CITY HALL
207 Lafayette Street
P.O. Box 378
Winona, MN 55987-0378
FAX: 507/457-8212

January 24, 2013

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, January 28, 2013, at 4:30 p.m. in the Wenonah Room** of the Winona City Hall.

1. **Call to Order**
2. **Minutes – January 14, 2013**
3. **Bed & Breakfast and Tourist Homes – Proposed Amendments**
4. **Other Business**
5. **Adjournment**

Sincerely,

Mark Moeller
City Planner

PLANNING COMMISSION MINUTES

DATE: January 14, 2013

TIME: 4:30 p.m.

PRESENT: Commissioners Boettcher, Gromek, English, Ballard, Hahn, Davis, Buelow, and Olson

ABSENT: Chairperson Porter

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 Acting Chairperson Gromek.

Approval of Minutes – December 10, 2012

The minutes for December 10, 2012 were approved without changes upon motion by Commissioner Davis and second by Commissioner Ballard.

Discussion – Proposed Amendment to Code Section 43.54.1 (Bed & Breakfast and Tourist Homes)

City Planner Mark Moeller presented the agenda item and explained the history of the "Bed and Breakfast/Tourist Home" ordinance in the zoning code. Mr. Moeller stated that a request has been received by a citizen to expand the ordinance to the R-R (Rural-Residential) District. In addressing this request, a number of questions surface, some of which include:

- Would approval such a concept compromise the intent and purpose of this "low density" R-R residential district?
- Could such a concept work if its scope (i.e.: number of guest rooms) was limited to one or two units, or by location?
- Should the concept, again, in a limited form, be permitted within all low density single family, and Agricultural Districts?
- Does such use benefit the Community as a whole?

Mr. Moeller explained that the citizen who made the request (Amy Redepenning) was present and could help answer questions.

Acting Chairperson Gromek asked about the difference between bed and breakfasts and tourist homes. Mr. Moeller responded that tourist homes do not provide food.

Commissioner Davis asked about Ms. Redepenning's request. Mr. Moeller explained that her property is in an R-R district and currently has one tourist home unit attached to her home. The unit has been allowed because of the property's history as certified duplex.

Ms. Redepenning stated that she is seeking to create another tourist home unit in a detached workshop, and City staff informed her that this would require changes to the zoning ordinance. Ms. Redepenning explained that she thinks there is a need for tourist home units in Winona because they provide an alternative to Bed and Breakfasts.

In response to various questions from Commissioners, Mr. Moeller explained that the current bed and breakfast ordinance was created before the annexation of Winona Township in 1996. The annexation of the township brought many low-density agricultural and residential properties into the City.

Acting Chairperson Gromek asked about the number of tourist homes that could be certified on a property. Mr. Moeller explained that the intent is to maintain the low-density character of the R-R zoning district. As a result, the Commission could look at setting a limit on the number of tourist homes per property – such as 2 or 3. Acting Chairperson Gromek responded that it would be important to restrict the number of tourist homes per property – potentially with lot size requirements.

Commissioner Buelow asked if the ordinance could consider buildable vs. non-buildable portions of lots. Mr. Moeller stated that was possible.

Commissioner Olson stated that he didn't have any issues with the concept of tourist homes, but sufficient off-street parking should be considered.

Mr. Moeller stated that one consideration is whether to make tourist homes permitted uses or conditionally permitted uses. The difference would be that conditional uses would require notification of neighbors and a public hearing. Acting Chairperson Gromek stated that notification of neighbors is an important consideration.

Commissioner Davis stated that a flat number such as 2 or 3 may be too small – especially considering that some existing properties may have 4-5 bedrooms. Ms. Davis stated that it may be important to differentiate between existing and new structures used for tourist homes.

Commissioner Hahn asked about the importance of historical significance. Mr. Moeller stated that historical significance was important when the existing ordinance was developed in 1986 because it was primarily targeted at the re-use of larger, older homes.

There being no further questions, the Commission directed staff to work on proposed ordinance changes for the next meeting.

Other Business

Commissioner Olson - who joined the meeting after the minutes had been approved - stated that the last sentence of the second paragraph on page seven of the minutes should be deleted. Mr. Moeller agreed to make the change to the minutes.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 5:15 p.m.

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Carlos Espinosa
Assistant City Planner

PLANNING COMMISSION

AGENDA ITEM: 3. Bed & Breakfast and Tourist Homes - Proposed Amendments

PREPARED BY: Mark Moeller

DATE: January 28, 2013

During its meeting of January 14th, the Commission considered a proposal to extend the application of the Bed and Breakfast (B&B)/Tourist Home concept to low density (AG, R-R, and R-S) residential districts of the City. As defined, both uses are designed to provide temporary housing to transient guests, for compensation, by resident families. The only major difference between them is that B&B's are "typically" licensed to serve breakfast while tourist homes are not. Again, Commission discussion of this proposal stemmed from a request by a citizen (Amy Redepenning) to formally establish a tourist home at 1735 Garvin Heights Road, and located within an R-R (Rural-Residential) low density zoning district.

As was noted during the meeting, B&Bs and tourist homes are presently permitted with R-1, R-1.5, R-2, and R-3 districts. Following discussion, the consensus of those present was to move forward with the proposal. As such, staff was directed to draft an ordinance reflecting its desire, with the following general considerations:

- Given the low density "character" of applicable (AG, R-R, and R-S) zoning districts, limit the maximum number of B&B/tourist home guest rooms with the ability to increase this number if certain conditions exist.
- Present ordinance requires no off-street parking standard for guest rooms. Given a change to the ordinance, consider the application of such a standard.
- Implement B&B and Tourist Home uses as "conditional" in all 3 districts, thereby requiring Board of Adjustment hearing/approval. Under this process, immediate neighbors would be notified.

Given Commission directive, the attached draft proposal is submitted for Commission review. The proposal contains two parts with the first addressing proposed changes to Code Section 43.54.1 (conditions attributable to B&Bs and Tourist Homes), and the second to zoning district amendments needed to incorporate the B&B/Tourist Home concept within low density AG, R-S, and R-R Districts.

The following amendments are proposed to Section 43.54.1:

a) Current provision requires home to be located within host/host family residence (the principal dwelling). Proposed language would require that the home be located on the same lot as the host/host family residence.

k) Given the previous "proposed" language would permit guest rooms within "detached" accessory structures as well as the principal dwelling.

b) Two "options" presented. Option 1 would restrict the application of home concepts to formally designated/recognized historic structures or to properties abutting (direct access to) an arterial or collector street (Exhibit A). This idea follows current philosophy, limiting homes to structures with demonstrated historic significance. In addition, since her property has direct access to a collector street designation, the amendment would "respond" to the Redeppenning request by allowing her to establish a tourist home on her property. Again, under this option, it would not be permissible to establish a B&B/Tourist Home outside of those environments noted.

Should the Commission determine that the location of homes should not be restricted, the second option would serve to simply delete present language, thereby permitting homes at any City site if allowed by underlying zoning.

(c) Language is added that would exclude undevelopable land area of a lot in calculating maximum guest room density.
(f) Language is added to require the provision of our off-street parking space per guest room. Said parking to be consistent with design standards of Section 43.37.
(g) Delete existing provision and restructure to specify an "unlighted" wall sign. This provision would be in line with existing home occupation sign standards.
(j) Language added to address homes located on property with on-site sewer. Scenario does exist within AG and low density residential districts involved in proposed amendments.

In addition to the previous, the following zoning district amendments are proposed:

- AG (Agricultural) – add language that would limit homes to no more than two guest rooms. If all guest rooms are located within existing habitable floor space of principal dwelling, permit an increase to five guest rooms (if allowed by code). Use treated as "conditional", requiring Board of Adjustment hearing/approval.
- R-R (Rural-Residential) – add language limiting the maximum number of guest rooms to two. If all are located with existing habitable floor space of principal structure, permit an increase to three guest rooms (if allowed by Code). Use treated as "conditional".
- R-S (Residential-Suburban) – same as R-R amendments.
- R-2 (One to Four Family Residence) – modify present B&B/Tourist Home references by moving present language from "accessory use" to "permitted" sections.

These, and other changes, will be discussed during the meeting.

Attachments

43.54.1 BED AND BREAKFAST AND TOURIST HOMES. All Bed and Breakfast and Tourist Homes shall be subject to the following conditions:

(a) ~~The home shall be the primary residence of the host or host family.~~ The home shall be located on a lot that includes the primary residence of, and is owned by, the host or host family.

(b) ~~The home shall have demonstrated community historical significance.~~ "Option 1" – The home shall either have demonstrated community historical significance or be located on a property that abuts and/or has primary vehicular access to a street designated as an arterial or collector on the official thoroughfare plan. For purposes of this section, the term "demonstrated community historical significance" shall include any of the following criteria:

- The structure in which the home is located is listed on the National Register of Historic Places.
- The structure in which the home is located is listed as a local historic site.
- The structure in which the home is located is listed on the City of Winona Historic Resource Survey, as retained in the City Community Development Office, City Hall.

"Option 2" – Allow Bed & Breakfast/Tourist Home Concept within any/all residential districts (where permitted). Under this option, subpart (b) would be deleted in entirety.

(c) Minimum lot area shall be computed at the rate of 1,500 square feet per guest room. This computation shall not include any portion of a lot that is considered to be undevelopable.

(d) Only paying overnight guests shall be served meals. No cooking shall be allowed in guest rooms.

(e) Guest stay shall be limited to a maximum of twenty-nine (29) continuous days.

(f) Off-street parking shall be provided on the basis of two spaces for the host or host family, plus one space per guest room. All off-street parking shall conform to location, design, and maintenance standards of Section 43.37.

(g) ~~One wall sign used to identify the facility shall be permitted and shall be no larger than two square feet in area.~~ One unlighted exterior sign shall be permitted. The sign shall not exceed two square feet in area and be attached flat to the wall of the building containing the use.

(h) The home shall be subject to the hotel/motel tax as defined in Chapter 64.

(i) A home must be properly inspected and certified pursuant to all pertinent city, county and state housing, building, fire and environmental health codes and ordinances. Proof of such certifications must be submitted to the Zoning Administrator prior to operation of the home.

(j) If not connected to a public sewer supply, the home owner occupant shall certify, through the assistance of an individual, licensed and registered by the State to perform inspections, that any on-site sewer system has adequate capacity to serve its intended use, and that the system is compliant with present State standards. In conformance with Section 27.11 (c), such a certificate shall be renewed and submitted to the City Engineering Department at three year intervals.

(k) The home may be located within a principal or accessory structure, provided that all applicable building and housing codes for the use are met.

Proposed Zoning District Amendments

Ag (Agricultural District)

43.65.1 (c) (7) Bed and Breakfast and Tourist Homes offering not more than two guest rooms; provided that the number of guest rooms may be increased to five if all are located within existing habitable floor space of the principal structure. All such facilities shall conform with provisions of 43.54.1. (Note: Use applied as a Conditional Use – Board of Adjustment approval required.)

R-R (Rural Residential District)

43.58.2 (B) (4) Bed and Breakfast and Tourist Homes offering not more than two guest rooms; provided, that the number of guest rooms may be increased to three if all are located within existing habitable floor space of the principal structure. All such facilities shall conform with provisions of 43.54.1. (Note: Use applied as a Conditional Use – Board of Adjustment approval required.)

R-S (Residential-Suburban District)

43.55 (B) (4) Bed and Breakfast and Tourist Homes offering not more than two guest rooms; provided, that the number of guest rooms may be increased to three if all are located within existing habitable floor space of the principal structure. All such facilities shall conform with provisions of 43.54.1. (Note: Use applied as a Conditional Use – Board of Adjustment approval required.)

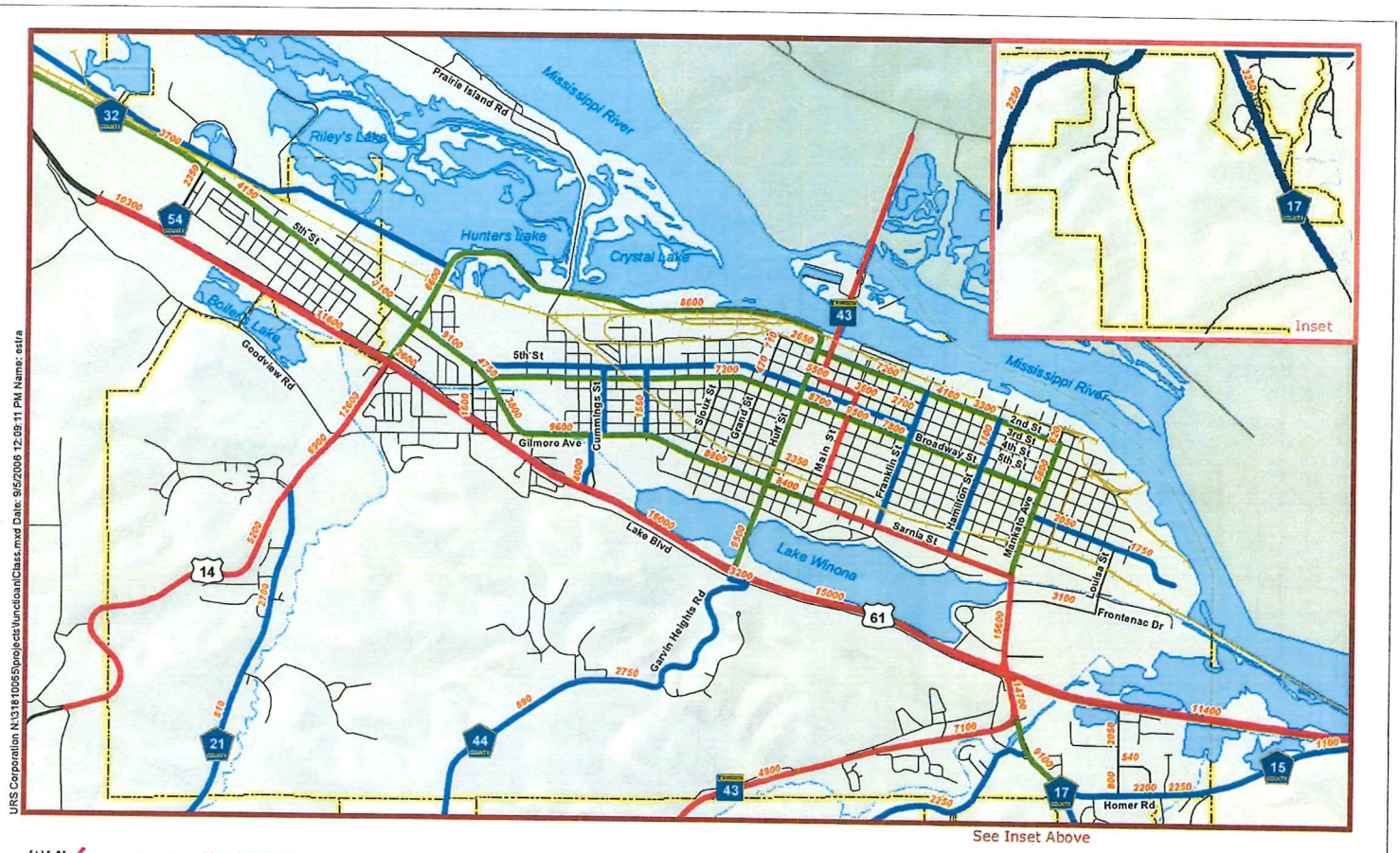
R-2 (One to Four Family Residence District)

43.57 (a) (5) Bed and Breakfast and Tourist Homes offering not more than 5 guest rooms; provided that the facility conforms with provisions of 43.54.1.

(c) Accessory Uses. Accessory uses or structures permitted and as regulated in the R-1 district and any accessory use or structure customarily incident or accessory to a principal or conditional permitted use in the R-2 district. ~~In addition, the following accessory uses and structures shall be permitted:~~

~~(1) Bed and Breakfast and Tourist Homes offering not more than five guest rooms; provided, that the facility conforms with the provisions of Section 43.54.1.~~

(Purpose of change – move Bed & Breakfasts from an accessory to permitted status. Change will not modify implementation of use within District.)



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Map Location

Functional Classification
- Major Arterial
- Minor Arterial
- Collector

Data Sources: City of Winona, MnDOT- Traffic Counts 2003, ESRI, URS

Figure 19

Functional Classifications and Traffic Counts

August 2007

0 0.5 Miles

"A"