WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, AUGUST 27, 2014

MINUTES

1. The Willmar Planning Commission met on Wednesday, August 27, 2014, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

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

   **Members Absent: Randy Czarnetzki.

   ** Others Present: Dan Koosman, Steve Gardner, and Megan DeSchepper- Planner.

2. MINUTES: The minutes of the July 23, 2014 meeting were approved as submitted.

3. RAK CONSTRUCTION PLANNED UNIT DEVELOPMENT CONDITIONAL USE PERMIT- FILE NO. 14-08: The public hearing opened at 7:03 p.m. Dan Koosman, of Koosman Construction, presented the plans on behalf of RAK Construction LLC, Willmar for a planned unit development conditional use permit for a six building (12 units) twin home rental project on property legally described as follows: Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block One, Terrraplane Estates less the west 6' of said Lot 6 (2400 block of 3rd Ave. SE). The property is part of an existing private development that was never fully built out or completed. Mr. Koosman said they plan on building two bedroom and three bedroom twin homes with single car garages as there is a high demand for this type of rental unit. The architecture of the homes will be of similar style as the four-plexes to the west and fit in well with the neighborhood.

   Steve Gardner enquired if these were rent subsidized units. Mr. Koosman stated that they are market rate rental units.

   With no further comments the public hearing closed at 7:13 p.m.

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

   The Commission discussed the access to Lot 1, as it crosses Outlot E from Cambridge Addition. Staff added that the Outlot E and access will have to be covered in the articles and covenants for the private development. The Commission talked about the private street, utilities, and maintenance that shall all be covered in the private covenants and articles of declaration for the development. The relaxed side yard setbacks are permitted with the conditional use permit and are part of a denser plan for the planned unit development, the setback will require a fire wall barrier construction on those walls.

Ms. Bebler made a motion, seconded by Mr. Geiger, to approve the conditional use permit for a planned unit development.

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

A. Declarations and articles shall be recorded congruous with the plat for the shared elements, access, maintenance, and utilities of the private development.
B. Outlot E shall be included in the covenants and articles of declarations as access for Lot 1.
C. The use shall meet all applicable local, state, and federal, rules and regulations at all times.

The amending motion carried.

The Planning Commission made the affirmative findings of fact as per Section 9.E.3.a.1-7.

The motion, as amended, carried.

4. CAMBRIDGE THIRD ADDITION PRELIMINARY PLAT- FILE NO. 14-03: The public hearing opened at 7:25 p.m. Dan Koosman, of Koosman Construction, presented the preliminary replat on behalf of RAK Construction LLC, of Willmar, for a six lot twin home development on property legally described as follows: Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block One, Terrraplane Estates less the west 6' of said Lot 6 (2400 block of 3rd Ave. SE). The replat of a portion of the private development Terraplane Estates will move lot lines set for four-plex development to twin home sized lots. As the units will be rental, the property line will not go down the center of the twin home. There will be a total of six twin homes, twelve rental units.

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

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

The Commission discussed the private water and sanitary sewer shut-off connections. They questioned if the existing water line is adequate. Mr. Koosman stated that they do not use the domestic water for their sprinkler system so the existing service will be adequate for the twin homes.

Mr. Geiger made a motion, seconded by Ms. Bebler, to approve the preliminary plat with the following conditions:

A. Each unit shall have a separate water shut-off valve.
B. Assessments shall either be paid in full or reapportioned prior to final plat recording.
C. Declarations and covenants shall be submitted for review and approval by the

City prior to final plat recording and recorded congruous to the final plat for tracking to cover common areas, access, utilities, etc. for the private development.

D. Additional sanitary sewer connections shall be required as to have one connection per unit.

E. Parking is limited to one side on the private street and shall be signed accordingly by the developer.

The motion carried.

5. BEE KEEPING DISUCSSION CONTINUED: The Commission reviewed and discussed the draft beekeeping ordinance from the Minnesota Hobby Beekeepers Association. They talked about the sections they liked, and a couple that they felt were overly restrictive or not easily enforced. They talked about safety and nuisance concerns with hives near schools as well as having a process for someone who is against a hive in their area to have a voice in the process.

It was a consensus of the Commission to have staff draft an Ordinance and bring it back to the Commission for further discussion and review.

6. ZONING ORIDNANCE UPDATE SECTION 5 SIGNS DISCUSSION CONTINUED: The Planning Commission reviewed the updated draft regarding commercial signage on vehicles. They approved the amendments as per previous discussions. Staff will continue onto the next section of the Ordinance for future review/discussion at the Planning Commission.

7. There being no further business to come before the Commission the meeting closed at 7:47 p.m.

Respectfully submitted,

Megan M. DeSchepper

Megan M. DeSchepper, AICP
Planner/Airport Manager

Attachment A

PLANNING COMMISSION-AUGUST 27, 2014

STAFF COMMENTS

1. RAK CONSTRUCTION CONDITIONAL USE PERMIT PLANNED UNIT DEVELOPMENT- FILE NO. 14-08:

- The applicant is RAK Construction LLC, Willmar, MN.
- The applicant is requesting a conditional use permit for a planned unit development for twin home rental development with a private street on property legally described as follows: Lot 6 excluding the westerly 6' thereof, Block 1, Terraplane Estates; Lot 7, Block 1, Terraplane Estates; Lot 8, Block 1, Terraplane Estates; Lot 9, Block 1, Terraplane Estates; Lot 10, Block 1, Terraplane Estates; Lot 11, Block 1, Terraplane Estates; Lot 12, Block 1, Terraplane Estates; Lot 13, Block 1, Terraplane Estates; Lot 14, Block 1, Terraplane Estates; Outlot A Terraplane Estates (2400 block of 3rd Ave. SE).
- The property is zoned R-4 Medium Density Multiple Family Residential.
- The property is accessed via 25th St. SE, via 3rd Ave. SE a private street (Outlot A).
- The applicant is proposing six twin home rental units, one per each proposed lot.
- There is concern with how the homes on proposed Lot One units are accessed via Outlot E (Outlot E from Cambridge Addition). Outlot E is 25' in width with a 20' utility easement over it, driveway depicted to abut property line to the north. Note- if the utility needs to be worked on the driveway will be dug up and replacement costs will be on the property owner.
- The Planned Unit Development shall have private covenants and articles of declarations spelling out common spaces, maintenance, private utilities, access etc. (amend existing declarations/covenants or draft new). Will Outlot E be included in the covenants and articles of declarations?
- The architectural style of the homes will be of similar design as that of the existing four-plexes to the west and will fit in with the neighborhood.
- Setbacks are relaxed as the development is part of a PUD the homes may be required to have increased fire walls etc. at a 5' setback as per Building and Fire Code regulations.
  RECOMMENDATION: Approve the conditional use permit for a planned unit development with the following conditions:
  A. Declarations and articles shall be recorded congruous with the plat for the shared elements, access, maintenance, and utilities of the private development.
  B. Outlot E shall be included in the covenants and articles of declarations as access for Lot 1.

2. CAMBRIDGE THIRD ADDITION PRELIMINARY PLAT- FILE NO. 14-03:

- The applicant is RAK Construction, LLC, Willmar, MN.
- They are proposing a six lot replat for twin home development on property legally described as follows: Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14 of Block 1, Terraplane Estates less the west 6' of said lot 6 (2400 block of 3rd Ave. SE).

- The property is zoned R-4 Medium Density Multiple Family Residential.
- The property is accessed via 3rd Ave. SE an already existing private road (Outlot A).
- Architectural style is similar to the four-plexes to the west and will fit in with the neighborhood.
- The development will consist of twin homes that will be rental properties, six total buildings with 12 total units. They are rental and as such do not have property lines down the center of twin homes.
- There is concern with Lot 1 limited access to 3rd Ave. SE via Outlot E. Outlot E shall be included in declarations and covenants to ensure access to lot.

Fire Marshal/Chief Comments: No concerns.

MUC Comments: Single phase power is available from the south property line. Some work is needed to get connection points adjacent to each lot. All existing utility easements will remain as is on the replat. Water service is private, via three 1 1/2" service, will this be adequate for the six lots (12 units)? Each unit shall have a separate curb valve shut-off.

Assessor Comments: Replat of parcels 95-803-0060, 0070, 0080, 0090, 0100, 0110, 0120, 0130, 0140. Note specials were paid off for parcel #0060. There are existing assessments on parcels 00709 through 0140 at $138.43 per parcel, totaling $1,107.44 Assessments shall either be paid in full or reapportioned. Also, the area being re-platted is part of a PUD and therefore covered by articles and 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, please see recorded documents for Cambridge Second Addition that addressed these same issues. The access to proposed Lot 1 is poor.

Engineering/Public Works Comments: Lots front Outlot A (3rd Ave. SE) which is a 29'wide private street. Because of street width, parking is restricted (shall be signed to parking on one side only). The utilities are private. The new lot layout will require additional water service connections. The new lot layout will require additional sanitary sewer service connections. The addition of new imperious surface will contribute to an already marginal storm sewer system. Efforts to detain runoff are encouraged. All lots are a replat of a planned unit development and all streets and utilities are private.

RECOMMENDATION: Approve the preliminary plat with the following conditions:

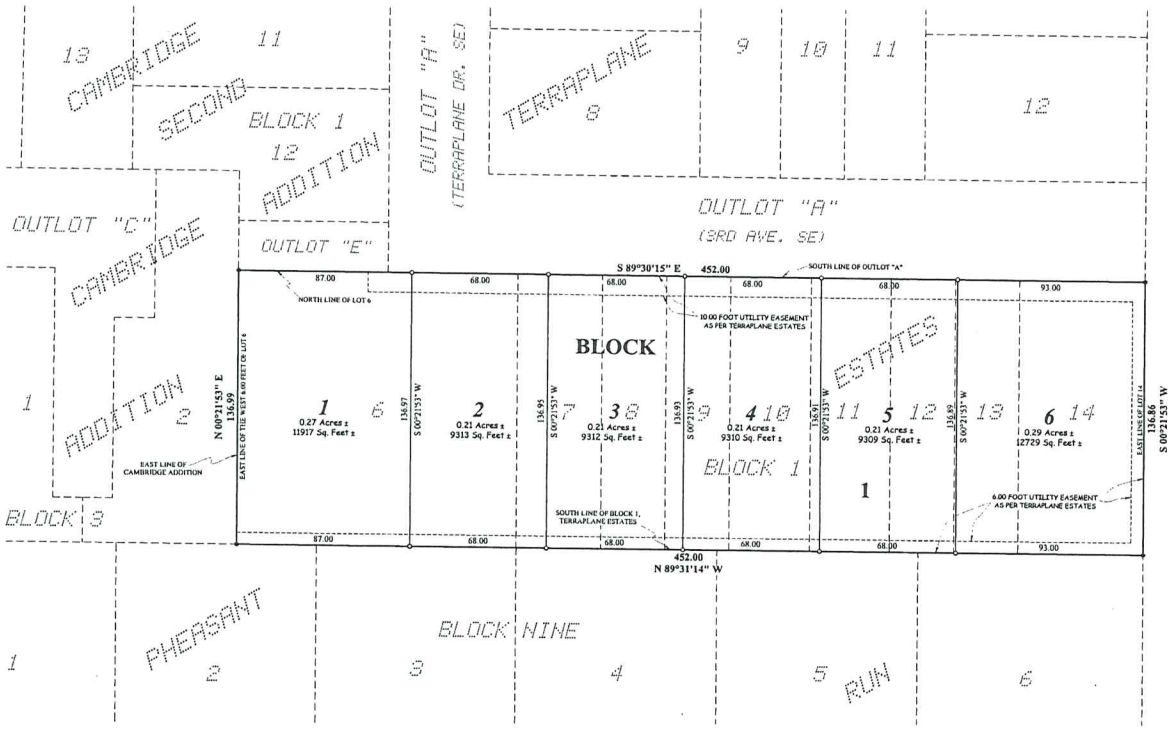
A. Each unit shall have a separate water curb valve shut-off.
B. Assessments shall either be reapportioned or paid in full prior to final plat recording.
C. Declarations and covenants shall be submitted for review and approval by the City prior to final plat recording and recorded congruous to the final plat for tracking to cover common areas, access, utilities etc. for the private development.

D. Additional water and sanitary sewer connections shall be required as to have one connection per unit.

E. Parking is limited to one side on the private street and shall be signed accordingly by the developer.

O'MALLEY & KRON LAND SURVEYORS, INC.
1004 2ND ST. SE
WILLMAR, MN 56201
PH. 320-235-9492

CAMBRIDGE THIRD ADDITION



KNOW ALL MEN BY THESE PRESENT: that RAK Const., LLC a Minnesota Limited Liability Corporation, owner and proprietor of the following described property, situated in the County of Kandiyohi, State of Minnesota, described as follows, to-wit:

Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14 of Block 1, of TERRAPLANE ESTATES, as of public record, Kandiyohi County, Minnesota.

has caused the same to be surveyed and platted and hereafter known as CAMBRIDGE THIRD ADDITION.

In witness whereof said RAK Const., LLC a Minnesota Limited Liability Corporation has hereunto set its hand this ___ day of _____, 20___.

RAK Const., LLC

_____
Ryan A. Koosman
Chief Manager

STATE OF MINNESOTA)
COUNTY OF KANDIYOHI) SS
This instrument was acknowledged before me on the ___ day of _____, 20___, by Ryan A. Koosman, Chief Manager of RAK Const., LLC, a Minnesota Limited Liability Corporation.

_____ _____
(Notary Signature) (Notary Printed Name)

Notary Public Kandiyohi County, State of Minnesota
My Commission Expires: _____

I, Benjamin C. O'Malley, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01 Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 20___.

_____
Benjamin C. O'Malley, Licensed Land Surveyor
Minnesota Registration No. 42300

STATE OF MINNESOTA)
COUNTY OF KANDIYOHI) SS
This instrument was acknowledged before me on the ___ day of _____, 20____, by Benjamin C. O'Malley.

_____ _____
(Notary Signature) (Notary Printed Name)

Notary Public Kandiyohi County, State of Minnesota
My Commission Expires: _____

I, hereby certify that the proper evidence of title has been presented to me and that all parties with an interest in said property have been included in the execution of the above instrument. Dated this___ day of _____, 20__.

_____
ATTORNEY

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH LINE OF BLOCK 1, TERRAPLANE EASTATES HAVING AN ASSUMED BEARING OF S 89°30'15" E

30 0 15 30 60
SCALE IN FEET

Legend

INDICATES IRON MONUMENT FOUND

INDICATES IRON MONUMENT PLACED WITH REGISTRATION NO. 42300 INSERTED THEREIN

Approved by the Planning Commission of the City of Willmar, Kandiyohi County, Minnesota, this ___ day of_____, 20__.

_____ _____
CHAIRMAN CLERK

Approved by the City Council of the City of Willmar, Kandiyohi County, Minnesota, this ___day of _____, 20__.

_____ _____
MAYOR CLERK

Approved this ___ day of _____, 20__.

_____
ENGINEER, CITY OF WILLMAR

I, hereby certify that all taxes are paid for the year _____ for the land herein described.

_____
KANDIYOHI COUNTY TREASURER

No delinquent taxes and transfer entered this ___ day of _____, 20__.

_____
KANDIYOHI COUNTY AUDITOR

I, hereby certify that the within instrument was filed in this office for record on the ___ day of _____, 20__, at _____ o'clock __.M. and was duly recorded as Folder No. _____; and as Document No._____.

_____
KANDIYOHI COUNTY RECORDER