

## PLANNING COMMISSION MINUTES

**DATE:** May 27, 2014

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

**PRESENT:** Chairman Porter, Commissioners Boettcher, Davis, Fritz, Ballard, Hahn, Buelow and L. Olson

**ABSENT:** Commissioner M. Olson

**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 Chairman Porter.

### Approval of Minutes – May 12, 2014

The minutes from the Commission's meeting of May 12, 2014 were reviewed and upon motion by Commissioner Davis and second by Commissioner Boettcher were unanimously approved as submitted.

### Public Hearing – Zone Change Request M-1 to B-2

Chairperson Porter introduced this item and called on a representative of the petition to provide opening statements.

Don Walz, Fountain City, Wisconsin, noted that he and his business partner have owned what is commonly referenced as the Commercial Court Building, 152 West Third Street for 25 years. Given a desire to retire from that enterprise, the building has been for sale for approximately 1 ½ years. Mr. Walz noted that the property is currently zoned M-1(Light Industrial) which preempts any form of residential use of it. He explained that although the property is being marketed for commercial purposes, potential buyers have expressed a desire to utilize portions of it for residential use, in the event that commercial leasing is not viable. This concern is his impetus in requesting rezoning of the property from M-1(Light Manufacturing) to B-2 (Central Business District). Given his review of the immediate neighborhood, he did not feel the change would impact any other property owner and encouraged the Commission to consider approval of the request.

In response to a question from Commissioner Boettcher, Mr. Walz noted that the rezoning site includes the Commercial Court "building" as well as two adjoining parking lots, one located to the north of the building, and one to the west. Together, these parking lots offer approximately 35 parking spaces to the building. Additionally, some of these are presently leased to the accounting firm that is located in the first floor of the building. He further explained that although the majority of the first floor of the structure is leased, the second floor is all but vacant.

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In response to a question from Commissioner Davis, Mark Moeller, City Planner, stated that the property is located within an area of the central business district that does not require off street parking for any use. However, this property is benefitted by a significant number of off street parking spaces that could, in part, accommodate residential use of the building. It was felt that this amenity would particularly benefit upscale/owner occupied housing concepts.

At this point, Chairman Porter called on Mr. Moeller to provide a summary of the staff report.

Mr. Moeller explained that the property, located at 152 West Third Street, contains approximately .58 acres of land. This figure includes both the building footprint and parking lots located northerly and westerly of the building. The property is currently zoned M-1 while B-2 zoning is being requested. This classification would be consistent with current B-2 zoning patterns located to the north, east, and south. Although land to the west is presently zoned M-1, the parcel immediately adjacent to the rezoning site is owned by Winona County and is being leased to Winona Monument Company for cemetery monument sales purposes. Beyond that, land use consists of a service club, limited residential, and the County office complex.

Historically, Mr. Moeller stated that original 1959 zoning of the building, and parking lot located northerly of the building was B-2. This was changed to M-1 in 1967 in order to facilitate an industrial expansion. Industrial use continued within the building until approximately the mid 70s at which time the structure began its transition to office retail use. He explained that 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. Again, although lands to the west are presently zoned M-1, this classification does not reflect the transition away from industrial use that the area has experienced since 1959 zoning,

In summary of the staff analysis, Mr. Moeller noted that:

1. No error or oversight in original zoning was made during initial 1959 and subsequent 1967 zoning 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 various recommendations of the City's Comprehensive Plan. Among these is a recommendation to phase industrial zoning out of the Central Business District.

Given the previous, staff recommends approval of this request. Mr. Moeller stated that should the Commission concur with this recommendation, a motion to approve should be forwarded to Council. Options to this action would include:

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

Chairman Porter then opened the public hearing and called 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 Boettcher and seconded by Commissioner Fritz to recommend approval of the request to rezone the Commercial Court building, 152 West Third Street, including abutting parking lots accessory to this property, to Council.

When the question was called, the vote of the Commission was unanimous to approve the motion.

**Other Business**

Chairman Porter asked if there was other business to come before the Commission. At this point, Mr. Moeller provided updates relative to the status of the Dahl Automotive rezone and site plan process, the revised plat for the Valley Oaks Seventh Addition, and code updates pertaining to the CUP Ordinance, Flood Plain Ordinance, and proposed amendments to off street parking requirements for non residential uses.

Commissioner Boettcher referenced a recent mudslide event in Colorado and noted that the Minnesota Supreme Court has decided to take up consideration of the City's 30% Rule.

**Adjournment**

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



Mark Moeller  
City Planner