

PLANNING COMMISSION MINUTES

DATE: September 14, 2015

TIME: 4:30 p.m.

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

ABSENT: Commissioner Davis

STAFF PRESENT: City Planners Carlos Espinosa & Mark Moeller

The meeting was called to order at 4:30 p.m. by Acting Chairman Hahn.

Approval of Minutes – July 27, 2015

Minutes from the Commission's meeting of July 27, 2015 were reviewed and upon motion by Commissioner Boettcher, and second, were unanimously approved as submitted.

Public Hearing – Lindgard Group CUP Review

Acting Chair Hahn requested a summary of this item by staff. Mr. Espinosa noted that Lindgard Group LLC proposes to use the rear portion of the first story of 62 East Third Street for residential units. Pursuant to City Code Section 43.60(b)(2), a Conditional Use Permit (CUP) is required for first-floor residential uses in the Central Business District Core. He further noted that although conditionally permitted, no portion of such use may be located within 100 feet of a public parking lot. In the case of a corner lot having two building frontages, no rear first story residential use shall be permitted which has, other than required entrances, openings which are visible from a public street.

The Lindgard Group LLC proposes 3 one bedroom units and 1 two bedroom unit in the rear half of the first floor of 62 East Third Street.

Mr. Espinosa further explained that the property is located within designated Local and National Register Historic Districts. As a result any exterior alterations are subject to approval by the City's Preservation Commission. In addressing specific CUP requirements, Mr. Espinosa stated that the proposed use would occupy no portion of the front one half of the first story floor area, and given its location to a public parking lot in the rear, the applicant had received a variance to the required 100 foot setback standard on August 5, 2015. Conditions imposed on that approval included a condition that any windows facing the public parking lot are fixed and obscured so that people cannot see in from the outside. Mr. Espinosa noted that in staff's review of general CUP requirements, the use would not adversely impair the use and enjoyment of other property in the neighborhood, would not impede the normal and orderly development and improvement of surrounding property, and it would not adversely affect neighboring property, and would comply with other applicable City, County, State, and Federal regulations as applicable. Given that analysis, staff had recommended approval of the CUP application.

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Given the previous, options available to the Commission were to:

- 1) Approve the CUP.
- 2) Approve the CUP with conditions.
- 3) Deny.
- 4) Table the item pending additional information.

At this point, Acting Chair Hahn asked for comments from the petitioner. Robert Cloeter, Brookview Drive, stated that he was in attendance to speak for his son, Adam Cloeter, who has submitted the application. Following a general description of the project, he encouraged approval of the application by the Commission.

Commissioner M. Olson noted that the City has seen a significant movement of utilizing first floor building space, in the Central Business District core, for residential use. She asked if other Commissioners had concerns of this. Commissioner Porter stated that although he understood the value of residential use in providing income stability to property owners, he did find the trend toward using first floor areas for the use to be somewhat bothersome. M. Olson agreed and suggested that, given provision for residential use in upper floors, she would prefer to see first floor building space be used for commercial purposes.

Commissioner Buelow stated that in his opinion, the lack of adequate windows to residential units will not support upscale residential use. Additionally, given that the properties located within the Downtown Parking Overlay District, no provision for additional parking is either required or being provided. If the current trend continues, resulting parking problems could become overwhelming in the Central Business District.

Following further discussion, a motion was presented by Commissioner Porter and seconded by Commissioner Ballard to approve the petition as submitted. In presenting this motion, Mr. Porter emphasized that, although the petition meets general CUP requirements, he was generally not supportive of the concept of encouraging downtown residential use without some form of off-street parking provisions. It was noted that this is an issue that will be addressed in the upcoming Zoning Ordinance Update.

Commissioner Boettcher stated that more housing was good.

Commissioner Porter noted that although the petition inferred that this residential use would be upscale in nature, given the lack of windows and the fact that residents would not have dedicated parking available to them, he questioned that upscale reference.

Commissioner M. Olson asked what the Comprehensive Plan suggests relative to parking of the downtown area for residential use. Mr. Espinosa noted that the suggested requirement is 1 space per unit. Commissioner M. Olson stated that the Commission could deny the request until such time that the Zoning Ordinance Update is completed. Commissioner Porter suggested that although certainly an option, he felt his hands were somewhat tied in that approval of the petition is supported by established facts. Those comments were echoed by Acting Chair Hahn.

When the question was called, the vote of the Commission was unanimous to approve the motion.

Project Kickoff – Development Code Update (See Attached Noted Hoisington Koegler Group Inc. Meeting Notes)

Acting Chair Hahn called on staff to introduce this item. Mark Moeller, City Planner, noted that during the Commission's last meeting, it had been advised that the City Council had authorized staff to enter into a contract with the Hoisington Koegler Group Inc. for the purpose of preparing an update of City Development Codes. Given that that contract has been fully executed by all, the intent of this agenda item is to kick the project off. He emphasized that the Commission will play a key role in serving as the Steering Committee to the project.

At this point, he introduced Jeff Miller and Rita Trapp, representing Hoisington Koegler Group Inc. to provide an overview of project scope, services, and schedule.

Mr. Miller stated that his firm was very pleased to be working on this project and would be teaming with the firm of McBride Dale Clarion, based in Cincinnati, Ohio. This firm has extensive experience in updating, revising, and rewriting Zoning Ordinances across the Midwest and South. Together, Mr. Miller stated that the full consulting team was well positioned to complete the project.

Mr. Miller noted that the scope of the project would be broken into five general phases including:

Phase One – Project initiation including orientation meetings, initial review of existing codes and plans, a reconnaissance tour of existing development conditions with staff, meetings with defined stakeholder groups, and a general public engagement kickoff.

Phase Two – Code review and diagnosis including consultant comprehensive reviews of existing codes and plans, identifying existing code strengths and weaknesses, exploring approaches for guiding code updates, researching best practice development code approaches and review meetings with staff, the Commission and stakeholder groups.

Phase Three – Will serve to annotate the outline of the Code and will involve identifying the structure of the proposed Unified Development Code, preparing an annotated outline, meetings with staff and the City Attorney as well as the Commission and Council.

Phase Four – Will see the development of Code drafting. Mr. Miller noted that his firm would be preparing draft Unified Development Code sections in a series of modules to make it easier to present to the Commission and staff. Each module consideration will involve review meetings with City staff and the Planning Commission for feedback, additional stakeholder meetings, the preparation of a revised zoning map and public review of the draft Unified Development Code and Revised Zoning Map.

Phase Five – Will include Development Code adoption including Planning Commission and City Council public hearings and final deliverables.

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Mr. Miller noted that although the previous generally summarized the process, the effort will include participation by many.

Mr. Miller noted that the end product of the process will include the development of Unified Development Code, a single document replacing separate and distinct zoning, subdivision, site plan, and other codes and ordinances. Since all development codes will be located under a single umbrella, it would be drafted to be easier to understand and include visual illustrations. The effort will also serve to develop "form based" design standards primarily related to the Central Business District, and will analyze all zoning districts for mixed use zoning philosophies.

At this point, Ms. Trapp provided an overview of the stakeholder/public participation process. From initial thought with staff, a list of 14 potential stakeholder groups had been identified. This total would be grouped into five to six major categories for meeting purposes. Outside of these, processes would be established for citizens to provide input into the process. This may include use of the City's website.

In concluding, Mr. Miller and Ms. Trapp asked Commissioners what their own individual goals would be in defining a successful project.

Commissioner L. Olson noted that his priority would be to clean up current discrepancies between many of our development ordinances, and to get rid of antiquated language.

Commissioner Porter stated that he would like to see a stronger relationship of development codes to Comprehensive Plan recommendations.

Commissioner Buelow stated that his end goals would be similar to Commissioner L. Olson's.

Acting Chair Hahn explained that he too would like to see a tighter relationship to those community visions represented in the Comprehensive Plan. He felt that too often, the Commission's hands are tied in making decisions. As with the previous issue, the Commission may understand that a proposal is not perfect but at the same time does not have the capability to deny it.

Commissioner Ballard stated that he was looking forward to the Unified Code approach as he felt that this would greatly simplify language, therefore making it more understandable and enforceable.

Commissioner Boettcher stated that he hopes the effort will bring the City's Ordinance into the 21st Century. Along with this, he cautioned against extensive grandfathering.

Commissioner M. Olson stated that she too would like to see development codes which better align with the Comprehensive Plan. Along with this, she hoped that some form of property maintenance code could be considered.

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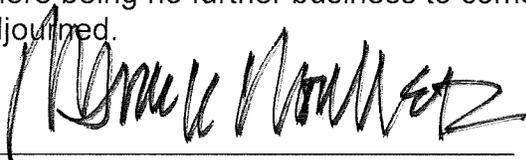
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Commissioner L. Olson added that although he supported reworking the ordinance in accordance with the Comprehensive Plan, he would not want to see provisions that are overly restrictive, to a point where it was difficult for the City to move forward. With this, he would be looking for a proper balance between restrictions and progress.

Mr. Miller and Ms. Trapp thanked the Commission for its input this afternoon. Both noted that this initial feedback was valuable and again looked forward to working with the Commission throughout the project.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned.



Mark Moeller
City Planner



**Winona Development Code Update
Project Kickoff Session with City Staff
September 14, 2015**

MEETING NOTES

City Staff & Consultants: Mark Moeller (City Planner), Carlos Espinosa (City Planner), Greg Karow (Building Official), Brian DeFang (City Engineer), Keith Nelson (PW Assistant City Mgr), Jeff Miller (HKGI), Rita Trapp (HKGI)

Following is a summary of the input received from City Staff members:

1. In Winona, the Building Official is the Staff Liaison to the Board of Adjustment, which is responsible for hearing variance applications.
2. The municipal airport has its own zoning ordinances which are also in need of updating. The Airport has state funding to update the joint airport zoning district. Keith is the Airport Director.
3. There is an Airport Industrial Park District in the City's zoning ordinance but it is not shown on the Zoning Map.
4. Staff agreed with the consultant's updated project schedule showing completion of the project at the end of 2016, but there also could be some flexibility with that end date depending on how the process goes.
5. The City's Housing Code is not part of the City's development codes and includes things like property maintenance and nuisances. There is not a separate Property Maintenance Ordinance. The City has discussed the potential for developing a separate Property Maintenance Code but that is not the plan at this point. Rental units do need to be certified and are inspected every five years.
6. The City has some existing lots that are very narrow, as low as 25 feet in width, so there are a lot of setback variance applications.
7. Fire safety regulations (fire rating) should be referred to in the zoning code's setback regulations.
8. It would be beneficial to better define the process for each City board/commission (including criteria for approval and process to request City Council review)
9. The City has not been receiving as-built records and site plans after developments are completed. It would be beneficial to have a mechanism to enforce the requirement.
10. There are three overlay districts in downtown, which are not shown on the Zoning Map.
11. There have been virtually no property rezonings in downtown for many years.
12. There is a general resistance to creating non-conformities. The City updated the non-conforming use and buildings section a couple of years ago. Clarification may still be needed.
13. There are concerns about whether there is sufficient parking in downtown – particularly lately as housing has been developed. There was a 2010 Parking Study
14. Potential rezonings related to the development code update project are anticipated to be mostly in the downtown manufacturing districts. A new "B-4" zoning district was proposed for downtown areas in the past but the Chamber of Commerce opposed it.
15. Other potential rezoning areas are the mixed use areas designated in the Comprehensive Plan and the downtown fringe areas.
16. Winona's zoning districts are cumulative in terms of permitted uses.



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17. Some "property maintenance" issues that could potentially be addressed by the development code update project are outdoor storage and parking.
18. The "30% Rule" is located in the Housing Code, so it's not part of the development codes.
19. There is a current trend of developing "rooming units" in Winona.
20. There are different parking requirements for rooming houses. They can be located up to 300 feet away rather than all on-site.
21. The bluff protection overlay is relatively new and already located within the zoning code.
22. It may be good to consider adding an environmental section within the future Unified Development Code.
23. Updating of the floodplain ordinance has just been completed.
24. The stormwater management ordinance should remain separate from the Unified Development Code. It was updated about 7 to 8 years ago.
25. Should consider whether or not to include the floodplain and shoreland ordinances in the Unified Development Code.
26. The City has a wetlands policy but it is not located in the City Code.
27. Should the environmental review process be in the Unified Development Code?
28. Suggest that the project focus on standards rather than design guidelines and keep them fairly basic. It would be beneficial to start with the 2008 Downtown Revitalization Plan and its potential design guidelines. "Form follows function."



**Winona Development Code Update
Project Kickoff Session with Planning Commission
September 14, 2015**

MEETING NOTES

Planning Commissioners Attending: Ed Hahn, LaVerne Olson, Brad Ballard, Mandi Olson, Craig Porter, Brian Buellow, Dale Boettcher

Planning Commissioners Absent: Wendy Davis, Ken Fritz

City Staff & Consultants: Mark Moeller, Carlos Espinosa, Jeff Miller (HKGi), Rita Trapp (HKGi)

The HKGi consultant team gave a presentation to the Planning Commission that described the consultant team's members and project experience, provided an overview of the project's work scope and schedule, outlined the key project objectives, and explained the project's community engagement approach. The remainder of the meeting was devoted to the Planning Commission members' input regarding the City's current development code issues and opportunities for the development code update project. The discussion was organized around the following questions:

- 1) *What parts of the City's current development codes have been challenging to understand and use?*
- 2) *What parts of the current development codes are outdated and/or may not be needed?*
- 3) *Where might there be inconsistencies between current development codes and the City's adopted plans and policies?*
- 4) *What opportunities might there be to simplify development application and approval processes?*
- 5) *What physical areas of the City seem to have the most issues related to the current development codes?*
- 6) *What types of changes or additions to the current development codes would make them easier to use?*
- 7) *Who should be included as "stakeholder" groups in the project's community engagement process?*

Following is a summary of the input received from the Planning Commission (PC):

General: Requested that the schedule for the project's stakeholder sessions in October be shared with PC members ahead of time so that PC members could choose to attend any of the stakeholder sessions that they have particular interest in.

Question #1: *What parts of the City's current development codes have been challenging to understand and use?*

- There hasn't been a lot of new development lately due to the economic recession, so familiarity with the development codes may be relatively low currently.
- Where the Comprehensive Plan doesn't mesh with the development codes.



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- For new PC members, the development codes are hard to understand, use, and find things.
- Need to implement the Comprehensive Plan by aligning the development codes with the plan.
- The new bluff and shoreland ordinances have not necessarily aligned with the rest of the development codes.
- Consider when the new unified development code will go into effect.
- Like the idea of adding visualization of standards to the code.

Question #2: What parts of the current development codes are outdated and/or may not be needed?

- Development code addresses typical lots but not atypical lots, e.g. narrow lots.
- Updates are needed but concern about how things will be "grandfathered". Should things always be "grandfathered" or should some ordinance updates/improvements be put into effect for all properties right away, so that changes start to occur?

Question #3: Where might there be inconsistencies between current development codes and the City's adopted plans and policies?

- Should bring consistency to the notification processes for various development application procedures.
- There can be a long lag time between the variance process with the Board of Adjustment and the conditional use permit process with the Planning Commission, as an example.

Question #4: What opportunities might there be to simplify development application and approval processes?

- Board of Adjustment vs. Planning Commission processes.
- Redevelopment process is challenging in Winona's complex environment of river shoreland, railroad lines, highways, and the multiple government jurisdictions that need to be involved, including the city, county, state, and federal levels.

Question #5: What physical areas of the City seem to have the most issues related to the current development codes?

- Areas where there is an interface between downtown businesses, the college campus, and residential neighborhoods.
- Accommodating new development out in the valleys.
- As background information relating to recent development, East End development was made possible by dredging of Lake Winona and moving the dredge materials to the East End.
- An annexation agreement has recently expired.
- Interest in potential commercial development toward I-90 via Hwy 43.
- Need to focus on redevelopment.



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Question #6: *What types of changes or additions to the current development codes would make them easier to use?*

- Addition of graphics to the code.
- Learning from other cities like Duluth.
- Address heritage preservation areas.
- Visualization of the bluffs, ravines, and other sensitive resources.
- No repercussions for when people develop in a way that is not permitted, e.g. keeping development out of sensitive resource areas. An example is construction of a path and dock that is not allowed in a sensitive resource area.
- Properties that are not maintained sufficiently are a big problem in the city (includes houses, fences, placement of refuse bins)
- Zoning improvements for issues related to the 30% rule, such as transitions/compatibility between student rental housing and other residential.
- Parking requirements for rental housing should be looked at.
- As background, the PC did not recommend the adoption of the 30% rule. The public went to the City Council who then adopted the 30% rule.
- Evaluate whether fees for development processes are in line with similar size cities.
- Commercial development within the historic district. The City doesn't have lots of landscaping standards to ensure nice landscaping within the historic district.

Question #7: *Who should be included as "stakeholder" groups in the project's community engagement process?*

- Architectural Review Board – a new multi-family residential building was recently reviewed by them and should be part of the consultants' tour of the city in October.

Question #8: *What are the most important things to accomplish with the development code update project?*

- There are discrepancies in the codes that need to be cleaned up. They create the problems.
- The code should be updated to reflect what the Comprehensive Plan says, what we want.
- Discrepancies. Organization: Inconsistencies between notification processes for different development application processes.
- Congruency between the Comprehensive Plan and the development codes. The PC's hands are often tied because they are required to have reasons for recommending denial of an application.
- Bring timeframes closer together between the various development application processes.
- Combining things together.
- Update things in Winona to the 21st century. Things are outdated. It seems like there is too much "grandfathering" for existing development issues.
- Enforcement.
- Alignment with the Comprehensive Plan.



Hoisington Koegler Group Inc.



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- Important that the development codes aren't so restrictive that they deter development. There is a very vocal opposition group to changes to the development codes. Need to find the fine line that works for all without being too restrictive.