

**WILLMAR PLANNING COMMISSION  
CITY OF WILLMAR, MN  
WEDNESDAY, SEPTEMBER 9, 2015**

**MINUTES**

1. The Willmar Planning Commission met on Wednesday, September 9, 2015, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

**Members Present:** Andrew Engan, Margaret Fleck, Aaron Larson, Steve Gardner, Randy Czarnetzki, and Rolf Standfuss.

**Members Absent:** Scott Thaden, Bob Poe, and Gary Geiger.

**Others Present:** Greg Hayes, Taylor Cooper, Charles O. Miller, Bruce D. Peterson- Director Planning and Development Services, and Megan M. DeSchepper-Planner.

2. MINUTES: The minutes of the August 26, 2015 meeting were approved as submitted.

3. CHIPS HOLDINGS PLANNED UNIT DEVELOPMENT CONDITIONAL USE PERMIT-FILE NO. 15-07: The public hearing opened at 7:04 p.m. Greg Hayes presented the conditional use permit request for a planned unit development, on behalf of Chips Holdings LLC, for property legally described as follows: Lot 1, Block 2, Eastgate Addition (101 25<sup>th</sup> St. SE). The applicant wishes to subdivide the property into two lots with a private street (Outlot A). The commercial planned unit development will allow the subdivision of land that otherwise wouldn't have access. All utilities and services will be private to the second proposed lot.

No one appeared to speak for or against the request and the public hearing closed at 7:04 p.m.

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

Mr. Hayes submitted the private declarations and covenants and they have been reviewed and approved by City Staff.

Mr. Czarnetzki made a motion, seconded by Ms. Fleck, to approve the conditional use permit for a planned unit development with the following conditions:

- A. The declarations and covenants of the planned unit development shall be recorded with the final plat.
- B. 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.

4. EASTGATE 2<sup>ND</sup> ADDITION-PRELIMINARY/FINAL PLAT- FILE NO. 15-04: The public hearing opened at 7:09 p.m. Greg Hayes presented the request for preliminary/final plat review of a two lot subdivision of land legally described as follows: Lot 1, Block 2, Eastgate Addition and the North 15' of Lot 2, Block 2, Eastgate Addition (101 25<sup>th</sup> St. SE). The two lot plat is part of a planned unit development with private street. The lots exceed minimum lot sizes. Lot 2, the proposed second lot of the plat will be serviced via private utilities.

With no comments from the public the hearing closed at 7:09 p.m.

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

Mr. Gardner made a motion, seconded by Mr. Standfuss, to approve the plat with the following conditions:

- A. Declarations/covenants shall be recorded with the plat.
- B. 5' utility easements shall be added along all lots lines (Lots 1-2).
- C. Parking shall only be permitted on one side of the private street.
- D. Show existing ingress/egress easement adjacent to the south line of Outlot A on preliminary plat.

The motion carried.

5. CITY REZONE G/I TO AG- FILE NO. 15-03: The public hearing opened at 7:12 p.m. Staff presented a rezone request initiated by the City of Willmar of City owned property from G/I (Government/Institutional) to Ag (Agricultural) on property legally described as : part of the SE ½ of Section 23, Township 119 North, Range 36 West (for full legal see file) Township Rd. 116. The property is going to be sold for an Ag use. The abutting properties that are all in the County's jurisdiction are zoned Ag Preservation.

No one appeared to speak for or against the request and the public hearing closed at 7:12 p.m.

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

Mr. Gardner made a motion, seconded by Ms. Fleck, to approve the rezone and forward it onto the City Council for a public hearing and ordinance adoption.

The motion carried.

6. WILLMAR POULTRY COMPANY BROODING FACILITY CONDITONAL USE PERMIT-FILE NO. 15-09: The public hearing opened 7:17 p.m. Staff presented the request for a conditional use permit for a nursery brooding facility on behalf of Willmar Poultry Company on property legally described as follows: part of the SE ½ of Section 23, Township 119 North, Range 36 West (for full legal see file) Township Rd. 116. They are proposing a 13,360 sq. ft. building on the 6.12 acre site. All setbacks are met and the proposed accesses will require County approvals. The poultis will be on site for 10-14 days and then moved elsewhere. There will be minimal employees on site and mostly semi-truck traffic.

With no one present to speak for or against the request, the hearing closed at 7:17 p.m.

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

Staff added that the applicant wants City sewer access but does not need City water. The site will not affect the trap range or Waste Water Treatment Facility. No stormwater issues have been noted for the site.

Mr. Czarnetzki made a motion, seconded by Mr. Larson, to 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.

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

The motion carried.

7. COOPER HOME OCCUPATION CONDITONAL USE PERMIT-FILE NO. 15-08: The public hearing opened at 7:40 p.m. Taylor Cooper presented a request for a conditional use permit for a home occupation for retail sales of tactical gear and equipment through online and on site transfers on property legally described as: Lot 3, Block 1, Yorktown Estates Second Addition (2304 21<sup>st</sup> St. SW). Mr. Cooper explained that he applied for a Federal Fire Arms License and that the ATF requires the City Zoning Department verify zoning, at which point the home occupation conditional use permit process was started. Mr. Cooper will operate the majority of his business online with distributors. He will not have inventory at his home except in the case of transfers which he will do at public places not his home. There will be no exterior changes to the home, there is off-street parking available in the driveway, and Mr. Cooper will be the sole employee of the business.

Charles Miller, an adjacent property owner, spoke in favor of Mr. Cooper's request and said he is a man of integrity and everything he says is straight and true.

With no further comments from the public, the hearing was closed at 7:45 p.m.

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

The Commission discussed traffic to the site, mainly Fed Ex or UPS deliveries. The Commission talked about interim use permits that could put a time limit on requests. However, the traditional conditional use permits cannot be given a sunset date. The conditional use permit regulation that strictly retail sales businesses would not be allowed as a home occupation was discussed. The Commission debated whether this request was simply retail or if the transfer process was service based. Concern was expressed about setting precedent for other retails businesses out of homes.

Mr. Cooper stated his wife and kids are at home and the only onsite transfers he would do would be to family or friends.

Mr. Gardner made a motion to deny the request, seconded by Mr. Standfuss, citing the request not meeting affirmative finding of fact Section 9.E.3.a.1. as it does not meet the purpose and intent of the Zoning Ordinance section regarding home occupations which prohibits strictly retail businesses.

The motion failed with a tie vote with Mr. Gardner, Mr. Standfuss, and Mr. Engan voting aye, and Mr. Larson, Ms. Fleck, and Mr. Czarnetzki voting no.

Discussion continued about whether this is a retail concern or if its gun related, as the request met all other standards for a home occupation. The Commission talked about other home based businesses such as Avon or Mary Kay that does have retail product out of a home and no conditional use permit.

Mr. Czarnetzki made a motion, seconded by Mr. Gardner, to approve the request with staff comments.

The Commission talked about possible restrictions they could place on the use such as hours of operation and customers to the site etc.

Ms. Fleck made a motion to amend the motion, seconded by Mr. Larson, by adding the following conditions:

- A. There shall be no more than one client at a time at the business.
- B. The hours of operation for clients shall be 9 a.m. to 5 p.m. (shipments have no time restraints).
- C. No unsold inventory/product may be stored/displayed on site.
- D. Exterior signage will be prohibited.

The amendment carried with all voting aye except for Mr. Czarnetzki.

The affirmative finding of fact were made per Zoning Ordinance Section 9.E.3.a.1-7.

The motion carried with all voting aye save for Mr. Czarnetzki.

8. FIVE YEAR CAPITAL IMPROVEMENT PROGRAM REVIEW: The Planning Commission reviewed the Capital Improvement Program submittals as per the City Charter. They specifically discussed land use related items. They spoke in support of the Rice Park renovations, pavement management, and Airport Master Plan.

Mr. Gardner made a motion, seconded by Mr. Standfuss, to recommend approval of the 2016 CIP and forward it to the City Council for adoption.

The motion carried.

9. There being no further business to come before the Commission, the meeting adjourned at 8:44 p.m.

Respectfully submitted,



Megan M. DeSchepper, AICP  
Planner/Airport Manager

PLANNING COMMISSION-SEPTEMBER 9, 2015

**STAFF COMMENTS**

1. CHIPS HOLDINGS PLANNED UNIT DEVELOPMENT CONDITIONAL USE PERMIT- FILE NO. 15-07:

- The applicant is Chips Holdings, LLC, Corcoran, MN.
  - The applicant is requesting a conditional use permit for a planned unit development commercial subdivision with a private street on property legally described as follows: Lot 1, Block 2, Eastgate Addition and the North 15' of Lot 2, Block 2, Eastgate Addition.
  - The applicant wishes to subdivide the property into two parcels, as the second lot does not have public street frontage it will gain access via a private street (Outlot A).
  - The property is zoned GB (General Business).
  - The common area (Outlot A) access, maintenance, and ownership will all be designated via the private declaration of covenants. The applicant has already provided a copy to the City, and the City Assessor had no comments regarding the document.
  - Proposed lot one has access via 25<sup>th</sup> St. SE as well as the proposed private street.
  - All utilities and services will be private once they leave the public right-of-way 25<sup>th</sup> St. SE.
  - No nonconforming setbacks will be created for the existing structure on the proposed Lot 1.
- RECOMMENDATION: Approve the conditional use permit for the planned unit development with the following conditions:
- A. The declarations and covenants of the planned unit development shall be recorded with the final plat.
  - B. The use shall meet all applicable local, state, and federal rules and regulations at all times.

2. EASTGATE 2<sup>ND</sup> ADDITION-PRELIMINARY/FINAL PLAT- FILE NO. 15-04:

- The applicant is Chips Holdings, LLC, Corcoran, MN.
- The applicant is requesting a subdivision of a parcel into two lots on property legally described as follows: Lot 1, Block 2, Eastgate Addition and the North 15' of Lot 2, Block 2, Eastgate Addition (101 25<sup>th</sup> St. SE).
- The property is zoned GB (General Business).
- The property abuts 25<sup>th</sup> St. SE, and there is a proposed private street (Outlot A) to ensure Lot 2 will have access (conditional use permit for planned unit development required and declarations for common area).
- Both lots exceed minimum sq. ft. for lots.

**Assessor's Comments:** Replat of 95-165-0110. Declarations shall be recorded along with the final plat. No other comments.

**Municipal Utilities Comments:** Electrical service is available, but installation shall be required. Water is not currently available to the proposed Lot 2, and will be serviced via a

private line not a public service. 5' utility easements requested on all property lines of the lots.

**Fire Marshall/Chief Comments:** No comments. (Parking only allowed on one side of the street? Approved street width of 23').

**Engineering Department Comments:** Lot 2 is not adjacent to public right of way. Lot two does not have a sanitary sewer service line installed. There is no storm sewer available. Site drainage is ok as currently graded. The existing ingress/egress easement adjacent to the south line of Outlot A is not shown.

RECOMMENDATION: Approve the preliminary/final plat with the following conditions:

- A. Declarations/covenants shall be recorded with the plat.
- B. 5' utility easements shall be added along all lot lines (Lots 1-2).
- C. Parking shall only be permitted on one side of the private street.
- D. Show existing ingress/egress easement adjacent to the south line of Outlot A.

3. CITY REZONE G/I TO AG-FILE NO. 15-03:

- The City of Willmar is initiating the rezone of property from G/I (Government/Institutional) on property legally described as follows: part of the SE ½ of Section 23, Township 119 North, Range 36 West (for full legal see file) Township Rd 116.
- The City has a prospective buyer for the property that wishes to use it for an Ag use.
- The property to the west is zoned G/I and the properties in the other three directions are not in the City limits and zoned A-1 (Ag Preservation).
- The property is currently leased for crops by the City.

RECOMMENDATION: Approve the rezone and forward it onto the City Council for a public hearing and ordinance adoption.

4. WILLMAR POULTRY COMPANY BROODING FACILITY CONDITIONAL USE PERMIT-FILE NO. 15-09:

- The applicant is Willmar Poultry Company, Inc. Willmar, MN.
- The applicant is requesting a conditional use permit for a nursery brooding facility on property legally described as follows: part of the SE ½ of Section 23, Township 119 North, Range 36 West (for full legal see file) Township Rd. 116.
- The applicant is looking at developing a 6.12 acre site for a nursery brooding facility.
- Building setbacks for Ag are met. Parking/drive lanes are proposed to be setback 20' from property lines.
- Two accesses are proposed (approval required by County), and turnaround drive lanes for semi delivery. Number of employees? Employee parking? # of semi's daily?
- The building is agricultural in nature (precast plank), and will fit in architecturally with surrounding buildings.
- Sq. Ft. of building? 2 story?

- Landscaping?

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.

5. COOPER HOME OCCUPATION CONDITIONAL USE PERMIT-FILE NO. 15-08:

- The applicant is Taylor Cooper, Willmar, MN.
- The applicant is requesting a conditional use permit for a home occupation for retail sales of tactical gear and equipment through online and on site transfers on property legally described as: Lot 3, Block 1, Yorktown Estates Second Addition (2304 21<sup>st</sup> St. SW).
- The property is zoned R-2 (One and Two Family Residential).
- The applicant wishes to operate this business out of his home temporarily and eventually with business growth move to a commercial site.
- All ATF rules and regulations shall be met at all times.
- The applicant proposes mostly online transactions with limited onsite sales.
- The Zoning Ordinance prohibits home occupations that are strictly retail sales; Mr. Cooper argues he is providing a service of gun transfers.
- Off-street parking is available on the site (driveway), all merchandise will be shipped to purchasers and or stored on site inside the home, and Mr. Cooper will have no employees.
- Hours of operation?
- Any onsite signage shall require a sign permit and meet the Zoning Ordinance regulations.

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

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