PLANNING COMMISSION MINUTES

DATE:	April 28, 2014
TIME:	4:30 p.m.
PRESENT:	Chairperson Porter, Commissioners Boettcher, Buelow, Davis, M. Olson, Ballard, L. Olson, Fritz, and Hahn
ABSENT:	None
STAFF PRESENT:	City Planner, Mark Moeller; 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 – April 7, 2014

The minutes for April 7, 2014 were approved without changes.

Public Hearing – Rezone Request R-1 to B-3

Chairperson Porter asked if the petitioner would like to address the Commission.

Andrew Dahl stated that he represents the petitioner. Mr. Dahl stated that Dahl Automotive purchased the Walz dealership in 2012 and has been looking for a new location since that time due to the bridge project. Mr. Dahl stated that the rezoning property meets the General Motors requirements for building a new store. Mr. Dahl stated that the rezoning site is ideal given that they are already doing business on the adjacent property and GM has given preliminary approval to the proposed location. In addition, there is a January 1, 2015 deadline for the dealership to be moved because of the bridge project.

Chairperson Porter asked if Commissioners had questions for Mr. Dahl.

Commissioner Buelow asked about the plan for lighting. Mr. Dahl responded that the plan is to install new LED lighting on both the rezoning site and the existing Toyota dealership property. Mr. Dahl stated that the LED lights are designed to show straight down – literally ending light at the property line.

Commissioner Hahn noted that the west end of the rezoning property directly abuts residential property. Mr. Hahn asked where the maintenance garage would be located. Mr. Dahl stated that they are currently working on the engineering for the site, but preliminary plans would locate a new building in the same location as the existing church. The portion of the rezoning property direct adjacent to the residences would likely be used as a parking lot.

Commissioner Davis asked about setbacks for the dealership and landscaping to provide a buffer. Mr. Dahl stated that he is aware of the buffer and is open to discussion about what could go in the area. Commissioner Davis asked if Mr. Dahl had spoken to the adjacent residential property owners. Mr. Dahl said he had introduced himself, but hadn't got into specifics about the buffer area. Mr. Dahl stated that Dahl Automotive wants to be a good neighbor and example of that is the good relationship that the dealership has with the owners of the townhomes to the east of the existing Toyota dealership.

Next, Chairperson Porter called on Mr. Moeller to present the staff report. Mr. Moeller detailed the history of the rezoning lot and noted that there are a few utility easements running through the property. These easements would prohibit a structure in the easement area, but they could be utilized as part of a parking lot or landscaped area. Mr. Moeller stated that staff recommends retaining a 1foot ribbon of R-1 zoning on the west property line. This 1 ft. ribbon would prevent the use of Parkview/Johnstone streets as a western vehicular access to the site. Mr. Moeller also stated that staff recommends the rezoning be contingent upon the subject property being sold to the petitioner and permits secured within 1 year to construct an auto dealership – if this doesn't occur, the property would revert back to R-1 zoning. Also, Mr. Moeller stated that once the site plan is received for the dealership, it would be brought to the Planning Commission for review.

Given this information, Mr. Moeller presented the following findings:

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 the proposed use is not an unreasonable idea.
5. Spot zoning is not evident.

Chairperson Porter asked if access to the site via Lake Boulevard could be prohibited – same as with the existing auto dealership to the east. Mr. Moeller stated that could happen.

Next, Chairperson Porter opened the public hearing.

Norm Kostuck Jr. - 1297 Lakeview Avenue - stated that he didn't see the official announcement of the rezoning in the paper. Mr. Kostuck also expressed concerns about lighting and noise – with the potential of both to be an issue on the rezoning property.

Della Schmidt - Winona Chamber of Commerce - spoke in support of the rezoning. Mrs. Schmidt expressed confidence in the Dahl family as good corporate citizens that have a positive track record in Winona and La Crosse.

Dennis Meyer – member of Chamber of Commerce Board of Directors – stated that he was in support of the rezoning because it would help a business displaced by the bridge project

Dan Brendel - 794 Johnstone Street – stated that he lives at the property just to the west of the rezoning site. Mr. Brendel stated that he supported prohibiting vehicular access via Johnstone Street, but would like to see pedestrian and bicycle access maintained. Mr. Brendel explained that many people walk or bike through the area after crossing Highway 61 at Vila Street. Mr. Brendel also stated that he'd like to see a berm with trees in the buffer area because the rezoning site is at a lower elevation than his house and a fence wouldn't be tall enough.

Bruce Volkman - 1258 Parkview – stated that he was glad noise was being discussed because he can hear the existing PA system all day and even during the weekend when the dealership is closed. As such Mr. Volkman stated he was not in favor of the rezoning.

Rick Craft - 84 Lyngholm Drive – spoke in favor of the rezoning and stated it would be shame to lose the dealership in Winona.

Theresa Brendel - 794 Johnstone Street – stated that her main concern is water runoff from the site. Ms. Brendel stated that there is a lot of standing water in the area and she is afraid of the potential for water in her basement. Ms. Brendel stated that she supported pedestrian and bicycle access but wanted to make sure there is something constructed that would prevent vehicular access.

Nathan Glynn – 1322 Parkview Avenue – stated that he lives in the neighborhood and was aware of the noise from the highway when he purchased his home two years ago. Mr. Glynn stated that he supported the rezoning.

There being no further speakers, Mr. Porter closed the public hearing.

Commissioner L. Olson made a motion to approve the rezoning with three contingencies: 1) There shall be no access to the site from Lake Boulevard, 2) That a 1 foot ribbon of property on the west side of the rezoning area be retained as R-1 zoning to prevent vehicular access from Johnstone Street, and 3) that the rezoning be conditioned on sale of the site to Mr. Dahl for an auto dealership as outlined in the staff report.

The motion was seconded by Commission Boettcher.

Commissioner Buelow spoke in favor of pedestrian and bicycle access through the site as discussed in the public hearing.

Commissioner M. Olson asked how many hours the lights would be on. Mr. Porter reopened the public hearing so that Mr. Dahl could respond. Mr. Dahl stated that typically the lights are on until midnight and after that only security lights are on.

Chairperson Porter asked about noise standards in the City Code. Mr. Moeller responded that there are noise and lighting standards in City Code and that both of those potential issues can be addressed in detail during site plan review.

Mr. Moeller also stated that during the public hearing there was a question about public notice for the rezoning hearing. Mr. Moeller stated that he had the public notice from the paper in his hand and that notification was carried out correctly.

Mr. Ballard asked if Mr. Dahl would like to address the outdoor intercom system at the existing dealership. Mr. Dahl explained that they are in the process of updating the system this summer. After updating, the paging and phone ringing are planned to be eliminated.

Commissioner Davis stated that any traffic barriers to prohibit vehicular access should be attractive and not simply concrete.

Mr. Ballard asked if Mr. Dahl could address the lighting. Mr. Dahl stated that the lights at the Ford dealership across Highway 61 are extremely high, and that modern lights are at a lower height and shine straight down.

Commissioner Davis stated that there should be attractive landscaping in the buffer area between the dealership and the adjacent residences – not just a wall or a fence.

There being no further comments or questions, Mr. Porter closed the public hearing and asked if the Commissioners had any further comments. There being none, Mr. Porter called for a vote. Upon vote the motion passed unanimously.

Discussion – Draft CUP Ordinance Amendments

Mr. Espinosa summarized this agenda item and stated that it was being brought back to the Commission for review because there was more detail added by the City Attorney after the Commission last discussed the ordinance amendments on February 24, 2014.

Commissioner Davis stated that on page two of the ordinance, the word "not" should be added in front of "adversely affect" in number 7.

There being no further Comments or questions, Mr. Porter asked if Commissioners would like to send the draft amendments to a public hearing and there was a consensus to do so.

Air Quality Monitoring for Silica Sand Operations

Mr. Espinosa summarized the agenda item and stated that there were representatives from the Citizens Environmental Quality Committee at the meeting to help answer questions.

Commissioner Olson made a motion to not take action on the recommendations until the state comes out with standards as part of the rulemaking process. The motion failed due to lack of a second.

Mr. Porter asked if a representative from the Committee would like to speak. Bea Hoffman provided a recap on the history of the air quality monitoring recommendations from the Citizens Environmental Quality Committee. Mrs. Hoffman stated that of the nine recommendations previously sent forward, the Planning Commission and City Council approved only the calls for baseline monitoring along a truck route. In light of the EQB's recent action in March to approve the document entitled "Tools to Assist Local Governments in Planning for and Regulating Silica Sand Projects," the CEQC opted to revise and resubmit air quality monitoring recommendations to the Commission. Those recommendations are as follows:

1. Interim monitoring at facilities should commence as soon as possible.
2. Contingent upon the results of the monitoring at the YMCA, the City of Winona should make a formal request to the MPCA for an Air Emissions Risk Analysis and a Community Air Improvement Project.
3. The EQB/MPCA recommendations for air monitoring in the document entitled "Tools to Assist Local Governments in Planning for and Regulating Silica Sand Projects" should be formalized as ordinance amendments to the City Code, thus requiring air monitoring at silica sand facilities in Winona.

In addition, Mrs. Hoffman clarified that the CEQC would recommend the industry to pay for monitoring along fence lines at silica sand facilities. Mrs. Hoffman cited a letter from the MPCA previously sent to the Planning Commission which stated that "for air monitoring at an emission source, the cost is typically borne by the owner or operator of the facility."

Mr. Porter asked if there were any questions or comments from Commissioners.

Commissioner Davis stated that she doesn't think it's unreasonable to obtain a local baseline of air quality at silica sand facilities.

Mr. Porter stated that a vast majority of the sand moving through Winona has already been processed, and that the MPCA stated they do not anticipate processed [washed] sand creating air quality issues.

Commissioner L. Olson stated that the size of the particles that can cause silicosis are much smaller than the size of the sand grains moving though Winona.

Chairperson Porter stated that part of his previous decision of how to implement air quality monitoring was based on ordinance amendments made during the silica sand moratorium which require all sand moving though Winona to be wet and thus have a drastically reduced potential for creating dust.

Commissioner Buelow asked about the results of the air quality monitoring on top of the YMCA thus far. Mr. Espinosa responded that a majority of the days this year have seen a "good" rating which means no air quality concerns at all. There have been a been a few days with a "moderate" rating where air quality might be of concern to people with special respiratory conditions, and there was one day where the air quality was at a lower level of concern for people who are exercising outside or have asthma. Mr. Espinosa stated that this was the information for general particulates, and that data specifically for crystalline silica is not available yet.

Mr. Porter stated that the guidelines in the document approved by the EQB are recommendations – not regulations. Mr. Porter further stated that he thought the Commission made a reasonable decision on the first set of recommendations forwarded by the CEQC given all of the information presented during the silica sand moratorium in 2013.

Commissioner Hahn stated that one option would be to forward the item to the City Council and let them hash it out.

Commissioner Fritz stated that he supports enacting necessary regulations, but at this time, based on the information he's heard and read, the monitoring that is currently occurring at the YMCA is adequate. As a result, he would not recommend monitoring at the silica sand facilities.

Commissioner Ballard made a motion to not pass on the recommendations of the CEQC to the City Council. The motion was seconded by Commissioner Boettcher.

Commission Boettcher stated that the MPCA needs time to develop appropriate air quality regulations and that the monitoring on the YMCA is helping to provide important information. Mr. Boettcher stated that everyone will have a better idea of what is occurring after waiting a year for the monitoring results.

Next, Dr. John Nosek asked if he could speak. Chairperson Porter recognized Dr. Nosek.

Dr. Nosek stated that he is a part of the CEQC and emphasized the importance of obtaining baseline data for comparison purposes. Dr. Nosek stated that the information provided by the fence line monitoring – as recommended by the CEQC – could be used to determine if there really are issues with air quality. Dr. Nosek stated that the monitor on the YMCA is a good start, but it only gives information for one particular spot in the city. Interim monitoring as recommended by the CEQC would give additional information that could serve as a control. Dr. Nosek stated that the potential issues are not just with crystalline silica, but with diesel particulates as well.

Commissioner Davis stated that its difficult to separate one industry for regulation of general particulates when there are a number of industries in Winona that use trucks for transportation of goods. However, Commissioner Davis stated she appreciates the need for more information.

There being no other comments, Chairperson Porter called for a vote. Upon vote, the motion passed 6-1 with Commissioners Ballard, Boettcher, Davis, L. Olson, Fritz, and Chairperson Porter voting aye; Commissioner Hahn voting no; and Commissioners M. Olson and Buelow abstaining.

Adjournment

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

Carlos Espinosa
Assistant City Planner