



**PLANNING AND DEVELOPMENT SERVICES**

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

<b>GENERAL DEPARTMENT &amp; INFORMATION</b>	320-235-8311
<b>DIRECTOR</b>	320-214-5184
<b>PLANNER</b>	320-214-5195
<b>BUILDING OFFICIAL</b>	320-214-5185
<b>BUILDING INSPECTION TECH</b>	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 *MMS*

DATE: July 18, 2012

**SUBJECT: JULY 25, 2012 MEETING**

The Willmar Planning Commission will meet at 7:00 p.m. on Wednesday, July 25, 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 June 27, 2012 meeting \*
3. 7:01 p.m. Section 9 Variance standards text amendment. \*
4. 7:05 p.m. Section 7 Nonconforming structures damage or destruction text amendment. \*
5. Garage sales discussion continued. \*\*
6. Miscellany
7. Adjourn

\* included

\*\* to be presented



**WILLMAR PLANNING COMMISSION  
CITY OF WILLMAR, MN  
WEDNESDAY, JUNE 27, 2012**

**MINUTES**

1. The Willmar Planning Commission met on Wednesday, June 27, 2012, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

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

\*\* Members Absent: Gary Geiger, and Randy Czarnecki,

\*\* Others Present: Steven Salzer, Doug Dewane, Rick Moore, and Megan Sauer-Planner/Airport Manager.

2. MINUTES: The minutes of the May 23, 2012 meeting were approved as submitted.

3. MINNWEST TECHNOLOGY CAMPUS PLAN REVIEW FOR FREIGHT HITCH LLC. FILE # 12-6: Steve Salzer presented the request for plan review on behalf of MinnWest Technology Campus to allow Freight Hitch LLC to operate out of the Heartland Energy Systems Office on property described as follows: Unit 5, MinnWest Technology Campus CIC #40 (1700 Technology Dr. NE). Mr. Salzer explained that the business does logistics for refrigerated transportation and other transportation planning for food processors such as Jennie-O and JBS Swift. They are working on biomass exchange, including GPS tracking, etc.

The Planning Commission discussed that this is a good fit for the campus as it's an Ag and technology based operation.

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

- A. That the use shall meet all applicable local, state, and federal laws and regulations at all times.

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

The motion carried.

4. BETHESDA PROPERTY DISCUSSION: Doug Dewane, of Bethesda, and Rick Moore, of Horty and Elving, presented very preliminary ideas of possible expansion at the Bethesda Pleasant View site to replace beds from the Bethesda Heritage nursing home property. Approximately 250 beds total on the campus. They talked about two different scenarios for expansion, one including the extension of 12<sup>th</sup> St. SE. They asked

for input or direction as to what the Planning Commission was comfortable with for setbacks and physical form in the neighborhood. The proximity of the addition to Willmar Ave. SE was discussed at length and the Commission wasn't comfortable with a very urban, limited setback. They suggested building as far back from the r-o-w as possible. They also suggested the architects consider the stormwater on the site as it will be adding impervious surface. The Planning Commission said they could see the need for the expansion and services and look forward to seeing plans come before them when a formal application is submitted.

5. R-2 USE IN CBD DISCUSSION: Staff shared with the Planning Commission Minnesota Statute language regarding nonconforming structures. The Zoning Ordinance currently states that "if a nonconforming structure is damaged to the extent of 50% or more of its value it cannot be rebuilt". This stipulation has been an issue for residential homes in commercially zoned lots for resale and insurance. Mortgage companies are leery of giving loans for property that if damaged cannot be rebuilt. However, the language in State Statute states "that if a building permit is applied for within 180 days of when the property is damaged it can be rebuilt". Staff requested the Planning Commission initiate the text amendment to the Zoning Ordinance to mimic the State Statute language.

Mr. Thaden made a motion, seconded by Mr. Engan, to initiate the text amendment for nonconformities in the Zoning Ordinance in Section 7 to follow State Statute language from Section 462.357. The Commission directed staff to set up a public hearing for the matter at an upcoming meeting.

The motion carried.

6. VARIANCE FINDINGS AMENDMENT DISCUSSION: Staff shared Minnesota Statute language regarding variance standards that were changed during the last legislative session. The new term in the language is regarding practical difficulties in the findings for variances. The Planning Commission discussed variances and the role they play in the process of plan reviews, but ultimately it goes to the Board of Zoning Appeals for action. The Zoning Ordinance would need to be amended to include the new findings language.

Mr. Oakes made a motion, seconded by Mr. Engan, to initiate the text amendment for variance standards in Zoning Ordinance Section 9 to follow State Statute language from Section 462.357. The Commission directed staff to set up a public hearing for the matter at an upcoming meeting.

The motion carried.

7. GARAGE SALE DISCUSSION: Staff asked the Planning Commission for input on how to deal with repeat large volume garage sales. Staff receives complaints regarding garage sales that occur weekly and that cause traffic concerns and disrupt neighborhoods. Sales that occur so frequently are basically operating a commercial enterprise or home

occupation. There is nothing in the Zoning Ordinance or Municipal Code to deal with the issue. The Planning Commission directed staff to check if other cities have regulations to deal with garage sales and bring the info for further discussion at an upcoming meeting.

8. There being no further business to come before the Commission, the meeting adjourned at 8:17 p.m.

Respectfully submitted,

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

Megan M. Sauer, AICP  
Planner/Airport Manager

## NOTICE OF HEARING FOR PROPOSED ZONING TEXT AMENDMENT

Notice is hereby given that the Willmar Planning Commission will meet at the Willmar City Office Building, 333 6<sup>th</sup> St. SW, Willmar, Minnesota, at 7:01 p.m. on Wednesday July 25, 2012, to consider an Ordinance amending No. 1060 known as the Willmar Zoning Ordinance by amending Section 9 relating to variance standards:

SECTION 9. Ordinance 1060 is hereby amended by changing Section 9.3.a.1-4 so as to read as follows:

- a. A variance shall be granted only if it is established that it is in harmony with the general purpose and intent of this Ordinance *and consistent with the Comprehensive Plan*, and that there are practical difficulties ~~or particular hardships~~ in carrying out the strict letter of the provisions of this Ordinance. In its consideration of the standards of practical difficulties ~~or particular hardship~~, the Board of Zoning Appeals shall make the following affirmative findings:
  1. The property owner *proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance in question cannot be put to reasonable use if used under the conditions required by the regulations governing the district in which it is located.*
  2. The plight of the owner is due to unique circumstances not created by *the landowner applicable to adjacent landholdings within the same district.*
  3. The variance, if granted, will not alter the essential character of the locality.
  4. The variance, if granted, will not be detrimental to nor endanger the public welfare.

All property owners or residents living in the vicinity of the above-described property are hereby notified of the public hearing and that they may appear in person or be represented by counsel to be heard on this matter.

July 13, 2012

Date

Megan M. Sauer

Planner

Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Jill al 231-8575, de la Cooperativa de Integración del Oeste Central.

Hadii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo WAC Contact:  
Lul Yusaf, Somali Women & Family Center (320)235-0532 or (678)467-3217.

## NOTICE OF HEARING FOR PROPOSED ZONING TEXT AMENDMENT

Notice is hereby given that the Willmar Planning Commission will meet at the Willmar City Office Building, 333 6<sup>th</sup> St. SW, Willmar, Minnesota, at 7:05 p.m. on Wednesday July 25, 2012, to consider an Ordinance amending No. 1060 known as the Willmar Zoning Ordinance by amending Section 7 relating to nonconforming structures damage or destruction:

SECTION 7. Ordinance 1060 is hereby amended by changing Section 7.G. so as to read as follows:

G. If any nonconforming structure, or structure used as part of a nonconforming use, ~~is damaged to the extent of fifty (50) percent or more of its estimated market value, is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its market value, as indicated in the records of the assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged,~~ it shall not be restored unless the structure or use can be brought into conformity with this Ordinance. Any damaged structures which are not repaired or brought into compliance within a period of six (6) months from the date the damage was incurred shall be removed from the premises by the owner upon order of the City.

All property owners or residents living in the vicinity of the above-described property are hereby notified of the public hearing and that they may appear in person or be represented by counsel to be heard on this matter.

July 13, 2012

Date

Megan M. Sauer

Planner

Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Jill al 231-8575, de la Cooperativa de Integración del Oeste Central.

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