

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, FEBRUARY 12, 2014**

MINUTES

1. The Willmar Planning Commission met on Wednesday, February 12, 2014, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

** Members Present: Mark Klema, Gary Geiger, Andrew Engan, Bob Poe, Scott Thaden, Margaret Fleck, Randy Czarnetzki, Sandy Bebler, and Aaron Larson.

** Members Absent:

** Others Present: Andrew Mack, Andy Brandel, Steve Fester, and Megan DeSchepper-Planner.

2. MINUTES: The minutes of the January 22, 2014 meeting were approved as submitted.

3. I & S GROUP REZONE SC TO GB- FILE NO. 14-02: The public hearing opened at 7:05 p.m. Andy Brandel of I & S Group presented the request for a rezoning of a parcel from SC (Shopping Center) to GB (General Business) for retail development on property described as follows: part of the NW ¼ Section 23, Township 119, Range 35 (19th Ave. SE). The property is on the corner of 19th Ave. SE and 5th St. SE. It is not part of the Kandi Mall and the applicant wishes to utilize the GB setbacks as they are less restrictive on a smaller lot than the SC setbacks.

No one appeared to speak for or against the request and the public hearing was closed at 7:07 p.m.

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

The Commission talked about the properties directly south and that they are all zoned GB. As this is not part of the mall property SC isn't appropriate.

Mr. Czarnetzki made a motion, seconded by Mr. Larson, to approve the rezone request and forward it onto the City council for a public hearing and map amendment.

The motion carried.

4. VERIZON WIRELESS COMMUNICATIONS TOWER CONDITIONAL USE PERMIT-FILE NO. 14-01: The public hearing opened at 7:15 p.m. Steve Fester, of SCC, presented the request for a wireless communications tower conditional use permit on behalf of Verizon Wireless on Willmar Fire Department property legally described as follows: all of Block 66 excluding Lots 5, 6, 7, & the E 50' of Lot 8 & excluding the E 50' of the S ½ of Lot 9, First Addition to the Town of Willmar (515 2nd St. SW). Mr.

Fester explained that Verizon wished to co-locate on the existing communications tower on site but that it wasn't built to hold their equipment. Verizon proposes to remove the existing tower and construct a new tower that will also house the fire department's antennas.

No one appeared to speak for or against the request and the public hearing closed at 7:19 p.m.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

The Commission discussed the utility shed that will be included in the project and the fencing. The height of the tower is the same as the existing tower, and all setbacks are met.

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

- A. Utility/access easements shall be submitted for review and approval by the City prior to recording and recorded copies shall be supplied to the City.
- B. FCC and FAA final airspace approvals shall be submitted to the City for the project prior to issuance of a building permit.
- C. All applicable local, state, and federal laws and regulations shall be followed at all times.

The Planning Commission made the following affirmative findings of fact as per Section 9.E.3.a.1-7 as follows:

1. That the conditional use, with such conditions as the Commission shall determine and attach, conforms to the purpose and intent of this Ordinance, and is in conformity with the Comprehensive Land Use Plan of the City as they are collocating with existing governmental services as required by Wireless Communication Towers and Antennas ordinance.
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 as no one presented any value studies.
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 as there is no known special feature in the vicinity.
4. That the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district as zoned as it is a fully developed area.
5. That adequate utilities, access roads, stormwater management, and other necessary facilities have been, or are being, provided as Verizon will be working with Municipal Utilities for the necessary electrical services.
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 as no accesses to the parking area will change.

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 as there has been a tower in the same location for years and this will just be a new tower of same height.

The motion carried.

5. SHIPPING/STORAGE CONTAINERS TEXT AMENDMENT- FILE NO. 14-03: The public hearing opened at 7:28 p.m. The Planning Commission reviewed and discussed the proposed text amendment that they initiated at a previous meeting regarding amending Section 3.E.8 to limit shipping/storage containers in residential areas for temporary timeframes of less than a month for moving purposes etc. They talked about home improvement projects and some contractors using the containers for housing equipment and tools. They also talked about the time allotment would be longer for projects, but shouldn't be allowed indefinitely or every other month etc.

Mr. Thaden made a motion, seconded by Mr. Czarnetzki, to table the matter until the next meeting to allow staff to rewrite the amendment to include construction projects and a longer time frame.

The motion carried.

6. LAND ACQUISITION 12TH STREET SE: Staff updated the Commission on the City working towards land acquisition for the 12th St. SE right-of-way for 2014 street improvements. This portion of street would connect 11th Ave. SE and Willmar Ave. SE just east of the Bethesda campus. The Charter requires any land acquisition to go before the Planning Commission for review.

Mr. Geiger made a motion, seconded by Mr. Thaden to approve the City acquiring land for improved connectivity.

The motion carried.

7. MISCELLANY: The City Council asked the Planning Commission to discuss e-cigarette and hookah lounge possible regulations. The Commission reviewed some information supplied by the League of Minnesota Cities and State Statute regarding e-cigarettes. The Commission discussed what they were, where they are sold, and how other communities regulate them. As Kandiyohi County licenses retail sales of cigarettes they concluded that the County should be asked to consider including e-cigarettes in their regulations.

They discussed hookah lounges and couldn't determine a difference between them and cigar bars. They reviewed some League of Minnesota Cities information. It was the consensus of the Commission that they didn't have a concern about a hookah lounge operating in a commercial area like any other business and that it wasn't their duty to regulate how and where people smoke. No action was taken.

8. There being no further business to come before the Planning Commission the meeting adjourned at 7:59 p.m.

Respectfully submitted

A handwritten signature in cursive script that reads "Megan M DeSchepper".

Megan M. DeSchepper, AICP
Planner/Airport Manager

PLANNING COMMISSION- FEBRUARY 12, 2014

STAFF COMMENTS

1. I & S GROUP REZONE SC TO GB- FILE NO. 14-02:

- The applicant is I & S Group, Faribault, MN.
- The applicant is requesting rezoning property from SC (Shopping Center District) to GB (General Business District) for commercial/retail development on property legally described as follows: part of the NW ¼ Section 23, Township 119, Range 35 (19th Ave. SE) (soon to be described as Lot 1, Block 1, Gesch Acres Second Addition).
- The property is a separate parcel from the Kandi Mall parcel and as such is not necessarily a shopping center type use.
- The applicant wishes the property to be zoned to utilize the GB setbacks which are less than the SC.
- The properties to the south are zoned GB, as are the properties to the north of the mall parcel.

RECOMMENDATION: Approve the rezone request and forward it onto City Council for a public hearing and map amendment.

2. VERIZON WIRELESS COMMUNICATIONS TOWER CONDITIONAL USE PERMIT- FILE NO. 14-01:

- The applicant is Verizon Wireless, Bloomington, MN.
- The applicant is requesting a conditional use permit to construct a 100' monopole wireless communications towers to replace an existing communications tower on City of Willmar Fire Department property legally described as follows: all of Block 66 excluding Lots 5, 6, 7 & the E 50' of Lot 8 & excluding the E 50' of the S ½ of Lot 9, First Addition to the Town of Willmar (515 2nd St. SW).
- The property is zoned CBD and the Wireless Communication Tower and Antennas Ordinance states that commercial towers are permissible with a CUP when on government owned site (see pages 7 & 8 of Ord.).
- Colocation was considered for the existing tower, but it was determined that it was not constructed to hold the proposed communication antennas and equipment. The new tower will collocate with the Verizon equipment as well as the City of Willmar radio antennae that are located on the current tower.
- The current tower is 100' tall.
- The applicant proposes a 10' wide utility easement and 20' access easement to the tower. The applicant proposes a 6' tall chain link fence with slats to match existing fencing.
- The applicant proposes an 11' 6" x 19' 5 ½" equipment building. All drainage from the building shall be dealt with on site by the applicant and meet the Stormwater Ordinance at all times never increasing runoff to abutting property owners.
- The equipment building is setback 7' (steps are 3' 8") from the property line, which meets the structure setback requirements of the CBD.

- The proposed tower setback from the southeasterly property line is 26' 7" which meets the Zoning Ordinance tower setback requirement of not less than 25% the tower height, or 20 feet whichever is greater. (25% of 100 is 25 feet)
- The applicant shall submit all airspace approval documents from the FCC and FAA regarding the helicopter land pad on the nearby Rice Hospital Roof prior to issuance of a building permit.
- The proposed utility/access easements are for access for Verizon across City property. Easements shall be submitted prior to recording for City review and approval as well as copies supplied after recording.

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

- A. Utility/access easements shall be submitted for review and approval by the City prior to recording and recorded copies shall be supplied to the City.
- B. FCC and FAA final airspace approvals shall be submitted to the City for the project prior to issuance of a building permit.
- C. All applicable local, state, and federal laws and regulations shall be followed at all times.