

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, NOVEMBER 7, 2018**

MINUTES

1. The Willmar Planning Commission met on Wednesday, November 7, 2018, at 7:00 p.m. at the Willmar City Offices Conference Room #1.

**** Members Present:** Steve Gardner, Rolf Standfuss, Jeff Kimpling, Cletus Frank, and Dr. Jerry Kjergaard.

**** Members Absent:** Terry VanVeldhuizen, Terry Sieck, Jonathan Marchand, and Margaret Fleck.

**** Others Present:** Sarah Swedburg – Planner, Tary Draper – Bloomington, MN, Leon & Deb Lentz – Willmar, MN, Gabe Olson – Willmar, MN, Don Mathews – Willmar, MN, Joyce Birchard – Willmar, MN.

2. MINUTES: Minutes of the October 3, 2018 meeting were approved as presented.

3. AEHM, LLC SUNWOOD APARTMENTS PUD AMENDMENT CUP– FILE NO. 18-04: The public hearing opened at 7:01 p.m. Staff presented, on behalf of Gabe Olson of AEHM, LLC, Willmar, MN, a conditional use permit request to amend a PUD on property described as follows: All that part of Lots 33, 34, 35, & 36, Block 5, College View and the adjacent vacated 26th St NW (2609 15th Ave NW). The original PUD, approved in 1976 (File No. 76-13), allowed for 3, 12-unit apartment complexes, only 2 of which were built. The amendment would allow a 3rd complex to be built with 24 units. Staff shared several public comments received regarding traffic, parking, property value, and property upkeep (garbage, fence, etc.) concerns.

Gabe Olson informed the Commission that the current buildings are being updated (new windows, soffit, fascia, and kitchens).

Leon and Deb Lentz expressed concern about the rotting fence, proximity to their property, and reduction of green space for the tenants.

Joyce Birchard told the Commission that many children currently use this green space as a soccer field/play area, and the playground in the area is small. She also voiced concern of decreased property value and increased traffic in the area, which is already an issue at peak times of the day. Ms. Birchard also mentioned the garbage and upkeep issues.

Mrs. Lentz explained that garbage travels underneath the fence whenever the wind blows.

Property values and proximity were again voiced by Don Mathews. He did not see a problem with 12 units as planned, but he felt 24 units was too much for this space.

No one else appeared to speak for or against the request and the public hearing closed at 7:19 p.m.

Staff comments were reviewed and discussed extensively (see Attachment A). The Planning Commission inquired about the clientele at this property. Mr. Olson was unsure how many are college students, but young families and singles are the majority of the tenants served at Sunwood Apartments. A mixture of 1-, 2-, and 3-bedroom units will be available in the new complex. The Commission also discussed green space at length.

Staff clarified building and parking setback requirements. Because the parking surface currently exists, any setback that alters from the Zoning Ordinance standard is grandfathered in but shall not exceed current distance from the property line.

Garbage in multifamily residential complexes is often an issue as well. The Commission discussed conditions to help mitigate this reoccurring problem. Staff will follow up to assure the garbage ordinance compliance.

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

Mr. Standfuss made a motion, seconded by Mr. Kjergaard, to approve the PUD amendment conditional use permit for a 24-unit residential apartment complex with the following conditions:

- A. Parking areas shall be no closer to property lines than current setbacks or Ordinance standard, whichever distance is shorter, or a variance shall be obtained.
- B. The parcel of interest shall be combined with the two parcels directly north or a Plat shall be created with an Outlot for access to the public road.
- C. The use shall meet all applicable local, state, and federal rules and regulations at all times.
- D. Fencing shall be completed prior to building permits being issued. Fencing shall be properly maintained at all times.
- E. Stormwater plans shall be reviewed by the City Engineer and approved prior to issuance of building permits.
- F. An enclosed area for dumpsters shall be provided on site and garbage Ordinances shall be complied with at all times.

The motion carried.

4. ZIEGLER CAT ANNEXATION – FILE NO. 18-02: Staff presented, on behalf of Tary Draper of Ziegler CAT, Bloomington, MN, a petition for annexation of 74.4 acres of property legally described as follows: The North Half of the Northeast Quarter (N½ NE¼), Section Thirty-Four (34), Township One Hundred Nineteen (119), Range Thirty-five (35), Kandiyohi County, Minnesota; LESS AND EXCEPT U.S. Trunk High #71 Right-of-Way; AND LESS AND EXCEPT that part of the North 125 feet of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) which lies between two lines

running parallel with and distant 190 feet and 600 feet Westerly of a described line in Document filed in book 245 of Deeds, Page 116.

Tary Draper presented development plans for a commercial building and showroom on the eastern portion of the property. The western portion of the property will continue to be farmed and used for equipment demonstration. There are no plans to sell or develop the land other than the Ziegler CAT commercial development.

Staff reminded the commission that all infrastructure requirements will be addressed with the developer post annexation.

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

Mr. Standfuss made a motion, seconded by Mr. Kimpling, to approve the petition for annexation and forward it onto the City Council for joint resolution adoption.

The motion carried.

5. THORPE ANNEXATION – FILE NO. 18-01: Staff presented, on behalf of Dennis and James Thorpe, a petition for annexation of 9.9 acres of property legally described as follows: The East 929.2 feet of the North 464.71 feet of the South 1234.71 feet of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 8, Township 119, Range 35, Kandiyohi County, Minnesota. Subject to the rights of the public C.S.A.H. No. 5. Subject to easements of record. The applicants intend to sell the property for a multi-family residential.

Again, staff reminded the commission that all infrastructure requirements will be addressed with the developer post annexation (water, sewer, road, etc.).

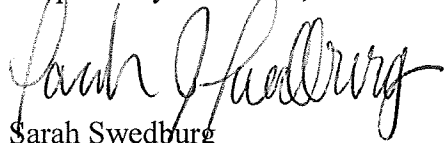
Staff comments were reviewed and discussed (see Attachment A).

Mr. Standfuss made a motion, seconded by Mr. Frank, to approve the petition for annexation and forward it onto the City Council for joint resolution adoption.

The motion carried.

6. There being no further business to come before the Commission the meeting adjourned at 9:03 p.m.

Respectfully submitted,



Sarah Swedburg
Planner

PLANNING COMMISSION – NOVEMBER 7, 2018

STAFF COMMENTS

1. SUNWOOD APARTMENTS PUD AMENDMENT CUP – FILE NO. 18-04:

- The applicant is AEHM, LLC/Suite Liv'n, Willmar, MN by Gabe Olson.
- The applicant is requesting a CUP to amend the current PUD to allow a 24 unit multi-family apartment complex on property described as: All that part of Lots 33, 34, 35, & 36, Block 5, College View and the adjacent vacated 26th St NW (2609 15th Ave NW).
- The property is currently zoned R-4 (Medium Density Multi-Family Residential).
- At this time, the parcel is landlocked. The closest access is via 15th Ave NW, across 2 other parcels also owned by AEHM, LLC. All parcels need to be combined for access or a plat with an Outlot for access is needed.
- The parcel of interest is currently undeveloped. Sunwood Apartments currently consists of 2, 12-unit complexes accessed via the same point.
- The current PUD (#76-13) intended for a third 12-unit building. These units were never built.
- Parking requirements are met (96 required; 98 provided).
- Lot width minimum is met. Zoning Ordinance Lot Area is not met, but does not exceed the PUD limit of two times the usual permitted density.
- Staff received a few phone calls regarding this request. A neighbor expressed concerns about increasing traffic and care of property. Another neighbor expressed that the location is good for students.
- Parking area cannot extend past current location or a variance shall be required. Interior setback requirements in a multi-family housing zone is 10'. A PUD cannot alter any setbacks directly adjacent to parcels outside of the PUD.

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

- A. Parking areas shall be no closer to property lines than current setbacks or Ordinance standard, whichever distance is shorter, or a variance shall be obtained.
- B. The parcel of interest shall be combined with the two parcels directly north or a Plat shall be created with an Outlot for access to the public road.
- C. The use shall meet all applicable local, state, and federal rules and regulations at all times.

2. THORPE PROPERTY ANNEXATION – FILE NO. 18-01:

- The applicants are Dennis and James Thorpe. They are the sole property owners.
- The applicant has petitioned for annexation of 9.9 acres of property legally described as follows: The East 929.2 feet of the North 464.71 feet of the South 1234.71 feet of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 8, Township 119, Range 35, Kandiyohi County, Minnesota. Subject to the rights of the public in C.S.A.H. No. 5. Subject to easements of record.
- The property abuts the City Limits to the south and the east.
- The applicant has plans for sell the property for a multi-family residential development.
- This petition will be included in a single Joint Resolution for Orderly Annexation Agreement between the Willmar Township Board and Willmar City Council.

- The City notified the Township, County, Engineering, Municipal Utilities, Fire Marshall, and Police Chief to comment about the feasibility of the request. Their responses are as follows:

Willmar Town Board: Will review Monday, November 12.

Willmar Municipal Utilities: Water – costs associated with interconnecting with the existing water main located along CSAH NO 5 will belong to the new developer.

Electric – costs associated with interconnecting with the existing power line located along CSAH NO 5.

Kandiyohi County Engineer: Comments not available at this time.

Fire Marshall/Chief: I have reviewed the request. The only thing I can foresee right now would be the proper size water lines for both fire hydrants and fire protection.

Police Chief: Annexation itself has no foreseen impact. Multi-unit housing proposed would likely increase WPD calls for service in the area due to increased population. No projected \$ or time known now.

City Engineer/Public Works Director: I have reviewed information submitted regarding the annexation of the Thorpe property and have the following comments:

- Engineering design best practices will be discussed further when construction plans are produced. This may pertain to water, sanitary, and storm drain.
- Current City Construction Standards will also be considered as these projects progress. The Engineering Department will work closely with the developers to ensure a smooth construction process.
- The above referenced annexation is contiguous and logical expansion of the City of Willmar Corporate Limits.
- The above referenced annexation is adjacent to all necessary utilities and public rights of way.

RECOMMENDATION: Approve the petition for annexation and forward it onto the City Council for joint resolution adoption.

3. ZIEGLER ANNEXATION – FILE NO. 18-02:

- The applicant is Ziegler CAT by Tary Draper, Minneapolis, MN. They are the sole property owners.
- The applicant has petitioned for annexation of 74.4 acres of property legally described as follows: The North Half of the Northeast Quarter (N½ NE¼), Section Thirty-four (34), Township One Hundred Nineteen (119), Range Thirty-five (35), Kandiyohi County, Minnesota; LESS AND EXCEPT U.S. Trunk Highway #71 Right-of-Way; AND LESS AND EXCEPT that part of the North 125 feet of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) which lies between two lines running parallel with and distant 190 feet and 600 feet Westerly of a described line in Document filed in Book 245 of Deeds, Page 116.
- The property abuts the City Limits to the north.
- The applicant has plans for commercial development on about 15 acres of the parcel, and the remainder of the land would continue to be farmed.
- This petition will be included in a single Joint Resolution for Orderly Annexation Agreement between the Willmar Township Board and Willmar City Council.

- The City notified the Township, County, Engineering, Municipal Utilities, Fire Marshall, and Police Chief to comment about the feasibility of the request. Their responses are as follows:

Willmar Town Board: Will review Monday, November 12.

Willmar Municipal Utilities: Water – costs associated with extending the existing water main at the intersection of HWY 71 S and 45th Ave SE to the property will belong to the new developer.

Electric – This area is currently served by the Kandiyohi Power Cooperative (KPC). WMU and KPC have a Territory Acquisition Agreement which requires that the KPC will serve the newly annexed properties for 10 years AFTER the annexed properties become greater than 50% developed. At that time, the area would become WMU territory and WMU would buy out KPCs infrastructure.

Kandiyohi County Engineer:

Fire Marshall/Chief: I have reviewed the request. The only thing I can foresee right now would be the proper size water lines for both fire hydrants and fire protection.

Police Chief: No known impact on WPD regarding this annexation.

City Engineer/Public Works Director: I have reviewed information submitted regarding the annexation of the Ziegler CAT property and have the following comments:

- Engineering design best practices will be discussed further when construction plans are produced. This may pertain to water, sanitary, and storm drain.
- Current City Construction Standards will also be considered as these projects progress. The Engineering Department will work closely with the developers to ensure a smooth construction process.
- The above referenced annexation is contiguous and logical expansion of the City of Willmar Corporate Limits.
- The above referenced annexation is adjacent to all necessary utilities and public rights of way.

RECOMMENDATION: Approve the petition for annexation and forward it onto the City Council for joint resolution adoption.

PLANNING COMMISSION – DECEMBER 5, 2018

STAFF COMMENTS

1. MINNWEST TECH CAMPUS PLAN REVIEW FOR COLLIN PETERSON OFFICE – FILE NO 18-10:

- The applicant is MinnWest Technology Campus.
- The applicant is requesting a plan review to allow Collin Peterson (7th Congressional District Congressman) to rent office space on campus property described as follows: Unit 5, MinnWest Technology Campus CIC #40, a Planned Community (1700 Technology Dr. NE).
- The property is zoned T (Technology District).
- Congressman Peterson currently rents office space downtown.
- Congressman Peterson is a ranking member of the House Agriculture Committee.
- The office use would be a good fit for the campus, and its professional office usage fits with the permitted uses in the Technology District.

RECOMMENDATION: Approve the plan review with the following condition:

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