



**CITY HALL**

207 Lafayette Street  
P.O. Box 378  
Winona, MN 55987-0378  
FAX: 507/457-8212

March 4, 2015

Planning Commissioners  
Winona, Minnesota 55987

Dear Commissioner:

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

1. Call to Order
2. Minutes – February 23, 2015
3. Public Hearing – Proposed Amendment – Site Plan Ordinance
4. Public Hearing – Proposed Amendment – Final Plat Provisions
5. Public Hearing – Proposed Code Amendment – Shoreland Ordinance
6. Other Business
7. Future Action Items (Attached)
8. Adjournment

Sincerely,

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

Mark Moeller  
City Planner

## **PLANNING COMMISSION MINUTES**

**DATE:** February 23, 2015

**TIME:** 4:30 p.m.

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

**ABSENT:** None

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

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The meeting was called to order at 4:30 p.m. by Vice Chair Hahn.

### **Approval of Minutes – February 9, 2015**

The minutes for February 9, 2015 were approved without changes upon motion by Commissioner Boettcher and second by Commissioner Buelow.

### **Public Hearing – Final Plat – BK Subdivision**

Chairperson Davis opened the public hearing and called on Mr. Moeller to present the staff report. Mr. Moeller reviewed the item and stated that the purpose of the plat was to separate the platted area from its larger site and to certify its legal boundaries.

After the presentation, Chairperson Davis asked if there was anyone who would like to speak regarding the item. There being no one desiring to speak, Chairperson Davis closed the public hearing.

Commissioner Buelow made a motion to approve the item. The motion was seconded by Commissioner Ballard and approved unanimously.

### **Red Top Mobile Home Park Closure**

Mr. Moeller reviewed the item and said that state statute requires the Commission to formerly receive the closure statement and request the City Council to schedule a public hearing on the matter.

Commissioner M. Olson motioned to submit the closure statement to the City Council and request that Council schedule a public hearing on the matter. The motion was seconded by Commissioner Hahn and approved unanimously.

**Other Business**

Commissioner Buelow asked why automobiles are able to park underneath the new bridge in Hastings and not under the new bridge in Winona. Mr. Moeller stated that he could look into it.

Commissioner Buelow distributed a flyer about a community solar project.

Commissioner Fritz asked about the recent news of Rubio's closing in the Winona Mall and asked if their trucks could be stored at their other location at 652 Washington Street. Staff responded that they take a look at this and contact the business owner if needed.

**Future Action Items – Zoning Ordinance Update**

Mr. Moeller reviewed the draft schedule for the zoning update RFP and consultant selection which was discussed at the previous meeting. The schedule proposes the mayor appoint an Advisory Committee to administer the process.

Following miscellaneous discussion, Commissioner M. Olson motioned to proceed with the formation of the Advisory Committee. The motion was seconded by Commissioner Fritz and approved unanimously.

**Adjournment**

There being no further business, the meeting was adjourned at 5:15 p.m.

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Carlos Espinosa  
Assistant City Planner

## **PLANNING COMMISSION**

**AGENDA ITEM: 3. Public Hearing – Proposed Amendment – Site Plan Ordinance**

**PREPARED BY: Mark Moeller**

**DATE: March 9, 2015**

During its meeting of February 9<sup>th</sup>, the Commission gave tentative approval to a proposal serving to update City Code Section 44.06 (d) relating to site plan approval administrative procedures. Following that approval, and given that the City Site Plan Ordinance is not part of City Subdivision and Zoning Ordinances, the “plan” was to simply refer the item to Council for review/adoption. However, given that the issue has a strong planning influence, the City Attorney has suggested that the revised ordinance be treated as if it was part of the Zoning Ordinance, thereby requiring formal hearings by the Commission and City Council. Given that advice, a Commission hearing of the item has been scheduled.

In summary of the attached, primary changes would serve to:

1. Define the “distribution process” for, and review of, required site plan submittals.
2. Require that any project, for which a site plan is required, be constructed/implemented within 12 months of approval. This provision includes a one year extension provision, if approved by the Commission.
3. Create a Council approval process.

Approval of the amended ordinance is recommended by staff. Following Commission action, the proposal will be referred to Council for a final hearing, consideration, and adoption.

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 consistency of the proposed site plan with the comprehensive plan, 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 within 12 months of the date of final approval of the site plan. 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.

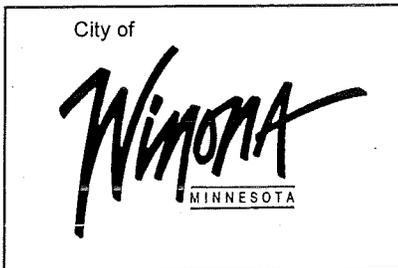
\_\_\_\_\_  
Mayor

Attested By:

\_\_\_\_\_  
City Clerk

**TO BE PUBLISHED ON WEDNESDAY, FEBRUARY 25, 2015**

**NOTICE OF PUBLIC HEARING**



DATE OF HEARING: Monday, March 9, 2015  
PLACE OF HEARING: Wenonah Room, Winona City Hall  
CONTACT PERSON: Mark Moeller, City Planner  
SUBJECT: Proposed Amendments to  
City Code Section 44.06

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On Monday, March 9, 2015, at 4:30 p.m. in the Wenonah Room of the Winona City Hall, 207 Lafayette Street, Winona, MN, the Winona Planning Commission will hold a public hearing to consider proposed amendments to City Code Section 44.06 (d) related to site plan review administrative procedure. The purpose of proposed amendments would serve to:

1. Refine the distribution process for, and review process of, required site plan submittals.
2. Require that projects that are subject to site plan review, be implemented within 12 months following approval.
3. Create a Council appeal process.

Further information may be obtained by contacting the City of Winona, Department of Community Development, Room 210, 207 Lafayette Street, Winona, MN 55987, (507) 457-8250.

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DEPARTMENT OF COMMUNITY DEVELOPMENT  
CITY HALL, ROOM 210  
207 LAFAYETTE STREET  
WINONA, MINNESOTA 55987  
(507) 457-8250

## **PLANNING COMMISSION**

**AGENDA ITEM: 4. Public Hearing – Proposed Amendment – Final Plat Provisions**

**PREPARED BY: Mark Moeller**

**DATE: March 9, 2015**

During its meeting of February 9, 2015, the Commission granted tentative approval to a draft (attached) proposal serving to amend City Code Section 42.06 related to the approval and recording of final plats. Given that the Code Section is part of the City Subdivision Ordinance, this hearing is required.

If enacted, the general purposes of amendments would serve to:

1. Clarify criteria to be used by City Council in approving final plats.
2. Require that final plats be recorded within 180 days of approval, unless otherwise extended by City Council.
3. Require that proof of plat recording be submitted to the City prior to the City's issuance of building/development permits to the site.

It is noted that all language found in the attached proposal would be new. Staff recommends approval of the proposal. Should approval be granted by the Commission, the proposal will be referred to Council for a final hearing, consideration, and adoption.

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.

(g) Applicability. The provisions of this ordinance shall apply to all new, pending or approved plats.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

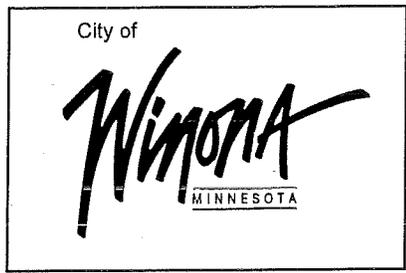
\_\_\_\_\_  
Mayor

Attested By:

\_\_\_\_\_  
City Clerk

**TO BE PUBLISHED ON WEDNESDAY, FEBRUARY 25, 2015**

**NOTICE OF PUBLIC HEARING**



DATE OF HEARING: Monday, March 9, 2015  
PLACE OF HEARING: Wenonah Room, Winona City Hall  
CONTACT PERSON: Mark Moeller, City Planner  
SUBJECT: Proposed Amendments to City Code Section 42.06

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On Monday, March 9, 2015, at 4:30 p.m. in the Wenonah Room of the Winona City Hall, 207 Lafayette Street, Winona, MN, the Winona Planning Commission will hold a public hearing to consider proposed amendments to City Code Section 42.06 related to the process of reviewing and certifying final, or record, plats. Purposes of amendments would serve to:

- Clarify criteria to be used in City Council's approval of a final plat.
- Require that final plats be recorded within 180 days of approval, unless otherwise extended by City Council
- Require that proof of plat recording be provided prior to the City's issuance of building/development permits to the platted site.

Further information of this proposal may be obtained by contacting the City of Winona, Department of Community Development, Room 210, 207 Lafayette Street, Winona, MN 55987, (507) 457-8250.

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DEPARTMENT OF COMMUNITY DEVELOPMENT  
CITY HALL, ROOM 210  
207 LAFAYETTE STREET  
WINONA, MINNESOTA 55987  
(507) 457-8250

## **PLANNING COMMISSION**

**AGENDA ITEM: 5. Public Hearing – Proposed Code Amendment - Shoreland Ordinance**

**PREPARED BY: Mark Moeller**

**DATE: March 9, 2015**

The purpose of this hearing is to consider proposed amendments (attached) to City Code Section 69.03 relating to administrative procedures of the City Shoreland Ordinance. Although not part of the City Zoning and Subdivision Ordinances, the City Attorney has recommended that the proposal be reviewed in accordance with hearing requirements of these ordinances, on the basis of its relationship to general land use regulations of the City.

Amendments to be made to the proposal would serve to:

1. Provide for notices, relating to variance and conditional use actions, to be sent electronically to Department of Natural Resource Officials.
2. Add language that clarifies the process to be used in considering conditional use permit applications by the Planning Commission. These provisions would be consistent with those changes recently made to the Zoning Ordinance.

Staff approval of the attached ordinance is recommended. Should approval be granted by the Commission, the proposal will be referred to Council for a final hearing, consideration, and adoption.

Attachment

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

The City of Winona does ordain:

Section 1. That Section 69.03 of Chapter 69 of the City Code of Winona, Minnesota, 1979, which Chapter is entitled "Shoreland Management", be amended as follows:

"69.03 ADMINISTRATION

A. Notifications to the Department of Natural Resources

1. Notice of Public Hearings. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative (~~and~~). The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist. If sent by U.S. Mail, it shall be postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat in accordance with Minn. R. 6120.3900.

2. Notice of Amendments, Variances and Conditional Uses. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative (~~and~~). The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist. If sent by U.S. Mail, it shall be postmarked within ten days of final action in accordance with Minn. R. 6120.3900.

B. Variances

1. Conditions. Variances may only be granted in accordance with Minnesota Statutes, Chapter 462.357, as applicable. A variance may not circumvent the general purposes and intent of this chapter. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider the criteria contained in Minn. R.

6120.3900, subp.3.

2. Board of Adjustment. The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 69.03 above shall also include the board of adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

3. Existing Developments. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

### C. Conditional Uses

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established by the City. The City Planning Commission (the Commission) shall hear and decide applications for Conditional Uses permissible under this Ordinance in accordance with the provisions of Section 41.01. An application for a Conditional Use Permit (CUP) shall be made in writing signed by the owner of the property for which the conditional use permit is sought on a form provided by the City. The application shall be filed with the City and shall address each of the general requirements within the applicable zoning district and the specific criteria listed below, as applicable. Following receipt of a CUP application, City staff will provide written notification to the applicant within 15 business days of the City's receipt of the application if the application for a CUP is determined to be incomplete and telling the applicant what information is missing. An application determined to be incomplete by City staff, following the above written notice procedure shall not be forwarded to the Planning Commission for consideration until it is resubmitted with the missing information. If an application is determined incomplete by City staff because it that does not contain all required information, the 60-day review period applicable under Minnesota Statutes, section 15.99 shall not restart until an application is resubmitted in the same manner as the original incomplete application. The following additional evaluation criteria and conditions apply within shoreland areas:

1. Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:
  - a. the prevention of soil erosion or other possible pollution of public waters, both during and after construction;
  - b. the visibility of structures and other facilities as viewed from public waters is limited;
  - c. the site is adequate for water supply and on-site sewage

treatment; and

d. the types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

2. Conditions Attached to Conditional Use Permits. The Commission or the City Council [~~City of Winona~~], upon consideration of the criteria listed above and the purposes of this chapter and the Zoning Code, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:

- a. increased setbacks from the ordinary high water level;
- b. limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- c. special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.”

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

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

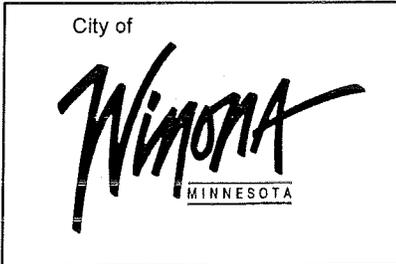
\_\_\_\_\_  
Mayor

Attested By:

\_\_\_\_\_  
City Clerk

**TO BE PUBLISHED ON WEDNESDAY, FEBRUARY 25, 2015**

**NOTICE OF PUBLIC HEARING**



DATE OF HEARING: Monday, March 9, 2015  
PLACE OF HEARING: Wenonah Room, Winona City Hall  
CONTACT PERSON: Mark Moeller, City Planner  
SUBJECT: Proposed Amendments to Shoreland Ordinance

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On Monday, March 9, 2015, at 4:30 p.m. in the Wenonah Room of the Winona City Hall, 207 Lafayette Street, Winona, MN, the Winona Planning Commission will hold a public hearing to consider proposed amendments to City Code Section 69.03 of the City Shoreland Ordinance. Purposes of amendments would serve to:

- Provide for notices, relating to variances and conditional use actions, to be sent electronically to Department of Natural Resources officials.
- Add language that clarifies the process to be used in considering conditional use permit applications by the City Planning Commission.

Further information may be obtained by contacting the City of Winona, Department of Community Development, Room 210, 207 Lafayette Street, Winona, MN 55987, (507) 457-8250.

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# PLANNING COMMISSION

**AGENDA ITEM: 7. Future Action Items**

**PREPARED BY: Mark Moeller**

**DATE: March 9, 2015**

## Future Action Items

- Zoning Ordinance Update. Given past discussion, the Mayor is expected to certify the consultant selection advisory committee during Council's meeting of March 16<sup>th</sup>. Following that, staff will begin working with the Committee in drafting an RFP for the project. Again, the RFP will be referred to the Commission for comment prior to Council submittal/certification. A specific timeline for the project will be available during the Commission's next meeting.
- Floodplain Ordinance. This ordinance update was certified as approved on February 22<sup>nd</sup>. Again, staff will keep the Commission updated of present DNR/FEMA efforts to revise City flood maps.
- Red Top Mobile Home Park Closure. Following Commission action during its last meeting, Council is scheduled to hear the parks closure plan on March 16<sup>th</sup>. That hearing is set for 6:30 p.m. in the Council Chambers.