WILLMAR

**PLANNING AND DEVELOPMENT SERVICES**

City Office Building
333 SW 6th Street, Box 755
Willmar, MN 56201

| | |
|---|---|
| **GENERAL DEPARTMENT & INFORMATION** | 320-235-8311 |
| **DIRECTOR** | 320-214-5184 |
| **PLANNER** | 320-214-5195 |
| **BUILDING OFFICIAL** | 320-214-5185 |
| **BUILDING INSPECTION TECH** | 320-214-5187 |

FAX: 320-235-4917

# MEMO

TO: Willmar Planning Commission

Chair: Mark Klema
Members: Charles Oakes, Andrew Engan, Scott Thaden, Gary Geiger, Randy Czarnetzki, Nick Davis, Virgilio Aguirre, Jr, and Bob Poe.

FROM: Megan M. Sauer, Planner

DATE: April 4, 2012

**SUBJECT: APRIL 11, 2012 MEETING**

The Willmar Planning Commission will meet at 7:00 p.m. on Wednesday, April 11, 2012, in Conference Room #2 (upper level) of the City Office Building. Please call me at 214-5195 if you cannot attend.

1. Call the meeting to order
2. Minutes of the March 28, 2012 meeting *
3. Review Islamic Society Conditional Use Permit findings *
4. Capital Improvements review **
5. Downtown Plan discussion **
6. Miscellany
7. Adjourn

* included
** to be presented

Willmar
All-America City
2005

**WILLMAR PLANNING COMMISSION**
**CITY OF WILLMAR, MN**
**WEDNESDAY, MARCH 28, 2012**

**MINUTES**

1. The Willmar Planning Commission met on Wednesday, March 28, 2012, at 7:00 p.m. at the Willmar Fire Hall at 515 2nd St. SW.

   ** Members Present: Mark Klema, Charlie Oakes, Scott Thaden, Andrew Engan, Nick Davis, Randy Czarnetski, Virgilio Aguirre Jr., and Bob Poe.

   ** Members Absent: Gary Geiger

   ** Others Present: Doug Reese, Tim Johnson, Carol Johnson, Harlan Johnson, Doris Barnes, Jim Dokken, Elroy Laumer, Denis Anderson, Jeremy Olson, Troy Heck, Lori Park-Smith, Parker Smith, Ray Waechter, Abdirizak Mahboub, Jeff and Lisa Adkins, Steve and Lynne Lottman, Mike and Jan Kingery, Rick Johnson, Lea Muller, Bruce DeBlieck, Abdi Mohamud, Adullahi Olow, Gurey Hilman, Mary Sawatzky, Mohamed Hassan, Heidi Broberg, Eunice Pearson, Mohamad Seyd, Aden Kimil Hassan, Mike Walkow, Darwin Jacobson, Bruce D. Peterson- Director of Planning and Development Services, and Megan Sauer- Planner/Airport Manager.

2. MINUTES: The minutes of the March 14, 2012 meeting were approved as presented.

3. ISLAMIC SOCIETY OF WILLMAR CONDITIONAL USE PERMIT- FILE NO 12-1: The public hearing opened at 7:01 p.m. Abdirizak Mahboub presented a request on behalf of the Islamic Society of Willmar, MN, for a conditional use permit to operate an Islamic Mosque, religious education, adult education, and limited child care, on property legally described as: all of Block 135, Second Addition to Willmar (1112 Lake Ave. NW). Mr. Mahboub explained that the use will conform to the land use requirements and affect the neighborhood no more than any other place of worship. He said that property values will increase as the facility will no longer be dormant and a religious use in a neighborhood does not affect values negatively. The use will be a religious facility, as well as a community center that anyone is welcome at to learn about the Islamic faith. There will be youth religion classes, English classes etc. There will be no exterior changes to the structure, and only minor work on the interior to make the space function better for their use. The highest time of activity will be Friday nights and in their current worship space downtown traffic was never an issue. The facility will not be a hotel or place of housing; strictly a religious facility.

   John Cola, a nearby land owner at 13th St. NW and Lake Ave. NW, has lived in the neighborhood since 1998. He stated he thought the use was a good fit for the property, and would be nice to have the vacant building operational again. The neighborhood is used to the past uses of a school, and daycare, and this use will be no more disruptive.

Dennis Anderson, Ward 1 Council Person, spoke on behalf of a constituent that was not able to attend the meeting. He said the person supports the use, but is concerned that the property be kept up.

Bruce DeBlieck, Ward 1 Council Person and lives at 820-7th St. NW, stated there was concern about a call to prayer going out on amplified speakers in the neighborhood. Also, he said people are worried about the facility being used for residential purposes. He added that it's a good thing to have the building put to good use and not sit idle.

Rick Johnson, who owns rental property on 11th St. NW and Lake Ave. NW, spoke about traffic concerns. He suggested that accessing the property from Ella Ave. NW would impact the neighborhood less.

Ray Waechter, Attorney representing the Islamic Society, stated there are five calls to worship a day, but not every member of the church will be at the church for those nor will there be any exterior amplified call outside the building. The largest attendance time for worship is Friday nights, and they'd maybe have 50 people in attendance at that time. Ramadan is the largest celebration. They are prepared to meet parking requirements and have consulted with Duininck Brothers for a striping and parking layout plan to meet the City's requirements. He asked the Commission to have an open mind.

Doris Barnes, an abutting landowner, asked when Ramadan would be celebrated this year. Mr. Mahboub responded that he believed it was in July this year. Ms. Barnes stated that last year during the month of Ramadan there was an influx of activity at Rice Park in SW Willmar and issues late at night. She doesn't want the NW parks to have those problems. She wants the worshipers to be respectful of the neighborhood.

Rick Johnson stated he lives across the street from Rice Park. There were kids playing and laughing, but no negative behavior.

Mohamid Seyd commented that he has lived in Willmar for 10 years and he's excited to see their Islamic religious community growing and fitting in to Willmar. He said the mosque is a great opportunity for engagement and worship.

Brock Cameron said he was concerned about vehicles and parking at the site. If 150 people come to an event at the mosque, there would be parking on the City streets.

Staff commented that there will be 33 parking spaces available on site, which meets the requirements of the Zoning Ordinance. Parking on the street is not illegal, and will likely occur as it does at various other places of worship in other residential areas of the community.

Mike Walkow stated he was concerned about asbestos and lead paint in the building.

Staff responded that any work done will have to meet the Building Code for any abatement of asbestos and/or lead if it does exist.

Patty Wieberdink lives across the street and is worried about vehicles, as with past uses of the property her driveway is often blocked by visitors' vehicles. Also any noises of children playing or outdoor activities bounces over to her property, and she's concerned about the additional activity and vehicle lights affecting her enjoyment of her property.

Richard Jensen, 515-12th St. NW, raised a concern of house values at resale. He's concerned that the call to prayer will mean lots of activity at the mosque five times a day.

Chris Peterson, 419-12th St. NW, said his property is directly across the street from the hard surface playground area that is proposed for parking and he's worried about traffic. Also, he said if the RR closes another crossing it will cause more congestion.

Jeff Adkins, a property owner on Gorton Ave. NW, asked if all the worship is inside or if there will be outside worship celebrations?

Mr. Mahboub commented that worship will be indoors.

Darwin Jacobson, who has lived across from Lafayette since 1990, said the neighborhood already has noise from the race track and rail road and this won't be an issue. He said he drives KAT bus and has Somalian friends, and is not concerned about this coming into his neighborhood.

With no further comments from the public, the hearing was closed at 7:50 p.m.

The Planning Commission talked about the use not having a call to worship or any amplified bells etc. They did mention that City Staff could bring in examples of other communities conditions on places of worship. The Commission explained that the matter will go the City Council after they take action. And if the use intensifies or there are any violations or issues, the matter could come back to the Planning Commission or be dealt with at the staff level.

Staff comments were reviewed and discussed (see Attachment A).

Mr. Thaden made a motion, seconded by Mr. Oakes to approve the conditional use permit with the following conditions:

A. A parking lot layout plan shall be submitted for engineering review/approval.
B. There shall be no amplified or loud music after 9 p.m.
C. The use shall meet all applicable local, state, and federal laws and regulations.

The following affirmative findings of fact were made by the Planning Commission:

1. That the conditional use, with the attached conditions, conforms to the purpose and intent of the Zoning Ordinance, and is in conformity with the Comprehensive Land Use Plan of the City because residential zoning districts permit places of worship.

2. That there was no factual demonstration of a substantial/appreciable negative impact on values to properties in the neighborhood from the proposed conditional use because no property value facts or appraisal testimony was given to prove otherwise.
3. The conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance to the community because it is a fully developed residential area of no natural or historic significance.
4. That the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district as zoned because it a fully developed existing neighborhood and any future home development will not be thwarted by the use.
5. That adequate utilities, access roads, stormwater management, and other necessary facilities have been, or are being, provided because the utilities and access already exist and will be improved.
6. That adequate measures have been, or will be, taken to provide ingress and egress in such a manner as to minimize traffic congestion and maximize public safety in the public streets because any new curb cuts will be as per the City Engineers approval.
7. The conditional use will be designed, constructed, operated, and maintained in a manner that is compatible in appearance with the existing or intended character of the surrounding area/neighborhood because it is an existing structure and other places of worship have proven to be a good fit into other residential areas of the community.

The motion carried by a unanimous roll call vote.

4. ZONING ORDINANCE UPDATE SECTION 4 DRAFT DISCUSSION: The Planning Commission continued their discussion and review of the draft of the Parking Section of the Zoning Ordinance. Staff noted some layout, grammatical, and contextual changes and suggestions for the draft. Planning Commission suggested moving forward with the next Section update as soon as feasible.

5. There being no further business to come before the Commission, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Megan M. Sauer, AICP
Planner/Airport Manager

Attachment A

**PLANNING COMMISSION-MARCH 28, 2012**

*STAFF COMMENTS*

1. ISLAMIC SOCIETY OF WILLMAR CONDITIONAL USE PERMIT- FILE NO. 12-1:
   - The applicant is the Islamic Society of Willmar, MN Inc.
   - The applicant is requesting a conditional use permit to operate an Islamic Mosque, religious education, adult education, and limited child care, on property legally described: all of Block 135, Second Addition to Willmar (1112 Lake Ave. NW).
   - The property is currently zoned R-2 and places of worship are allowed in the residential district with a conditional use permit.
   - The property is a fully developed lot consisting of an old school that operated as a commercial daycare and is now owned by the Mortgage Company.
   - The property is accessed via 11th St. NW and Lake Ave. NW.
   - The applicant has not submitted a parking layout plan at this time. But the existing parking lot and the paved playground area can both be used for off-street parking for the facility. Any curb cuts proposed to the paved playground areas will require City Engineer approval.
   - The applicant stated at an average worship gathering 100 persons would be using the facility. 100/3 persons per parking spaces would require approximately 34 off-street parking spaces. These are often family events with multiple people arriving in one vehicle.
   - There is also ample off-street parking as the property encompasses an entire city block.
   - There are no planned exterior renovations to the exterior of the building. However, the applicant did state that after the inspection if there are any roof/window repairs needed those will be taken care of.
   - The only renovation that may occur is interior remodeling or moving of a wall but those will be minor as well.
   - There shall be no amplified or loud music after 9 p.m.
   - Sign permits shall be ancillary approval.

     RECOMMENDATION: Approve the conditional use permit with the following conditions:

     A. A parking lot layout plan shall be submitted for Engineering review/approval.
     B. There shall be no amplified or loud music after 9 p.m.
     C. The use shall meet all applicable local, state, and federal laws and regulations.