WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, FEBRUARY 13, 2013

MINUTES

1. The Willmar Planning Commission met on Wednesday, February 13, 2013, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

   ** Members Present: Mark Klema, Charles Oakes, Gary Geiger, Scott Thaden, Bob Poe, and Nick Davis.

   ** Members Absent: Andrew Engan, Randy Czarnetski, and Virgilio Aguirre Jr.

   ** Others Present: Bethany Hardy, John Hafner, Tom Torgerson, Kathy Aamott, and Megan Sauer- Planner.

2. MINUTES: The minutes of the January 9, 2013 meeting were approved as presented.

3. TEXT AMENDMENT APPEALS- FILE NO. 13-01: The public hearing opened at 7:02 p.m. Staff presented the Planning Commission initiated text amendment of Zoning Ordinance 1060 Section 9.C.1 regarding appeals. The text amendment is to clarify the appeal process in regards to actions of the Planning Commission, as per state statute any appeal of their decision would go directly to District Court, not to the Board of Zoning Appeals. In the past it was interpreted to be an action of the Zoning Administrator to carry out the Planning Commissions orders and which case that could be appeals to the Zoning Board of Appeals.

   No on appeared for or against the request and the public hearing closed at 7:05 p.m.

   The Commission discussed the matter of the Board of Zoning Appeals and that they do still deal with variance requests and any appeal of the enforcement of the Ordinance by the Zoning Administrator.

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

   The motion carried.

4. WILLMAR LEGACY PROPERTIES PLAN REVIEW CONDITION DISCUSSION- FILE NO. 12-10: John Hafner of Cities Edge Architects, and Tom Torgerson of Torgerson properties, discussed an issue with carrying out one of the Planning Commissions conditions on Willmar Legacy Properties project plan approval from the November 14, 2012 meeting. Specifically condition E. the property owner shall receive easements or permission/permits to drain pits onto abutting property. Mr. Hafner explained that they have been working diligently to meet all the conditions of the

approval. However, condition letter E has been difficult as one of the abutting property owners has of a yet to agree to a drainage easement. The project is very complex with a multitude of scheduling processes for vendors, renters, multiple franchises etc. the entire project is scheduled to commence on April 1, 2013. Bids are out for submittal. Mr. Torgerson explained that they are concerned this one condition will affect the entire project timeframe. Mr. Hafner talked about the existing stormwater on site, and that the footprint of impervious surface will slightly increase and that they are also adding more greenspace. They have stormwater improvements planned for the site including stormwater pits that will greatly slow down the water runoff and improve the quality to the west. Historically the property has drained as it currently does for the last 42 years, and an easement of prescription is a legally viable option albeit a slow process.

Staff explained that the interim City Engineer Jared Voge P.E. of Bolton and Menk, received the stormwater calculation documentation the previous day and will have comments regarding the matter soon.

Mr. Torgerson stated the property to the west is undeveloped and drains west to the ditch, the owner was not concerned about the possible easements or water runoffs effect on his property. They merely couldn't come to an agreement for the easement.

The Commission talked about the condition really being a matter of trying to be a good neighbor the easement would cover something that has historically been occurring for decades. It was not meant to be a detriment to the project.

Mr. Oakes made a motion, seconded by Mr. Poe, to rescind condition letter E. from the plan review contingent upon the interim City Engineers review of the drainage calculations to the west.

The motion carried.

5. MINNWEST TECHNOLOGY CAMPUS-BILL CHUKUSKE INSURANCE SERVICES PLAN REVIEW- FILE NO. 13-01: Steve Salzer presented the plan review request for Bill Chukuske Insurance Services at the MinnWest Technology Campus on property legally described as follows: Unit 5, MinnWest Technology Campus, CIC #40 A Planned Community (1700 Technology Dr. NE). The space will be a 213 sq. ft. satellite office for Mr. Chukuske.

The Planning Commission discussed the Technology Zoning District and reviewed the permitted uses as they relate to technology. Offices, business and professional does cover the request. Mr. Salzer added that the campus is currently not making a profit and getting more spaces filled is crucial to the success of the overall plan.

Mr. Oakes made a motion, seconded by Mr. Davis to approve the plan review with the following condition:

A. The use shall meet all applicable, local, state, and federal laws and regulations.

The Planning Commission reviewed and made affirmative findings of fact in Zoning Ordinance Section 9.E.4.a.1-7.

The motion carried with Mr. Geiger abstaining.

6. MINNWEST TECHNOLOGY CAMPUS- KKLN 94.1 THE LOON PLAN REVIEW-FILE NO. 13-02: Steve Salzer of MinnWest Technology Campus presented a plan review request for KKLN 94.1 The Loon radio station to operate out of property legally described as follows: Unit 14, MinnWest Technology Campus, CIC #40 First Supplemental (1721 Technology Dr. NE). Mr. Salzer explained that they would be operating the radio station out of the third floor and they'd have a Satellite Dish and small antenna to place in an appropriate location. Again this would be a way to fill space, to broadcast from the campus help with promotion of events and growth to add to the synergy of the campus.

The Commission talked about the uniqueness of MinnWest Technology Campus and the reuse of the old State Hospital properties compared to similar sites across the state that are set to be bulldozed. The Commission fully supports their endeavors.

Mr. Oakes made a motion, seconded by Mr. Geiger, to approve the plan review with the following condition:
A. The use shall meet all applicable, local, state, and federal laws and regulations.

The Planning Commission reviewed and made affirmative findings of fact in Zoning Ordinance Section 9.E.4.a.1-7.

The motion carried.

7. WAL-MART STORE COLOR CONDITION DISCUSSION: Staff presented a request to change the color of the Wal-Mart Store at 700 19th Ave. SE from the current blue and tan to sand/brown scheme. Staff explained that at the October 12, 2005 Planning Commission meeting the Commission approved the Wal-Mart plan review with the condition of the blue and tan color scheme. The City received some remodel and exterior upgrade plans from Wal-Mart with their new logo/franchise color which includes new paint and signage on the exterior.

Mr. Geiger made a motion, seconded by Mr. Davis, to rescind the color condition letter L. from the plan approval.

The motion carried.

8. CITY LAND ACQUISITION FROM BNSF: Staff presented a land acquisition request to allow the Willmar Ave. SW realignment over the BNSF tracks to County Road 5 that is slated for 2013 projects. There is a 100' by 100' piece of track that the road will go over and the City needs to acquire from BNSF. Per the City Charter, the Planning Commission has to approve all City land acquisitions.

Mr. Thaden made a motion, seconded by Mr. Geiger, to approve the land acquisition.

The motion carried with Mr. Klema abstaining.

9. ZONING ORDINANCE/MAP UPDATE: Staff presented a draft of the current Zoning Map; it updates the adopted map from 2004 depicting all map amendments made since that time. Staff should have a copy for each Commissioner by next meeting.

Staff also distributed a rough draft of Section 3. General Provisions of the Zoning Ordinance re-write. As well as the general provisions of four other similar sized out state communities Zoning Ordinances for the Commission to compare and contrast. Staff pointed out some areas of discussion such as outbuildings and exterior storage to be prepared to discuss at the next meeting.

10. MISCELLANY: Mr. Klema shared with the Commission that he attended a Technical Advisory Committee meeting for the downtown parking study being conducted by SRF on behalf of Rice Hospital. They will be analyzing downtown parking needs now and into the future. The Committee will be meeting again in about a month, and he encouraged the Commission to let himself or Mr. Geiger know of any parking comments they have. This is an action step of the Downtown Plan adopted by Council last year coming to fruition.

11. There being no further business to come before the Commission, the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Megan M. Sauer, AICP
Planner/Airport Manager