



CITY HALL

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

February 7, 2013

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, February 11, 2013, at 4:30 p.m. in the Council Chambers** of the Winona City Hall.

1. **Call to Order**
2. **Minutes – January 28, 2013**
3. **Public Hearing – Zoning of Annexed Properties – Pleasant Valley Terrace Subdivision (#1) and County Road 17**
4. **Public Hearing – Proposed Amendments**
5. **Other Business**
6. **Adjournment**

Sincerely,

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

Mark Moeller
City Planner

PLANNING COMMISSION MINUTES

DATE: January 28, 2013

TIME: 4:30 p.m.

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

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

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

Approval of Minutes – January 14, 2013

The minutes for January 14, 2013 were reviewed and upon motion by Commissioner Olson and second by Commissioner Boettcher were unanimously approved as submitted.

Bed & Breakfast and Tourist Homes – Proposed Amendments

Chairman Porter called on Mark Moeller, City Planner to provide a summary of this agenda item. Mr. Moeller noted that during its meeting of January 14th, the Commission had considered a staff generated proposal to extend the application of the Bed and Breakfast/Tourist Home concept to low density (AG, R-R, and R-S) residential districts within the City. He stated that, as currently defined, both Bed and Breakfast and Tourist Home facilities are designed to provide temporary housing to transient guests for compensation, by resident families. The only major difference between these is that Bed and Breakfast facilities are typically licensed to serve breakfast while Tourist Homes are not. Commission discussion of this proposal stemmed from a request by a citizen (Amy Redeppening) who desires to establish a Tourist Home at 1735 Garvin Heights Road which is located within an R-R (Rural Residential) low density zoning district.

Mr. Moeller explained that since approximately 1986, Bed and Breakfasts and Tourist Homes had been permitted within R-1, R-1.5, R-2, and R-3 Districts. Again, within R-1 and R-1.5 districts, a maximum of 4 guest rooms are permitted given approval of a conditional use permit for the use. As a conditional use, the City Board of Adjustment would need to approve it during a public hearing process that is preceded by notice to the immediate neighborhood. Within the R-2 district, facilities offering no more than 5 guest rooms would be "Permitted" uses (no special approvals required). The number of guest rooms could be greater than 5 units only if the user obtained a conditional use permit. Within the R-3 district, Bed and Breakfast and Tourist Home facilities for any number of guest rooms would be considered under permitted provisions, again meaning

PLANNING COMMISSION MEETING MINUTES
JANUARY 28, 2013
PAGE 2

that no special approvals would be required for the use. Along with meeting underlying requirements of applicable underlying zoning districts, all such uses would be subject to City Code Section 43.54.1 defining standards for all Bed and Breakfasts and Tourist Home facilities. Key to these, are that such facilities must be located on property which is owned and occupied by a resident family. Additionally, such uses are currently only permitted within structures that have demonstrated community historical significance, a term that is not defined in the ordinance. Other current provisions do not require additional parking for guest rooms but do require that all such uses are subject to the hotel/motel tax as defined in Chapter 64. As noted during the January 14th meeting, since adoption of 1986 provisions, one new Bed and Breakfast facility (Alexander House) was added to the City. Of 3 existing, the other 2 had been established prior to adoption of the ordinance.

Mr. Moeller stated that following Commission discussion of this matter, it had directed staff to prepare a draft amended ordinance reflecting the following general considerations:

- Given the low density “character” of applicable (AG, R-R, and R-S) zoning districts, limit or restrict the maximum number of guest rooms, with the ability to increase the number if certain conditions exist.
- Present ordinance requires no off-street parking standard for guest rooms. If the ordinance is to be modified, consider an off-street parking standard to it.
- Implement B&B and Tourist Home facilities only as conditional within all 3 districts. As such, all would require formal approval by the Board of Adjustment. Under this process, the proposed use would be a transparent to the immediate neighborhood.

Given the previous, Mr. Moeller stated that staff had prepared ordinance amendments to Section 43.54.1. In summary these included:

- 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.
- b) Current language requires that the home shall have demonstrated community historical significance. Mr. Moeller explained that two options are presented, the philosophy of the first would continue to require that Bed and Breakfast and Tourist Homes be located within structures with historical significance. Additionally, in responding to the Redeppening request, additional language would permit homes located along arterial or collector streets provided that they have direct access to those streets. In these cases, homes would not have to demonstrate historical significance. Mr. Moeller further noted that this option included language which would serve to define the term “demonstrated community historical significance”.

A second option to this subsection would simply serve to delete any locational

PLANNING COMMISSION MEETING MINUTES

JANUARY 28, 2013

PAGE 3

standard and allow Bed and Breakfast and Tourist Homes to be located within any location of the City if applicable standards are met.

- (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 one off-street parking space per guest room. This parking would need to be consistent with design standards of City Code 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 that may be located on properties with on-site sewer. He noted that not all homes within the City are connected to City sewers. This language is designed to address those scenarios.

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. However, if all guest rooms are located within existing habitable floor space of principal dwelling, permit an increase to five guest rooms (if allowed by buildings/other codes). The use under this district would be treated as conditional, requiring Board of Adjustment hearing and approvals prior to implementation.
- R-R (Rural-Residential) – add language limiting the maximum number of guest rooms to two. However, if all are located with existing habitable floor space of the principal structure on the lot, permit an increase to three guest rooms (if allowed by building/other codes). Again, the use would be treated as conditional within this district.
- R-S (Residential-Suburban) – same language as proposed for the R-R district.
- R-2 (One to Four Family Residence) – modify present Bed and Breakfast/Tourist Home references by moving present language from accessory to permitted sections of this district. This change would not modify implementation of the use within this district.

Chairman Porter then opened the meeting to Commission discussion.

Commissioner Boettcher noted that it was appropriate to add language to the ordinance that would address on-site sewer issues.

Commissioner Olson stated that he felt the changes that staff had proposed adequately covered concerns brought up during the past meeting. He further concurred with the concept of applying limited numbers of guest rooms within AG, R-R, and R-S districts as conditional.

In response to a question by Commissioner English, Amy Redeppening noted that her home was not in close proximity to most other homes within the neighborhood. Chairman Porter asked what the Commission's feeling was of proposed options to

PLANNING COMMISSION MEETING MINUTES

JANUARY 28, 2013

PAGE 4

subpart b of the Bed and Breakfast Ordinance. Commissioner Olson stated that he preferred option 2 that would serve to delete language limiting Bed and Breakfast and Tourist Homes to certain locations within the City. In short, he did not feel there was a problem in opening these concepts to any City location provided that applicable ordinance requirements are met.

Commissioner Davis concurred with Commissioner Olson's statement, and the consensus of most was that the ordinance should be modified to employ the option 2 philosophy.

Commissioner Olson again noted that, given provisions of proposed Section 43.54.1, Bed and Breakfast and Tourist Homes are subject to a number of standards. Additionally, given that uses would be permitted only as conditional, he felt that there would be adequate transparency to establishing them and minimizing abuse. Given a poll of the Commission, the majority in attendance appeared to favor option 2.

Discussion then ensued relative to subsection e of Section 43.54.1 requiring that guest stays be limited to a maximum of 29 continuous days. Mr. Moeller noted that the 29 continuous day provision evolves from language contained in Chapter 64 related to the hotel/motel tax. Here, the tax is a requirement for transient housing that is provided for a period of less than 30 days. Concern was noted that if a Bed and Breakfast/Tourist Home use was permitted, stays could exceed this period. In that event, questions surfaced relative to ordinance management and enforcement. Again, Mr. Moeller noted that since 1986, one Bed and Breakfast facility has been added to the Cities current supply of 3. Currently, none are a problem. However, in addressing the Commission's concern, staff would develop a couple of options for review. He suggested that this could be accomplished by way of an email to all for response. The conclusion of those present was that this approach would be acceptable.

Other Business

Mr. Moeller explained that a public hearing related to the zoning of annexed properties within the Pleasant Valley Terrace Subdivision area had been established for the Commission's meeting of February 11th. That meeting may also include a hearing for a revised Bed and Breakfast and Tourist Home Ordinance.

Adjournment

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

Mark Moeller
City Planner

PLANNING COMMISSION

AGENDA ITEM: 3. Public Hearing – Zoning of Annexed Properties–Pleasant Valley Terrace Subdivision (#1) and County Road 17

PREPARED BY: Mark Moeller

DATE: February 11, 2013

General Hearing Purpose:

To consider:

1. The application of R-1 (One-Family Residence) Zoning to a total of ten newly annexed/unzoned City parcels located within the Pleasant Valley Terrace Subdivision neighborhood.
2. The application of R-S (Residential-Suburban) Zoning to a total of two newly annexed/unzoned City parcels located adjacent to County Road 17, southerly of the Pleasant Valley Terrace Subdivision.

Background

In May 2005, Wilson Township and the City entered into a joint agreement designating approximately 1700 acres of Township land for future orderly annexation. For reference, a copy of a map (Exhibit A), showing the location of orderly annexation lands, is attached. Pursuant to terms of the agreement, any property owner within the designated area may request/petition annexation of his/her property into the City. Following a 30 day review/comment period by the Township, Council enacts an approving resolution that is then submitted to the State Office of Administrative Hearings for final approval.

Given the 2005 agreement, lands referenced as Phillips and Sweetwater (Exhibit A) were immediately annexed into the City. Since the agreement, a total of twenty-one parcels, all located within Orderly Annexation (green colored) areas of the Exhibit, have been annexed under the previous process. Of these, all but two have involved developed lots. In terms of site distribution, eight parcels were located within the Pinecrest area, ten within the Pleasant Valley Terrace Subdivision, and three, one including annexed golf course property, along County Road 17.

During the Commission's meeting of August 13th of last year, it was noted that, per City Code Section 43.07 (e), newly annexed land bears no City zoning classification, unless granted in accordance with zoning amendment procedures of Section 43.31. Following its consideration of this section, the Commission ultimately "initiated" the zoning amendment process of annexed parcels. Given this action, the total of annexed parcels was broken into three "applications", and the first of these, relating to proposed R-1 zoning of the eight parcels located within the Pinecrest neighborhood, was approved by Council in early November. As noted under introductory remarks, this application/hearing proposes R-1 (One-Family Residence

District) zoning of ten parcels located within the Pleasant Valley Terrace Subdivision (#1), and R-S (Residential-Suburban District) zoning of two parcels abutting County Road 17, and southerly of the Pleasant Valley Terrace neighborhood. Parcels affected by this application are shown on Exhibit B.

Analysis

Pleasant Valley Terrace Subdivision (#1).

As originally platted, this subdivision included a total of 28 lots. Once multiple ownership and vacant lots are excluded 26 lots have been developed with one family dwellings. As a whole, the subdivision is flanked by (The Bridges) golf course to the east/south, County Road 17 to the west, and One-Family Residential development to the north. Although annexed lots presently contain no zoning classification, parcels not yet annexed retain Wilson Township UR (Urban Residential) zoning. The stated purpose of this district being to facilitate "low-density residential development in unincorporated areas that have been developed, or are surrounded by, developed lands and are near a municipality. In response to the purpose/intent of most annexation requests, and in accordance with terms/conditions of the 2005 Agreement, City sanitary sewer lines have been constructed throughout the majority of the subdivision while City water is currently available only to northerly portions of the development.

The following Table A provides detail relating to the use and structure of annexed lots located within the Pleasant Valley Terrace Subdivision (#1). (Reference Exhibit B for locations.)

TABLE A					
NAME	LOT AREA SQ. FT.	LOT FRONTAGE	MINIMUM YARDS:		
			FRONT	SIDE	REAR
Hagen	12,180	105	25	12	60
Gostomski	10,815	105	29	7	45
Dimitroff	11,220	110	25	7	43
Mauszycki	13,104	115	32	24	26
Peterson	14,552	105	25	14	88
Gibson	13,500	100	25	17	80
Kruger	16,000	155	35	23	45
Ewert	17,400	150	18	24	52
Grant	39,475	159	22	10	100
Woodworth	36,205	278.5	Vacant - Undeveloped		

Note: All but Woodworth include existing single family homes.

County Road 17 Parcels.

As reflected on Exhibit B, both of these parcels are unplatted with direct access to County Road 17. One (Feddersen) contains a single family residence, while the other (Allen) is presently vacant. Land abutting the Feddersen site to the north, south, and west is Wilson Township zoned UR (Urban-Residential) while land to the east is zoned A/NR (Agriculture/Natural Resources). Land abutting the Allen site is zoned Agricultural on all sides.

The following Table B provides additional detail relative to these parcels.

TABLE B					
NAME	LOT AREA SQ. FT.	LOT FRONTAGE	MINIMUM YARDS:		
			FRONT	SIDE	REAR
Feddersen	30,550	130	82	21	115
Allen	58,804	240	Vacant - Undeveloped		

2007 Comprehensive Plan

The 2007 Comprehensive Plan recommends “low density residential” use for all land located within those Orderly Annexation areas shown on Exhibit A. As further described, this general designation applies to those areas that are “located in the City’s Urban Expansion area as well as many existing hilltop and valley locations in the southern part of the City where steep slopes and other constraints limit densities”.

Recommendation

During the Commission’s initial consideration of this item (August 13th), it was noted that staff was recommending the application of R-1 zoning to annexed lots located within the Pleasant Valley Terrace Subdivision neighborhood and R-S zoning to the two parcels abutting County Road 17, southerly of the Pleasant Valley Terrace Subdivision. Given previous analysis, rationale for this recommendation follows:

- The City’s 2007 Comprehensive Plan has labeled all of the Pleasant Valley Orderly Annexation area for Low Density (single family) residential use.
- The Low Density Residential classification could be achieved by one of three City zoning districts including (from most to least restrictive) Rural Residential (R-R), Residential-Suburban (R-S), or One Family Residence (R-1). Single Family Residential performance standards for each of these classifications are as follows:

Zone	Lot Area	Frontage	Front Yard	Side Yard	Rear Yard
R-R	18,000	100	35	12	50
R-S	12,000	90	35	10	50
R-1	8,000	65	25	8	40

PLANNING COMMISSION

3. PUBLIC HEARING-ZONING OF ANNEXED PROPERTIES-PLEASANT VALLEY TERRACE
SUBDIVISION (#1) AND COUNTY ROAD 17

FEBRUARY 11, 2013

PAGE 4

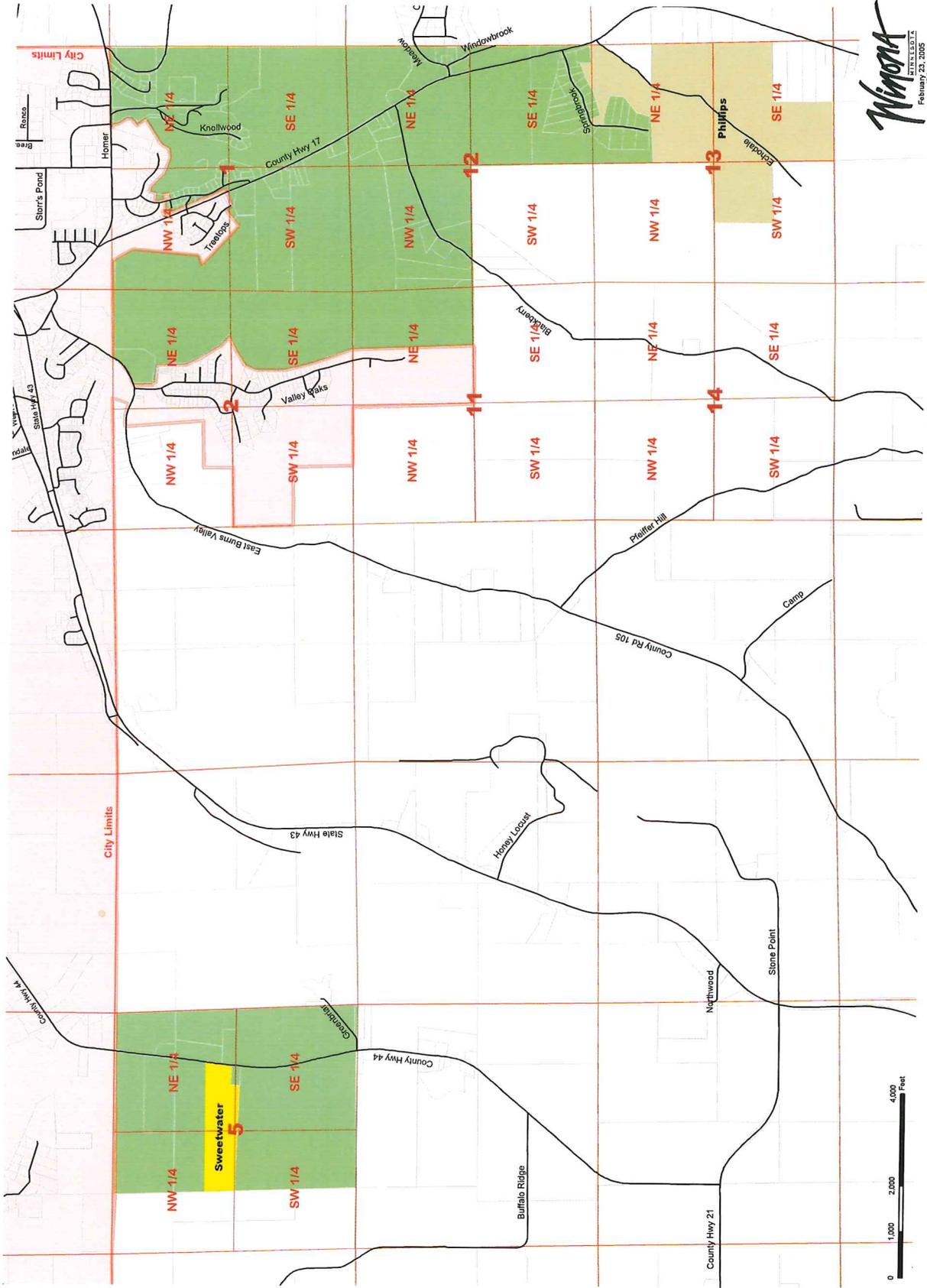
- In consideration of the previous options, R-1 zoning would provide the best fit with the diversity of lot dimensional/yard requirements reflected on the previous Table A, while R-S zoning would provide a fit to those lot conditions represented on Table B. Given these fits, existing use would be "locked in", nonconformities will be kept to a minimum, while the purpose and intent of City 2007 Comprehensive Plan would be achieved.

Given the previous rationale, approval of the proposal is recommended by staff.

Should the Commission concur with this recommendation, an adopted motion to that affect should be forwarded to Council.

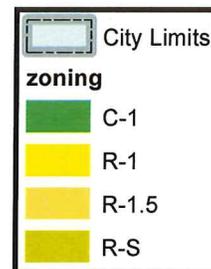
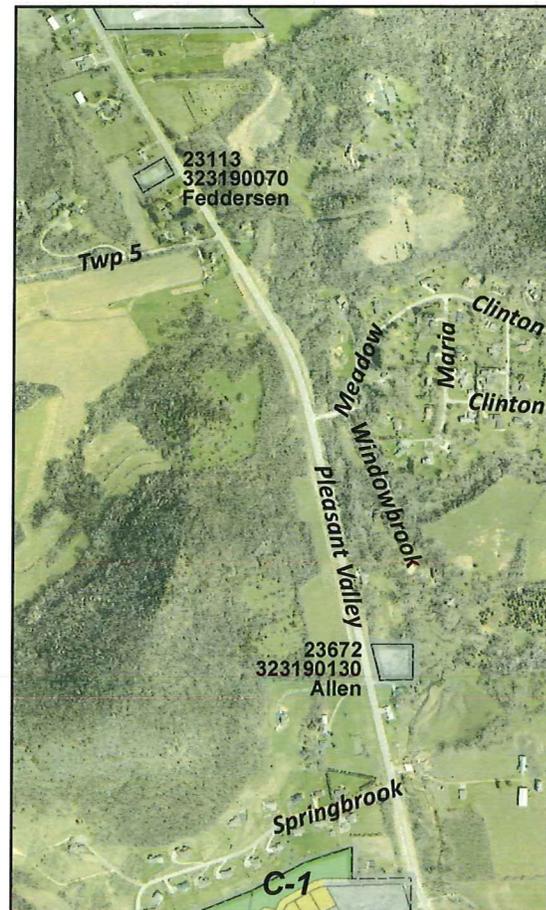
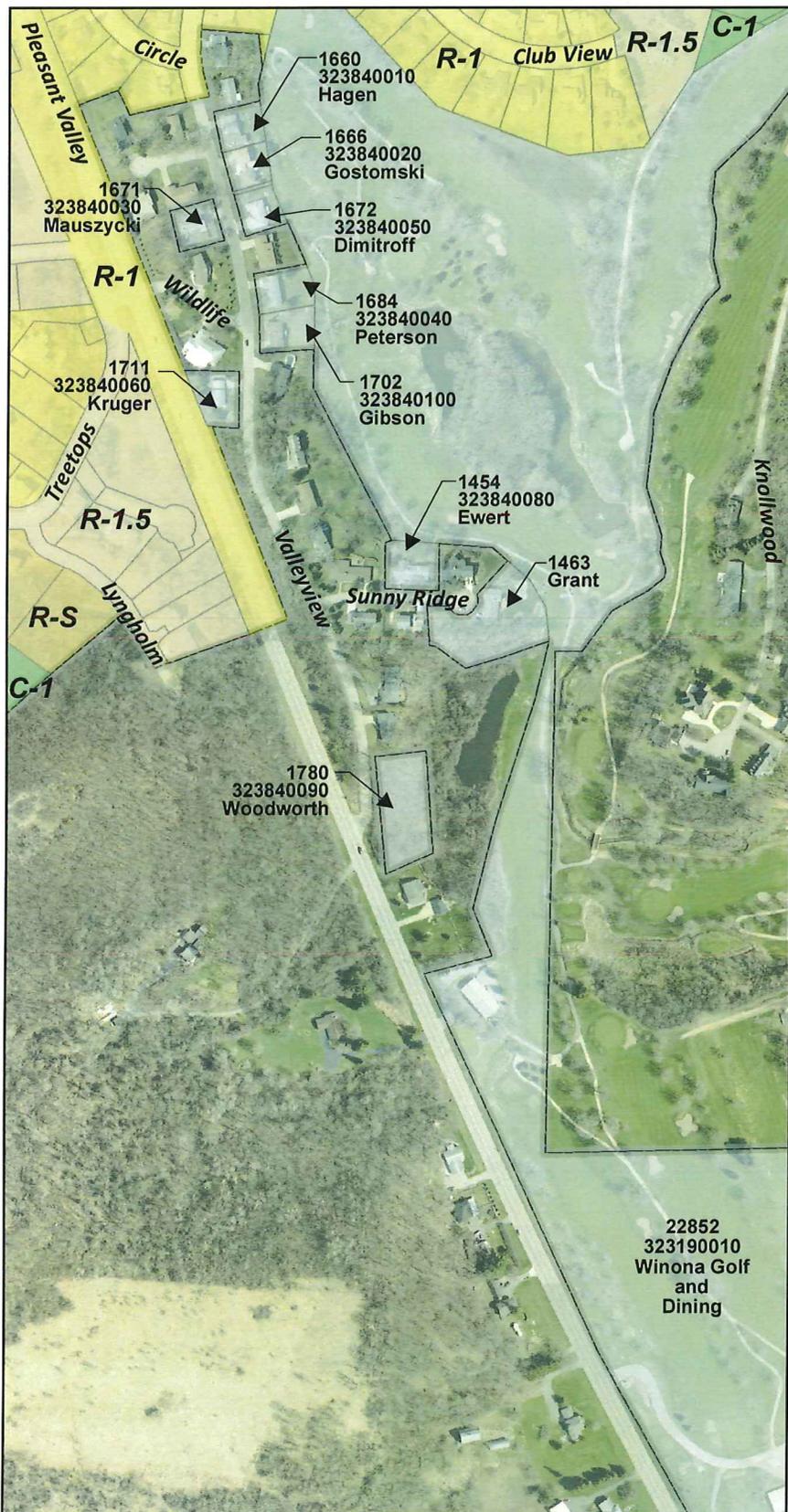
Attachments

Exhibit A



Winona
 WINONA COUNTY
 February 23, 2005

Recent Annexation Pleasant Valley



January 2013

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.

PLANNING COMMISSION

AGENDA ITEM: 4. Public Hearing – Proposed Zoning Code Amendments

PREPARED BY: Mark Moeller

DATE: February 11, 2013

Given discussion occurring during Commission meetings of January 14th and 28th, the purpose of this hearing is to consider proposed amendments to City Code Section 43.54.1, 43.55, 43.57, 43.58, and 43.65, pertaining to Bed and Breakfast and Tourist Homes within the City. In part, this discussion related to a request from a citizen seeking to establish a tourist home on property located within an R-R (Rural Residential) Zoning District. If approved, amendments would facilitate Bed and Breakfast and Tourist Home uses within low density (R-S and R-R) residential, as well as Agricultural Zoning Districts. A summary of proposed amendments follows:

Section 43.54.1 (Bed and Breakfast and Tourist Homes)

- a) Delete present language limiting “homes” to the residence of the host/host family. Add language permitting homes on a lot that is owned by, and includes the primary residence, of the host/host family.
- b) Delete present language limiting homes to structures that possess demonstrated community historic significance. Add language permitting homes to be located within principal or accessory structures of a lot (provided that codes are met). (Note: Under this amendment, the deletion of present language limiting homes to “historic” structures would mean that homes could be located at any location if permitted by underlying zoning and the use meets 43.54.1.)
- c) Add language that would not permit undevelopable area of a lot to be used in computing the maximum permissible number of guest rooms on a lot.
- d) Add language clarifying that breakfast may be the only meal served within a home.
- e) Current language requires that guest stays do not exceed 29 continuous days. The term “within a sixty (60) day period” is proposed to require reasonable breaks between guest stays. The intent of this provision is to certify that (for purposes of this provision) Bed and Breakfast and Tourist Homes are designed to accommodate “short term” transient housing. Although stays exceeding 29 days would not be permissible within the Bed and Breakfast/Tourist Home concept, such stays could occur within “commercially zoned” hotels/motels.
- f) Add language requiring the provision of one parking space per guest room. Designated parking would need to meet location, design, and maintenance standards of parking ordinance (43.37).
- g) Restructure existing language to clarify that permitted signs may not be lit.
- h) Language added emphasizing that all homes are subject to the City Hotel/Motel tax (Chapter 64).
- a) Language added to address homes that are served by on-site sewer facilities.

Proposed Zoning District Amendments

Ag (Agricultural District)

43.65.1 (c) (7) Add "Conditional Use" language permitting two guest rooms, unless all guest rooms are located within the home of the host/host family, then a maximum of five rooms.

R-R (Rural Residential District)

43.58.2 (B) (4) Add "Conditional Use" language permitting two guest rooms, unless all guest rooms are located within the home of the host/host family, then a maximum of three rooms.

R-S (Residential-Suburban District)

43.55 (B) (4) Same as proposed R-R language.

R-2 (One to Four Family Residence District)

43.57 (b) (6) and 43.57 (c) (1). Restructure present language that would implement a new home (serving a maximum of five guest rooms) only as a "conditional use". With this change, Bed and Breakfast and Tourist Homes would be subject to a conditional use permit within all but R-3 (Multiple Family) residential districts. Since conditional uses are subject to Board of Adjustment hearings/approvals, this philosophy is designed to encourage neighborhood transparency when new uses are proposed/created. Again all such uses are also subject to provisions of 43.54.1.

Should the Commission concur with the attached proposals, a motion to approve, and forward them to Council for consideration, should be presented for adoption.

Optional actions could include:

1. Further amending the ordinance and referring the matter to Council.
2. Tabling action (with cause).

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, is owned by, and includes the primary residence of the host or host family.

(b) ~~The home shall have demonstrated community historical significance.~~ The home may be located within a principal or accessory structure, provided that all applicable building, housing, and sanitation codes are met.

(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 by local or state law.

(d) Only paying overnight guests shall be served meals and the only meal served shall be breakfast. No cooking shall be allowed in guest rooms.

(e) Guest stay shall be limited to a maximum of twenty-nine (29) continuous days within a sixty day (60) period.

(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 principal structure.

(h) ~~The home~~ All Bed and Breakfast and Tourist Homes shall be subject to all terms and conditions of 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 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. Such certification shall be given to the Department of Community Development prior to guest room rental, and shall, in conformance with Section 27.11 (c), be renewed and submitted to the City Engineering Department at three year intervals.

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 (b) (6) Bed and Breakfast and Tourist Homes offering ~~any number of guest rooms~~ 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.~~