



**CITY HALL**

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January 8, 2014

Planning Commissioners  
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, January 13, 2014, at 4:30 p.m. in the Wenonah Room** of the Winona City Hall.

1. **Call to Order**
2. **Minutes – December 9, 2013**
3. **Election of Officers**
4. **Commission Bylaws**
5. **Other Business**
6. **Adjournment**

Sincerely,

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

Mark Moeller  
City Planner

## **PLANNING COMMISSION MINUTES**

**DATE:** December 9, 2013

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

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

**ABSENT:** Commissioner English

**STAFF PRESENT:** Assistant City Planner, Carlos Espinosa

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

### **Approval of Minutes – November 25, 2013**

The minutes for November 25, 2013 were approved without changes upon motion by Commissioner Davis and second by Commissioner Hahn.

### **Public Hearing – May Rezoning Request – R-R to A-G**

Chairperson Porter asked if the petitioner would like to speak about the request. Troy May, petitioner - 223 Michaelwood Drive, stated that he is seeking to rezone the Outlot on his property to facilitate hunting. Mr. May stated that he'd like to be able to hunt with his family on the land. Mr. May said that his intent is to hunt on or nearby the logging road which runs through the Outlot. Mr. May stated that adjacent landowners (whose property is zoned A-G) already hunt in the area. Mr. May stated that he contacted his neighbors about the request and there were no complaints.

Commissioner Boettcher asked if the hunting on the property would be using a firearm or bow. Mr. May responded that he can currently bow hunt on the Outlot, but the request is allow firearm hunting as well.

Commissioner Davis asked if there was a structure at 219 Michaelwood. Mr. May stated there was not. Commissioner Davis asked if hunting would occur close to that property. Mr. May stated that even though the Outlot does extend to the property line with 219 Michaelwood, he intends to hunt further to the east. Mr. May stated that the area behind 219 Michaelwood is too close to that property and too close to his house as well.

Commissioner M. Olson asked how long the hunting season is for deer. Mr. May responded that there are generally two 9-day seasons in the late fall.

Chairperson Porter called on staff to present analysis of the request. Mr. Espinosa provided a brief history of the parcel and provided staff's analysis:

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1. No error or oversight in original zoning was made.
2. Neighborhood zoning/development patterns have remained stable since enactment of original zoning.
3. Given use/performance restrictions of the rezoning site, approval of the request is not anticipated to result in "undue hardships" on the immediate neighborhood. .
4. Although approval of the request would enable the applicant to undertake personal hunting activity on the Outlot, it is unclear how this might relate to the general public interest.
5. Although the discussion of spot zoning did imply that approval of the request would generally (only) benefit the applicant, it was noted that this action would not compromise the stated intent or the Outlot, nor would undue neighborhood impacts result. Additionally, the request is not unreasonable and if approved would not appear to be inconsistent with the Comprehensive Plan.

Mr. Espinosa also stated that both city and state regulations pertaining to hunting would have to be followed. State regulations would allow Mr. May to hunt anywhere on the Outlot, but anyone beside the property owner would have to obtain permission from adjacent property owners to firearm hunt within 500 feet of their property.

Chairperson Porter then opened the public hearing. There being no one present to speak, Mr. Porter closed the public hearing and brought the discussion back to the Planning Commission. Commissioner Davis made a motion to approve the rezoning application. The motion was seconded by Commissioner L. Olson. Chairperson Porter asked if there was any discussion.

Commissioner M. Olson asked if there was any public comment. Mr. Espinosa stated that letters were sent to property owners in a 350 foot radius of the 223 Michaelwood and no comments from the public were received.

Chairperson Porter asked if in the petitioner's discussions with his neighbors if anyone else was interested in rezoning their Outlots to A-G. Mr. May stated that it was mentioned, but none were seriously considering it. Mr. May emphasized that his lot is on the end of the cul-de-sac and that much of his Outlot is a significant distance away from dwellings. Most of his neighbor's Outlots don't have the same distance buffer.

Commissioner Hahn asked if the City had seen any requests similar to this one. Mr. Espinosa stated that each request is considered individually, and that he hadn't seen any other similar requests in the 5 years he's been at the City. Various Commissioners stated that they hadn't seen a similar request in the 10+ years that they've served on the Commission.

Commissioner Buelow asked if the zoning would create any issues with future rezoning and development of the property to the south. Mr. Espinosa stated that the top of the

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bluff is not for a long distance to the south of Outlot – so dwellings could not be built nearby if the property to the south were developed.

There being no further comments or questions from the Commissioners, Chairperson Porter called for a vote. The motion to recommend approval of the rezoning passed 7-1 with Commissioner M. Olson casting the nay vote.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 5:07 p.m.

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Carlos Espinosa  
Assistant City Planner

## **PLANNING COMMISSION**

**AGENDA ITEM: 3. Election of Officers**

**PREPARED BY: Carlos Espinosa**

**DATE: January 13, 2014**

The Commission discussed election of officers at the last meeting. Time is provided with this item to discuss recommendations for a new slate of officers (Chair and Vice Chair).

## **PLANNING COMMISSION**

**AGENDA ITEM: 4. Commission Bylaws**

**PREPARED BY: Mark Moeller**

**DATE: January 13, 2014**

In accordance with Section 4.3 of Commission Bylaws, the attached set of current bylaws is being submitted for review. Should the Commission determine that bylaws are acceptable, they should be adopted and the Chair should be authorized to sign it.

Attachment

**BYLAWS OF  
CITY PLANNING COMMISSION  
WINONA, MINNESOTA**

The following rules of procedure are hereby adopted by the City Planning Commission in order to facilitate the performance of its duties, and the exercising of its function, as a Commission created under Section 2.02 of the City Home Rule Charter and City Code Chapter 41.

Section 1. COMMISSION MEETINGS.

- (a) Time. Unless otherwise noted, regular meetings of the Commission will be held on the second and fourth Monday of each month at 4:30 p.m. When the regular meeting day falls on a legal holiday, no meeting shall be held and Commission business shall be carried to the next regularly scheduled meeting.
- (b) Special Meetings. A special meeting may be called by the Chair, two or more Commission members, or by the Secretary, following consultation with the Chair.
- (c) Adjournment. A meeting may be adjourned, by the Chair, to a specified time and place without additional published, or other, notice.
- (d) Quorum. Five Planning Commission members shall constitute a quorum for the transaction of business. Whenever a quorum is not available, no official action may be taken, and the Chair may adjourn the meeting to a future time.
- (e) Place. Regular meetings will be held in City Hall.
- (f) Vote. Unless otherwise requested by the Chair, voting shall be by voice. All members shall have his or her vote recorded. Official action may be taken upon a vote of a majority in attendance.

Section 2. ORGANIZATION.

- 2.1 Election of Officers. At the first regular meeting in September of each year, the Chair shall appoint a nominating committee of three Commission members who will present a slate of officers for the positions of Chair and Vice-Chair. The election of officers will be held at the first regular meeting in October.
- 2.2 Tenure. The Chair and Vice-Chair shall take office immediately following their election and shall hold office until their successors assume office.
- 2.3 Duties. The Chair or in his/her absence, the Vice-Chair shall preside at meetings, appoint committees, and perform such other duties as may be requested by the Commission. The Chair shall not move for action or second a motion, but shall have all voting privileges of any Commission member.
- 2.4 Secretary. The City Planner shall serve as secretary to the Commission. The secretary shall be responsible for providing clerical and technical services to the Planning Commission. All official records of the Commission shall be kept in the City Department of Community Development Office.

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Section 3. PROCEDURE.

- 3.1 Parliamentary Procedure. Parliamentary procedure, governed by Roberts Rules of Order Revised, shall be followed at all meetings.
  
- 3.2 Hearing Procedure. When hearings, pertaining to any issue, are required, the Commission shall be guided by the following procedure:
  - A. Chair shall state the case to be heard.
  - B. Chair shall ask the applicant to present his/her case.
  - C. Chair shall call on the City Planner, or his representative, to present staff comments.
  - D. The hearing shall be opened and interested persons, upon giving their name and address, are invited to speak to the Commission. Following recognition by the Chair, Commission members may ask questions of persons addressing the Commission in order to clarify facts. Any statement by a member, other than to question, may be ruled out of order.
  - E. After all new facts and information have been brought forth, the hearing shall be closed, and interested persons shall not be heard again unless the hearing is reopened and unless all interested parties shall be allowed to be heard again. Upon completion of the hearing, the Commission shall discuss the item at hand and render a decision or recommendation.
  - F. The Chair shall have the responsibility to inform all parties of their rights to appeal on any decision or recommendation which has been rendered by the Planning Commission.

Section 4. MISCELLANEOUS.

- 4.1 Suspension of Rules. The Commission may suspend any of these rules by a unanimous vote of those members present.
  
- 4.2 Amendments. These rules may be amended at any regular or special meeting by a majority of the members of the Commission.
  
- 4.3 Review. At the first January meeting of each year, these rules of procedure shall be reviewed and adopted by the Commission.

Adopted \_\_\_\_\_, at a regular meeting of the Commission.

\_\_\_\_\_  
Chair

Attested by:

\_\_\_\_\_  
Secretary