

**CITY OF WILLMAR
PLANNING COMMISSION MEETING
6:30 P.M. ON WEDNESDAY, APRIL 6, 2022
CONFERENCE ROOM #1
CITY OFFICE BUILDING**

Chair: Jonathan Marchand

Vice Chair: Jeff Kimpling

Members: Cletus Frank, Steve Dresler, Stephanie Carlson, Stacy Holwerda, and Jasmine Miller

AGENDA

1. Meeting Called to Order
2. Minutes from March 2, 2022 meeting
3. Rockstep Subdivision and Rezone – Preliminary
4. Dowdey Addition – Preliminary
5. Brew Pub District Designation Study and Proposed Text Amendment
6. Review of Uses in I-2 District
7. Columbarium Ordinance and Accessory Structure
8. Miscellany
9. Adjourn

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, MARCH 2, 2022**

MINUTES

1. The Willmar Planning Commission met on Wednesday, March 2, 2022, at 6:30 p.m. at the Willmar City Offices Conference Room #1.

****Members Present:** Jonathan Marchand, Jeff Kimpling, Steven Dresler, Stephanie Carlson, Cletus Frank, and Stacy Holwerda

****Others Present:** Justice Walker - Planning and Development Director, Cecil Meyer – James House, Mike Calvin – James House, Josh Johnson – Willmar, Joshua Stern – Willmar, Aaron Pilarski – Willmar, Ben Fischer – Danube, and Todd Raap – Spicer.

2. MINUTES: Minutes from the February 16th, 2022 meeting were reviewed and approved.
3. CHANGES OR ADDITIONS TO THE AGENDA: Item 3 (Updates) of the Agenda was moved so the Commission can hear the actionable items first.
4. JAMES HOUSE PLAN REVIEW – FILE NO 22-01: Director Walker presented the James House Plan Review application to the Commission. He further explained that there has been some issues with the type of planning approach to apply. After further review and recommendation from the City Building Official, staff determined that a Plan Review Application is the best option. Director Walker explained the concept of the Plan Review and read out the conditions of a Plan Review as stated in the Findings of Facts. Commissioner Frank asked if there are separate tax IDs for each of the buildings. Director Walker responded that there is only one tax ID but two buildings with the different addresses. Commissioner Frank asked if there is one owner to the duplex. Mr. Calvin responded that RC Investment owns the property and leased it to the James House.

Commissioner Kimpling (representing Chairman Marchand) read out the Findings of Fact.

Commissioner Frank made a motion to approve the James House Plan Review Application. The motion to approve was seconded by Commissioner Holwerda.

All moved in favor, and the motion carries.

5. WILLMAR MIDDLE SCHOOL - PRELIMINARY: Director Walker presented the Willmar Middle School proposed subdivision. The purpose of the subdivision is to build a structure for level 4 special needs children in Willmar. He pointed out issues regarding the Common Interest Community (CIC) plat and the common wall easement

proposed by the applicant. He also discussed further that the proposed curb cut would intensify traffic build-up in the area. Commissioner Carlson asked about the definition of a Major Subdivision. Director Walker cited the conditions of a Major Subdivision to the Commission.

Mr. Pilarski informed the Commission that they are subdividing the property because they have multiple funding sources and one of them is a bond that would require having a separate building from the existing one. He further explained why they also want the proposed building attached to the existing one. Mr. Stern informed the Commission that a CIC plat is a mechanism in place to divide a Common Interest Community. He also pointed out the Minnwest Technology campus where the boundary of the property as a whole meets the setback requirement, and that these setback requirements are not applicable to all the buildings within the campus.

Commissioner Carlson stated that more information on the common wall easement agreement and the CIC guideline should be provided so that the Commission can make a more informed decision.

Commissioners deliberated further on both the CIC plat and the common wall easement agreement and resolved that staff contact the City Attorney for more information.

6. BEN FISCHER SUBDIVISION & HOUSE MOVE - PRELIMINARY: Director Walker presented the proposed house move of the property located on Litchfield Ave SE. The applicant is proposing to move the house from 427 Litchfield Ave SE to 425 Litchfield Ave SE and consolidate the two parcels to become one, and then turn the East portion of the lot into a parking space. Staff proposed a driveway access on 6th Street SE. Similarly, Mr. Fischer plans to consolidate properties on Benson Ave SE. Director Walker informed Mr. Fischer that staff would reach out about the application requirements.
7. UPDATES: Director Walker provided updates on the Block 25/TIF Development, Columbarium, and the Pattison Parcel (Tidal Wave Auto Spa).
8. MISCELLANY: Chairman Marchand asked if anyone has reviewed the handbook. Commissioner Frank responded that he is through page ten of the handbook. Commissioners further discussed the earlier agenda item with respect to the Willmar Middle School.

Chairman Marchand moved to adjourn the meeting, seconded by Commissioner Kimpling. The meeting was adjourned at 8:30p.m.

Best Regards,



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PLANNING COMMISSION – APRIL 6, 2022

STAFF COMMENTS

1. ROCKESTEP SUBDIVISION AND REZONE – PRELIMINARY

The applicant is John Vornholt of Uptown Willmar on behalf of the Kandy Mall. They are requesting the following actions on the Rockstep Plaza property.

- a. To move the lot line of lot 2 so that it falls along the party wall between the Herberger's space and the rest of the mall (lot 3).
- b. Extend the lot line of lot 2 further east (5th St SE), and then subdivide the NE corner of Lot 2 to create a 1-acre lot (lot 1).
- c. To subdivide Lot 4, and rezone the property from Shopping Center District (SC) to General Business (GB) to allow for the intended use as a drive-thru restaurant (Slim Chicken). Businesses with drive-thru facilities are allowed in General Business District with a Plan Review Application.
- d. To subdivide Lot 5 (Anytime Fitness Building) with existing driveway accesses to remain.
- e. The proposed platting will leave the entire mall property with 5 lots.

Comments

Fire Chief: "All is good at this time"

Police Chief: "No objections or concerns noted from the WPD perspective. Thanks!"

WMU: "It looks like everything as far as Electric for Willmar Utilities should be ok. We have all separate transformers feeding these Plats. As far as I can tell all of this property has private water hook-ups but I want to let Alan Neer to comment on the water and he is out until 3/30."

Alan Neer – WMU: "I wanted to clarify my earlier comments considering the map and information you provided today. WMU can provide water service to the out lots as well as the main mall building. Depending on location and existing infrastructure, service will be made where the nearest main lines are and how a connection (if needed) will be made."

Recommendation

- a. Seek clarification on the common lot line between Lot 2 and Lot 3.
- b. What is the proposed lot size for the slim chicken site? Minimum lot area in GB District is 15,000 SF.
- c. No major issues. Applicant must meet all the comments from the Engineering and WMU departments.

See Exhibit A

2. DOWDEY ADDITION – PRELIMINARY

- The applicant is Jason Dowdey of Weichert Realtors and is requesting to flip the property on 1400 Grace Avenue SW for a single-family housing.
- The property is zoned One and Two Family Residential District (R-2)
- The proposed flip will result in PID #95-570-0830 becoming the West Lot and PID #95-570-0850 becoming the East Lot
- Each Lot would run North and South instead of east and west.
- The proposed lot size of 8, 371 sq. ft. does not meet the minimum lot size requirement

in R-2 district.

Comments

Police Chief: “No issues or objections from the WPD perspective. Thanks!”

WMU: “The proposed lot flip would be just fine with the **electric** system and layout, as we have nothing in the way and a transformer right there to feed the new house with.”

“There is no existing **water** service to the new portion of the property. We do serve the house on 1400. The water main will need to be tapped for service and there will be no issues as shown.”

Fire Chief: “No Issues for FD”

Recommendation

No major issues. However, the proposed lot size does not meet the minimum lot size requirement of 8,500 sq. ft. in R-2 district.

See Exhibit B

3. **BREW PUB ZONING DISTRICT DESIGNATION STUDY**

Definition

A Minnesota brewpub is a restaurant-plus-brewery that can pour its own beer as well as operate a full bar, including non-house beers, wine, and hard liquor. Brewpubs cannot distribute or package their beer (except for onsite growler and 750ml bottle sales for offsite consumption), but they can operate multiple locations and serve their beer at them, whereas a production brewery can only operate one taproom. Brewpubs are also capped at brewing no more than 3,500 barrels per year.

Source: The Growler Magazine

Context

In November of 2019, the City Council of Willmar adopted a new section (Section 3-138) in chapter 3, Article III of the Municipal Ordinance, allowing the on-sale of intoxicating or 3.2 percent malt liquor for a restaurant operated on a brewer’s premises of manufacture or “Brew Pub” in the City of Willmar, pursuant to Minn. Stat. 340A.24, as the same may be amended from time to time.

That said, staff is now seeking to incorporate this adoption into the Zoning Ordinance in form of a Text Amendment and then determine zoning designations for Brewpubs in the City of Willmar. This action will come before the Planning Commission twice, first as an introduction, and second, for adoption and addition to the uses zoning districts that would be determined during the hearing. The recommendation of the Planning Commission will then be forwarded to the City Council.

Methodology

Staff examined Zoning designations for Brew Pubs in other Cities. Staff researched 10 Cities during this study, and found that Brewpubs are mostly common in Business Districts, some of which are permitted outright.

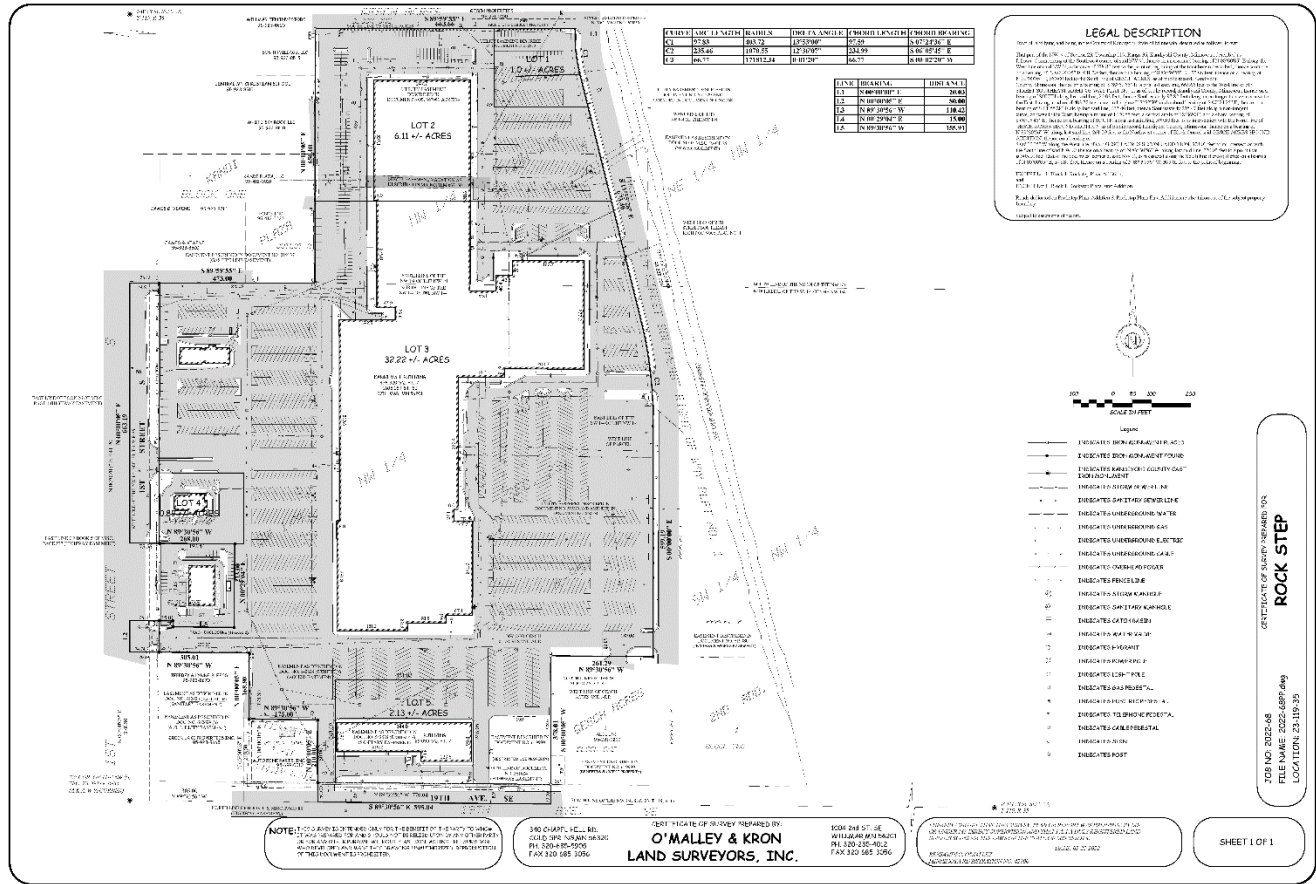
Recommendation

Having carefully examined the Zoning designations of Brewpubs in other Cities, staff identified 4 Zoning districts the City of Willmar may designate for Brewpubs namely:

- i. General Business District
- ii. Limited Business District
- iii. Central Business District, and
- iv. Light Industry District

See Exhibit C and D

Exhibit A



CURVE	ARC LENGTH	BEARING	HOUS ANGLE	CHORD LENGTH	CHORD BEARING
C1	193.81	B137°00'	157°00'	193.81	S 65°25'00" E
C2	187.55	B137°00'	157°00'	187.55	S 65°25'00" E
C3	178.14	B137°00'	157°00'	178.14	S 65°25'00" W

LINE	BEARING	DISTANCE
1	S 65°25'00" E	20.00
2	S 65°25'00" E	85.00
3	S 65°25'00" W	100.00
4	S 65°25'00" E	150.00
5	S 65°25'00" W	150.00

LEGAL DESCRIPTION

That a certain tract of land, more or less, situated in the County of ... State of ... being the same as described in ...

... (Detailed legal description of the surveyed area, including bearings and distances for all boundaries) ...

**O'MALLEY & KRON
LAND SURVEYORS, INC.**

CERTIFICATE OF SURVEY NUMBER 1019
ROCK STEP
 JOB NO. 2022-168
 FILE NAME: 2022-168P.dwg
 LOCAL ID: 23-119-39

SHEET 1 OF 1

A STUDY OF ZONING DISTRICT DESIGNATION FOR BREWPUBS AND BREWER TAPROOMS

In 2019, City Council of Willmar adopted an Ordinance Amending Chapter 3, Alcoholic Beverages, Article III, and Sale of Intoxicating Liquor for on-premises Consumption, Division 2, License, Section 3-137, **Brewer Taproom Licenses**, and Adopting a New Section 3-138, **Brew Pub Licenses**. More information on this can be found on the City website, specifically Ordinance NO 1443.

The purpose of this study is to identify Zoning designations for Brewpubs in the City of Willmar. To achieve this, staff examined 10 Cities and their dynamic Zoning districts. Out of these 10 Cities, five of them were cities with 1 to 5000 in population less than the City of Willmar while the other five are Cities with 1 to 5000 in population more than the City of Willmar.

Cities 1 – 5000 more than the City of Willmar in Population

[Chanhassen - 25, 947](#)

Highway and Business Service District	Brewpub and Brewer taproom permitted outright
Central Business District	Brewpub and Brewer taproom permitted outright, producing less than 3,500 barrels per year Brewery operated in conjunction with a taproom, producing more than 3,500 barrels per year with a CUP
General Business District	Brewpub and Brewer taproom (producing less than 3,500 barrels/year) permitted outright Brewery operated in conjunction with a taproom (producing over 3,500 barrels/year) with a CUP
Industrial Office Park District	Brewery operated in conjunction with a taproom (producing less than 3,500 barrels/year) permitted outright Brewery operated in conjunction with a taproom (producing over 3,500 barrels/year) with a CUP

[Hastings – 22, 154](#)

Community Regional Commerce	Brew Pub, Brewer taproom with a CUP.
Central Business District (Downtown)	Brew Pub, Brewer Taproom with a CUP
Industrial Park	Brewer taproom permitted with a CUP

[New Hope – 21, 986](#)

Community Business District	Brew pub – permitted outright
City center district	Brew Pub – Permitted outright
Industrial District	Brewer taproom – conditional use

[City of Columbia Heights 21, 973](#)

Limited Business	Brew Pub with a CUP, Brewer Taproom with a CUP
General Business	Brewer Taproom, Brew Pub permitted outright
Central Business District	Brewer taproom, Brew Pub with a CUP
Light Industrial District	Brewer taproom permitted outright
General Industrial District	Brewer taproom outright

Lino Lakes 21, 399

Limited Business	Restaurants and Brew Pubs without drive-through service facilities and without outdoor dining or seating – Permitted outright
General Business	Restaurants and Brew Pubs with or without drive-through facilities, without outdoor dining or seating.

Cities 1 – 5000 less than the City of Willmar in Population

City of Northfield – 20,790

Commercial District	Brewpub permitted outright Brewer taproom permitted outright
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City of Hopkins – 19,079

Business District	Brewpub with a CUP (provided that the property and building abuts Main Street)
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City of Saint Michael – 18,235

General Business District	Brewpub and taproom permitted outright
Downtown Commercial District	Brewpub and taproom permitted outright

City of Anoka – 17,921

Highway Business District	Brewpub permitted outright
Shopping Center District	Brewpub permitted outright
General Business District	Brewpub and Brewer taproom permitted outright
Regional Business District (N&S)	Brewpub permitted outright
Neighborhood Commercial Business District	Brewpub permitted outright

City of Hutchinson – 14,599

Central Commercial District	Brewpub and Brewer Taprooms with a CUP
Fringe Commercial District	Brew Pub and Taprooms permitted outright
Conditional Commercial District	Brewpub and Brewer Taprooms with a CUP
Industrial Commercial District	Brewpub and Brewer Taproom with a CUP

Exhibit D

District	Use	Permission	Rationale
General Business	Brewpub	Outright	Should be permitted by right – consistent with other Cities that have been examined. However, a site plan shall be submitted to the City Engineer and Building official for necessary reviews and approvals/permits.
Limited Business	Brewpub	Conditional Use	This district accommodates office and professional service uses separate from the City’s retail and industrial areas and due to its proximity to Residential districts, a Conditional Use permit should be issued with special considerations before granting a Brewpub use in Limited Business District.
Central Business	Brewpub	Conditional Use	City of Willmar Central Business District, especially in the Downtown area accommodates commercial and office spaces. It also contain some few mixed-use development as well as close to the most R-2 (One and Two Family Residential) developments. In this case, a Conditional Use should be required with special considerations.
Light Industry	Brewpub	Conditional Use	Staff recommends a brewpub without outdoor dining or service with a Conditional Use Permit in the Light Industry District. Although, light industry facilities typically produces less air pollution impact, or contaminants, it is still a proactive safety measure to restrict the use without indoor dining.