



CITY HALL

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February 3, 2015

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, February 9, 2015, at 4:30 p.m. in the Wenonah Room** of the Winona City Hall.

1. **Call to Order**
2. **Minutes – January 26, 2015**
3. **Amendments – Site Plan Ordinance (Attachment)**
4. **Proposed Amendment – Subdivision Ordinance (Attachment)**
5. **Other Business**
6. **Future Action Items**
Review of the proposed timeline to retain consultant services – Zoning Ordinance Update. (Timeline to be presented at meeting.)
7. **Adjournment**

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Moeller".

Mark Moeller
City Planner

PLANNING COMMISSION MINUTES

DATE: January 26, 2015

TIME: 4:30 p.m.

PRESENT: Chairperson Davis, Commissioners Boettcher, Hahn, Porter, Buelow, Ballard, M. Olson, Fritz, and L. Olson

ABSENT: None

STAFF PRESENT: City Planner Mark Moeller; Assistant City Planner Carlos Espinosa

The meeting was called to order at 4:30 p.m. by Chairperson Davis.

Approval of Minutes – January 12, 2015

Commissioner Porter asked staff to add a sentence to the minutes about his support of the current site plan procedure and how it promotes predictability in the approvals process.

The minutes for January 12, 2015 were subsequently approved with the changes made by Commissioner Porter upon motion by Commissioner Fritz and second by Commissioner L. Olson.

Revised Site Plan – Automotive Enterprises, LLC

Mr. Moeller summarized the agenda item and stated that staff recommends approval of the site plan with the condition that the landscape plan be adhered to indefinitely – even if use of the site changes.

Commissioner L. Olson motioned to approve the site plan with the condition noted by staff. The motion was seconded by Commissioner Boettcher.

Commissioner Fritz asked about plans for the lights. Andrew Dahl stated that LED lights would be installed with the new development, and then lights at the current dealership would be changed to LED – starting from the west and moving east.

Commissioner Fritz asked about the shrubbery that has been removed along Lake Boulevard. Mr. Dahl stated that as the project progressed, shrubbery was removed as necessary, and there are not currently plans to replace it. Other Commissioners noted that if the area is deemed to be a safety hazard in the future, the City could install a guardrail if needed.

Commission Buelow asked about the light poles and if the 25' height included the base of the poles. Mr. Moeller stated that the lighting plan did not specify.

There being no further questions from commissioners, Chairperson Davis called for a vote. Upon vote the motion to approve passed unanimously.

PLANNING COMMISSION MEETING MINUTES

JANUARY 26, 2015

PAGE 2

Discussion – Revised Site Plan Amendments

Mr. Espinosa provided a summary of the revised site plan amendments distributed prior to the meeting.

Commissioner Boettcher asked if a site plan approval is voided due to the proposed time limit - would the applicant have to pay again for re-submittal. Mr. Espinosa responded affirmatively.

Commissioner Fritz asked if the Council could remand review of the site plan back to the Planning Commission. Mr. Espinosa stated that would be possible.

Commissioner Fritz asked if the reasons given for the Planning Commission to review a site plan had to be related to the site planning ordinance. Mr. Moeller responded that the original site plan language was created so that a person would have to give a distinct reason for requesting Planning Commission review. Mr. Espinosa stated that the reason given should relate to the site plan application and staff would make the determination when the request is submitted.

Given the ordinance changes were distributed just prior to the meeting, Commissioner Porter motioned to table the item until the next meeting. The motion was seconded by Commissioner M. Olson and passed unanimously.

Other Business

Commissioner M. Olson stated that she'd like a subcommittee to be assembled to start work on the zoning ordinance update as soon as possible.

Commissioners L. Olson and Porter stated that the zoning code update process will likely include subcommittees and/or special meetings dedicated to specific issues.

Following further questions about the timeline and process for the RFP development, staff proposed bringing a timeline to the next Planning Commission meeting and there was consensus among commissioners for staff to do so.

Chairperson Davis stated that perhaps the City could examine the function of various city committees with vacancies. Mr. Moeller stated that it can be tough to fill all of the openings on a volunteer basis, but there is a list of existing vacancies. One of the vacancies is a Planning Commission member to serve on the Heritage Preservation Commission.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 5:30 p.m.

Carlos Espinosa
Assistant City Planner

PLANNING COMMISSION

AGENDA ITEM: 3. Amendments – Site Plan Ordinance

PREPARED BY: Mark Moeller

DATE: February 9, 2015

The attached Site Plan Ordinance amendment proposal was submitted to the Commission during its last meeting. Again, areas of change are shown in highlighted red and yellow color. Following preliminary discussion, it was recommended that review be carried to the next meeting in order to allow time to more fully review the proposal. Should the Commission find that the proposal is acceptable, it should direct staff to prepare an ordinance for Council consideration/approval.

Attachment

AN ORDINANCE TO AMEND
THE CODE OF THE CITY OF
WINONA, MINNESOTA
1979

The City of Winona does ordain:

Section 1. That paragraph (d)(1) of Section 44.06 of the City Code of Winona, Minnesota, 1979, which section is entitled "Site Plans" be amended as follows:

(d) Administrative Procedures. The following procedures shall apply to review of a site plan:

- (1) A copy of a site plan application, as determined to be complete by the Department of Community Development, shall within one business day following such determination be submitted to the City Engineer, Public Works Department, Police Department and Fire Department for review. A copy shall also be commensurately provided to the Planning Commission for notice purposes. [~~Upon receipt of a site plan, the Community Development Department shall (within one day) submit copies of the site plan to the City Engineer, Public Works Department, Police Department and Fire Department.~~] In addition, mailed notice offering an opportunity to review said plan shall be given to property owners within 100 feet of the property upon which the proposed development is to be located. The City Planner shall be responsible for the approval, modification or denial of all site plans, unless a written request for review of the site plan by the Planning Commission is made as provided in this paragraph. A person who has submitted a site plan, a reviewing department head, any member of the Planning Commission, or any other party of interest may file, with the Department of Community Development, a written request for review of the site plan by the Planning Commission. Such a request shall be made within seven (7) calendar days of the date of the mailed notice, as applicable, and shall state specific reasons for Planning Commission review, which reasons shall be based on City Code, and/or the standards and criteria for site plan approval set forth in this Chapter. If specific reasons are not stated as required above, the request will not be considered by the Planning Commission. Following receipt of a valid and timely request for review, the Planning Commission shall review the proposed site plan at its next regularly scheduled meeting, except that a request for review received within 10 days of the next regularly scheduled Commission meeting shall be heard at the meeting following the next regularly scheduled Commission meeting, unless otherwise

determined by the Department of Community Development [within eleven (11) calendar days following receipt of the written request]. The scope of the Planning Commission's review and approval, modification or denial of a site plan shall be based on consistency of the proposed site plan with the City Code, and/or the standards and criteria for site plan approval set forth in this Chapter. Failure by the Planning Commission to review the proposed site plan within this time period shall result in automatic approval of the plan. Except as otherwise provided above, a request for Planning Commission review shall serve to stay the issuance of required development permits until final action by the Commission has been taken. The decision of the Planning Commission shall be incorporated into a site plan and shall be a condition of any permit or certificate issued pursuant to this section.

The Planning Commission, City Council or Department of Community Development may impose conditions in granting approval to site plans to promote the intent of this section, to protect adjacent properties, or to protect the public health, safety and welfare and may require guarantees deemed necessary to ensure compliance with the imposed conditions.

Nothing contained in this section obligates the city to grant any other approvals required by this chapter or other requirements. Nor does this section satisfy any other procedure or requirement, including conditional use permits, variances or other required permits. All developments must remain in continual conformance with the approved site plan until or unless amended in compliance with this section. No building or grading permit can be issued except in compliance with the approved site plan and the conditions of approval.

Construction of the building or initiation of the use under which the site plan was approved shall begin no later than December 31 of the year following the year in which site plan approval is granted. After the expiration of such period the approval shall be null and void unless the planning commission grants an extension of time or a building permit has been issued and substantial work performed on the project. Upon request by the applicant, the planning commission may grant a one-year extension of time for a site plan approval. The city may decline to grant an extension if there has been a change in circumstances affecting the property or if there are other reasons to justify the denial. A change in circumstance may be an approved modification to the comprehensive plan, substantial changes to the surrounding development pattern or other items as determined by the city.

Any party in interest aggrieved by a decision of the Planning Commission may appeal to the City Council by filing a written notice of appeal with the City Clerk within ten (10) days after the date of the decision of the Planning Commission accompanied by the filing fee as set forth in Section 51.01. The City Council shall hear and decide the appeal not more than 30 days after it is filed with the City Clerk, unless in the judgment of the City Council a good and sufficient reason exists for postponement of the hearing or decision or both, in which case a postponement may be made. The City Clerk shall cause notice of the appeal hearing to be published in the official newspaper and be mailed to the appellant. At the appeal hearing, the appellant, and his or her agent or attorney, shall be given an opportunity to be heard and to show why the decision of the Planning Commission should be overruled or amended; a representative of the Planning Commission and Planning Commission City staff shall be given an equal opportunity to be heard. After the close of the appeal hearing, the City Council shall deliberate and may make motion and take action adopting findings and an order affirming, amending or overruling the decision of the Planning Commission, or defer a decision on the matter to a subsequent meeting. A copy of the findings and order shall be served on the appellant, and his or her agent or attorney, by mail by the City Clerk.

Section 2. That this ordinance shall take effect upon its publication.

Dated this ____ day of _____, 2015.

Mayor

Attested By:

City Clerk

PLANNING COMMISSION

AGENDA ITEM: 4. Proposed Amendment – Subdivision Ordinance

PREPARED BY: Mark Moeller

DATE: February 9, 2015

Following recent review of the City Subdivision Ordinance, the City Attorney has prepared the attached amendment to Final (record) Plat provisions (42.06) of the City Subdivision Ordinance. In summary, amendments would serve to:

1. Specifically define criteria to be met in Council's consideration of a final plat. In part, these criteria include references to required development agreements, Natural State Agreements, conservation (other) easements, or public donations/dedications to be submitted as part of a final plat application. Although the submittal/consideration of such agreements may now be required as part of "policy", this change would solidify requirements by way of ordinance. Additionally, criteria number 4 references the need for the plat to be prepared in compliance with platting provisions of State law (Chapter 505). A reference to this law is presently lacking.
2. Define a "drop dead" date for plat recording. Although approved final plats are presently not subject to a recording timeline, amended language would require this within 180 days of plat approval. Although timelines vary, this requirement would conform with recently enacted provisions for conditional use permits (generally 12 months), and current site plan amendments, December 31st following year of approval. Although not a significant problem, the purpose of these deadlines is to encourage project implementation under the framework of the neighborhood generally existing at the time of approval.

Finally, evidence that plats have been recorded would be required prior to undertaking public improvements, or issuing building permits to the plat.

Should the Commission concur with this amendment; a formal hearing will be established for final consideration.

Attachment

AN ORDINANCE TO AMEND
THE CODE OF THE CITY OF
WINONA, MINNESOTA
1979

The City of Winona does ordain:

Section 1. That Section 42.06 of the City Code of Winona, Minnesota, 1979, which section is entitled "The Final or Record Plat" be amended by adding thereto the following:

(c) Approval Criteria for Final Plat. The City Council shall consider the following in the review of a final plat. Criteria (1), (2) and (4) below must be met and criteria (3) shall be considered.

(1) A development agreement, as drafted by the City, must have been prepared and submitted as part of the final plat application for execution prior to the City signing the final plat, unless such development agreement requirement has been determined unnecessary City staff for reasons, including but not limited to: the proposed development will not involve installation, construction, or alteration of existing or new public improvements; minor subdivisions; or subdivisions involving natural state areas.

(2) If applicable, a natural state agreement, easement or donation/dedication to the City must be prepared and submitted as part of the final plat application.

(3) Whether the final plat is in substantial compliance with the approved preliminary plat and any conditions on the preliminary plat approval, and whether any changes of note were reported to the City Council; and

(4) The final plat must comply with state law, including Minn. Stat. ch. 505, as applicable, and all applicable recording requirements.

(d) Recording of the Final Plat. If the final plat is approved by the City Council, or by act of law, the applicant shall record it with the County Recorder within 180 days from final plat approval by the City Council, unless a time extension has been granted by the City Council following written application thereof by the subdivider made to the City at least 30 days prior to the date of expiration. Failure to record the final plat within the 180-day period shall render final plat approval by the City Council null and void, unless the City Council has granted an extension of time in which the final plat shall be recorded as provided in this paragraph. In the event that a final plat is not timely recorded, a new plat application and process shall thereafter be required. No changes, erasures, modifications or revisions shall be made in any final plat after

approval is given by the City Council and signing of the final plat by the Mayor and applicable City representatives.

(e) Effect of City Council's Decision. For two years following final plat approval, unless the subdivider and City agree otherwise, no amendment to the Comprehensive Plan shall apply to or affect the use, development density, lot size, or lot layout that was approved in the final plat.

(f) Proof of Recording. The City shall not issue building permits or commence or allow commencement of construction of public improvements on the platted property until such time as the City has been satisfied that the final plat has been recorded with the county recorder. If problems arise which are beyond the subdivider's control, the City can waive this restriction.

Section 2. That this ordinance shall take effect upon its publication.

Dated this _____ day of _____, _____.

Mayor

Attested By:

City Clerk