before the Planning Commission, the meeting adjourned at 8:14 p.m.

Best Regards,

A handwritten signature in black ink, appearing to read 'Kayode Adiatu', with a stylized flourish at the end.

Kayode Adiatu

## PLANNING COMMISSION – DECEMBER 15, 2021

### STAFF COMMENTS

#### 1. ROHNER REZONE I-2 TO GB

- This is a property owner-initiated request to rezone their property on 2987 HWY 12 West from I-2 (General Industry) to GB (General Business).
- The property is legally described as: PART OF NW1/4 OF NW1/4: COMM AT A PT IN C-LINE OF TH #12 WHICH PT IS 152.8' SE'LY MEAS ALONG C-LINE FROM PT INTERS WITH W LINE OF SEC 16; TH SW'LY 75' FOR BEG; TH SE'LY 336.78', TH SW'LY 330', TH NW'LY 336.78', TH NE'LY TO PT OF BEG.
- The property is currently zoned I-2 (General Industry District), and the applicant is requesting to change the zoning to GB (General Business)
- A Grocery store is not allowed in the I-2 district
- Food listings for the proposed Grocery store include dried food, beverage, snack, rice, noodles, sauce, seasonings, canned good and vegetables, frozen food, household supply from a variety of Asian countries such as Thailand, Philippines, Vietnam, etc.
- The applicant had previously applied for a Use Variance on June 28, 2021 to allow for the use of the property as a Grocery store.
- Whereas, Minnesota State law prohibits a City from permitting by Variance any use that is not permitted under the Ordinance for the zoning district where the property is located ([Minn. Stat. § 462.357, subd. 6](#)).
- Staff notified the applicant of the development at several meetings and via mail. The City also refunded the applicant's initial application fee
- Staff suggested to the applicant that they might apply for a Map Amendment if they wish to do so.

RECOMMENDATION: After further review of the Rezone application, staff finds no substantial evidence or justification for rezoning the said property to allow for a use that is not permitted under the City Ordinance. Staff is strongly opposed to spot zoning properties as it encourages a disorderly City planning process. However, staff rely on the discretion of the Board on this matter.

#### 2. GUN SALES & INDOOR GUN RANGES

- The applicant is Gary Peterson and is proposing to have an indoor gun range on the property located at 508 Industrial Dr. SW
- The proposed gun range facility would be in a renovated explosion proof motor testing room that is currently housing a customer service division within a printing facility on the said property.
- An indoor gun range is currently not permitted in the I-1 (Limited Industry) district
- City staff consulted gun range experts, including the DNR on the requirements of establishing a gun range
- City staff made several findings:
  - Gun ranges within city limits are often within industrial or recreational districts.
  - For gun ranges to be profitable, they are coupled with a storefront to sell guns
  - Joint facilities with multiple uses do exist
  - HVAC systems are required for all indoor ranges
  - Indoor gun ranges in joint facilities need a separate HVAC system to ensure safety of users

STAFF COMMENTS: Due to the nature and risk associated with gun ranges, staff would like to review each gun range facility individually. Permitting indoor gun ranges through Conditional Use

Permits would allow staff & the Planning Commission to give each gun range application the review & scrutiny necessary to ensure the safety of any and all users along with the safety of nearby property.

**3. LANGMO TRUST PROPOSED LOTS MERGE**

- The applicant is Anderson Larson on behalf of Langmo Trust.
- They are requesting to merge two parcels on their property on 3210 Eagle Ridge DR W., legally described as: Lot 2, Block One Eagles Landing Twin Fifth Addition
- One of the parcels to be merged is a little piece of land (Outlot B) that was reserved to be an access to the property described above.
- Outlot B is about 800+ in square feet, and not on any public utilities

**STAFF COMMENTS:** Staff consulted WMU and the Engineering departments for their comments and recommendations, and would consider all recommendation when a formal application is made.

Proposed Asian Grocery Store



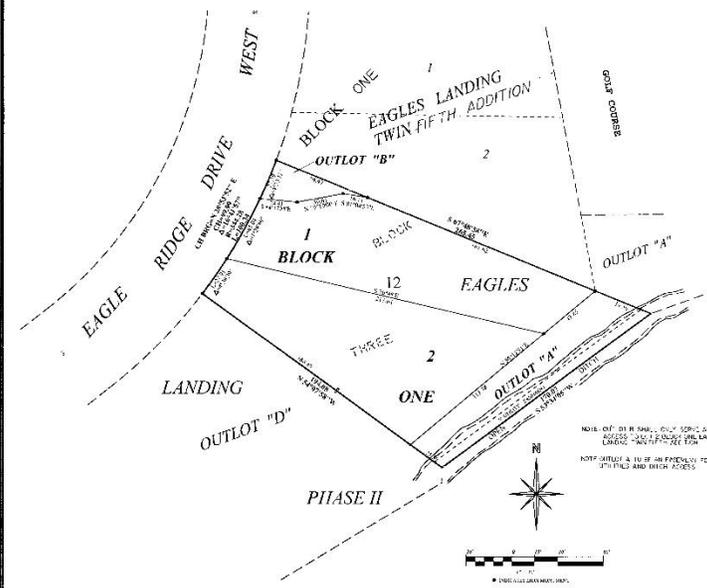
Proposed Gun Range Facility  
Maracom Corporation 508 Industrial Dr SW



# Eagles Landing Plat

Folder No. 5870

## EAGLES LANDING TWIN SIXTH ADDITION



FOR ALL MEN BY THESE PRESENTS, that all of William, Inc., owner and proprietor, and Rosanna's Construction Co., a Minnesota corporation, successors, and United Prairie Industries, a Minnesota corporation, successors of the following described property, situated in the County of Kandiyohi, State of Minnesota, to-wit:

Lot 12 of Block Three in Block Landing Phase II, as of public record Kandiyohi County, Minnesota, have caused the same to be surveyed and platted and hereafter known as Eagles Landing Twin Sixth Addition, as shown by this plat.

Witness our hands this 21<sup>st</sup> day of July, 2001, A.D.

*Robert H. Kue* (Signature)  
 Robert H. Kue, President  
 Daniel J. Rosner, President

STATE OF MINNESOTA )  
 COUNTY OF KANDIYOHY ) ss The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of July, 2001, A.D. by Daniel J. Rosner, President of W.P. of Miller, Inc., a Minnesota corporation.

STATE OF MINNESOTA )  
 COUNTY OF KANDIYOHY ) ss The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of July, 2001, A.D. by Daniel Rosner, a Minnesota corporation by *George A. Rosner*, its President.

STATE OF MINNESOTA )  
 COUNTY OF KANDIYOHY ) ss The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of July, 2001, A.D. by Daniel Rosner, a Minnesota corporation by *Tamara Sawyer*, its President.

STATE OF MINNESOTA )  
 COUNTY OF KANDIYOHY ) ss The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of July, 2001, A.D. by Daniel J. Rosner, President of Rosanna's Construction Co., a Minnesota corporation, as agent of said Corporation.

I, Robert H. Kue, hereby certify that I have surveyed and platted the property described on this plat under the name of this plat, and that the same is in accordance with the plat and that all monuments have been correctly placed in the ground as shown; that the plat and boundary lines are correctly designated in the plat; and that there are no public highways to be platted thereon.

*Robert H. Kue* (Signature)  
 Robert H. Kue, Surveyor  
 Minnesota Registration No. 12078

STATE OF MINNESOTA )  
 COUNTY OF KANDIYOHY ) ss The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of July, 2001, A.D. by Robert H. Kue, Minnesota Registration No. 12078.

Approved by the Planning Commission of the City of William, Kandiyohi County, Minnesota, this 21<sup>st</sup> day of July, 2001, A.D.  
*James C. ...* (Signature)  
 James C. ... (Name)  
 Chairman

Approved by the City Council of the City of William, Kandiyohi County, Minnesota, this 21<sup>st</sup> day of July, 2001, A.D.  
*Robert H. Kue* (Signature)  
 Robert H. Kue (Name)  
 Mayor

Approved this 21<sup>st</sup> day of July, 2001, A.D.  
*William W. ...* (Signature)  
 William W. ... (Name)  
 Chairman, City of William

I, hereby certify that the proper returns of this plat have been presented to me and that all parties with an interest in said property have been brought to the attention of the above instrument; dated this 21<sup>st</sup> day of July, 2001, A.D.  
*George A. Rosner* (Signature)  
 George A. Rosner (Name)  
 Attorney

I, hereby certify that all taxes are paid for the year 2001, for the land herein described.  
*George A. Rosner* (Signature)  
 George A. Rosner (Name)  
 Attorney

No delinquent taxes and transfer charges were due on this 21<sup>st</sup> day of July, 2001.  
*George A. Rosner* (Signature)  
 George A. Rosner (Name)  
 Attorney

I, hereby certify that the within instrument was filed in the office for record on the 21<sup>st</sup> day of August, 2001, at 1:15 P.M., and was duly recorded as follows: No. 2312, and as Amendment to 12053.  
*John ...* (Signature)  
 John ... (Name)  
 Kandiyohi County Register



-  Langmo Trust Property/Parcel
-  Outlot B