

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, FEBRUARY 26, 2014**

MINUTES

1. The Willmar Planning Commission met on Wednesday, February 26, 2014, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

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

** Members Absent: Randy Czarnetzki, and Andrew Engan.

** Others Present: Catherine Miller, Donna & Al Hoffman, Christian & Jolene McArthur, Randy Alsleben, Bruce D. Peterson- Director of Planning & Development Services, and Megan DeSchepper- Planner.

2. MINUTES: The minutes of the February 12, 2014 meeting were approved as submitted.

3. MCARTHUR HAIR SALON HOME OCCUPATION CONDITIONAL USE PERMIT- FILE NO. 14-02: The public hearing opened at 7:05 p.m. Jolene McArthur presented her request for a home occupation hair salon conditional use permit on property legally described as follows: the west 75' of Lots 13 and 14, Block 58, First Addition to the Town of Willmar (923 Trott Ave. SW). Ms. McArthur explained that they plan to remodel a portion of the attached garage into a one chair hair salon. The salon would be by appointment only, Monday through Saturday, with hours of operation from 8 a.m. to 8 p.m. There is off street parking available in the driveway and there will still be stalls in the garage for MacArthur's vehicles. As Ms. McArthur would be the sole stylist, there would be at most two clients at the property at a time.

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

Donna Hoffman, a property owner at 921 Becker Ave. SW expressed concerns regarding the business operation in the residential neighborhood. She said the request does not meet #1 of the affirmative findings for conditional use permits as the area is residential and the Comprehensive Plan wouldn't suggest commercial in the middle of it. She said the use wouldn't meet #2 of the findings either as the deterioration of homes when they change from residential to commercial, such as the homes on Trott Ave. SW near to the downtown the, upkeep lags and that brings the value of the properties in the neighborhood down. She was also concerned about #6 in regards to traffic congestion and public safety as Trott Ave. SW and 10th St. SW are already a busy vehicle and pedestrian area due to the stop light on Highway 12 and Garfield School and that this use will add to that traffic. And finally she expressed concern regarding #7 of the findings that a commercial use in the area will have a negative impact on the family oriented neighborhood.

Katherine Miller a nearby property owner at 410 10th St. SW stated that she was against the request as this is an older established residential neighborhood and that the Comprehensive Plan cannot support a commercial use in it.

With no further comments from the public, the hearing closed at 7:11 p.m.

The Commission asked what the average daily client load Ms. McArthur would anticipate for his salon. Ms. McArthur responded that she would estimate she'd have 4 to 6 clients a day by appointment only. They plan on removing a window on the south side of the garage and adding a door, a sidewalk would be added from the driveway to the door for client access.

Staff added that home occupations are permitted in residential areas as a secondary use in the homes and that this is not a rezoning of the property. There has been no factual study done to verify or deny that a home occupation affects the values of surrounding properties it's all speculation. In regards to traffic, Trott Ave. SW is built to function as a collector street and it is not overwhelmed. 10th St. SW is also built to hold up to much more traffic then it currently carries. Home Occupations are permitted a small wall or yard sign that would be the only exterior sign that this business exists.

The Commission talked about home occupations that they've approved in the past and this type of use is the least intrusive type of business.

Ms. Bebler made a motion, seconded by Ms. Fleck, to approve the conditional use permit for a home occupation hair salon with the following condition:

A. One stylist total would be allowed to work out of the home occupation.

Mr. Thaden made a motion, seconded by Mr. Larson, to amend the motion to add the following conditions:

B. The home occupation hours of operation shall be limited to 8 am to 8 pm Monday through Saturday.

C. The use shall meet all applicable local, state, and federal laws and regulations at all times.

The motion carried.

The Planning Commission made the following affirmative findings of fact:

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 the property will remain a residential property in which home occupations are permitted when meeting the requirements.
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 appraisals or value studies were presented.

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 aspect of this property or neighborhood.
4. 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 built out neighborhood and there will be no exterior alterations to the home.
5. That adequate utilities, access roads, stormwater management, and other necessary facilities have been, or are being, provided as it is already an existing/functioning home.
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 the use will not exceed normal residential usage of the access or streets.
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 its primary use will still be a residential home and no commercial exterior alterations will take place.

The motion carried.

4. SALE OF CITY OWNED LAND TO JENNIE-O TURKEY STORE: Staff presented the proposed land sale/transfer of City owned land to Jennie-O Turkey store of a portion of the vacated highway 40 r-o-w as well as a portion of vacant City owned land south of the Public Works Garage (total of 8 acres). Jennie-O Turkey Store plans to add on to their existing office facility with a market value of 4 million dollars' worth of improvements and 90 jobs. The City proposes to write a first right of refusal for the next ten years with Jennie-O Turkey store for a 30-acre parcel directly north of their existing facility (part of old airport property). The City Charter requires the Planning Commission to consider all City land acquisitions and sales.

Mr. Poe made a motion, seconded by Ms. Bebler, to authorize the City to negotiate terms for the transfer of the 8 acres for Jennie-O Turkey store expansion as well as the option/first right of refusal on the 30 acre parcel in the industrial park directly north of their current facility.

The motion carried.

5. STORAGE/SHIPPING CONTAINERS TEXT AMENDMENT- FILE NO. 14-03: Mr. Thaden made a motion, seconded by Mr. Geiger, to remove the matter from the table and open it up for discussion.

The motion carried.

Staff explained that they added text as directed by the Commission regarding storage containers that may be used on construction sites and would be needed for a longer period of time. The Commission talked about three months being reasonable and if a

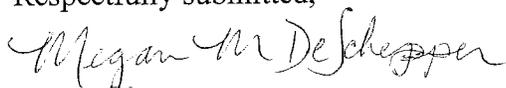
project required more time that could be worked out as long as the situation wasn't causing a neighborhood nuisance.

Mr. Thaden made a motion, seconded by Mr. Geiger, to approve the text amendment and forward it onto the City Council for a public hearing and ordinance adoption.

The motion carried.

6. SIGN SECTION OF ZONING ORDINANCE DISCUSSION: The Commission talked about the existing sign regulations in the Zoning Ordinance and will begin reviewing other community's ordinances and be prepared to discuss the section update at the next meeting.
7. There being no further business to come before the Commission the public hearing closed at 7:59 p.m.

Respectfully submitted,



Megan M. DeSchepper, AICP
Planner/Airport Manager

PLANNING COMMISSION- FEBRUARY 26, 2014

STAFF COMMENTS

1. MCARTHUR HAIR SALON HOME OCCUPATION CONDITIONAL USE PERMIT- FILE NO. 14-02:

- The applicant is Jolene McArthur, Willmar, MN.
- The applicant is requesting a conditional use permit for a home occupation hair salon on property legally described as follows: west 75' of Lots 13 & 14, Block 58, First Addition to the Town of Willmar (923 Trott Ave. SW).
- The applicant plans on improving a portion of the attached garage for a single chair hair salon.
- The property has off-street parking available in the driveway off of 10th St. SW.
- There will be no other stylists/employee at the salon and Ms. McArthur resides at the home.
- Set hours of operation? Number of clients at any given time?
- Signage shall be permitted as per the Sign Ordinance regarding home occupations.

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

- A. The use shall at all times conform to all applicable local, state, and federal laws and regulations.