



CITY OF MARSHALL AGENDA ITEM REPORT

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| Meeting Date: | Wednesday, January 23, 2019 |
| Category: | NEW BUSINESS |
| Type: | INFO/ACTION |
| Subject: | REQUEST FOR VARIANCE ADJUSTMENT PERMIT (3) Greater Minnesota Family Services at 1408 Floyd Wild Drive |
| Background Information: | <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. Section 86-205 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. Section 86-206 requires that all required parking and access drives be paved. According to the Table 86-230, 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>In staff's opinion, there is no justification for granting a variance for not paving an access drive since there are no practical difficulties associated with this request.</p> <p>The variance regulations and procedures are found in Section 86-29. A property aerial photo is attached for reference.</p> <p>At the Planning Commission meeting on January 9, 2019, a motion was made by Carstens, second by Knieff to recommend approval to the City Council of the request by Greater Minnesota Family Services for a Variance Adjustment Permit for unpaved access drive. All voted in favor of the motion.</p> |
| Fiscal Impact: | None known. |
| Alternative/ | Deny the request by Greater Minnesota Family Services for a Variance Adjustment Permit for |

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| Variations: | unpaved access drive as recommended by staff. |
| Recommendations: | Planning Commission recommends approval to the City Council of the request by Greater Minnesota Family Services for a Variance Adjustment Permit for unpaved access drive to a business use. |