



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Wednesday, January 23, 2019
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	REQUEST FOR VARIANCE ADJUSTMENT PERMIT (1) Greater Minnesota Family Services at 1408 Floyd Wild Drive
<b>Background Information:</b>	<p>Greater Minnesota Family Services (GMFS) is a non-profit organization that provides help to at-risk children, mostly low income. They are licensed by the State of Minnesota as a Mental Clinic. One of their programs is called SEED, and it helps 3- to 5-year old kids with emotional and social development. They have been operating this program in Marshall for some time, first in a commercial building and then, starting this fall, in a single-family house located at 1408 Floyd Wild Drive, which is located in an R-1 One Family Residence District.</p> <p>According to Tom Belcher, GMFS's CFO, they work with groups of 8 to 10 kids at a time and each session lasts 3 hours, so they have two sessions a day. They employ 7 people in Marshall. Mr. Belcher informed the City that they run a similar program in many other cities throughout Minnesota. He said that other cities look at this as a daycare operation. Each location is licensed as a satellite office to their main office in Willmar, but this does not involve any state inspections. According to our research, all locations with listed addresses are situated in commercial buildings.</p> <p>According to the Ordinance definition, a daycare is any state licensed facility that provides, among others, habilitation and rehabilitation services for less than 24 hours a day. According to this definition, which goes beyond statutory requirements, this facility is indeed a daycare, which is a permitted use in an R-1 One Family Residence District, even though its license is not a daycare license.</p> <p>However, this use has other ordinance implications, mostly parking related. <a href="#">Section 86 - 205</a> prohibits vehicular access to non-residential uses across residential properties. This house is located hundreds of feet back from the street and is accessed through a recorded access easement, which goes through other residential properties. <a href="#">Section 86-206</a> requires that all required parking and access drives be paved. According to the <a href="#">Table 86-230</a>, daycares need one parking space per employee plus one per ten kids which ends up being 8 total spaces for this building. There are two garages that can accommodate three vehicles total and a concrete pad in front of the house that can accommodate another one.</p> <p>Mr. Belcher stated that GMFS has a contract for snow removal for the entire access drive. However, initial complaint that was received by the City was a concern about traffic. Mr. Belcher indicated that all kids are brought to the facility by bus rather than their parents but between 7 employees, a bus making several trips a day, and possible staff meetings, the projected traffic exceeds what may be considered normal for residential use</p> <p>Considering that the access easement already exists, city staff believes that a variance for this arrangement may be granted since it's a unique situation, property cannot be used as permitted by the ordinance without such variance, and granting such variance will not change the character of the area. Following the Planning Commission meeting, city staff discussed this use in the residential neighborhood, and staff feels that it may be important to add conditions to this variance that would require the property to continue to be used as described to keep the variance for access to the property.</p> <p>The variance regulations and procedures are found in <a href="#">Section 86-29</a>. A property aerial photo is attached for reference.</p> <p>At the Planning Commission meeting on January 9, 2019, a motion was made by Steen, second by Knieff to recommend approval to the City Council of the request by Greater Minnesota Family Services for a Variance Adjustment Permit for permitting an access drive leading to a non-residential use through residential properties. All voted in favor of the</p>

	motion.
<b>Fiscal Impact:</b>	None known.
<b>Alternative/ Variations:</b>	None recommended.
<b>Recommendations:</b>	Planning Commission recommends approval to the City Council of the request by Greater Minnesota Family Services for a Variance Adjustment Permit for permitting an access drive leading to a non-residential use through residential properties as recommended by staff. Staff also recommends adding the conditions that the variance is contingent upon the property being utilized as described by GMFS. The property shall be used to operate the SEED program for 3-5-year-old children, in groups no larger than 10 kids, with no more than two groups per day, operating Monday-Friday. The participants must be brought in by bus and no more than 8 employees may be present at any time.