WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, AUGUST 14, 2013

MINUTES

1. The Willmar Planning Commission met on Wednesday, August 14, 2013, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

   ** Members Present: Mark Klema, Charles Oakes, Randy Czarnetzki, Scott Thaden, and Margaret Fleck.

   ** Members Absent: Andrew Engan, Gary Geiger, Bob Poe, and Nick Davis.

   ** Others Present: Tom Anderson, Gary Hartman, Tess Stoffel, Tom Stoffel, Roberto Resendiz, Mario Santos, and Megan DeSchepper- Planner.

2. MINUTES: The minutes of the July 24, 2013 meeting were approved as presented.

3. NIELSEN REZONE R-1 TO R-2 FILE NO. 13-04: The public hearing opened at 7:01 p.m. Joy and Calvin Nielsen applied to rezone their home from R-1 (One Family Residential) to R-2 (One and Two Family Residential) on property legally described as Lots 26 and 27, Block 2, Pheasant Run (600 23rd St. SE). Mr. and Mrs. Nielsen were unable to attend the meeting so a letter explaining their request was read (see Attachment B).

   Tom Anderson, an abutting property owner explained that he is concerned about the request as he thinks having a duplex next to him will affect the value of his home for resale. And that it would be opening the door for other duplexes/rezoning. He bought his home and liked the area specifically for the single family aspect. He talked about concerns with rental and future owners of the property.

   Tom Stoffel asked about covenants on the property. The Commission explained that covenants are private developer bylaws and are not enforceable by the City.

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

   With no further comments from the public, the public hearing was closed at 7:40 p.m.

   The Planning Commission discussed the zoning of the abutting properties. All the homes directly adjacent to the Nielsen home are R-1; the only R-2 is Valley Golf Course. They talked about the fact that even single family homes can be rental property. They talked about the difference in intensity of use from an R-1 to an R-2 being not very measurable. They discussed if they'd be creating an island of R-2 and preserving the more dense development on the fringe and the single family in the middle of the development. They

noted that the property owner was not present, but did submit a letter explaining the request.

Mr. Thaden made a motion, seconded by Mr. Czarnetzki, to have a 10 minute recess to review the comprehensive plan for guidance.

Mr. Oakes asked for point of order as to the need for a recess to review the comprehensive plan or just review it during the meeting.

Mr. Thaden withdrew his motion, seconded by Mr. Czarnetzki,

The motion carried.

The Commission reviewed the Comprehensive Plan, finding nothing specifically talking about this portion of the community in regards to single family vs. two family residential.

Mr. Oakes made a motion, seconded by Ms. Fleck, to deny the request to rezone the property based on the "spot zoning" argument.

The motion carried.

4. CASA DE MISERICORDIA CONDITIONAL USE PERMIT WORSHIP SPACE- FILE NO. 13-04: The public hearing opened at 8 p.m. Mario Santos presented the request on behalf of Casa De Misericordia for a conditional use permit to operate a church/worship space on property legally described as Lots 1-14, Block 1, Ferring's Second Addition (511 Julii St. SE). The property was rezoned earlier in the year from G/I (Government/Institutional) to R-2 (One and Two Family Residential) and places of worship are permitted in and R-2 with a conditional use permit.

No one appeared to speak for or against the request, and the public hearing was closed at 8:16 p.m.

Mr. Santos stated there are 50 parking spaces on site. They have a contract with a sprinkler contractor for a fire suppression system to be installed as per the Fire Marshall. They have approximately 150 to 200 people attend service. They have worship service/youth group etc. on Wednesday at 7 p.m., Friday 7 p.m., Saturdays 7 p.m., and Sundays at 3 p.m. They use the gym for worship space and some of the class rooms.

RLUPA (Religious Land Use and Institutionalized Persons Act) was discussed by Mr. Santos in regards to having people stay at the church after a disaster in an emergency situation. The Commission talked about natural disasters and that they'd assume the church would use good judgment.

Mr. Santos inquired about the pastor residing at the property as many churches have a parsonage for the pastors on the same property as the worship space. The Commission

stated they would be permitted to do that but would have to have a building permit etc. to make sure codes and safety conditions are met.

Mr. Oakes made a motion, seconded by Mr. Thaden, to approve the conditional use permit for worship space with the following conditions:

A. All sprinkler requirements shall be met prior to issuance of a certificate of occupancy.
B. No amplified or loud music that can be heard outside the building shall be allowed after 9 p.m.
C. 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.3.a.1-7.

The motion carried.

5. There being no further business to come before the Commission, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Megan M DeSchepper

Megan M. DeSchepper, AICP
Planner/Airport Manager

Attachment A

PLANNING COMMISSION-AUGUST 14, 2013

STAFF COMMENTS

1. NIELSEN REZONE R-1 TO R-2 FILE NO. 13-04:
   - The applicant is Joy and Calvin Nielsen, Willmar, MN.
   - The applicant has requested rezoning of their property from R-1 (One Family Residential) to R-2 (One and Two Family Residential) on property legally described as: Lots 26 and 27, Block 2 Pheasant Run (600 23rd St. SE).
   - The applicant wishes to rent out a basement apartment unit and live in the upper quarters of the home. There is a separate entrance, driveway, and garage available for the tenant.
   - The properties directly abutting the property are zoned R-1 as well except for to the west, Valley Golf Course is zoned R-2.
   - The home is on two lots which exceeds the minimum street frontage and lot area for a duplex.
   - The property has access via 23rd St. SE as well as 6th Ave. SE.
   - Pheasant Run is a mixed housing development with single family homes, duplexes, and four plexes.

     RECOMMENDATION: Approve the rezone from R-1 to R-2 and forward it onto the City Council for Ordinance public hearing and adoption.

2. CASA DE MISERICORDIA CONDITIONAL USE PERMIT WORSHIP SPACE- FILE NO. 13-04:
   - The applicant is Casa De Misericordia, Willmar, MN.
   - The applicant has requested a conditional use permit for church worship space on property legally described as: Lots 1-14, Block 1, Ferrings Second Addition (511 Julii St. SE).
   - The property is zoned R-2 (One and Two Family residential), churches and worship space are permitted with a conditional use permit.
   - The property is accessed via Trott Ave. SE and there are 44 existing parking spaces, adequate for church membership? Number of seats in worship space?
   - No residential living space is permitted in the structure.
   - Hours of worship?
   - No amplified or loud music after 9 p.m.
   - Sign approval shall be ancillary from CUP approval.
   - Sprinkler system?
   - Any other uses for the space, amount of unused building?

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

   A. All fire sprinkler requirements shall be met prior to worship is permitted at the facility.
   B. No amplified or loud music after 9 p.m.
   C. The use shall meet all applicable local, state, and federal laws and regulations.

Attachment B

Calvin and Joy Nielsen have a closing date on the sale of our home in Emerald Pond for Oct 15th. We will then be moving into our home at 600-23rd Str. SE. this will be our permanent home. We need the zoning changed so we can rent out the lower level. the house is way to large for a single family, and is set up perfectly for a duplex. We are going to be very selective on our renters. their will be rules that they park their cars in the garage and are not parked outside.

We had about 200 realitor cards at the house when we bought it. It was just too large of a house for anyone. we hope this will ~~go through~~ pass.

thanks!!