



CITY HALL

207 Lafayette Street
P.O. Box 378
Winona, MN 55987-0378
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December 9, 2015

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, December 14, 2015, at 4:30 p.m. in the Wenonah Room** of the Winona City Hall.

1. Call to Order
2. Minutes – November 23, 2015
3. Public Hearing – Final Plat – Kuehn Addition
4. Downtown Residential Moratorium Information
5. Other Business
6. Future Action Items
7. Adjournment

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos Espinosa".

Carlos Espinosa
City Planner

PLANNING COMMISSION MINUTES

DATE: November 23, 2015

TIME: 4:30 p.m.

PRESENT: Chairperson Davis, Commissioners Boettcher, Buelow, Ballard, M. Olson, and P. Shortridge

ABSENT: Commissioners Hahn, L. Olson and Porter

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

The meeting was called to order at 4:30 p.m. by Chairperson Davis.

Approval of Minutes – November 9, 2015

The minutes from the Commission's meeting of November 9, 2015 were reviewed and upon motion by Commissioner Shortridge and second by Commissioner M. Olson were unanimously approved as submitted.

Opportunity Winona Presentation

Chairperson Davis noted that she had agreed to modify the agenda in order to hear a presentation from Lucy McMartin, Director of Economic Development, related to the newly created Opportunity Winona Program. At this point, she called on Ms. McMartin to provide the summary.

Ms. McMartin noted that this program, resulting from the coordination of both public and private partners, was designed to bring focus to Winona Central Business District area with the purpose of implementing various projects that had evolved from a number of plans for the area during the past years. She noted that a number of activities are currently underway to the area, including the recent implementation of the Main Street Program, budgeted funds for Levee Park Improvements next year, various redevelopment projects, surficial activities related to completion of the Interstate Bridge, and the City's current update of its zoning ordinance.

Ms. McMartin stated that a purpose of the Opportunity Winona Project was to, in part; to capitalize on those activities that have started within the area and attempt to infuse additional planning and monetary resources to the CBD in order to bring it to the "next level". She noted that the Winona Port Authority had recently agreed to be a partner to, and fund, these efforts and will take a lead in the project.

She emphasized that although specific activities at this point have not been identified; focused planning activities will be carried out within the next number of months in order to define a clear and specific direction.

PLANNING COMMISSION MEETING MINUTES

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Chairman Davis commended those involved in the process to date and asked if specific timelines had been created for project implementation. Ms. McMartin noted that although overall planning goals will need to be coordinated, many of these already exist through such documents as the City Comprehensive Plan, the new bridge and Levee Park Plans, etc. It was hoped that a comprehensive listing of goals and objectives would be completed in conjunction with completion timing of a zoning ordinance update. She further explained that although the Port will be the prime agency in directing the program, she and Myron White will be point contact City staff personnel to it.

In response to a question from Chairperson Davis, Ms. McMartin noted that the effort will require coordination with a number of stakeholders including the Winona Chamber and Main Street Programs.

In response to a question, Ms., McMartin stated that the Port has agreed to provide \$250,000 in funding to the project. In part, these funds could be used to leverage state funding that might be available to the area.

Chairperson Davis thanked Ms. McMartin for her attendance this afternoon and encouraged all to continue following, and supporting, the project where needed.

Board of Adjustment Summary

Chairman Davis called on Carlos Espinosa, City Planner, to provide an overview of this item.

Mr. Espinosa stated that during the Commission's last meeting, there were a number of questions about the Board of Adjustment and its relationship to the Planning Commission. In response to those concerns, he had developed the Commission's agenda package which, in large part, is designed to identify how the Board works on both variance and conditional use permit applications.

Mr. Espinosa stated the Powers of the Board of Adjustment are generally found under state law and specifically established under City Code Section 22.21. State law provides that the Board could be the City Council, the Commission, or simply another Board, as has been done in the City of Winona. State law also provides that the Board has the power to grant variances to provisions of the zoning code or to hear and decide appeals to decisions made by administrative officers.

The Winona Board of Adjustment meets twice a month on the first and third Wednesday. Typically, the Board considers two to four requests per meeting with meetings lasting 30 minutes on average. Mr. Espinosa stated that, pursuant to City law, each variance request requires a public hearing during which time a petitioner and neighborhood residents are allowed to speak. Following closure of the hearing, the Board will discuss and, following its consideration of six criteria, make a decision. This decision becomes final if not appealed to Council within 10 days of the Board's action.

Mr. Espinosa emphasized that the Board's review criteria provide the backbone to approval or denial actions. Criteria involve the following questions:

- 1) Is the variance in harmony with the purposes and intent of the ordinance?
- 2) Is the variance consistent with the Comprehensive Plan?
- 3) Does the proposal put property to use in a reasonable manner?
- 4) Are there unique circumstances to the property not created by the landowner?
- 5) Will the variance, if granted, retain the essential character of the locality?
- 6) Are there other considerations for the variance request besides economics?

After addressing the previous, Mr. Espinosa emphasized that the Board must answer affirmatively to all of those criteria in order to consider granting a variance. Answers to criteria become the Board's findings of approval or denial. He further noted that these criteria are established by state statute and cannot be changed.

At this point, Mr. Espinosa summarized the Conditional Use Process as well as the relationship between Board Variance approvals and Planning Commission Conditional Use Permit approvals. He explained that the Commission's analysis of a conditional use permit is based upon different criteria than those used by the Board in considering variances. In cases where both are required to a project, the variance process needs to be completed first. Since each action is dependent upon its own evaluation, the Board's approval of variance does not necessarily mean that the Commission is required to approve a CUP. On the contrary, in cases where facts do not support the approval of a conditional use permit, the Board would have every right to deny it. At that point, appeals could be taken to Council.

Again, Mr., Espinosa noted that the purpose in bringing this to the Commission this afternoon was to attempt to help the Commission understand what the Board's role was in variance procedures. If Commissioners had additional concerns, he was more than willing to address them.

Chairperson Davis thanked Mr. Espinosa for his presentation and stated that, for her, it did help understand the Board's role as well as its relationship to the Commission in cases where both variance and conditional use approvals were necessary to a single project.

Moratorium Information

Mr. Espinosa stated that during the Commission's last meeting, a number of members had questions about what would be involved in developing a development moratorium. In response, he had, included examples of moratoriums related to the creation of the B-

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2.5 District as well as Bluffland Ordinance during the past number of years. Additionally, he had included a copy of information prepared by the League of Minnesota Cities related to the moratorium issue.

Commissioner M. Olson stated that the issue had surfaced during stakeholder meetings with consultants related to the Zoning Ordinance Update. In part, the issue revolved around recent CBD Projects that have resulted in the development of high density residential projects within portions of the downtown area where off street parking is not required. In part, the idea of a moratorium would serve to stop this growth until such time that the City has a better handle of the secondary effects of this growth to the downtown area. In her mind, such a moratorium would be tied to completion of the Zoning Ordinance Update Project.

Following further discussion, it was moved by Commission M. Olson and seconded by Commissioner Shortridge to request that staff prepare a framework for a moratorium relating to residential use in the Central Business District area. Through this directive, staff was asked to come back to the Commission with concepts relating to the "area" to be involved in a moratorium, "length" of moratorium, as well as "uses" to be restricted by it. Once the Commission has settled on a final concept, Mr. Espinosa stated that the issue would be submitted to Council for consideration. Should Council find that the moratorium was warranted, it would direct the City Attorney to prepare an ordinance for adoption. When the question was called, the vote of the Commission was as follows: ayes - Commissioner Boettcher, M. Olson, Davis, Buelow, and Shortridge; nays - Commissioner Ballard; abstaining - none.

Future Actions Items

Mr. Espinosa explained that the City had received an application for a two lot subdivision located between Ronald Avenue and Highway 14 on the west side of Winona. The plat is generally located in the vicinity of the Mango's Restaurant.

Commissioner Buelow stated that he was very happy to see that the City had finally decided to implement highway 61 improvements in the Gilmore Avenue area.

It was noted that the Commission's next meeting would be on December 14, 2015.

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 – Final Plat – Kuehn Addition

PREPARED BY: Mark Moeller

DATE: December 14, 2015

BASE DATA

Petitioner: Kuehn Brothers Properties LLC

Location: Exhibit A – 408 Highway 14

Existing Zoning: B-1 (Neighborhood Business District)

Area: Approximately 1.13 Acres

Lot Area Requirements: Commercial Uses – None
Residential Uses – Same as R-3 (Multiple Family Residential) District

Lot Frontage Requirements: Commercial Uses – None
Residential Uses – Same as R-3 District

Yard Requirements: (For Commercial Uses)
Front Yard Setback – 25 Feet
Rear Yard Setback – 10 Feet
Side Yard Setback – None
(For Residential Structures)
Same as R-3 District

Proposed Number of Lots: Exhibit B – Two

Proposed Lot Areas: Lot 1 – 16,988 Square Feet (.39 Acres)
Lot 2 – 32,234 Square Feet (.74 Acres)

Proposed Lot Frontage: Given Access to Ronald Avenue, lot frontage will include:

Lot 1 – 122.01 Feet
Lot 2 – 95.9 Feet

DISCUSSION

As shown on Exhibit A, the proposed plat abuts Highway 14 on the west, Ronald Avenue to the east, a City of Winona Street to the South, and property recently acquired by Winona Leasing, for its auto sales/leasing business, to the north. The plat includes 2 lots, with the larger (Lot 2) being occupied by the footprint of the Mango's Restaurant use. The smaller lot will be retained for some (presumably) future commercial use. Although neither lot is subject to specific lot frontage requirements, both will front, and have access to, Ronald Avenue, an existing street. Access to Highway 14, at this location, is restricted. The plat proposes no public dedications, while both lots are fully accessible to existing public utilities.

RECOMMENDATION

Given the previous, the proposed plat involves the simple splitting of one parcel into two, with no change of zoning. Following staff review, it has been concluded that it will be consistent with applicable subdivision and zoning provisions of City Code. As such, approval of the plat, as submitted, is recommended.

Attachments

Kuehn

November 2015



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. Imagery from 2013

KUEHN ADDITION

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That Kuehn Brothers Properties, LLC, a Minnesota limited liability company, owner of the following described property:

That part of Lots 7 and 16, Subdivision of Section 20, Township 107 North, of Range 7, West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:

Commencing at the south quarter corner of said Section 20; thence North 00°17'07" East, along the north-south quarter line of said Section 20, a distance of 1437.07 feet to the southerly line of the property described in Document No. 505517, also being a point on the boundary line of City of Winona Right of Way Plat No. 1 and the point of beginning of the land to be described; thence North 89°34'05" West, along said southerly line of the property described in Document No. 505517 and along said right of way plat boundary line, a distance of 123.62 feet to the southwesterly corner of said property described in Document No. 505517, also being boundary corner B4 according to said right of way plat; thence North 34°00'15" East, along the westerly line of said property described Document No. 505517, and along the easterly right-of-way line of Trunk Highway No. 14, a distance of 288.02 feet to the northwesterly corner of said property described in Document No. 505517, also being the southwesterly corner of the property described in Document No. 537918; thence continue North 34°00'15" East, along the westerly line of said property described in Document No. 537918 and along said easterly right-of-way line of Trunk Highway No. 14, a distance of 86.89 feet to the northwesterly corner of said property described in Document No. 537918, also being a point on the southerly line of the property described in Document No. 371493; thence North 53°32'59" West, along said southerly line of the property described in Document No. 371493, and along said easterly right-of-way line of Trunk Highway No. 14, a distance of 15.01 feet to the southwesterly corner of said property described in Document No. 371493; thence North 34°00'15" East, along the westerly line of said property described in Document No. 371493, and along said easterly right-of-way line of Trunk Highway No. 14, a distance of 31.03 feet to the southwesterly corner of the property described in Document No. 587998; thence South 53°32'59" East, along the southerly line of said property described in Document No. 587998, a distance of 152.94 feet to the southeasterly corner thereof, also being a point on the easterly line of said property described in Document No. 371493; thence South 36°27'01" West, along said easterly line of the property described in Document No. 371493, a distance of 31.00 feet to the southeasterly corner thereof, also being the northwesterly corner of said property described in Document No. 537918; thence South 35°29'06" West along the easterly line of said property described in Document No. 537918, a distance of 12.14 feet to the southeasterly corner thereof, also being the northwesterly corner of said property described in Document No. 505517; thence South 36°20'00" West along the easterly line of said property described in Document No. 505517, and along the westerly line of Ronald Avenue, 98.35 feet; thence continue southerly along said easterly line of the property described in Document No. 505517, and along said westerly line of Ronald Avenue, 76.42 feet along the arc of a tangential curve, concave easterly, having a radius of 316.47 feet and a central angle of 13°50'08" to boundary corner B6 according to said City of Winona Right of Way Plat No. 1; thence South 34°08'40" West, along said right of way plat boundary line, 91.03 feet to boundary corner B5 according to said right of way plat, also being a point on said southerly line of the property described in Document No. 505517, thence North 89°34'05" West, along said southerly line of said property described in Document No. 505517 and along said right of way plat boundary line, 42.12 feet to the point of beginning.

The basis for bearings recited in the above legal description is the Winona County Coordinate System, NAD 1983 (1996 adjustment).

The Subdivision of Section 20, Township 107, North of Range 7, West of the Fifth Principal Meridian, City of Winona Right of Way Plat No. 1, Document No. 505517, Document No. 537918, Document No. 371493, and Document No. 587998 are all of record and on file in the office of the County Recorder in and for said Winona County.

Has caused the same to be surveyed and platted as KUEHN ADDITION.

In witness whereof, said Kuehn Brothers Properties, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ___ day of _____, 20__.

Signed: Kuehn Brothers Properties, LLC.

Print officer's name _____
Print officer's title _____

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____, 20__ by (print officer's name) _____, (print officer's title) _____ of Kuehn Brothers Properties, LLC, a Minnesota limited liability company.

Notary signature: _____

Print Notary's name _____
Notary Public, _____ County, _____
My commission expires _____

SURVEYOR

I, Tony A. Blumentritt do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been correctly set; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3 as of the date of this certificate are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Dated this ___ day of _____, 20__.

Tony A. Blumentritt, Licensed Land Surveyor
Minnesota License Number 18888

STATE OF MINNESOTA
COUNTY OF WINONA

This instrument was acknowledged before me on _____ by Tony A. Blumentritt.

Notary signature: _____

Print Notary's name _____
Notary Public, Winona County, Minnesota
My commission expires _____

CITY COUNCIL, CITY OF WINONA, MINNESOTA

This Plat of KUEHN ADDITION was approved and accepted by the City Council of the City of Winona, Minnesota at a regular meeting thereof held this ___ day of _____, 20__ and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Winona, Minnesota

By: _____ City Clerk

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ___ day of _____, 20__.

David A. Johnson, Winona County Surveyor
Minnesota License No. 12788

COUNTY AUDITOR/TREASURER, WINONA COUNTY, MINNESOTA

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20__ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ___ day of _____, 20__.

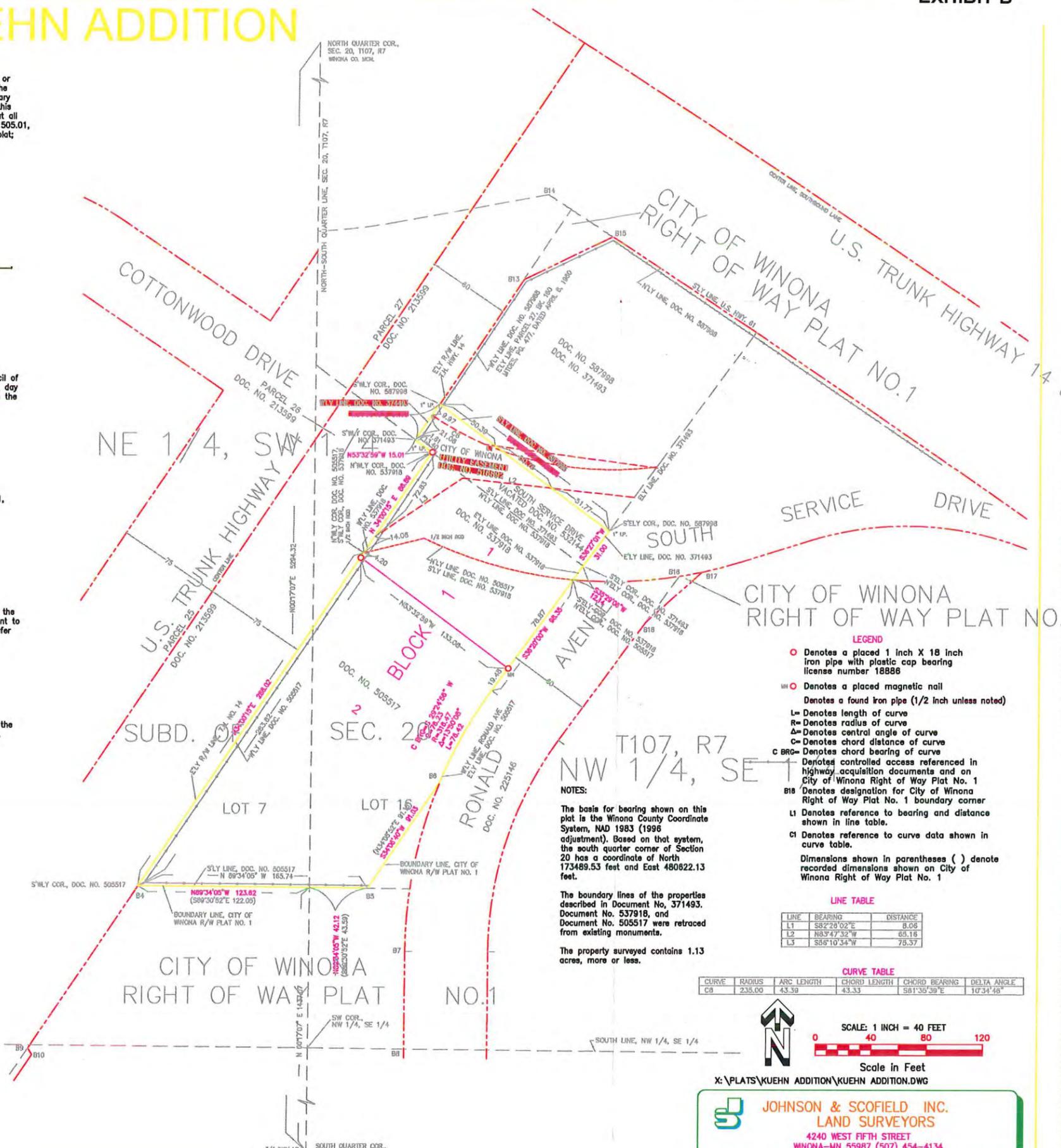
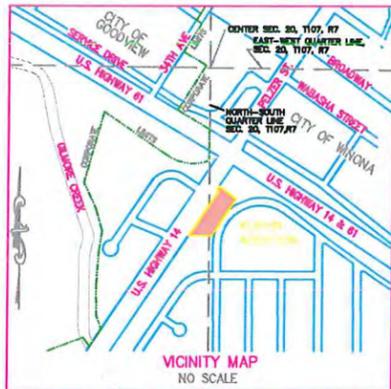
Sandra J. Suchla, Winona County Auditor/Treasurer

COUNTY RECORDER, COUNTY OF WINONA, STATE OF MINNESOTA

I hereby certify that this plat of KUEHN ADDITION was filed in the office of the County Recorder for public record on this ___ day of _____, 20__ at ___ o'clock ___ M. and was duly filed as Document No. _____.

Robert J. Bambenek, Winona County Recorder

By: _____ Deputy



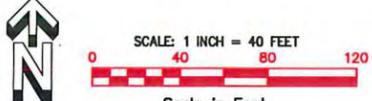
- LEGEND**
- Denotes a placed 1 inch X 18 inch iron pipe with plastic cap bearing license number 18888
 - ⊙ Denotes a placed magnetic nail
 - ⊕ Denotes a found iron pipe (1/2 inch unless noted)
 - L= Denotes length of curve
 - R= Denotes radius of curve
 - Δ= Denotes central angle of curve
 - C= Denotes chord distance of curve
 - C BR= Denotes chord bearing of curve
 - Def= Denotes controlled access referenced in highway acquisition documents and on City of Winona Right of Way Plat No. 1
 - B18= Denotes designation for City of Winona Right of Way Plat No. 1 boundary corner
 - L1= Denotes reference to bearing and distance shown in line table.
 - C1= Denotes reference to curve data shown in curve table.
- Dimensions shown in parentheses () denote recorded dimensions shown on City of Winona Right of Way Plat No. 1

LINE TABLE

LINE	BEARING	DISTANCE
L1	S82°29'02"E	8.05
L2	N83°47'32"W	65.16
L3	S86°10'34"W	76.37

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C8	235.00	43.39	43.33	S81°35'39"E	107°34'48"



Scale in Feet
X:\PLATS\KUEHN ADDITION\KUEHN ADDITION.DWG

JOHNSON & SCOFIELD INC.
LAND SURVEYORS
4240 WEST FIFTH STREET
WINONA-MN 55987 (507) 454-4134

PLANNING COMMISSION

AGENDA ITEM: 4. Downtown Residential Moratorium Information

PREPARED BY: Carlos Espinosa

DATE: December 14, 2015

At the last meeting, Planning Commission members had questions about what a downtown residential moratorium could entail. Other than a moratorium (interim ordinance), Commissioners could recommend an amendment to City Code, or wait until regulations are created through the Development Code Update process. Information on each option is below.

Moratorium

Given discussion at previous Commission meetings, a moratorium may be most appropriate in the CBD parking overlay district shown on the attached map. Within the area bounded by Fifth Street, Market Street, Front Street, and Washington Street, off-street parking requirements do not apply. In this overlay, public parking lots and on-street parking areas are intended to satisfy the demand for parking created by new development. In addition to focusing on this area, previous discussion has indicated a moratorium should focus on the creation of new residential units.

Within the past year, the Commission has reviewed three CUP applications for new residential units on the first floors of downtown buildings. The location of these approved projects is shown on the attached map. These projects will add the following residential units to downtown:

1. Abramson Properties LLC: 72-74 E. 3rd - 36 bedrooms
2. Natallia Properties LLC: 109 E. 3rd - 10 units (20 bedrooms)
3. Lindgard Group LLC: 62 E. 3rd - 4 bedrooms

A concern related to these projects is that new residential units will create demand for off-street parking that existing public lots can't accommodate. Current weekday and weekend occupancy of 12 hour parking lots in downtown was surveyed by the City in early November. Results of the occupancy survey are shown on the attached map. For the Abramson and Lindgard Group projects, it is anticipated that new residents will park in the adjacent public lot north of the properties. There are 65 non-handicapped 12-hour spaces in this lot. The spaces are 90-100% full during the week, and a maximum of 50% full during the weekend. New residents from these projects will increase the weekend occupancy, with the likely result of forcing weekday parkers (e.g. downtown employees) to park in lots north of Second Street. Focusing the moratorium on residential projects (including sleeping rooms), would prevent the addition of new units

for the duration of the moratorium. State statute stipulates that a moratorium could last up to one year while the City is conducting a study.

Typically, the size of downtown lots (e.g. 3,000-7,000 square feet) limits projects to a maximum of 2-4 units. Current regulations require the following:

- 1,500 square feet of lot area for efficiency and one-bedroom units
- 2,500 square feet for two-bedrooms, three bedrooms, etc.

However, the recent CUPs seen by the Planning Commission are located in an overlay called the "Central Business District Core" (see attached map). This area overlaps the CBD parking overlay and exempts residential projects from lot area requirements which limit the number of residential units. As a result, the only regulatory constraint on the number of units in a project is building code requirements. The impact of high-density residential projects appears to be at the core of concerns about parking. In accordance, exempting the creation of up to 4 new residential units during the potential moratorium may be appropriate.

Given the information above, a potential moratorium could be tailored in the following fashion:

1. Applying only to the CBD Parking Overlay District.
2. Preventing the creation of new residential units including sleeping rooms.
3. Exempting the creation of up to four residential units per property.

A recommendation supporting a moratorium (interim ordinance) would be forwarded to Council. The earliest the ordinance could be forwarded is for Council's December 21st meeting. The ordinance would have to be introduced at this meeting and then approved for a second reading at Council's January 4th meeting. The moratorium would take effect when published on January 6th.

During the time between the Planning Commission recommends approval of the moratorium and when the ordinance becomes effective, the City could receive building permit applications for new projects. A full set of plans would need to accompany an application and the building permit would have to be issued prior to the time the moratorium becomes effective in order to proceed.

City Code Amendment

Another approach to addressing concerns with parking would be to initiate a code amendment requiring one (1) parking space per dwelling unit in the CBD Parking Overlay District. The Comprehensive Plan states that downtown residents "need dedicated off-street parking, although at lower ratios than typical single-family housing." Single-family housing in other areas of the city requires two (2) parking spaces per unit. Accordingly, a requirement for one (1) off-street parking space would address the Comprehensive Plan's guidance on this subject.

The Commission could direct staff to create a draft ordinance requiring one (1) parking space for a January 11th public hearing. Upon approval, the ordinance would be forwarded to Council for a public hearing in February. Once this regulation is effective, developers could apply for a variance if the required off-street parking cannot be provided. This regulation would function as a pseudo-moratorium during the next year when the development code update process is occurring. When complete, the development update will retain, modify, or dispose of this regulation in combination with other strategies to address downtown parking.

Development Code Update

Other than a moratorium or an immediate code amendment, the Commission could also choose to address concerns about downtown parking through the Development Code Update. The update process is expected to be completed in early 2017. Until that time, additional residential units could be added to the downtown area under existing regulations.

Next Steps

After discussion, the Commission may ask for additional information to be provided at a subsequent meeting or make a recommendation on a specific course of action.

Attachment:

- CBD Zoning Map

