



CITY HALL

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November 5, 2014

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, November 10, 2014, at 4:30 p.m. in the Council Chambers** of the Winona City Hall.

1. Call to Order
2. Minutes – October 13, 2014
3. Public Hearing – Rezoning Request – Automotive Enterprises LLC – R-1 to B-3
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: October 13, 2014

TIME: 4:30 p.m.

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

ABSENT: Commissioner Davis and Porter

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

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

Approval of Minutes – September 22, 2014

The minutes from the Commission's meeting of September 22, 2014 were reviewed and upon motion by Commissioner Boettcher and second by Commissioner Buelow were unanimously approved as submitted.

Public Hearing – CUP Ordinance Amendments

Vice Chair Hahn called on Carlos Espinosa to provide a summary of this item.

Mr. Espinosa stated that during Commission's last meeting, this item had been forwarded to a public hearing. As currently proposed, highlights of the ordinance would:

1. Present New Conditional Use Permit (CUP) Standards – These standards would apply to all CUP applications, and then would be in addition to specific standards for each conditional use, as outlined under applicable zoning districts. Outside of district standards, he explained that the revised ordinance presents 10 general standards that the Planning Commission would need to consider in approving or denying a Conditional Use Permit. During the Commission's discussion of the draft ordinance, a fair amount of Commission review had been made of the third condition applying to diminished value as originally drafted, this provision read as follow:

"(3) Considering existing circumstances and potential uses under existing zoning, the conditional use will not substantially impair the use and enjoyment of other property in the neighborhood and will not substantially diminish the value of such property."

As modified during the Commission's last meeting, this provision now reads as follows:

"(3) Considering existing circumstances and potential uses under existing zoning, the conditional use will not substantially impair the use and enjoyment of other property in the neighborhood and may not adversely affect neighboring property values."

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Given the previous, Mr. Espinosa stated that the term "will not substantially diminish the value of such property" would be removed while the term "may not adversely affect neighboring property values" would be added.

Mr. Espinosa stated that under the revised ordinance, Conditional Use Permits would be fully reviewed by the Planning Commission as opposed to the current process of review by the Board of Adjustment.

Under the proposal, minor staff amendments, to approved conditional use permits, would be permitted. Given this, staff would notify the Commission of minor amendment approvals. Those amendments which might affect neighborhood compatibility or public health, safety, and welfare must be approved by the Planning Commission through the full CUP process.

The ordinance would also require that approved CUPs be implemented within a one year time frame from approval. If this is not conceivable, an applicant could request an extension from City Council. At this point, Mr. Espinosa presented a brief power point presentation reflecting a simplified example as to how the revised process would work, and what would be considered during that process.

In concluding, he explained that following its consideration of this item, the Commission has three alternative actions this afternoon. These include:

1. Approving the ordinance as presented.
2. Making additional modifications prior to approval.
3. Tabling the ordinance for further consideration at a future meeting.

At this point, Vice Chair Hahn opened the public hearing and called for any person who wished to speak to present first their name and address.

Kay Shaw, 2281 Goodview Road, noted that she and her husband presently reside in a home that they acquired in 1990. The home is located approximately one quarter mile from the Hemker sand processing site on Goodview Road.

In her presentation, Mrs. Shaw alluded to a recent conversation she had had with Mr. Espinosa relative to the Hemker sand processing facility. In response to that, Mr. Espinosa had forwarded a study which had been considered by the Commission some time ago, defining the present use and generally explained why it is currently being considered a nonconformity.

Although Mrs. Shaw indicated that her presentation did focus on the Hemker facility, Mr. Hahn stated that the purpose of today's meeting is to hear proposed code amendments related to a modification of the conditional use permit process. Given that, the meeting is not designed to facilitate site specific problems related to current sand processing facilities. If desired, that discussion could occur at a later date.

Mrs. Shaw stated that her primary concern at this point were the number of trucks that are serving the facility. Although the earlier nonconformity study had indicated a maximum

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number of trucks to the facility, she has observed trucks entering and exiting the facility every 4-5 minutes.

Mr. Espinosa reaffirmed that the purpose of this afternoon's hearing was to consider proposed CUP Ordinance amendments.

Steve Schild, 1282 West Broadway, suggested that the ordinance include strong provisions related to enforcement. He noted concern with empowering staff to make minor modifications without "first" advising the Commission, and further suggested that the ordinance be as stringent as possible.

Marie Kovesci, 133 Whispering Lane, suggested that all nonconforming City sand processing facilities be brought back to the Commission for further review. She also had concern of the concept of allowing City staff to approve minor modifications and felt that the public should be fully involved in any changes which are allowed to a conditional use.

In response, Mr. Espinosa noted that the minor amendment provision of the ordinance would apply only after the approval of a conditional use permit. As defined, minor amendments could include changes in the site design of the applicable property that do not affect neighborhood compatibility or the public health, safety, or welfare and that do not violate any of the approved conditions of the CUP. Further, although minor amendments may be approved by the City Planner, the City Planner would need to notify the Planning Commission of the minor amendment approval.

Mr. Espinosa further noted that language about enforcement in the CUP process is included in the draft ordinance at pages 3 and 4.

Stewart Shaw, 1281 Goodview Road, asked what entitles a use to be grandfathered? His concern is that as long as a grandfathered use is maintained and is not modified, it can exist forever. He felt that such uses should be subject to a conditional use process at some point in their life.

There being no one further to speak for or against the proposal, the public hearing was closed.

Commissioner Buelow suggested that the word "county" be added to condition number 10 of the draft ordinance. In addressing the property value issue, he further suggested that language, as presented by Mr. Espinosa, be adopted.

Following brief discussion, it moved by Commissioner Fritz to recommend approval of the proposed CUP ordinance, as presented this afternoon with the following amendments:

1. Insert the word County at condition number 10.
2. Add language to condition part (d) 3 and the end of part d that clarifies the issue of "diminished property value".
3. Require minor amendments to be reviewed by the Commission.

The motion was seconded and when the question was called, the vote of the Commission was unanimous to approve the motion.

Election of Officers for 2015

Vice Chair Hahn called on Dale Boettcher to present a Nominating Committee's recommended slate of officers for the coming year.

Mr. Boettcher noted that in discussing nominations with both persons, Wendy Davis has agreed to serve as Chair, and Ed Hahn for Vice Chair, for the coming year.

Given a motion and second to approve the Nominating Committee's report, the vote of the Commission was unanimous to in accepting it.

Other Business

Commissioner Fritz stated that he would like the Commission to discuss the current site plan review process. As noted during a previous meeting, he is suggesting this review with the intent of better defining when site plans should be reviewed by the Planning Commission. It was noted that this item would be brought back for discussion.

Commissioner M. Olson noted that there may be issues in enforcement of the current Conditional Use Permit that was granted to a sand processing facility in the Commercial Harbor area.

Mr. Espinosa noted that although conditions of that permit require moisture testing of every barge that leaves the facility, it is not fiscally possible for staff to undertake that review. However, spot checks of barges that have left indicate that all have been in compliance with ordinance provisions relative to moisture.

In further addressing grandfathering provisions, Mr. Espinosa stated that most of these are directed by State law as well as City Code. In most cases, grandfather uses have certain protections unless they are somehow modified. In that case, a conditional use permit may be required.

Commissioner M. Olson suggested that the Commission's agenda be modified to include a category entitled something like advanced planning, that the purpose of providing updates of various long range planning activities. Mr. Espinosa responded that this could be done.

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

PLANNING COMMISSION

AGENDA ITEM: 3. Public Hearing – Rezoning Request – Automotive Enterprises LLC – R-1 to B-3

PREPARED BY: Mark Moeller

DATE: November 10, 2014

BASE DATA

Petitioner: Andrew Dahl, on behalf of Automotive Enterprises LLC

Property Owner: Automotive Enterprises LLC

Location: As reflected on Exhibit A, this rezoning request includes two lots (794 Johnstone Street and 1258 Parkview Avenue) that are located southerly of Highway 14/61, northerly of Lake Boulevard, westerly of the Automotive Enterprises Toyota Dealership, and within the westerly half of Outlot 1, Johnstone's Addition residential subdivision.

(Note: In accordance with City policy, if re-zoning of these properties is granted, approved zoning will extend to the center lines of abutting Highway 61 and Lake Boulevard right-of-way. This concept is reflected on Exhibit A.)

Area: Properties involved in this request encompass approximately 1.07 acres of land, while impacted abutting street right-of-way totals .33 acres for a total land area of 1.4 acres.

Existing Zoning: R-1 (One Family Residence)

Existing Uses: Both lots include one family residence homes, and out buildings. 794 Johnstone Street was constructed in 1976, while 1258 Parkview Avenue was constructed in 2003.

Surrounding Land Use/Zoning: **North:** Highway 61 right-of-way/R-1 (proposed B-3)
South: Lake Boulevard right-of-way / R-1 (proposed B-3)

East: Auto Dealership/B-3
West: One Family Residence/R-1

Requested Zoning: As requested, the applicant seeks B-3 (General Commercial) Zoning of both parcels, to facilitate the westerly expansion of a new GMC dealership facility being developed to the east. Although homes exist on both parcels, both are planned to be razed within the immediate future.

Neighborhood Zoning History: As part of Johnstone Addition, both parcels have been zoned R-1 since 1959 adoption of the City's original zoning plan. Although Johnstone Addition (platted 1948) has continued to maintain this classification, certain changes to "neighborhood" zoning/use patterns have occurred since original zoning. These include (reference Exhibit A):

Northerly of Highway 61

- 1960-1965 – R-1 to B-2 (facilitated development of what is now the Winona Mall. Sugarloaf Ford dealer and K-Mart properties).
- 1968 – R-1 to B-1 (Tires Plus)
- Actual development of the previous rezoning sites occurred between the 1965-1996 timeframe. Other changes to this area included Vila Street construction in 1992-93, with the traffic light at 61 being added in 1996. This controlled intersection also connects to Service Drive south of Highway 61, providing primary access to auto dealer uses in that area.

Southerly of Highway 61

- 1981 – R-1 to R-2 (One to Four Family Residential) land encompassing what is now the Toyota dealership, and townhouse development to the east.
- A subsequent request to return zoning of the previous area to R-1 was denied in 1981.
- 1988 – R-2 to B-3 (present Toyota Dealership property) Property initially developed in 1989-1990. The easterly "body shop" structure was added in 2002.
- 2003 – R-1 to R-3 – affecting 1221 Service Drive (the westerly lot of the former Cornerstone Community Church site). This request, relating to a new funeral home development proposal, was

ultimately denied.

- 2001-2006 – Development of Lakeview Townhome Subdivision, abutting the Toyota auto dealership site on the east.

- 2014 – R-1 to B-3 – 3.4 acre proposed GMC Dealership site located westerly of Toyota Dealership property (former Cornerstone Community Church). Following zoning approval, applicant (Automotive Enterprises LLC) received Council approval of a license agreement to “use” Service Drive, southerly of Hwy 61 (Exhibit E) for auto dealer operations. This was followed by the Commission’s conditional approval of a final site plan (Exhibit F) for the project. Again, approval of the current request would facilitate the westerly expansion of the GMC facility. As of this date, a building permit has been issued, and development of the new GMC site is underway.

Site Description:

- Site Topography: As referenced on Exhibit B, 794 Johnstone Street slopes downward from Lake Boulevard to its northerly side. The steepest slopes of this parcel are adjacent to Lake Boulevard right-of-way, with grades averaging 35%. For the remainder of the site, grade moderates to an average of 6%. Exhibit B also shows that, given historic land disturbance activities for adjoining westerly development, the majority of this lot surface drains to the GMC development, where it is presently picked up by a storm sewer system terminating at the Highway 61 ditch.

Topography for 1258 Parkview Avenue is classified as level with surface drainage generally being directed to the north and south.

Note: As a side to this discussion, City Code Chapter 68 (Stormwater Management) would require that any “increase” in surface drainage occurring from future development/redevelopment of the site, be managed “on-site” by appropriate stormwater systems. Examples of such systems include holding ponds, rain gardens, or underground retention facilities. These would be certified through the preparation of an overall Stormwater Management Plan that is submitted to the City Engineer for approval and permitting, prior to undertaking site grading activities. In part, this requirement defines the location of the proposed stormwater detention pond shown on the existing site plan (Exhibit F).

- Vegetation: Although a buffer of trees occupies the slope abutting 794 Johnstone Street, the remainder of the site would generally be classified as a lawn.

- Soil Classification: Pursuant to the Winona County Soil Survey, land located between Highway 61 and Lake Boulevard, along the easterly of Johnstone Addition, includes Marshan and Otter silt loam soil types. In combination with observed springs within the area, properties of these soils include a high organic matter, leading to a high moisture content, and poor drainage. Given these constraints construction limitations for most uses are classified as severe. However, as reflected in present development of the immediate neighborhood (i.e.: established Toyota dealership site to the east), “symptoms” of this soil type may be overcome with proper engineering and planning.
- Access: Primary access to both parcels is presently provided from Johnstone Street and Parkview Avenue. Given that both parcels are planned to be absorbed and redeveloped “as part” of the new GMC auto dealer site (east), future access to them will evolve from that part of Service Drive accessing the new GMC site.

Note: Side notes to this discussion include:

1. During April/ May 2014 Commission/Council hearings of the earlier Automotive Enterprises LLC rezoning request (new GMC development site), the Johnstone Addition neighborhood expressed significant concern that the new auto dealership could promote vehicle traffic “through” the neighborhood. In addressing this concern Commissioners were directed to City Code Section 43.37 (b) which reads as follows:

“Easements of access or access drives to a use in a nonresident district shall not be located within a residential district.”

Although the previous would apply to “easements of access or access drives”, the provision does not necessarily apply to public streets that may include a residential classification. Therefore, in applying this provision to the present request, if rezoning of 794 Johnstone Street was “fully” approved, unrestricted vehicle access of the parcel, from Johnstone Street, would be permitted. If not desired, this option could be terminated by retaining R-1 zoning of “some” portion of the westerly side of the property. During the previous Automotive Enterprises LLC request, it was determined that the retention of a one foot strip of land along the westerly side of the rezoning site would be adequate to prevent “free vehicle” access between the auto dealership site and Johnstone Addition neighborhood. Should approval of the present request occur, it should be conditioned on a similar provision (illustrated on Exhibit C).

It is further noted that 1258 Parkview is accessed by an easement that crosses land previously zoned for the GMC site, and to which the one foot provision currently applies.

2. Given 1988 rezoning approval of the present Toyota dealership site and 2014 rezoning for the new GMC site, adopted ordinances included a restriction preventing access between the site and Lake Boulevard to the south. Should approval of this request occur, a similar restriction should be considered.
- Utilities: Current utilities serving the immediate neighborhood are reflected on Exhibit D. As noted, utilities serving proposed rezoning parcels are located under Johnstone Street and Parkview Avenue Right-of-Way. Generally, neighboring utility mains (east) are subject to public “easements” represented by blue, orange, and green shaded areas on the Exhibit. For reference, the sewer easement flowing along the easterly side of 794 Johnstone Street has a width of 20 feet. Since the purpose of these easements is to protect both the integrity of, and accessibility to underlying utilities, structural encroachments onto them would not be permitted. Although nonstructural encroachments (landscaping, lawns, parking areas, etc.) would be permitted, in the event of a utility problem, these features may need to be disturbed to correct the problem.

Current vs. Requested Zoning:

Permitted Uses of “present” R-1 site zoning include the following:

- One family dwelling.
- Religious/educational facilities (not less than 40 feet from lot lines).
- Parks (local to national)
- Emergency service, municipal, county, state, and federal administrative buildings (60 feet from lot lines – excluding storage yards and warehouses).

R-1 District Conditional Uses (requiring Board/Commission approvals) include:

- Land alterations (when not accessory to construction of a permitted use).
- Regional pipelines, power transmission lines, transmission towers (subject to section 43.21-regulating use setbacks and heights)
- Residential Retreat Centers
- Bed and Breakfast Homes (max. of three guest rooms)
- Two family dwellings located on lots abutting, or within 100 feet from a less restrictive district (direct access to a primary/secondary thorough fare)
- Hospitals, religious, and charitable institutions (minimum 40,000 square foot lot and 50 feet from lot lines)

Permitted Uses of “requested” B-3 (General Business District) zoning include:

- General retail/service (virtually any type)
- Wholesale, warehousing, and storage

- Automotive services – for sale, display, and repair, including sales lots, repair garages, etc. (no part within 50 feet of an R – residential district)
- Animal hospitals, kennels, boarding (200 feet from any residential district)
- Small animal, veterinary clinics (50 feet from residential district)
- Building and related trades – including carpenter, electrical, or heating shops (100 feet from R-S and R-1 residential districts)
- Printing (100 feet from R-S and R-1 residential districts)
- Bottling works/wholesale bakeries (200 feet from R-S or R-1 districts)
- Miscellaneous trades, including sheet metal or welding shops (100 feet from R-S or R-1 districts)
- Contractors yards (building – 50 feet from any residential district, enclosed storage yards – 200 feet from any residential district)
- Small breweries (100 feet from any residential district)
- Residential use (1-4 family structures – subject to R-3 district standards)

In addition to the previous, as the City's "least restrictive" commercial district, the B-3 classification would permit uses of more restrictive B-1, and B-2 districts. Permitted Uses of these generally include:

- General retail/service – grocery, barbershops, laundrys, etc.
- Offices
- Restaurants
- Service stations with minor repair (50 feet from residential districts)
- Outdoor Advertising
- Motels/Hotels
- Banks
- Trade or Business Schools
- Newspaper Publishing
- Commercial Recreation (200 feet from residential districts)

Note: All B-3 uses are subject to performance standards of Code Section 43.33 requiring that they not be objectionable by reason of "odor, dust, smoke, cinders, fumes, noise, vibration, refuse matter, or water carried waste," and that uses be conducted within buildings except for the incidental display of merchandise, loading/unloading, parking and the outdoor display or storage of vehicles.

ANALYSIS

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

No, current R-1 zoning was applied to the site in accordance with appropriate State and local enabling laws, existing in 1959. Additionally, this initial

classification was consistent with recommendations of the 1959 Comprehensive Plan calling for “medium density” residential use of the requested rezoning parcels and surrounding neighborhood.

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

As reflected under the Base Data Section (Neighborhood Zoning History), land use patterns immediately adjacent to both parcels, at their north (Highway 14-61), south (Lake Boulevard), and west (Johnstone’s residential development) sides have remained stable since 1959, while property to the east has experienced a transition to auto dealership/service use. Beyond this immediate neighborhood, land northerly of Highway 14-61 has transformed from a (1959) planned medium density residential area, to a highway oriented commercial center.

In addition to the previous, both parcels, given their relationship to Highway 14-61, have been, at least, indirectly impacted by changes occurring within the Highway corridor. The more notable of these including:

- A significant rise in vehicular traffic flow. Given most recent (2011) MnDOT data, the stretch of highway adjacent to the rezoning site, generated an average daily count of 18,300 vehicles per day. This compares with vehicle totals of 3590 in 1958 and 16,800 in 1999.
- As noted under the Base Data Section, the construction of the Vila Street (signalized) intersection in the early to mid 90s, does promote a certain level of “stop and go” traffic noise between it and other controlled intersections to the west.

Although these factors may be “secondary” to the rezoning request, they should be considered as part of its evaluation.

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

A summary of uses, permitted under current R-1, and requested B-3 zoning was presented under the Base Data Section. As noted from this, requested B-3 zoning would permit an auto dealership use **if** structural and auto display areas are separated from any residential zoning district by a minimum 50 foot wide buffer. Presuming approval of this request, such a buffer would be applicable to the west side of 1258 Parkview Avenue, and to the south and west sides of 794 Johnstone Street. Outside of the buffer requirement, code is silent as to how it should be treated to mitigate incidental (light, noise, and visual) impacts resulting from the dealership use. However, this detail is one that may, along with other specific site development issues, be “better addressed” during the projects site

plan review process. It is noted that although this process is typically administrative, the Commission could request its own formal review in order to ensure that details and concerns, in part deriving from the rezoning process are addressed. It is recommended that this requirement be conditioned on any recommendation to approve zoning.

Although this request does relate to a specific/desired use for the rezoning site, the Commission is “traditionally” advised to consider potential impacts of all other uses that may be permitted under requested zoning. In part, this advice is based upon the fact that once property is rezoned, any use permitted under the new zoning class would be possible on the property. As applied to this case, the transition from R-1 to B-3 zoning is significant. As the City’s least restrictive commercial class, the B-3 district would permit virtually any commercial use imaginable, with all bringing varying levels of “impact”. Although staff generally feels that the majority of impacts, resulting from most of these uses, may be mitigated, it cannot guarantee that some unforeseen (permitted) use may surface that generates unreasonable (undue) impacts. With that uncertainty, denial of the request could be warranted.

As an option to a blanket denial, following discussion with the City Attorney, staff is suggesting that the Commission (City) could base its analysis solely on the applicants intended auto dealer use for effected parcels. Following this analysis, if it was concluded that the use could reasonably be designed to “fit in” with the neighborhood, “contingent approval” of the request could be granted. Under this approach, the Commission would, following its analysis of the “intended use” for properties, tie a rezoning recommendation to certain performance requirements similar to what was done with initial site rezoning occurring several months ago. In this discussion, the Commission might also suggest/recommend various strategies that would serve to mitigate anticipated neighborhood concerns pertaining to the use. Again, these strategies would be certified during subsequent site plan review of the modified project.

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/stability, overall positive values (needed land and tax base) result. In this case, the request has been submitted by an auto dealer whose dealership is being displaced by the Winona Bridge Project. Given the sites orientation/access to a major highway, limited supplies of City commercial land for needed to accommodate auto dealer uses, and that it abuts land, owned by the petitioner, (already used for auto dealership purposes) the selection of this site, for auto dealer expansion, is completely logical. Again, if land use issues and concerns, resulting from the commercial/residential “relationship” at the sites

west side, can be reasonably addressed, an increased tax base from this church owned property is expected.

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.

As previously noted, this request relates to the petitioners need to find an alternative site for their GM auto dealership. Again, this use is required to relocate because of the Winona Bridge Project. Approval of the request would certainly benefit the petitioner. At the same time, it would serve to retain an established/viable business within the City, leading to expanded employment and presuming that significant land use conflicts do not result, tax base opportunities, benefitting all citizens.

B. The rezoning is considered to be arbitrary, capricious, or unreasonable.

Given that the rezoning site would serve to expand (be part of) existing auto dealership use to the east, and is oriented towards, with direct access to, Highway 14-61 to the north, the request is not unreasonable.

C. Rezoning is not consistent with goals and objectives of the 2007 Comprehensive Plan.

The City 2007 Comprehensive Plan reflects General Commercial use of the neighborhood extending to, but not necessarily within, “developed portions” of the Johnstone Addition. Since approval of this request will compromise two developed lots of the addition, the Commission should fully discuss this inconsistency before acting on the request. In part, the purpose of this discussion would serve to overlay anticipated use “impacts” with available “mitigation strategies” in defining whether request approval may/may not, have significant negative effects on the stability of the neighborhood.

RECOMMENDATION

In summary, the analysis has concluded that:

1. No error or oversight was made in original 1959 zoning of the site.
2. Since original zoning, changes in neighborhood zoning, and land use patterns, have occurred.
3. Approval of the rezoning could open the site to virtually any commercial use. Although all may offer varying degrees of potential neighborhood impacts, the analysis made no firm determination that some of these uses could result in impacts classified as “undue”.

4. Consideration of the rezoning site, for an expanded auto dealership site, is not an unreasonable idea.
5. Although Spot zoning is not evident, the Commission will need to address a noted inconsistency between approval of the request and the Comprehensive Plan. Although this inconsistency, does not necessarily mean that the request should be denied, it does require a meaningful discussion as to how the commercial encroachment might impact the neighborhood. In part, this discussion may result in the identification of certain strategies/requirements that could be used in mitigating noted impacts.

Given the previous, staff recommends that approval of this request be subject to a modification of rezoning limits to exclude a 1'-0" strip of land located upon and along the easterly boundaries of both parcels. Again, the purpose of this exclusion would be to restrict future vehicular traffic flow between the Johnstone's Addition and rezoning site, as was discussed under the Base Data Access section. Per City Code Section 43.37 (b), the retention of this area of R-1 zoning would prohibit free traffic flow between residentially and commercially zoned lands.

In summary of the "contingent rezoning" process, discussed under analysis question 3, should both the Commission find that approval is appropriate, it is recommended that this option be conditioned upon the following requirements:

1. Review of modified site/grading plans by Planning Commission. Although Commission approval was granted to the "initial" GMC development site plan in July of this year, approval of this request will mandate modified site, grading, and stormwater plans prior to development of added properties. Given Commission analysis of the rezoning request, it could specify data/ideas it would like to see incorporated on the plan, with the intent of addressing issues/conflicts.
2. No access to Lake Boulevard. Consistent with approval actions taken with previous Toyota and GMC rezonings.
3. Combine all parcels into one.

Optional actions to the previous include:

- A. Deny the request (with stated reasons).
- B. Modify the request (this option would generally equal denial).
- C. Table the request for further information.

Hearing Notice Process and Public Feedback to Date

Per City Code Section 43.31, following applicants October 23rd submittal of the rezoning application, notice was published in the Winona Daily News on October 29th, and sent to all property owners within 350 feet of both parcels on October 27th. Published notice certifications, along with a listing of properties notified, are attached as Exhibit G.

Since publication distribution, staff has received limited feedback from Johnstone Addition residents expressing concerns of:

- Potential vehicle traffic between their neighborhood and the new dealership site.
- Lighting Issues.
- Noise.
- The final “form” of the 50 foot buffer (how will it be landscaped).
- Potential street parking within Johnstone Addition by dealership employees.

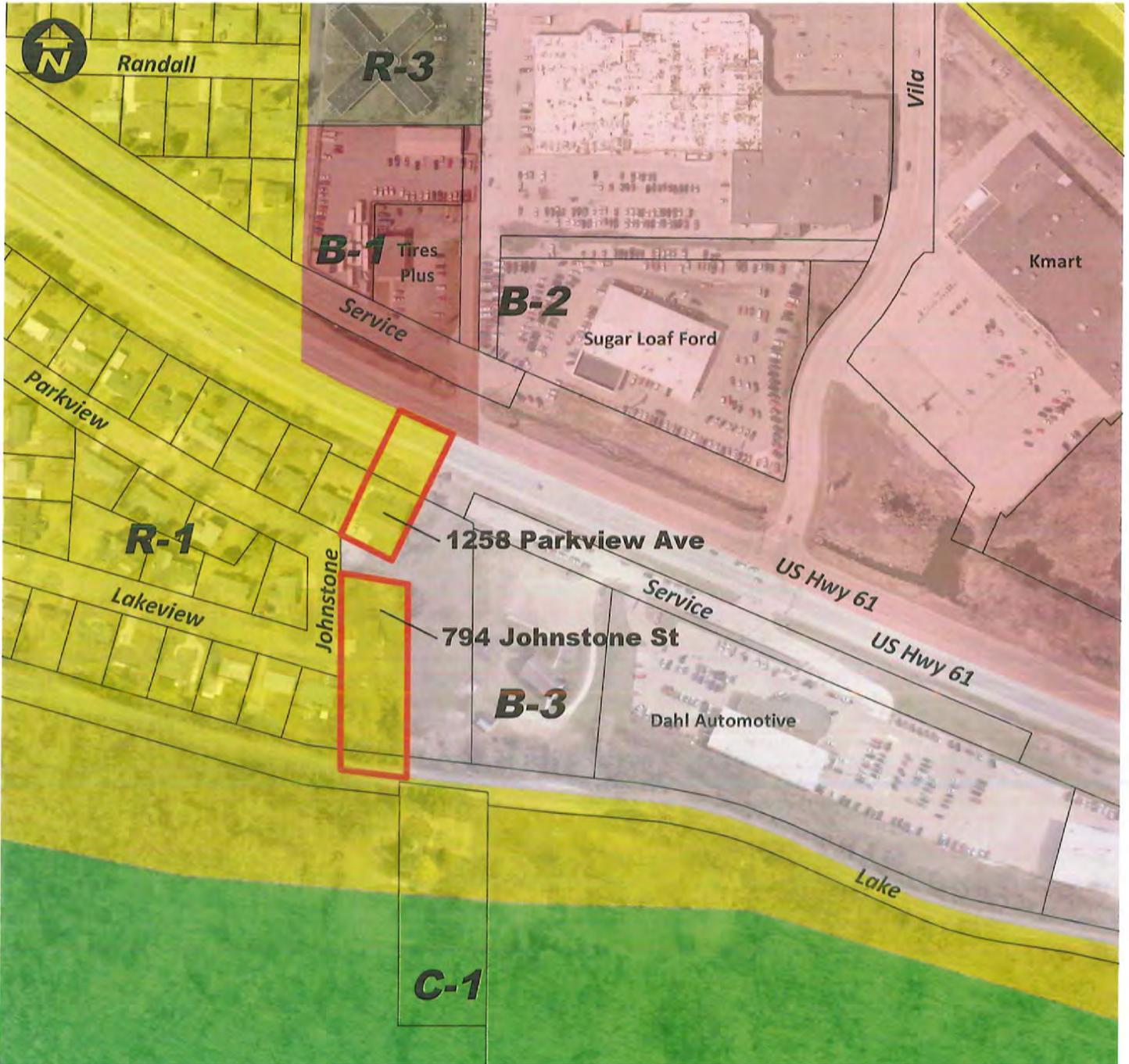
Attachments



Requested Zone Change R-1 to B-3

A

 Requested Zone Area



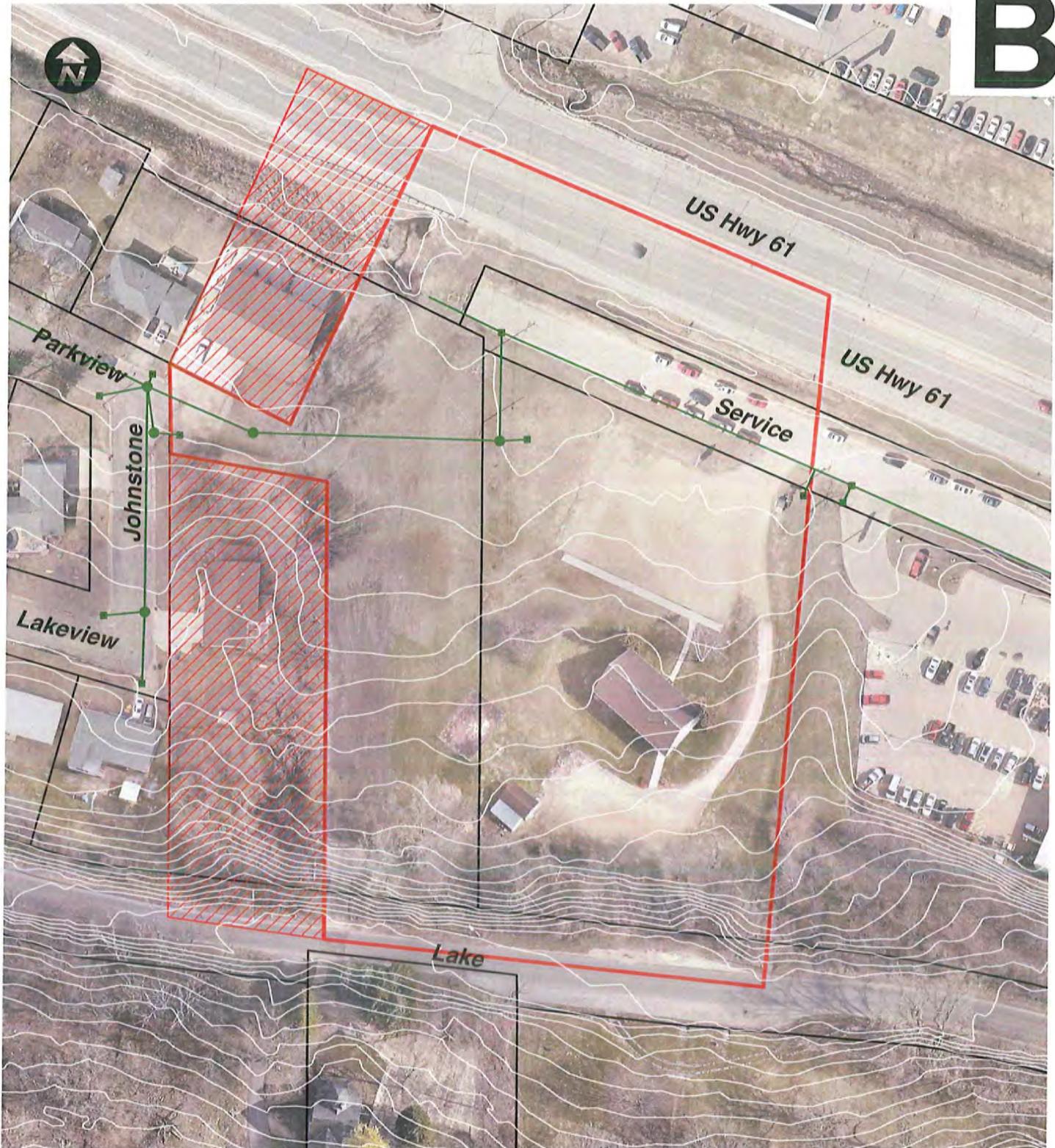
This map was compiled from a variety of sources. This information is provided with the understanding that conclusions drawn from such information are solely the responsibility of the user. The GIS data is not a legal representation of any of the features depicted, and any assumptions of the legal status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



October 27, 2014

Requested Rezone Area w/ Contours

B



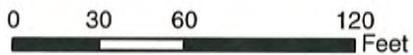
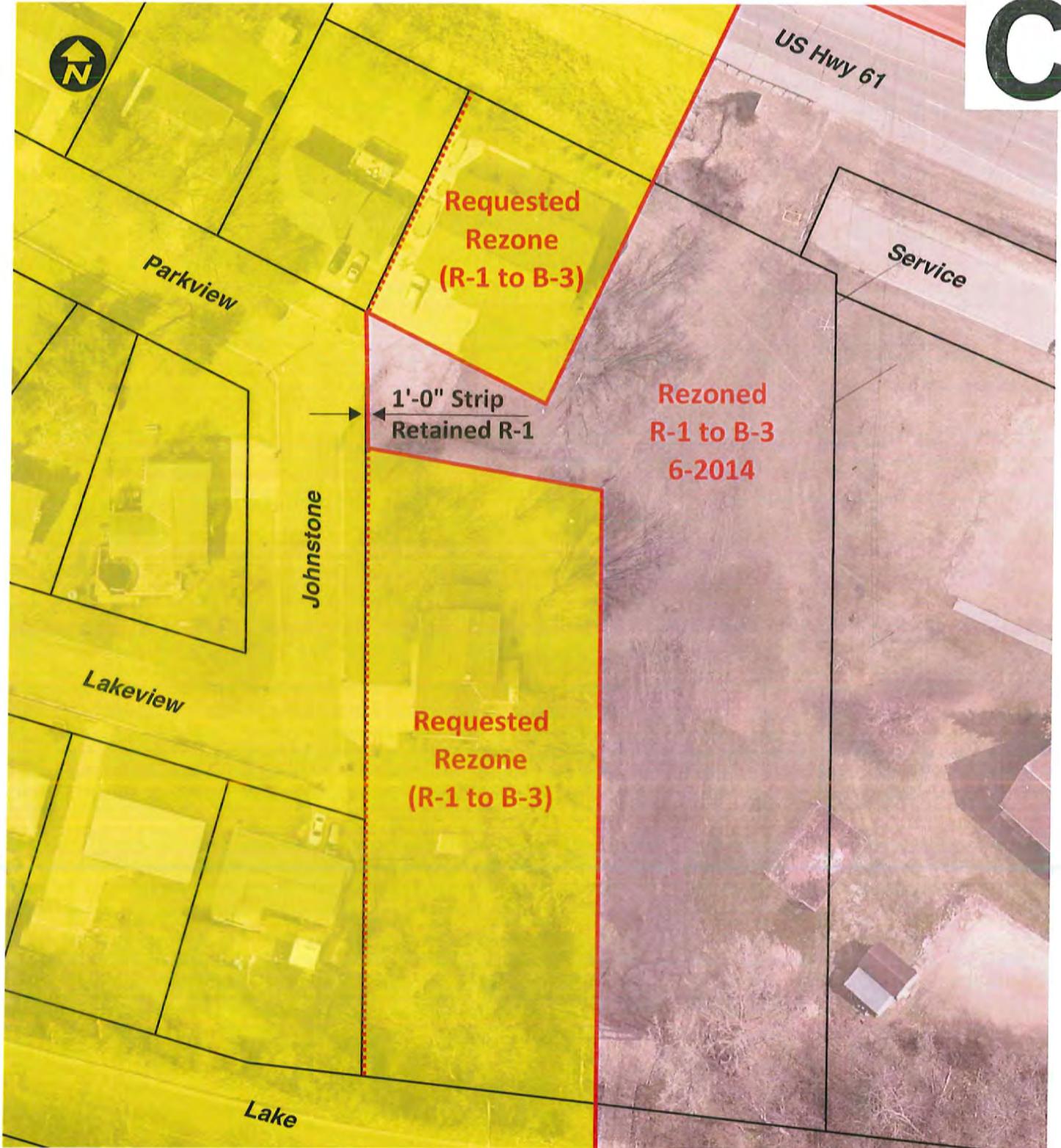
-  Requested Rezone Area (R-1 to B-3)
-  Area Rezoned, 6/2014 (R-1 to B-3)
-  storm catchbasin
-  storm manhole
-  storm sewer mains

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October 2014

Land Retained as R-1 Zoning District

C



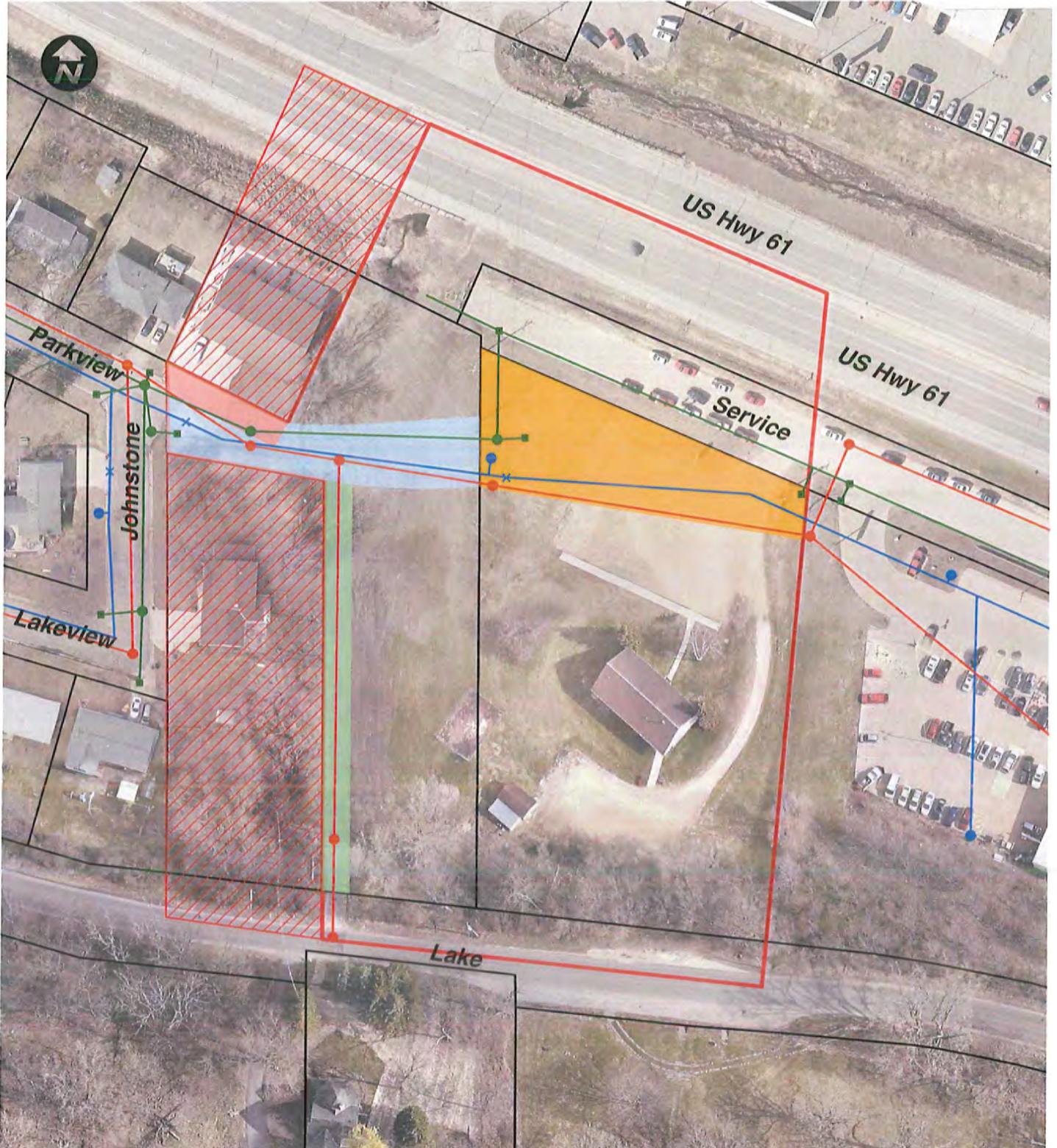
..... 1'-0" Strip, Retained as R-1

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.

October 2014

Requested Rezone Area

D



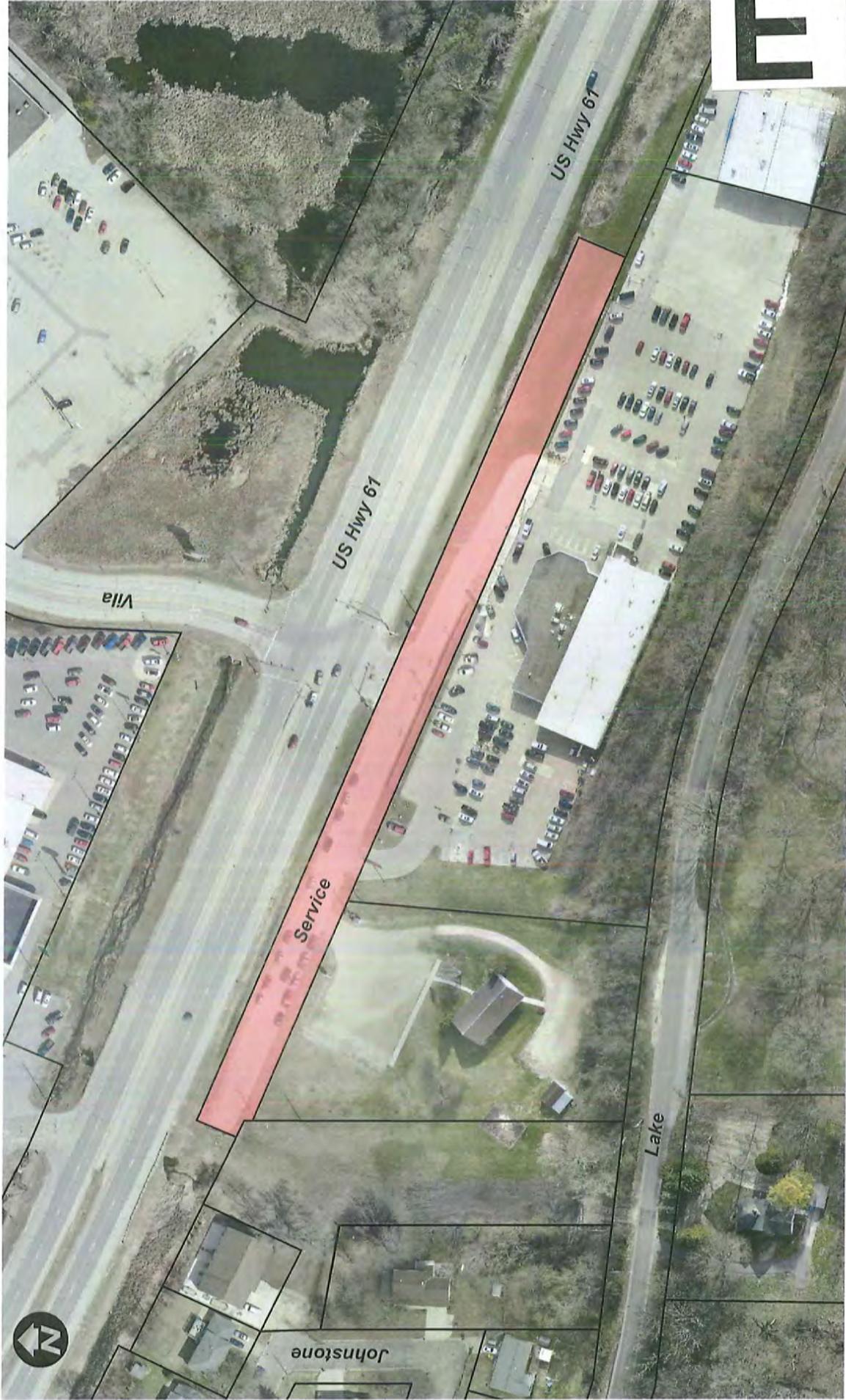
0 50 100 200 Feet

-  Requested Rezone Area (R-1 to B-3)
-  Area Rezoned, 6/2014 (R-1 to B-3)
-  storm catchbasin
-  storm manhole
-  storm sewer mains

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.

October 2014

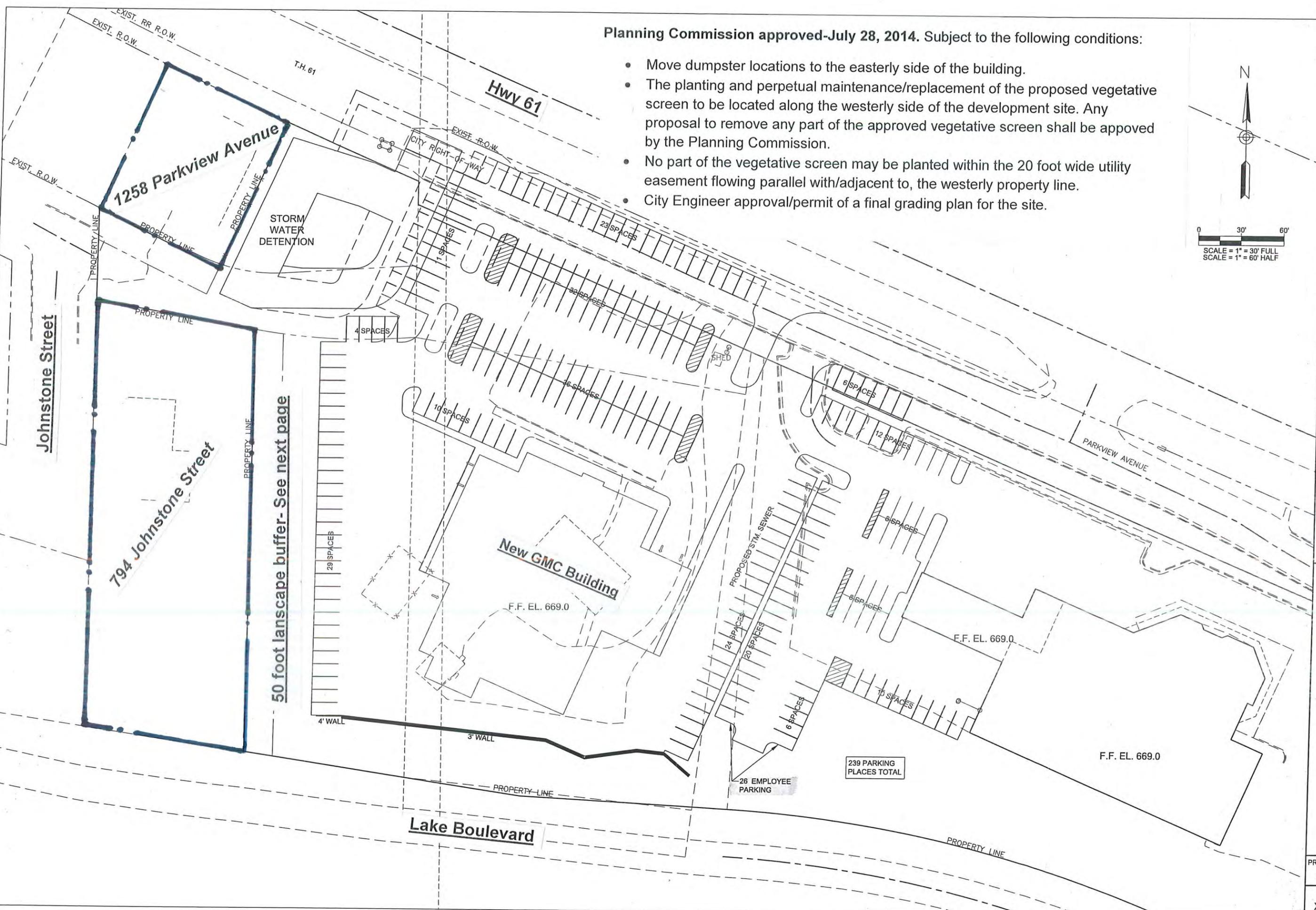
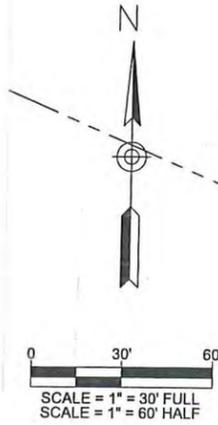
Dahl License Agreement



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Planning Commission approved-July 28, 2014. Subject to the following conditions:

- Move dumpster locations to the easterly side of the building.
- The planting and perpetual maintenance/replacement of the proposed vegetative screen to be located along the westerly side of the development site. Any proposal to remove any part of the approved vegetative screen shall be approved by the Planning Commission.
- No part of the vegetative screen may be planted within the 20 foot wide utility easement flowing parallel with/adjacent to, the westerly property line.
- City Engineer approval/permit of a final grading plan for the site.



| | | |
|------------------|--|---------|
| REVISION DATE | | REMARKS |
| FIELDBOOK: XXX | | |
| SCALE: AS SHOWN | | |
| DRAWN: SRS | | |
| CHECKED: DRC | | |
| DATE: 07/18/2014 | | |

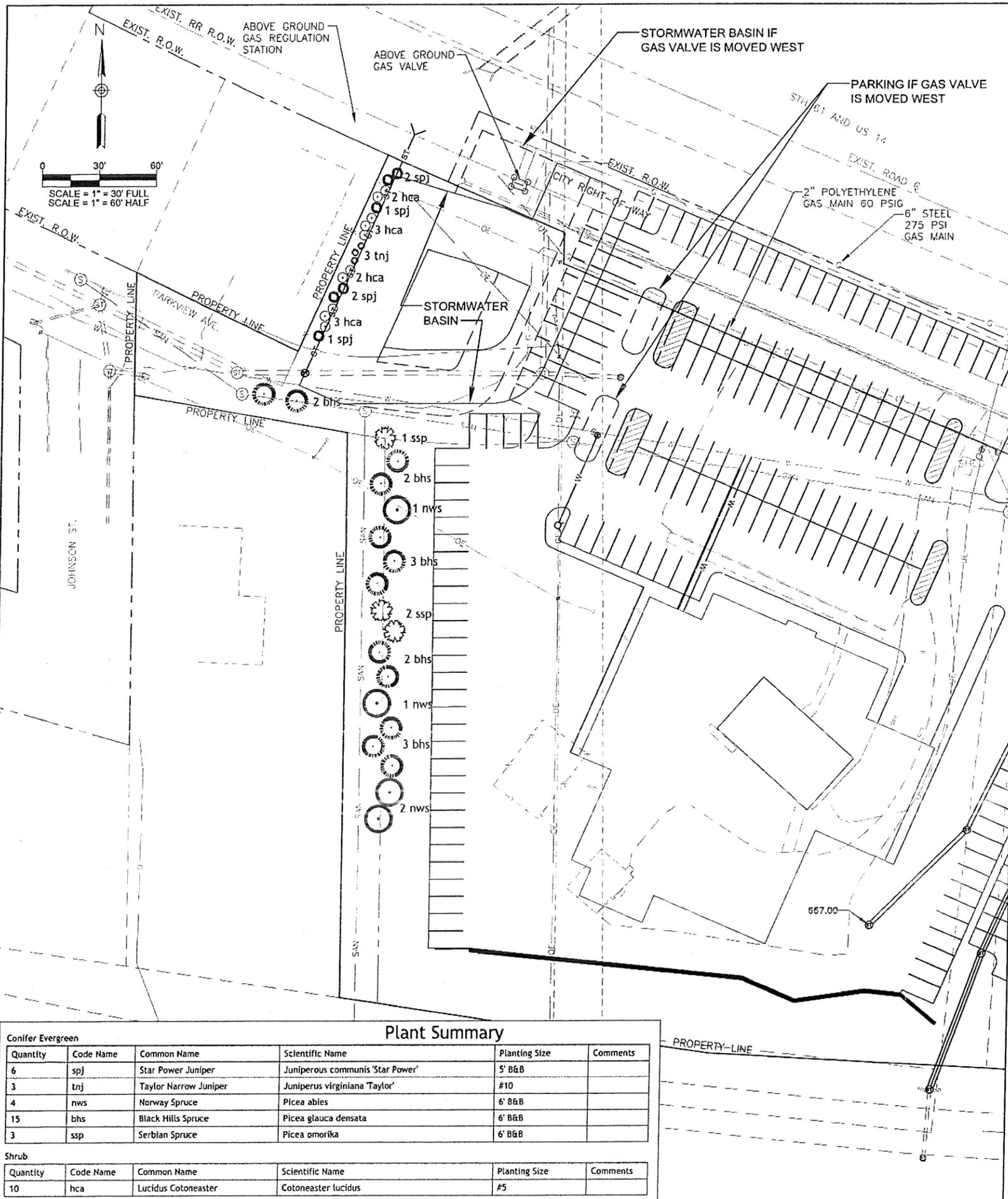
DAVY ENGINEERING
 DAVY ENGINEERING CO.
 LA CROSSE, WISCONSIN

SITE PLAN
 DAHL GM
 WINONA, MINNESOTA

PROJECT NUMBER
 8214-001.020
 SHEET NO.
 X OF X

F

C:\Users\james.Dahl\Documents\8214-001\8214-001 PR SITE PLAN.dwg, 7/18/2014 3:34:30 PM, Adobe PDF



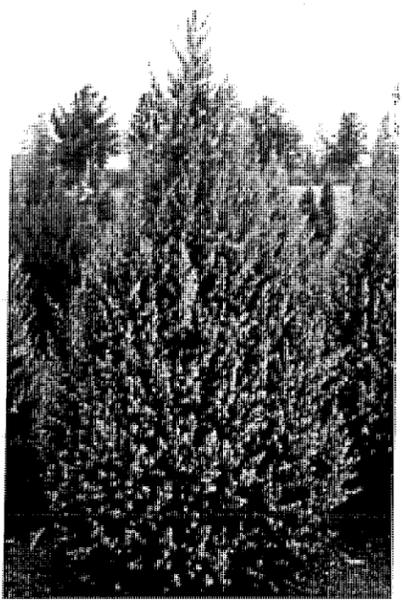
| Plant Summary | | | | | |
|-------------------|-----------|-----------------------|--|---------------|----------|
| Conifer Evergreen | | | | | |
| Quantity | Code Name | Common Name | Scientific Name | Planting Size | Comments |
| 6 | spj | Star Power Juniper | <i>Juniperus communis 'Star Power'</i> | 5' B&B | |
| 3 | tnj | Taylor Narrow Juniper | <i>Juniperus virginiana 'Taylor'</i> | #10 | |
| 4 | nws | Norway Spruce | <i>Picea abies</i> | 6' B&B | |
| 15 | bhs | Black Hills Spruce | <i>Picea glauca densata</i> | 6' B&B | |
| 3 | ssp | Serbian Spruce | <i>Picea omorika</i> | 6' B&B | |
| Shrub | | | | | |
| Quantity | Code Name | Common Name | Scientific Name | Planting Size | Comments |
| 10 | hca | Lucidus Cotoneaster | <i>Cotoneaster lucidus</i> | #5 | |



BLACK HILLS SPRUCE



NORWAY SPRUCE



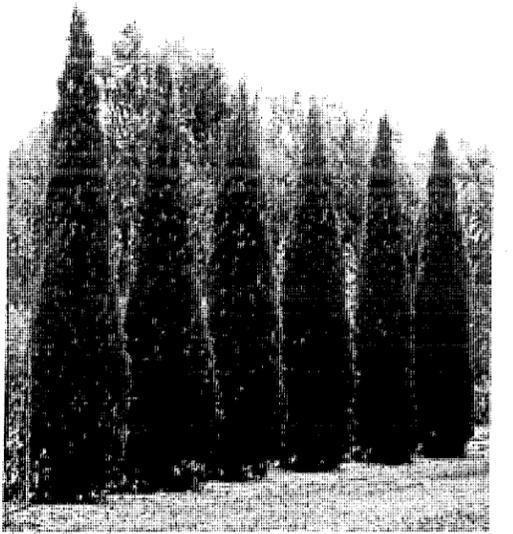
STAR POWER JUNIPER



LUCIDUS COTONEASTER



SERBIAN SPRUCE



TAYLOR NARROW JUNIPER

DAVY ENGINEERING APPRECIATES THE ASSISTANCE AND PROFESSIONAL EXPERTISE PROVIDED FROM WINONA NURSERY WHILE PREPARING THE LANDSCAPE PLAN.

| | |
|------------------|---|
| REVISION DATE | REMARKS |
| FIELDBOOK: XXX | <p>LANDSCAPING PLAN</p> <p>DAHL GM</p> <p>WINONA, MINNESOTA</p> |
| SCALE: AS SHOWN | |
| DRAWN: SRS | |
| CHECKED: DFC | |
| DATE: 07/18/2014 | PROJECT NUMBER |
| | 8214-001.020 |
| | SHEET NO. |
| | X OF X |



DAVY ENGINEERING CO.
LA CROSSE, WISCONSIN

H:\AutoCad Drawings\2014\DWG\8214-001 Dahl Automotive\8214-001 Dahl Automotive\CAD Drawings\Cad\8214-001 PR LANDSCAPING PLAN.dwg, 7/18/2014 3:05:52 PM, Adobe PDF



NOTICE OF PUBLIC HEARING
 DATE OF HEARING: Monday, November 10, 2014
 PLACE OF HEARING: City Hall, Council Chambers
 CONTACT PERSON: Mark Moeller, City Planner
 SUBJECT: R-1 to B-3 Rezoning
 On Monday, November 10, 2014 at 4:30 p.m. in the Council Chambers of City Hall, the Winona City Planning Commission will hold a public hearing to consider a request to rezone property from R-1 (One-Family Residence District) to B-3 (General

Commercial). The request has been submitted by Andrew Dahl, on behalf of Automotive Enterprises, LLC. Property involved in this request is generally defined as follows:
 Properties located within Outlot 1, Johnstone's Addition, that are described by parcel identification numbers 32.255.0380 and 32.255.0390, and are presently referenced as 794 Johnstone Street and 1258 Parkview Avenue, Winona, MN, including abutting right-of-way for U.S. Highway 14-61, and Lake Boulevard.

Further information may be obtained by contacting the City of Winona, Department of Community Development, Room 210, City Hall, 207 Lafayette Street, Winona, MN, (507) 457-8250.
 10/29 30312787

STATE OF MINNESOTA
 COUNTY OF WINONA)

T OF PUBLICATION

Pamela Pientok, being first duly sworn on oath states, or affirms, that s/he is the publisher of the newspaper known as the Winona Daily News, or the publisher's designated agent, and has full knowledge of the facts stated below:

A. The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minn. Stat. §331A.02, §331A.07, and other applicable laws, as amended.

B. The printed public notice that is attached was published in the newspaper on the following dates:

Wednesday, October 29, 2014

By Pamela Pientok
 Publisher or Publisher's Designated Agent

Subscribed and sworn to or affirmed before me on this 29th day of October 2014

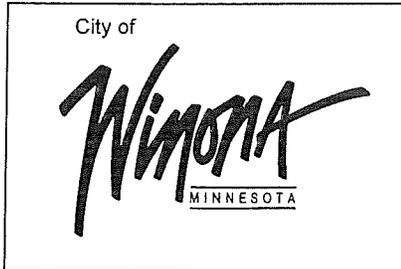
Michele Steinfeldt
 Notary Public



RATE INFORMATION

Lowest classified rate paid by commercial users for comparable space: \$ 1.81 per line

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

| PIN | PROPERTY A | OWNER FIRS | OWNER_ADDR | OWNER CITY | OWNER STATE | OWNER ZIP |
|-----------|---------------------------------|--|-----------------------------|-----------------------|-------------|-----------|
| 322550070 | 1296 PARKVIEW AVE | RICKY L PHILLIPS & PAMELA K PHILLIPS | 1296 PARKVIEW AVE | WINONA | MIN | 55987 |
| 322550080 | 1290 PARKVIEW AVE | ANTHONY O ULBRECH & TERESA D ULBRECH | 1290 PARKVIEW AVE | WINONA | MIN | 55987 |
| 322550090 | 1282 PARKVIEW AVE | ROBBIE D BROWN & TARA J BROWN | 1282 PARKVIEW AVE | WINONA | MIN | 55987 |
| 322550100 | 1276 PARKVIEW AVE | SCOTT W TOLLESON & SHARON M TOLLESON | 1276 PARKVIEW AVE | WINONA | MIN | 55987 |
| 322550110 | 1266 PARKVIEW AVE | CHUE VANG | 1266 PARKVIEW AVE | WINONA | MIN | 55987 |
| 322550190 | 1285 PARKVIEW AVE | JOSEPH A PEPLINSKI & RUTH PEPLINSKI | 1285 PARKVIEW AVE | WINONA | MIN | 55987 |
| 322550210 | 1300 LAKEVIEW AVE | CHRISTINA MEGAN NITTI | 1300 LAKEVIEW AVE | WINONA | MIN | 55987 |
| 322550220 | 1275 PARKVIEW AVE | LYLE LATTMAN | 1275 PARKVIEW AVE | WINONA | MIN | 55987 |
| 322550230 | 1292 LAKEVIEW AVE | EMERIT THOMPSON JR JULIE R THOMPSON | 1292 LAKEVIEW AVE | WINONA | MIN | 55987 |
| 322550240 | 787 JOHNSTONE ST | TODD A BELL & CAROLE BELL | 787 JOHNSTONE ST | WINONA | MIN | 55987 |
| 322550250 | 1286 LAKEVIEW AVE | MICHELE A DUFFY | 1286 LAKEVIEW AVE | WINONA | MIN | 55987 |
| 322550320 | 1297 LAKEVIEW AVE | NORMAN G KOSTUCK JR & DEBORAH L KOSTUCK | 1297 LAKEVIEW AVE | WINONA | MIN | 55987 |
| 322550330 | 1289 LAKEVIEW AVE | JAMES M CLAUSEN & KATHLEEN A SCHULER | 1289 LAKEVIEW AVE | WINONA | MIN | 55987 |
| 322550340 | 1281 LAKEVIEW AVE | JOHN J HERMANN & ANN M HERMANN ET AL | 1281 LAKEVIEW DR | WINONA | MIN | 55987 |
| 322550350 | 1271 LAKEVIEW AVE | MARK J KULAS | 1271 LAKEVIEW AVE | WINONA | MIN | 55987 |
| 322550360 | 1265 LAKEVIEW AVE | DANIEL P STEVENS & DEANNA L STEVENS | 1265 LAKEVIEW AVE | WINONA | MIN | 55987 |
| 22 | service drive mndot release 135 | | | | | |
| 322550380 | 794 JOHNSTONE ST | DANIEL G BRENDEN & THERESA A BRENDEN | 794 JOHNSTONE ST PO Box 788 | LaCrosse WI WINONA | WI | 54601 |
| 322550390 | 1258 PARKVIEW AVE | BRUCE S VOLKMAN & SHARON K VOLKMAN | 1258 PARKVIEW AVE | WINONA | MIN | 55987 |
| 323151360 | 1201 SERVICE DR | AUTOMOTIVE ENTERPRISES LLC | 711 3RD ST S | LA CROSSE | WI | 54601 |
| 323151370 | 1225 LAKE BLVD W | WINONA CITY | 207 LAFAYETTE ST PO BOX 378 | WINONA | MIN | 55987 |
| 323205400 | 1257 LAKE BLVD W | WINSTON TRUST HELEN M WINSTON LIVING TRUST | 9200 CHERRY CREEK DR APT 38 | DENVER | CO | 80231 |
| 323205470 | 1111 HIGHWAY 61 W | AUTOMOTIVE ENTERPRISES LLC | 561 THEATER RD | ONALASKA | WI | 54650 |
| 323205480 | 1213 GILMORE AVE | WINONA MALL INC ATTN: KENT HALL | PO BOX 607 | CLEAR LAKE | IA | 50428 |
| 323205510 | 1222 SERVICE DR W | B & J PARTNERSHIP | 1222 SERVICE DR W | WINONA | MIN | 55987 |
| 324690010 | 1252 SERVICE DR | APN PROPERTIES LLC | 1252 SERVICE DR | WINONA | MIN | 55987 |
| 324690030 | | B & J PARTNERSHIP | 1222 SERVICE DR W | WINONA | MIN | 55987 |
| 324690020 | 1258 SERVICE DR | B & J PARTNERSHIP | 1222 SERVICE DR W | WINONA | MIN | 55987 |
| 323204950 | | WINONA CITY | 207 LAFAYETTE ST PO BOX 378 | WINONA | MIN | 55987 |
| 322550370 | 1201 HIGHWAY 61 W | AUTOMOTIVE ENTERPRISES LLC | 711 3RD ST S | LA CROSSE | WI | 54601 |
| 23 | sercie drive mndot release 135 | | | | | |