



CITY HALL

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May 21, 2014

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Tuesday, May 27, 2014, at 4:30 p.m. in the Council Chambers** of the Winona City Hall.

1. **Call to Order**
2. **Minutes – May 12, 2014**
3. **Public Hearing – Zone Change Request M-1 to B-2**
4. **Other Business**
5. **Adjournment**

Sincerely,

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

Mark Moeller
City Planner

PLANNING COMMISSION MINUTES

DATE: May 12, 2014

TIME: 4:30 p.m.

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

ABSENT: Commissioner Buelow

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

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

Approval of Minutes – April 28, 2014

The minutes from the Commission's meeting of April 28, 2014 were approved as submitted.

Public Hearing – Zoning of Annexed Properties

Chairperson Porter called on Mark Moeller, City Planner, to provide staff comment of this item.

Mr. Moeller noted that the purpose of this public hearing is to consider R-1 Zoning for 1659 Valley View Drive and 1411 Wildlife Drive, and R-S Zoning for 23125 County Road 17. As noted during the Commission's meeting of March 10th, these three parcels had recently been annexed into the City under the Wilson Township/ City of Winona Orderly Annexation Agreement. Pursuant to City Code, annexed properties come into the City in an un-zoned status, and following initial (March 10th) review of this item, the Commission had adopted a motion to initiate the zoning amendment process of these parcels. On March 12th, a letter was sent to property owners, advising them of the Commission's intent, and including information related to proposed zoning of parcels. On May 1st, legal notice of today's hearing was provided to the three property owners and to surrounding neighborhoods. To date, no response to either the letter, or subsequent legal notice, have been received.

Mr. Moeller then related to the brief analysis that had been presented in the staff report. From that, staff was recommending approval of the current zoning proposal on the basis of the following:

- The City's 2007 Comprehensive Plan has labeled all of the Pleasant Valley Orderly Annexation area for Low Density (single family) residential use. This concept could be achieved by any one of the City's three low density residential districts. These include Rural Residential, Residential-Suburban, and One Family Residence.
- Given the previous, R-1 zoning will provide the best fit with the diversity of lot dimensional/yard requirements of parcels located within Pleasant Valley Terrace Subdivision #1, while R-S zoning would provide a proper fit to the lot located at 23125 County Road 17. Given proposed zoning, existing use would be "locked in"

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nonconformities will be kept to a minimum, while the purpose and intent of City 2007 Comprehensive Plan would be achieved.

At this point, Chairman Porter opened the public hearing by calling for any person who wished to speak to present first their name and address. There being no one present to speak for, or against, the proposal, the public hearing was closed.

Following brief discussion, it was moved by Commissioner Ballard and seconded by Commissioner Boettcher to recommend approval of the zoning proposal as outlined in the staff report, to Council. When the question was called, the vote of the Commission was unanimous to approve the motion.

Public Hearing – Plat Revision – Creekwood 4

Chairperson Porter called on Mr. Moeller to provide a summary of the staff report pertaining to this item.

Mr. Moeller explained that in June of 2003, the City had approved a final plat for the Creekwood Subdivision. In part, the purpose and intent of this development was to facilitate townhome development in a mix of two to four units per structure. Given that approval, Block 14 of the plat had been slated to include a four unit townhome structure. However, in considering marketing options for this block, the developers, Sweetwater Development LLP, have since chosen to modify this block by creating two-two unit structures in place of the single four unit structure.

Mr. Moeller explained that approval of the Creekwood Subdivision had included a grading/drainage master plan. Given a significant grade difference through Block 14, the drainage master plan showed that surface drainage would be directed to Outlot A, located southerly of the block. At this point, it would be directed westerly, to an existing storm water holding pond, by way of a contoured swale constructed through Outlot A.

Mr. Moeller explained that following public notice of the project, staff did hear from a townhome owner in Block 13, southerly of Block 14. In this conversation, concerns were expressed of potential drainage problems. Given this concern, staff was suggesting that any approval of the plat be conditioned on the submittal of a stormwater management plan that will certify that current homes in block 13 will not be impacted by surface stormwater drainage. This certification should be made prior to the issuance of any building permits for the revised plat. Given staff analysis of the proposal, Mr. Moeller stated that he was recommending approval of the modification. In part, this approval was based upon the finding that the revised plat would be consistent with performance standards of both underlying R-1.5 zoning and initial cluster development approval for the project.

Again, the previous approval is based upon the condition that the developer will submit final grading management plans for proposed Block 14 structures. This plan will need to be reviewed and approved by the City Engineer prior to the issuance of any building permits for Block 14.

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Chairman Porter then opened the public hearing and called for any person who wished to speak to the proposal to present first their name and address.

Jon Krofchalk, 1435 Brookview Drive, stated that he was a partner in the development. In summary, he noted that the purpose of the revision was to separate the currently planned four-unit structure into two two-unit structures, with the desire to open up the center two units to open space and sunlight. It was felt that this change would help market the structures.

Susan Savat, 165 Janet Marie Lane, noted that she lives on the westerly side of Block 13 just below the proposed redevelopment site. She referenced drainage concerns not only from the new development but as they might impact the current stormwater holding pond located westerly of her townhome unit.

Mr. Krofchalk replied that as developers of the original development, they have no desire to create problems for present homeowners. Given that, they will do everything possible to ensure that surface drainage from the new units will be directed pursuant to the original drainage master plan for the development. Present homeowners below will not be impacted. He again emphasized that all surface drainage will be directed to the stormwater holding pond located westerly of 165 Janet Marie Lane.

Terry Peterson, 104 Janet Marie Lane, noted that he has observed the present stormwater holding pond located westerly of 165 Janet Marie Lane to be full on occasion. Although this does not last long, he was concerned that additional drainage to the pond may have an adverse affect on present structures within Creekwood.

Mr. Krofchalk replied that this stormwater holding pond located was designed to handle surface drainage not only from the Creekwood Subdivision but from the highway. It was suggested that if the pond is not working as it should, the City Public Works Department should be advised.

Raymond Mullen, 132 Janet Marie Lane, asked if there was enough room within the Block 14 footprint to provide for the proposed change. In response, Mr. Moeller again reviewed proposed both performance standards and proposed setbacks. Given this information, it was again concluded that standards will be met. In response to a question by Mrs. Savat, Mr. Krofchalk replied that connections to the sanitary sewer will require the temporary disturbance of Outlot A located between Blocks 13 and 14. However, this disturbance will be short term and final grading will again ensure that the drainage swale, to the stormwater holding pond, will be constructed.

Marilyn Polus, 161 Janet Marie Lane, was concerned that proposed structures would block her present views to the north.

Chairman Porter emphasized that a four unit townhome structure is presently planned for this location, he asked if Mrs. Polus was aware of this. Mrs. Polus replied that she was, however, the elevation difference between her property and proposed units was significant. As such, she would be looking at two to three story buildings.

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In response to a question, Mr. Krofchalk noted that three of the four units will be accessed from Janet Marie Lane from the north. The unit which is proposed to abut Janet Marie Lane on the east may be accessed from that direction. Outside of this, Mr. Moeller noted that Outlot A located northerly of proposed two unit structures, would have a width of 24 feet which would be adequate for reasonable access to all units.

Commissioner Fritz asked how the proposed two unit structures would align with the footprint of the present four unit structure. Mr. Moeller noted that this comparison was reflected on Exhibit C of the Commission's agenda package. Given this, block 1 of the revised plat would generally be consistent with the westerly two units of the current plat. The easterly two units would be moved towards Janet Marie Lane approximately 15 feet.

At this point, Chairman Porter closed the public hearing.

It was then moved by Commissioner Hahn, and seconded by Commissioner Boettcher, to recommend approval of the Creekwood 4 Subdivision to Council on the condition that all final building plans relating to this plat be accompanied by appropriate stormwater management plans. These plans shall be approved by the City Engineer prior to the issuance of any building permit for the project. When the question was called, the vote of the Commission was as follows: ayes Commissioners Porter, Fritz, Davis, M. Olson, Boettcher, Hahn, and L. Olson; abstaining Commissioner Ballard.

Summary of Levee Park Proposal – Chad Ubl

Mr. Moeller noted that given recent discussion with Commissioner Mandi Olson, she thought it might be a good idea to request that Chad Ubl, Community Services Director, provide a summary of plans for the Levee Park Rehabilitation Project. Given that, Mr. Ubl had agreed to attend this afternoon.

At this point, Mr. Ubl provided a summary of the recommendations that had been developed by the College of Design at the University of Minnesota. A copy of the plan, along with citizen comments of the document, may be viewed at the City website.

In concluding, Mr. Ubl explained that the Levee Park Committee is currently developing recommendations for Council consideration. It is anticipated that these will be presented to Council at a pre-Council meeting on June 16th. Any person desiring to attend this meeting was welcome to do so.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:00 p.m.

Mark Moeller
City Planner

PLANNING COMMISSION

AGENDA ITEM: 3. Public Hearing – Zone Change Request M-1 to B-2

PREPARED BY: Mark Moeller

DATE: May 27, 2014

BASE DATA

Petitioner and Property Owner: Commercial Court Partners

Location: Exhibit A1 and A2. 152 West Third Street. The rezoning site includes “separate” parcels located north and west of 152 West Third. Both are currently used for accessory parking.

(Note: In accordance with City policy, if re-zoning of the site is granted, approved zoning will extend to the center of abutting Third and Center Street right-of-way.)

Area: Approximately .58 acres (25265 sq. ft.)

Existing Zoning: M-1 (Light Industrial)

Existing Uses: Use of the present structure includes an accounting office and related business offices at the ground floor, and a vacant second floor.

Surrounding Land Use/Zoning: (Exhibit A-2)
North: Public Alley and Retail Office / B-2
South: Third Street and Residential / B-2
East: Johnson Street and Telephone Facility / B-2
West: County Owned / M-1 Leased to Monument Company

Requested Zoning: As requested, the applicant seeks B-2 (Central Business District) Zoning.

Neighborhood Zoning History: Given original Comprehensive Plan recommendations, the 1959 Zoning Plan designated lots 8 and 9 (generally the building and north parking lot location) as B-2. This was changed to its

current M-1 classification in November 1967 to facilitate light industrial expansion of the Boland Manufacturing Company. Industrial use continued to exist on the site until the mid 70s, at which time, the structure began its transition to office/retail use. Although now vacant, the structures second floor was occupied by Sprint for a call center. This use ceased in early 2012.

Generally, “immediate” neighborhood use patterns have changed little since the 1959 Zoning Plan and have continued to reflect commercial/residential patterns to the north, east, and south.

Although use of the abutting parcel, to the west, is used for monument scribing and sales, the remainder of the block (zoned M-1), is used for commercial/residential purposes. Beyond that, the next City block (also zoned M-1), has transformed to an extension of the County Government Center.

ANALYSIS

1. Was there an error or oversight in approval of original (1959) zoning of the site?

The previous indicates that although initial (1959) zoning of the site was B-2 (Central Business District), this was changed to M-1 (Light Industrial) in order to facilitate the expansion of a light industrial use of the site. Although the 1967 rezoning was not totally consistent with original Comprehensive Plan Central Business District designations of the site, its intent was to facilitate the expansion of an established business. As such, was not unreasonable. Additionally, since it served to extend existing industrial zoning from the west, the rezoning action was not totally arbitrary. Both zoning and rezoning of the site appear to have followed proper protocols. No error or oversight is noted.

2. Have there been changes in area development patterns, since original 1959 zoning that may serve to support rezoning?

Yes. As reflected under the Base Data Section, although commercial use has remained relatively stable to the north, east and south, the City has seen a movement “away from” the industrial use of M-1 zoned lands to the west. In part, these have been replaced by the present “service” orientation of the Winona County Courthouse/office complex.

3. Would potential uses of requested B-2 zoning impose “undue hardship” (relating to noise, odors, etc.) on neighboring properties?

As a “down zone” request, approval of it would create fewer permissible uses on the site than what now exist. However, the B-2 District would allow a handful of uses that are specifically prohibited within the M-1 District. These include any form of residential, schools and medical facilities, and other institutions for human care. Residential uses would be subject to those performance standards of R-3 zoning. Since the site is located within the definition of a Central Business District (Washington to Market, River to Fifth), no use of the building would be subject to off-street parking standards. However, the site does include two surface lots that currently provide off-street parking amenities to site/area tenants.

Given that requested B-2 zoning would be the same as that zoning to the north, east, and south, and is potentially less impacting than current M-1 zoning to the west, “undue hardships”, resulting from approval of this request, are not anticipated.

4. Would the public interest be better served if rezoning was considered within another area?

In part, the purpose of zoning is to achieve the highest and best use of land. If this can be accomplished without compromising neighborhood characteristics, overall positive values (needed land and tax base) result. Given previous discussion, approval of the B-2 request would be consistent with B-2 zoning patterns/use that presently exist to the north, east, and south. Additionally, since present M-1 zoned lands, located both within the rezoning site, and to the west have “generally” transitioned to nonindustrial use, it makes no rational sense to retain this classification within the immediate neighborhood. In response to this question then, rezoning would promote the public interest.

5. Could the rezoning be construed as being spot zoning?

Spot zoning occurs if one of the following tests are met:

A. The rezoning action results in benefits that are only realized by the petitioner.

Although approval of the request may benefit the applicant, previous discussion would indicate that requested B-2 zoning would “better” reflect current neighborhood trends showing movement away from industrial use, for this area. Given this, the community would be better served by implementing zoning classifications that support development/redevelopment activities consistent with long range visions of the City Comprehensive Plan.

- B. The rezoning is considered to be arbitrary, capricious, or unreasonable.
Given present neighborhood use/zoning patterns, the request is not arbitrary, capricious, or unreasonable.
- C. Rezoning is not consistent with goals and objectives of the 2007 Comprehensive Plan.
Provisions of this plan recommend:
- A Downtown Mixed Use Concept for the site and surrounding neighborhood. This concept is designed to promote a mix of government offices, significant retail, arts and entertainment, mid to high-density housing, and public/private parking facilities.
 - In referencing challenges to downtown zoning, the Comp Plan notes that “Much of the downtown is zoned for industrial use, which does not reflect its existing character or desired mix of uses. This mismatch between zoning and land use creates obstacles for reuse of historic industrial buildings for uses such as housing.”
 - Encourage a diversity of housing types as part of mixed use concepts. This cannot be achieved within areas zoned industrial.
 - Promote appropriate zoning that will lead to desired mixed use concepts.

RECOMMENDATION

In summary, the analysis has concluded that:

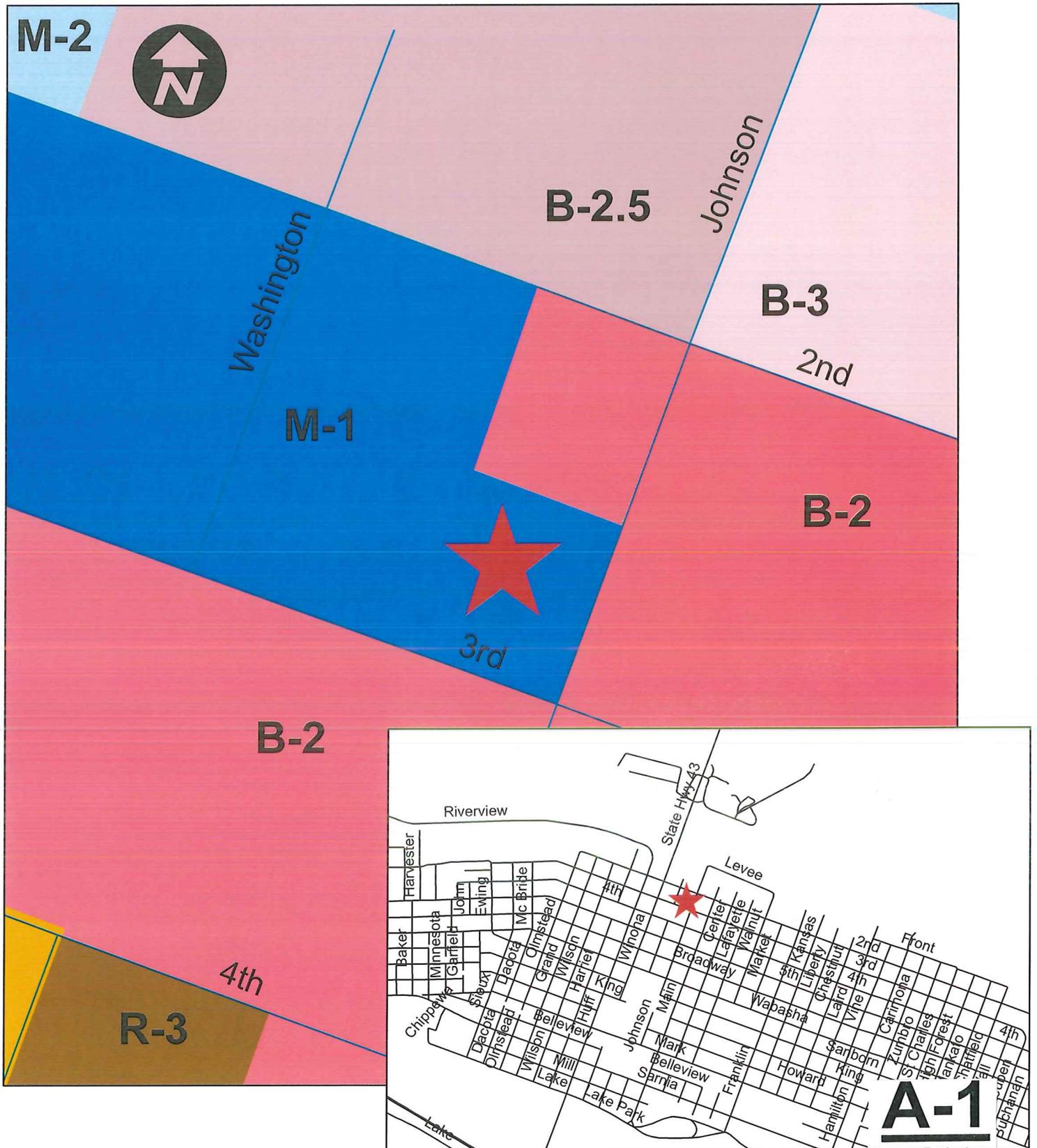
1. No error or oversight in original zoning was made in original (1959) and subsequent 1967 rezoning of the site.
2. Since 1967 rezoning, use of the immediate neighborhood to the north, east, and west, has changed little. However, existing industrially zoned lands to the west have experienced a transition away from industrial use.
3. Rezoning of the site to B-2 will not result in “undue” impacts on the neighborhood.
4. Consideration of the rezoning site for the proposed use is not unreasonable.
5. Spot zoning is not evident, while approval of the request would be consistent with the City’s present Comprehensive Plan.

Given the previous, staff recommends approval of this request. Should the Commission concur, a motion to approve should be forwarded to Council. Options to this action include:

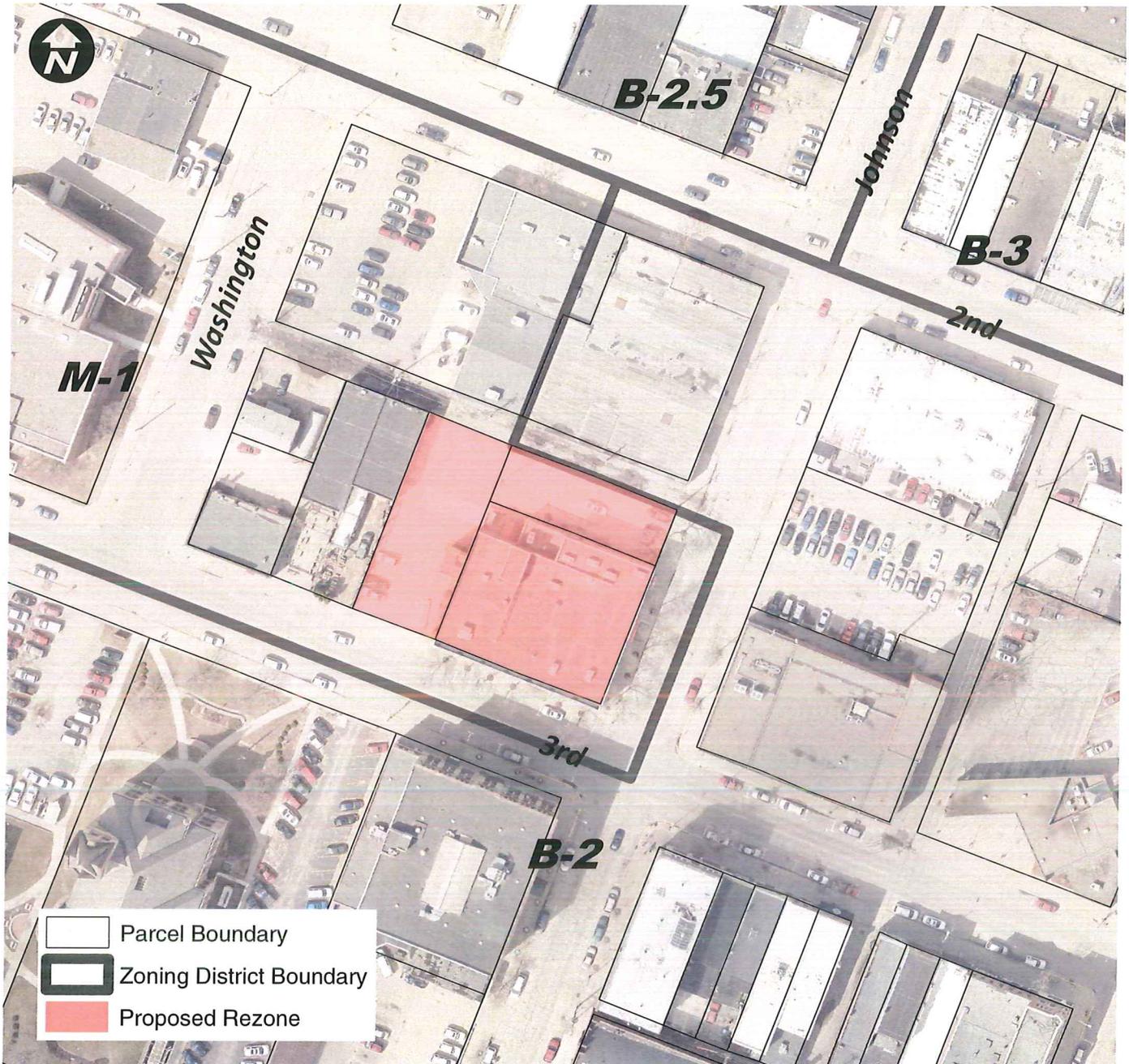
- A. Deny the request, with cause (findings).
- B. Amend the request.
- C. Table for additional information.

Attachments

Rezone M-1 to B-2



Proposed Rezone M-1 to B-2



This map was compiled from a variety of sources. This information is provided with the understanding that conclusions drawn from such information are solely the responsibility of the user. The GIS data is not a legal representation of any of the features depicted, and any assumptions of the legal status of this map is hereby disclaimed.

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Feet

May 21, 2014