

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, AUGUST 12, 2015**

MINUTES

1. The Willmar Planning Commission met on Wednesday, August 12, 2015, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

Members Present: Andrew Engan, Scott Thaden, Gary Geiger, Randy Czarnetzki, Aaron Larson, Steve Gardner, and Rolf Standfuss.

Members Absent: Bob Poe, and Margret Fleck.

Others Present: Dustin Koosman, and Megan DeSchepper-Planner.

2. MINUTES: The minutes of the July 22, 2015 meeting were approved as submitted.
3. CAMBRIDGE FOURTH ADDITION PRELIMINARY PLAT- FILE NO. 15-03: The public hearing opened at 7:03 p.m. Dustin Koosman, of Koosman Construction, Willmar, MN, presented the preliminary plat of a 16 lot single family home development which is a replat of property legally described as follows: Lots 1-11 and Lots 16-22, Block 2, TerraPlane Estates. The property is zoned R-4 (Medium Density Multiple Family). Single family homes are not permitted in an R-4. Koosman Construction has applied for a rezone of the property to R-3 (Low Density Multiple Family) and the hearing is set for the next Planning Commission meeting. The applicant has also applied for a conditional use permit for a planned unit development amendment (to be reviewed at the next meeting in August). As the street is private it shall be governed by declarations and private covenants for access, utilities, and shared common area.

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

Staff explained that the private development was laid out for four plexes and three plexes, so the water, sewer, and electric services will likely have to be moved and relocated to align properly for single family homes. These relocations will be solely at the developer's expense.

The Commission discussed drainage in the area. Mr. Koosman said that in the past during major rain events they have had some flooding issues by the pond to the west and some of their other rental units were affected.

With no comments from the public, the hearing was closed 7:20 p.m.

Mr. Thaden made a motion, seconded by Mr. Larson, to approve the preliminary plat with the following conditions:

- A. The property shall be properly zoned for single family home development prior to final plat signatures.

- B. The conditional use permit for the planned unit development shall be completed and declarations/covenants submitted and approved by Staff to ensure access and common areas prior to final plat signatures and recorded with the final plat.
- C. 5' utility easements shall be added to all rear and side lots lines.
- D. Each home shall have its own separate water shut off valve.
- E. All utility relocation costs shall be at the cost of the developer.
- F. Plans shall be submitted to the Engineering Department verifying sewer service to each lot prior to final plat signatures.
- G. Stormwater detention plans including calculations shall be submitted for review and approval by the Engineering Department prior to final plat signatures.
- H. "No parking" signs shall be installed on the private street prior to final plat signatures.

The Commission talked about the zoning in the area, and it was noted the rezone application would be considered at an upcoming meeting. There was concern about the existing GB (General Business) property directly to the north. Possible use conflicts of high commercial uses abutting residential was discussed. Staff noted it's currently zoned that way and an R-4 (dense residential) next to a GB is not uncommon.

The motion carried, with Mr. Czarnetzki voting no.

4. KINNEY/SMOLINSKY COMMERCIAL CATERING KITCHEN CONDITIONAL USE PERMIT FILE NO. 15-04: The public hearing opened at 7:25 p.m. Staff presented the conditional use permit application for a commercial catering kitchen on behalf of Greta Smolinsky and Michael Kinney, Willmar, MN on property legally described as follows: Lot 3, Block 53, Original Townsite of Willmar (408 7th St. SW). Staff explained that the property is zoned LB (Limited Business) and that the applicants have operated a law office out of the property and reside there. They now wish to operate a catering business and remodel the kitchen into a commercial grade kitchen. If any exterior changes would occur at the home, it would be in keeping with the existing materials and architecture of the home.

No one appeared to speak for or against the request and the public hearing was closed at 7:30 p.m.

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

The Commission talked about parking, onsite traffic, and delivery routes to the property. As 7th St. SW is a truck route and the driveway is not overly wide, deliveries will likely be wheeled up to the property from the road. It was questioned if there was a shared parking/access agreement with the property to the north, as the pavement between the two properties goes over the lot line. It was a consensus of the Commission that because most catering businesses deliver their product to the site of events, traffic and parking needs should be minimal.

Mr. Gardner made a motion, seconded by Mr. Standfuss, to approve the conditional use permit with the following condition:

- A. The use shall meet all applicable local, state, and federal rules and regulations at all times.

The Planning Commission reviewed and made affirmative findings of fact as per Zoning Ordinance Section 9.E.3.a.1-7.

The motion carried.

5. With no further business to come before the Commission, the meeting adjourned at 7:37 p.m.

Respectfully submitted,



Megan M. DeSchepper, AICP
Planner/Airport Manager

PLANNING COMMISSION- AUGUST 12, 2015

STAFF COMMENTS

1. KINNEY/SMOLINSKY COMMERCIAL CATERING KITCHEN CONDITIONAL USE PERMIT FILE NO. 15-04:

- The applicants are Greta Smolnisky and Michael Kinney, Willmar, MN.
- The applicants are requesting to operate a commercial catering kitchen on property legally described as Lot 3, Block 53, Original Townsite of Willmar (408 7th St. SW).
- The property is zoned LB- Limited Business. Restaurants are permitted in the LB with a conditional use permit; this is a commercial grade kitchen catering business.
- The applicant has operated a law office out of the property in the past and also resides at the property.
- All changes to the structure would occur within the home to make the kitchen legal for commercial purposes. Any addition or exterior changes would be in keeping with the existing architecture of the building.
- Zoning to the North is Limited Business, East is Central Business District, South and West is residential.
- Traffic would consist of food service deliveries, employees? Parking available for # of cars, shared agreement to the north?

RECOMMENDATION: Approve the conditional use permit with the following conditions:
A. The use shall meet all applicable local, state, and federal rules and regulations at all times.

2. CAMBRIDGE FOURTH ADDITION PRELIMINARY PLAT- FILE NO. 15-03:

- The applicant is Koosman Construction, Willmar, MN.
- The applicant is requesting a replat of property creating 16 single family homes on property legally described as follows: Lots 1-11 and Lots 16-22, Block 2, TerraPlane Estates.
- The property is currently zoned R-4 (Medium Density Multiple Family Residential).
- The applicant proposes restructuring the lots to allow for single family home construction, the property shall be rezoned as single family homes are not permitted in the R-4 district.
- The property is accessed via 25th St. SE and the private ring road of 2nd Ave. SE, Terraplane Dr. SE, and 3rd Ave. SE. (Outlot A).
- The development requires a conditional use permit planned unit development amendment to include the newly created lots to ensure they will all have access and common area privileges (via Outlot A) etc. and due to the reduced lot area and widths.
- Planned unit developments with private streets allow for reduced setbacks, however the property lines that abut other properties or the public street must meet Zoning Ordinance setbacks. Proposed Lot 9 side setback shall be 10', Lot 16, side setback shall be 10', 30' front yard setback for Lots 15 and 16, and 30' side yard setback for lot 14.

Assessing Comments: Replat of parcels 95-803-0200, 0210, 0230, 0240, 0250, 0260, 0270, 0280, 0290, 0300, 0350, 0360, 0370, 0380, 0390, 0400, 0410. The area being replatted is part of a PUD and therefore covered by Articles & Declarations for the common area which includes the street. This would need to be addressed in the new plat so that access and other common area issues would not create problems in the future. For reference, I have attached copies of the first page of the documents recorded for Cambridge Third Addition that addressed some of the same issues.

Willmar Municipal Utilities Comments: Electricity is available, but install needed. Developer will be responsible for cost of relocation. Each home will need its own water shut off valve. Private utility relocation costs will be at the developer's expense. Add 5' utility easement to all rear and side lot lines.

Fire Chief/Marshal Comments: Fire Hydrants are ok. 2nd Ave. SE, 3rd Ave. SE, and Terraplane Dr. are only 30' streets, "no parking" signs shall be added to the private street by the developer.

Engineering/Public Works Comments: All streets are private except for 25th St. SE. The sanitary sewer is a private system. Not all lots have service lines or are adjacent to sewer. How do they plan on servicing those lots, plans shall be submitted prior to final plat approval verifying access to the private sewer for all homes. This area is subject to high water levels during storm events. Because of additional impervious surfaces being constructed, storm water detention will be required. Calculations shall be submitted for review of pre and post construction runoff rates.

RECOMMENDATION: Approve the preliminary plat with the following conditions:

- A. The property shall be properly zoned for single family home development prior to final plat signatures.
- B. The conditional use permit for the planned unit development shall be completed and declarations/covenants submitted and approved by Staff to ensure access and common areas prior to final plat signatures and recorded with the final plat.
- C. 5' utility easements shall be added to all rear and side lots lines.
- D. Each home shall have its own separate water shut off valve.
- E. All utility relocation costs shall be at the cost of the developer.
- F. Plans shall be submitted to the Engineering Department verifying sewer service to each lot prior to final plat signatures.
- G. Stormwater detention plans including calculations shall be submitted for review and approval by the Engineering Department prior to final plat signatures.