

PLANNING COMMISSION MINUTES

DATE: August 13, 2012

TIME: 4:30 p.m.

PRESENT: Chairperson Porter; Commissioners Boettcher, Eyden, Gromek, Buelow, Ballard, Davis, and Olson

ABSENT: Commissioner Briggs

STAFF PRESENT: Assistant City Planner, Carlos Espinosa

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

Approval of Minutes – July 23, 2012

The minutes for July 23, 2012 were approved without changes upon motion by Commissioner Olson and second by Commissioner Eyden.

Public Hearing – Rezoning Request R-2 to B-3 – Aerie LLC

Chairperson Porter opened the public hearing and asked if there was anyone representing the petition who would like to speak. There being no one present, Chairperson Porter called on staff to give a report.

Mr. Espinosa presented staff's analysis of the petition and stated the following conclusions of the report:

1. No error or oversight was made in the original (1960) zoning.
2. Since original zoning, approved modifications to neighborhood land use and zoning patterns have occurred, resulting in a transition to commercial use.
3. Rezoning is not anticipated to result in "undue impacts" on adjacent neighboring properties.
4. Rezoning would promote an appropriate "higher use" of the site than could be achieved under current zoning. This higher use can be achieved without compromising existing neighborhood use or recommendations of the 2007 Comprehensive Plan.
5. Spot zoning is not evident.

There being no one else present to speak for or against the petition, Chairperson Porter closed the public hearing.

Commissioner Eyden made a motion to recommend approval of the rezoning request. The motion was seconded by Commissioner Davis.

Commissioner Boettcher state that his only concern is traffic exiting to the south leaving the property and traveling across a busy stretch of Mankato Avenue. Mr. Boettcher

PLANNING COMMISSION MEETING MINUTES
AUGUST 13, 2012
PAGE 2

stated that exiting should only be to the right (north). Mr. Espinosa responded that the concern would be addressed in the site plan review process.

Commissioner Olson asked if it would be appropriate for the Commission to initiate rezoning on behalf of the property owner directly to the south of the property in question. Mr. Espinosa responded that Mark Moeller (City Planner) has been in communication with the property owner. Mr. Espinosa said he'd talk to Mark and have an answer for the next meeting.

There being no further comments, Chairperson Porter called for a vote. Upon vote, the motion passed 8-0.

Sand Moratorium Study: Environmental Review

Chairperson Porter opened the public input session for the agenda item. No one was present from the Blasting Committee or industry to speak.

Marie Kovesci from CASM stated that she had comments on the agenda item and also about an e-mail sent to Commission members. Ms. Kovesci stated that she supports the recommendation for an EAW checklist for future mining applications. However, the e-mail sent to commissioners discusses another option called a GEIS. Ms. Kovesci stated that a Generic Environmental Impact Statement (GEIS) completed by the state is supported by CASM for four reasons: 1) It is focused on cumulative impacts, 2) It covers a wider range of social, infrastructure, and environmental topics than an EAW or EIS, 3) A GEIS does not preclude the preparation of individual EAW or EIS's, and 4) It is a good combination of resources from the nine state agencies that operate under the Environmental Quality Board. Ms. Kovesci stated that in addition to CASM, there have been letters written to the governor and to the Environmental Quality Board in support of a GEIS. Overall, Marie stated that CASM supports the concept of a GEIS and asks that the Planning Commission recommend that such concept be forwarded to the City Council for direct action - that action being to request that the Environmental Quality Board begin the process of implementing a GEIS.

Steve Shield – 1282 West Broadway – stated that as a private citizen he urges the Planning Commission recommend to the Council that the City support a GEIS. Mr. Shield stated that state senator John Howe has sent a letter to the governor requesting a GEIS. Mr. Shield referenced a memo from County Attorney Karin Sonneman, in which it was stated that a GEIS would cover important cumulative and interrelated impacts of multiple aggregate operations. The memo also stated that a GEIS would also have the ability to cross multi-jurisdictional lines. Mr. Shield stated that he has not seen another tool better than a GEIS for analysis of silica sand mining.

There being no one else wishing to speak on the agenda item, Chairperson Porter closed the public input session and called on staff for a presentation.

Mr. Espinosa stated that the agenda item recommends a "checklist" to help determine if future mining proposals should go through an EAW process. This checklist is the same as what Winona County recently adopted for mining proposal review. However, Mr.

PLANNING COMMISSION MEETING MINUTES
AUGUST 13, 2012
PAGE 3

Espinosa stated that the same checklist is not recommended to be used for review of sand processing or transportation proposals because such uses do not involve resource extraction and the issues studied in an EAW are already covered in the current CUP and site plan review process.

Chairperson Porter asked if there was a motion to approve staff's recommendation to use a checklist for mining proposals. Commissioner Eyden made such a motion, and the motion was seconded by Commissioner Gromek. Upon vote, the motion passed 7-1 with Commissioner Olson voting against.

Next, Commissioner Eyden made a motion that Planning Commission recommend that the City Council make an official recommendation for a GEIS. The motion was seconded by Commissioner Gromek.

Commissioner Olson stated that he didn't support a GEIS because it represents the potential for more regulations that make it more difficult for businesses.

Commissioner Boettcher stated that the City of Winona needs to keep moving forward and bring new businesses into the City.

Chairperson Porter questioned if it was the appropriate time for a GEIS recommendation to go to Council.

There being no further discussion, Chairperson Porter called for a vote on the motion that Planning Commission recommend that the City Council make an official recommendation for a GEIS. Upon vote, the motion passed 4-3 with Commissioners Eyden, Buelow, Gromek, and Boettcher voting for; Commissioner Olson, Chairperson Porter, and Commissioner Ballard voting against; and Commissioner Davis abstains.

Sand Moratorium Study: Miscellaneous Water Questions

Mr. Espinosa explained that this agenda item was meant to address questions brought up at the last Commission meeting. Because there were no questions, the Commission moved onto the next agenda item.

Nonconforming Ordinance Amendment

Chairperson Porter called on Mr. Espinosa to present the agenda item. Mr. Espinosa explained that the proposed nonconformity amendments would establish an ordinance that would allow the previously discussed "Biesanz Nonconformity Agreement" to be enacted. The proposed amendments also define expansion of nonconformities and specify when nonconformity can expand.

There being no questions the Commission indicated its support to forward the proposed nonconformity amendments to a public hearing at the next meeting.

Discussion – Initiation of Zoning

Chairperson Porter called on Mr. Espinosa to present the agenda item. Mr. Espinosa stated that this agenda item is meant simply to initiate the application of zoning to parcels of property recently annexed into the City of Winona. Mr. Espinosa explained the reasoning behind the proposed zoning designations and explained that a motion for staff's recommendation would direct staff to draft, and bring back to the Planning Commission, ordinances effecting zoning of those annexed lands reflected on Exhibits B and C of the report, and to properly notice the same for public hearing and consideration by the Commission.

Commissioner Olson made such a motion to support staff's recommendation. The motion was seconded by Commissioner Buelow. Upon vote, the motion passed unanimously.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 5:45 p.m.



Carlos Espinosa
Assistant City Planner