



CITY HALL

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

February 3, 2016

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, February 8, 2016, at 4:30 p.m. in the Wenonah Room** of the Winona City Hall.

1. Call to Order
2. Minutes – December 14, 2015
3. Public Hearing – Verizon Wireless CUP Review
4. Public Hearing – Rezone Request M-2 to B-3
5. Public Hearing – Zoning of Annexed Property-1720 Valley View Drive
6. Public Hearing – Zoning of Annexed Property-22743 County Road 17
7. Other Business
8. Future Action Items
9. Adjournment

Sincerely,

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

Carlos Espinosa
City Planner

PLANNING COMMISSION MINUTES

DATE: December 14, 2015

TIME: 4:30 p.m.

PRESENT: Chairperson Davis, Commissioners Shortridge, Porter, Hahn, M. Olson, Boettcher, L. Olson, Buelow and Ballard

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 23, 2015

The minutes from the Commission's meeting of November 23, 2015 were reviewed and upon motion by Commissioner M. Olson, and second by Commissioner Boettcher were unanimously approved as submitted.

Public Hearing – Final Plat – Kuehn Addition

Chairperson Davis called on the applicant to provide preliminary comments.

Charlie Kuehn representing Kuehn Brothers Properties, LLC, noted that he was representing the petitioner in this case. He explained that the general purpose of the plat was to simply subdivide his property into two parcels. He explained that he recently had sold the property at the southeast corner of Highway 61 and 14 to Winona Leasing. He explained that the larger lot in the plat would continue to reflect the footprint of the Mango's restaurant site. In addition to this lot, a smaller one would be created for some future commercial use. He encouraged support of the plat.

At this point, Chairperson Davis called on staff to provide a summary of its report. Mark Moeller, City Planner, then reviewed the staff report for this item. In summary, he explained that the area to be subdivided included 1.13 acres of land and is located between Highway 14 & Ronald Avenue. As proposed, 2 lots would be created. Of these, the larger would include .74 acres and the smaller .39 acres. Given B-1 (Commercial) zoning of the site, specific performance standards for new lots are nonexistent. Additionally, access to the newly created lot would be from Ronald Avenue and would be accessible to City utilities at that point.

Mr. Moeller stated that staff was recommending approval of the plat. Although not initially included in the staff report, this recommendation would be subject to one condition requiring that the street name of "Ronald Avenue" as shown on the plat be modified to South Service Drive. Given staff review, it was felt that this action would promote the continuous flow of South Service Drive from where it now terminates at the Northeast corner of the plat to Highway 14. Given this change, Ronald Avenue would terminate at Service Drive.

Commissioner Shortridge asked if the current zoning update process would somehow impact the plat. Mr. Moeller responded that it would not.

Following brief discussion, it was moved by Commissioner Shortridge and seconded by Commissioner L. Olson to approve the plat for Kuehn Addition given conditions as outlined in the staff recommendation.

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

Downtown Residential Moratorium Information

Chairperson Davis called on staff to provide an overview of this item.

Carlos Espinosa, City Planner, noted that at its last meeting, the Commission had presented a number of questions relating to a possible downtown residential moratorium and what steps might be needed to undertake such an effort. In part, this discussion had surfaced subject to concerns that a number of high density residential complexes were being developed downtown. Given the lack of parking requirements in portions of the CBD, it had initially been proposed that a moratorium on further such developments be stayed until the Zoning Update process is completed.

Mr. Espinosa stated that within the area of the Central Business District as bound by Fifth, Market, Front, and Washington Streets, off-street parking requirements do not apply to new uses. Within this overlay, public parking lots and on-street parking areas are intended to satisfy the demand for parking created by new development. Given the recent implementation of a hand full of high density residential projects downtown, concerns had been expressed that they will create demands for off-street parking that existing public lots cannot accommodate. He explained that current weekday and weekend occupancy of 12 hour parking lots in downtown was surveyed by the City in early November 2015. In referencing the map attached to the agenda package, he explained that the Abramson and Lindgaard Group Projects will generate residents who will park in the adjacent public lot north of the properties. There are currently 65 non-handicapped – 12 hour spaces in this lot. Given the survey, spaces are 90-100 percent full during the week and a maximum of 50 percent full during the weekend. In addressing other lots, the one located adjacent to Midtown Foods has an average occupancy of 80-95 percent during any weekday and 50 percent maximum on weekends. As a comparison, the lot behind the theatre has an average weekday occupancy of 60-70 percent with a maximum weekend occupancy of 80 percent.

In addressing the moratorium issue, Mr. Espinosa stated that such a document could be tailored around the following criteria:

1. The application of development restrictions to areas located only within the Central Business District Parking Overlay District.

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2. Given the creation of new residential units, including sleeping rooms provided that an exemption could be made to allow for up to four residential units per property for small isolated developments during a moratorium.

He further noted that a recommendation supporting a moratorium would need to be forwarded to Council for approval. At this point, the earliest that an ordinance could be forwarded would be for Council's December 21st meeting. As an ordinance, it would require a second reading by Council on January 4, 2016 and would take effect on January 6, 2016. He noted that until such time that a moratorium would actually be adopted; the City could entertain permit applications for new projects. Given staff consideration, all permit applications would require a full set of plans along with an application. Additionally, a building permit would need to be issued prior to the time the moratorium becomes affective in order to proceed.

As an alternative to a moratorium, Mr. Espinosa suggested that it would be conceivable to simply make an amendment to the Central Business District Parking Overlay District which requires a minimum of one parking space per dwelling unit for any new residential use. This would follow Comprehensive Plan recommendations and would generally have the same effect on the area as a moratorium. The difference here is that if a property owner proposed a residential development where the one space per unit could not be met, that person could request a variance from the Board of Adjustment.

Finally, Mr. Espinosa stated that another alternative would simply be to do nothing and to focus energy on updating the Development Code to address downtown land use/parking concerns. Again, until that project is completed, additional residential units could be added to the downtown area under existing regulations.

Upon discussion, Commissioner Shortridge asked for clarification of lot area verses density in the Central Business District. Mr. Espinosa responded that, within most areas of the city, density is defined by the size of the lot divided by performance standards found under each zoning district. For example, the majority of downtown commercially zoned properties are subject to R-3 (Multiple Family Residential) Zoning Standards requiring lot areas of 1,500 or 2,500 square feet of lot area per dwelling unit. Given these standards, the maximum area of the lot is simply divided by the performance standard to define maximum density. However, within the Central Business District Core Overlay District, performance standards don't exist. In these cases, maximum densities defined as a function of the building's shape and size. Additionally, since this Overlay District is found within the Parking Overlay District, onsite parking for the residential use would not be required.

Commissioner L. Olson stated that he was totally opposed to the implementation of a development moratorium for the Central Business District. He stated that the City has worked for years in attempting to promote development within the area and the application of a moratorium, even for a one year period, would not only dampen

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progress but would send the wrong message to new developers as to what the Central Business District area should be.

In his opinion, Mr. L. Olson further noted that the City needs to take the lead in developing parking within the Central Business District area with the intent of investing in and increasing the City's tax base in that area. Additional parking may require the construct of a parking structure.

In conclusion, he suggested that the Commission do nothing with the moratorium. If the Commission feels that certain types of projects or activities are inappropriate to the downtown area, these should be addressed through the Zoning Ordinance rewrite.

Commissioner Porter stated that he too did not favor a development moratorium to the Central Business District area and is suggesting working with the consultant in addressing concerns through the Development Code Update process.

Commissioner Buelow stated that given his understanding that existing projects wouldn't be impacted by a moratorium, he is currently on the fence as to whether he would support or not support a moratorium.

Chairperson Davis stated that she was not in favor of a moratorium and felt that it would send the wrong message to developers. She noted that although the Commission could entertain the idea of amending the parking standard for the Parking Overlay District variances could be obtained. In conclusion, she would prefer to simply work with the Consultant in addressing downtown land use and parking concerns. To do otherwise would create a panic to the area.

Commissioner Hahn explained that he too was not in favor of a moratorium. Although he understood what its purpose would be, he looked forward in working with the consultant in developing a master plan for the area that will better define/address a vision for the area.

Commissioner Ballard noted that he also did not support implementation of a moratorium to the Central Business District. He explained that he concurred with previous comments that it would send the wrong message to prospective developers.

M. Olson noted that this discussion has helped her better understand the moratorium issue. She explained that although the term may be scary to some, when applied to the right issue, it can allow time to study potential concerns. She questioned the use of first floors for residential use within the Central Business District area.

Commissioner Boettcher stated that a moratorium would have a limited life, in this case, would be applied to a timeline consistent with completion of the Development Code Update. He noted that he would support a moratorium in this case in that it would simply stay certain types of development within certain areas of the Central Business

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District until such time that a vision for it had been clarified. He saw nothing wrong with this approach.

Commissioner Shortridge stated that he felt parking structures would be a solution. He further noted that reasonable residential to commercial blends within the Central Business District were desirable and needed and hoped that the Development Code Update process will consider this.

In response to a question from Commission Boettcher, Mr. Espinosa replied that he felt that adequate downtown parking existed to accommodate any new residential use that might occur within the next year.

Commissioner L. Olson asked at what point residential use would become overbuilt in the community. He also encouraged the City to begin considering the concept for a parking structure in the downtown area.

Commissioner M. Olson again commended staff and the Commission for discussing the issue. Through that discussion, she has been able to better visualize the pros and cons of a moratorium. As such, she didn't see a need to proceed at this time.

Following further discussion, the consensus of the Commission was to simply let the concept of implementing a moratorium in the downtown area drop. Given that, no motion to either proceed, or not proceed, was presented.

Other Business

No other business was presented.

Future Actions Items

Mr. Espinosa reminded the Commission that a joint Commission/Council meeting will be held on January 25th to generally hear a summary of where the code update process is. Further information of that meeting will be forthcoming. He also noted that staff was working with the consultant in forwarding a date for the public open house meeting pertaining to the Development Code Update. At this point, it appeared that it would occur during the week of January 10th. Again, staff will advise the Commission of this date once it's finalized.

Adjournment

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

Mark Moeller
City Planner

PLANNING COMMISSION

AGENDA ITEM: 3. Verizon Wireless CUP Review

PREPARED BY: Carlos Espinosa

DATE: February 8, 2016

Summary

Verizon Wireless proposes to install a 100' tall telecommunications tower (109' tall with lighting rod) on a parcel of property adjacent to 1058 East Mark Street. The telecommunications tower is proposed to be a monopole design. Pursuant to City Code Section 43.65.1(c)(1), communication towers require a CUP:

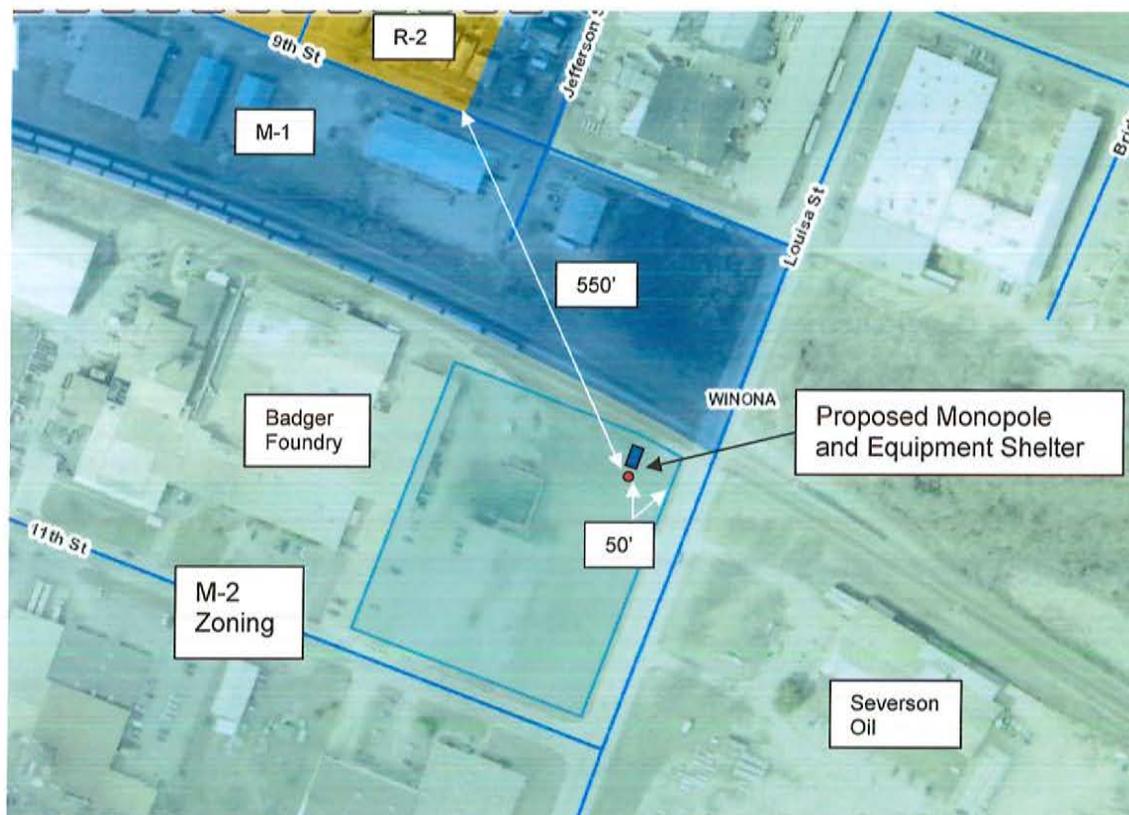
- c. Conditional Uses. The following conditional uses shall be permitted only if specifically authorized by the Planning Commission in accordance with this chapter:
 1. Regional pipelines, power transmission lines over 35 KV relay, commercial radio, television and communication towers; subject to the requirements of Section 43.21.

43.21 HEIGHT MODIFICATIONS. The height limitations stipulated elsewhere in this chapter shall not apply to the following:

- (a) Farm Buildings, Architectural Features, etc. Barns, silos or other farm buildings or structures on farms; church spires, belfries, cupolas and domes; monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio towers, masts and aerials or parapet walls extending not more than 4 feet above the limiting height of the building.

All such structures above the height otherwise permitted in the district shall not occupy more than 25 percent of the area of the lot and, unless modified by the architectural review board, shall be distant not less than 50 feet in all parts from every lot line not a street lot line.

The applicant has prepared a proposal for this project. The proposal (Attachment A) provides details on the monopole and equipment shelter. The approximate location of the pole and shelter is shown on the following page:



The project location east of 1058 East Mark Street is adjacent to the Badger Foundry facility and is surrounded by properties zoned for manufacturing.

Staff Review

Specific CUP Requirement

- (1) The tower/monopole shall be at least 50 feet in all parts from every lot line not a street lot line.**

Sheet A-1 of the project plans in Attachment A shows that the proposed monopole is just over 50 feet from all property lines – thus satisfying this requirement.

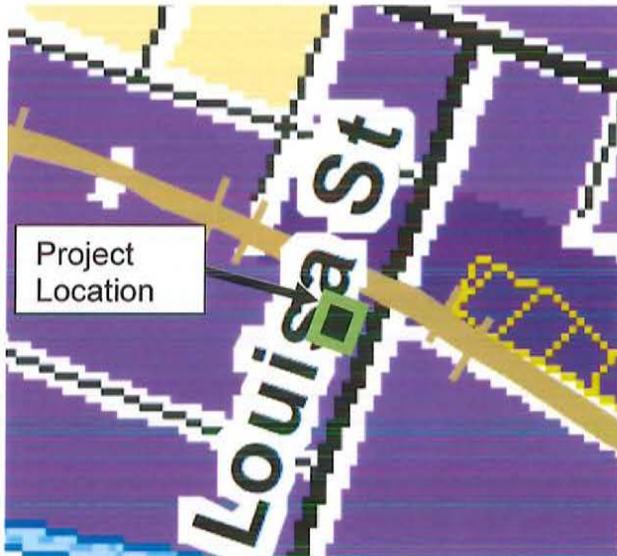
General CUP Requirements

The general requirements applicable to all CUP applications are listed below. A summary of the applicant's comments is listed in italics followed by staff's review.

- (1) The extent, location and intensity of the conditional use will be in substantial compliance with the Winona Comprehensive Plan.**

Applicant: This future land use for the property is Industrial and is surrounded by other properties designated as General Industrial.

Staff: The Comprehensive Plan designates the project location as "General Industrial" in the future land use plan:



GI - General Industrial

Areas for manufacturing, processing and other activities that may have impacts off-site, and are generally isolated from other uses or buffered from them. Often contiguous to industrial riverfront, but less river-dependent. Sites should have direct access to major regional transportation facilities.

- Performance standards for environmental effects and nuisance mitigation
- Screen outdoor storage where practical

This land use designation is generally favorable for location of a communications tower/monopole. The project is approximately 550 feet from residentially designated properties and 750 feet from properties designated for commercial and residential mixed-use. In accordance, the proposed project is in substantial compliance with the Comprehensive Plan.

- (2) The conditional use will conform to all applicable zoning regulations for the district in which the property is located.**

Applicant: The project will conform to all applicable zoning regulations.

Staff: With approval of the CUP by the Commission, the project will conform to all applicable zoning regulations.

- (3) Considering existing circumstances and potential uses under existing zoning, the conditional use will not substantially impair the use and enjoyment of other property in the neighborhood.**

Applicant: *The proposed installation will not impair the use and enjoyment of other property in the neighborhood.*

Staff: Given the industrial setting of the surrounding area, the monopole will not substantially impair the use and enjoyment of other property in the neighborhood.

- (4) The conditional use will not impede the normal and orderly development and improvement of the surrounding property.**

Applicant: *The use will not impede the normal and orderly development of the surrounding property.*

Staff: The monopole is proposed for a corner lot with streets separating it from other properties to the south and east, and railroad tracks separating it from properties to the north. To the west is the landowner on whose property the monopole is proposed. Given this situation, the proposed pole will not impede the improvement of surrounding property.

- (5) Considering existing circumstances and potential uses under existing zoning, the conditional use will not be detrimental to the existing character of the development in the immediate neighborhood or be incompatible with or endanger the public health, safety and general welfare.**

Applicant: *The project will not be detrimental to the existing character of the development in the immediate neighborhood or be incompatible with or endanger the public health, safety and general welfare.*

Staff: Given the industrial setting of the surroundings, the project will not be detrimental to the character of the immediate area. If the monopole were to collapse, it is designed to fold in half and land within 50% of its height (100'). Since the pole is set back 50 feet from all property lines and the closest building is approximately 275 feet away, the potential for negative impacts to public health, safety and welfare is minimal.

- (6) The conditional use will not create an excessive burden on existing parks, schools, streets/roads and other public facilities, which serve or are proposed to serve the area.**

Applicant: The project will not create an excessive burden on existing parks, schools, streets/roads and other public facilities, which serve or are proposed to serve the area.

Staff: The proposed communication facility will not impact parks, schools, streets/roads or other public facilities that serve the surrounding area.

- (7) The conditional use will not adversely affect neighboring property and dwellings because of excessive traffic generation, glare, noise or other nuisance characteristics.**

Applicant: The project will not adversely affect neighboring property and dwellings because of excessive traffic generation, glare, noise or other nuisance characteristics.

Staff: The proposed communication facility will not produce nuisances that would adversely affect neighboring property.

- (8) A conditional use located on property having significant historical and architectural resources shall preserve such resources, and a conditional use shall not substantially diminish other neighboring property having significant historical and architectural resources.**

Applicant: The project shall not substantially diminish other neighboring property having significant historical and architectural resources.

Staff: There are no historically designated properties in the surrounding industrial area. As such, the project will not impact historical or architectural resources.

- (9) The conditional use shall either preserve or not significantly negatively affect natural and environmental resources.**

Applicant: The project shall not significantly negatively affect natural and environmental resources.

Staff: The project's monopole design minimizes the mass of the structure in the air and doesn't require guy wires. In addition, the proposed location for the pole is a vacant portion of land that does not contain substantial natural or environmental resources.

- (10) The conditional use will comply with other applicable city, county, state, and federal regulations, as applicable.**

Applicant: The use will comply with other applicable city, county, state, and federal regulations, as applicable.

Staff: The applicant will secure the approvals needed to proceed with the project.

Recommendation

Given the review above, staff recommends approval of the Verizon Wireless CUP application with the condition that the pole is constructed in accordance with industry standards for monopole design.

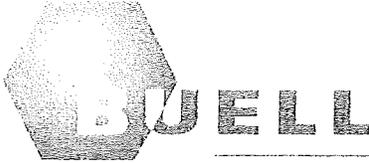
Planning Commission Options

In review of the CUP, the following options are available to the Planning Commission:

- 1) Approve the CUP with the condition that the pole is constructed in accordance with industry standards for monopole design. Under this option, a motion to adopt the attached resolution would be in order.
- 2) Approve the CUP with additional conditions. Under this option, a motion to approve the attached resolution with additional conditions would be in order. Reasonable and necessary conditions may be added:
 - i. To ensure compliance with the Comprehensive Plan, the general CUP standards, and/or with the specific CUP criteria.
 - ii. To protect the health, safety, morals, and general welfare of the public.
- 3) Deny. Under this option, following the hearing and deliberation, the Commission should state specific reasons for denial related to the criteria for the CUP. A motion should be made to postpone further consideration and direct staff to bring a resolution of denial to the next meeting. Staff will then draft a resolution of denial for adoption at the next meeting.
- 4) Table. Under this option, the Commission may choose to table the application to the next meeting.

Attachments:

- A. Application and Project Details
- B. Resolution



Buell Consulting, Inc.
2897 Lake Vista Drive NW
Rochester, MN 55901
(507) 951-7151
Curtwalter10@gmail.com
Site Acquisition
Permitting
Established 1991

January 5, 2016

City of Winona
Attn: Carlos Espinosa
207 Lafayette Street
Winona, MN 55987

Re: CUP application for Verizon Wireless proposed communications facility.

Dear Mr. Espinosa,

As we have discussed briefly over the past few months, Verizon Wireless would like to install a new telecommunications facility at 1058 Mark Street East, Winona on property owned by Badger Foundry.

We would like to install a 100' tall (109' with lightning rod) monopole. A 12' x 26' VZW equipment shelter would be placed at the base of the facility, along with proper fencing.

This site is located in the M-2 zoning district and would fit in well for that area. (4.1)The future land use for the property is Industrial and is surrounded by other properties designated as General Industrial and (4.2) will conform to all applicable zoning regulations. It is located more than 500 feet from any residentially zoned property and is buffered by the railroad and industrial buildings. This proposed installation also meets the required 50 foot setback from all property lines.

This proposed installation will not (4.3) impair the use and enjoyment of other property in the neighborhood. It will not (4.4) impede the normal and orderly development of surrounding property. This project (4.5) will not be detrimental to the existing character of the development in the immediate neighborhood or be incompatible with or endanger the public health, safety and general welfare. This (4.6) will not create an excessive burden on existing parks, schools, streets/roads and other public facilities, which serve or are proposed to serve the area. This project (4.7) will not adversely affect neighboring property and dwellings because of excessive traffic generation, glare, noise or other nuisance characteristics. This project (4.8) shall not substantially diminish other neighboring property having significant historical and architectural resources. This project (4.9) shall not significantly negatively affect natural and environmental resources. This project (4.10) will comply with other applicable city, county, state, and federal regulations, as applicable.

We have research the AM radio tower 2100 feet southeast of this location but we cannot use that tower because it does not allow us the same coverage into the homes and businesses in Winona.

A check for \$197 Conditional Use Permit fee is being sent to you from our main office in St. Paul, MN. Also enclosed is CUP application, an information packet detailing our proposal, along with a copy of our proposed construction drawings.

Please accept this application and place us on the next available agenda. Feel free to contact me for any additional information required.

Cordially,
Curt Walter
Curt Walter

A

Verizon Wireless

Zoning Proposal

for

Badger Foundry

Winona, Minnesota

Prepared by

Curt Walter
Buell Consulting

January 5, 2016

Verizon Wireless

SITE PLAN

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- 2. SITE MAP**

- 3. SITE SKETCH**

- 4. TYPICAL PHOTO**

- 5. ABOUT VERIZON WIRELESS**

Verizon Wireless

Badger Foundry Winona, Minnesota

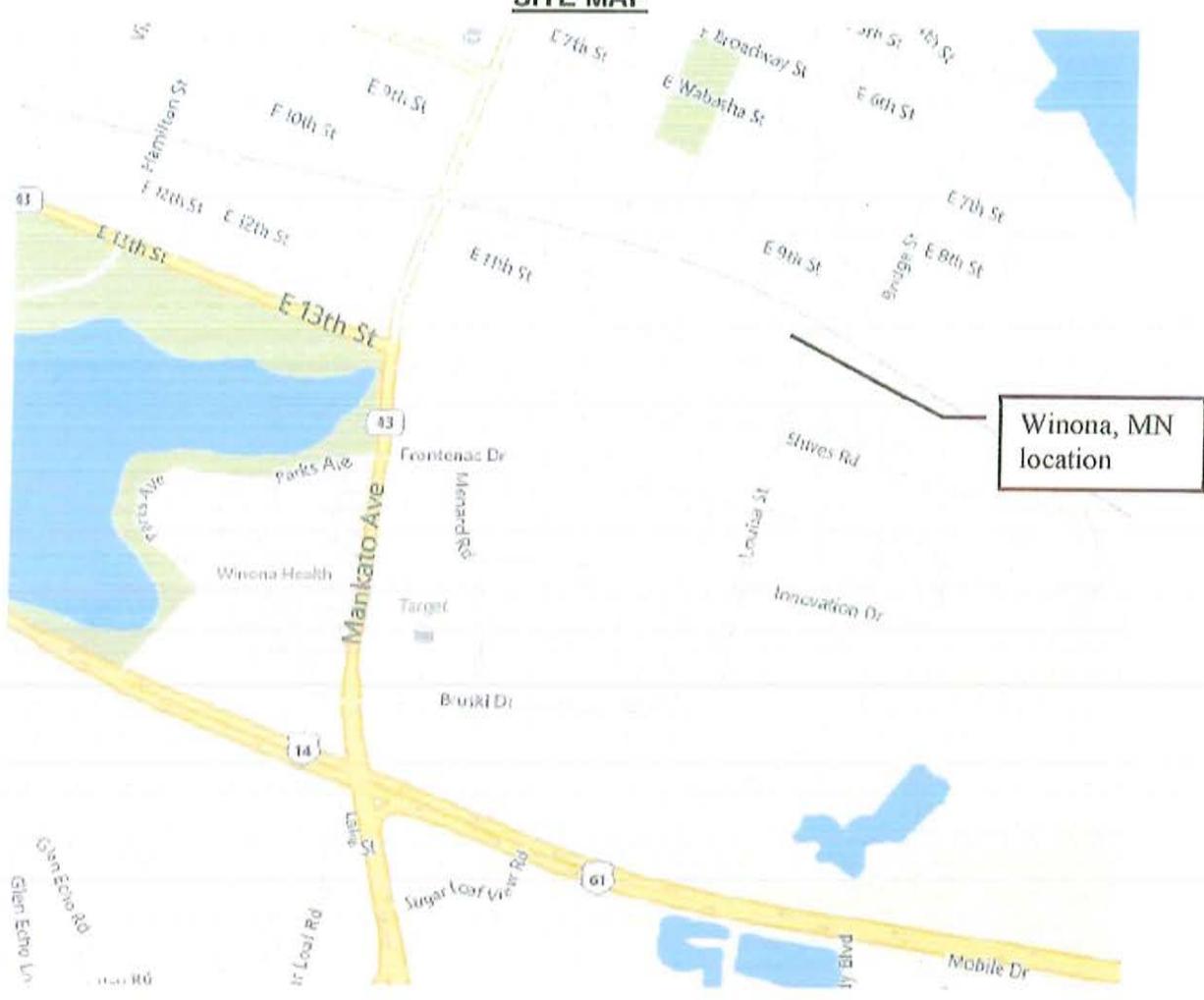
OBJECTIVES:

Verizon Wireless desires to improve their level of service in the Winona area. This proposed cellular tower will enhance their already established network in Minnesota. This site will provide a clearer, stronger and more reliable signal for Verizon Wireless customers in Winona, as well as other wireless users along surrounding roads.

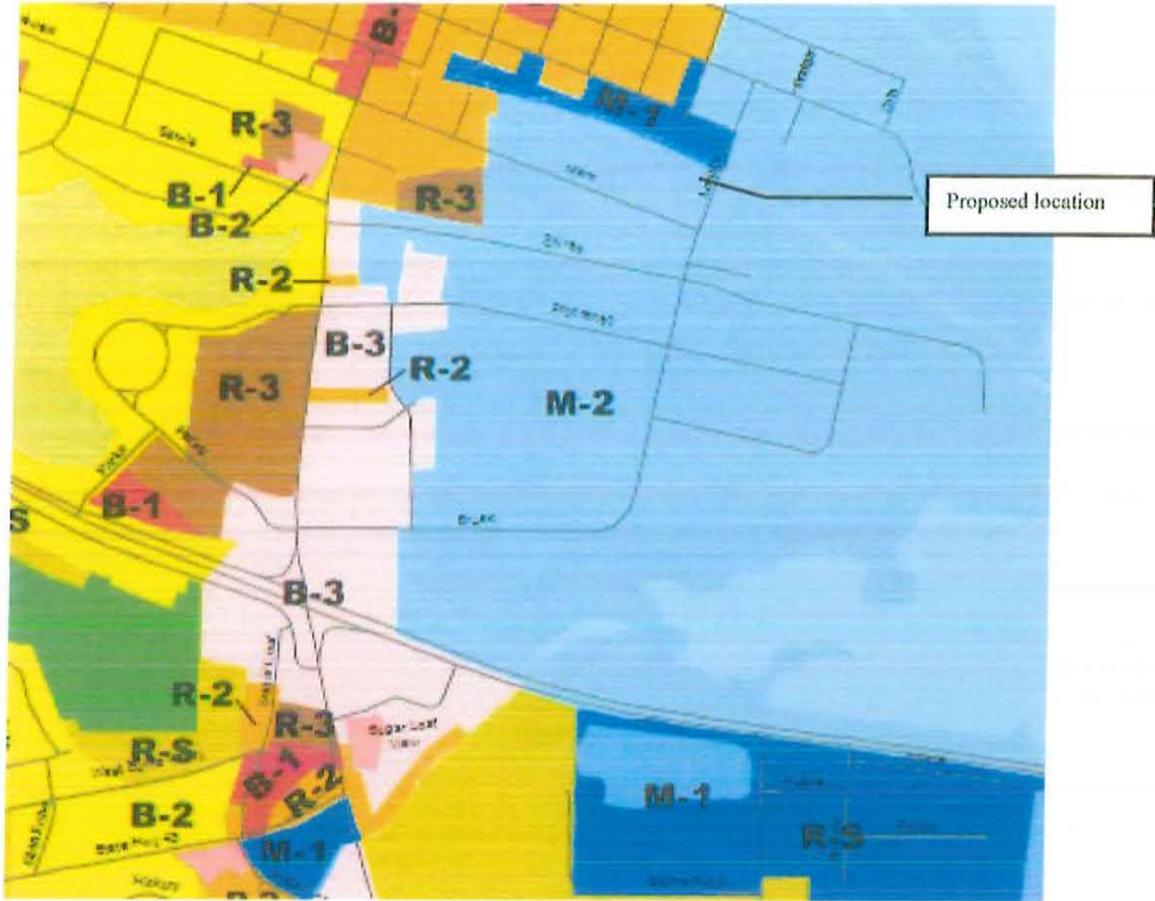
BENEFITS TO THE COMMUNITY:

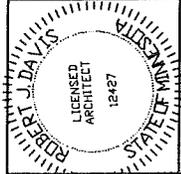
- Improved cellular reception and expanded service area.
- Probable source of communications at time of natural disaster.
- Communications link for personal safety and roadside emergencies.
- Available for expansion into future technology with wireless communications industry & 911 interface capability.
- Site will be made available for collocation with other wireless carriers
- A location for the site that is of minimal visual impact to the community

SITE MAP



ZONING DISTRICT MAP ATTACHMENT





I hereby certify that this plan, prepared by me or under my direct supervision, and that I am duly licensed and qualified to practice architecture in the State of Minnesota.
 ROBERT J. DAVIS, Reg. No. 12427
 Licensee
 Date: 12-27-15

DESIGN
 8773 VALLEY VIEW RD.
 EDEN PRairie, MN 55344
 WWW.DESIGNTEP.COM

VERIZON WIRELESS
 1803 BURR LAKE ROAD
 BLOOMINGTON, MN 55408
 (612) 726-0002

PROJECT
 2015070401
 LOC. CODE: 276983

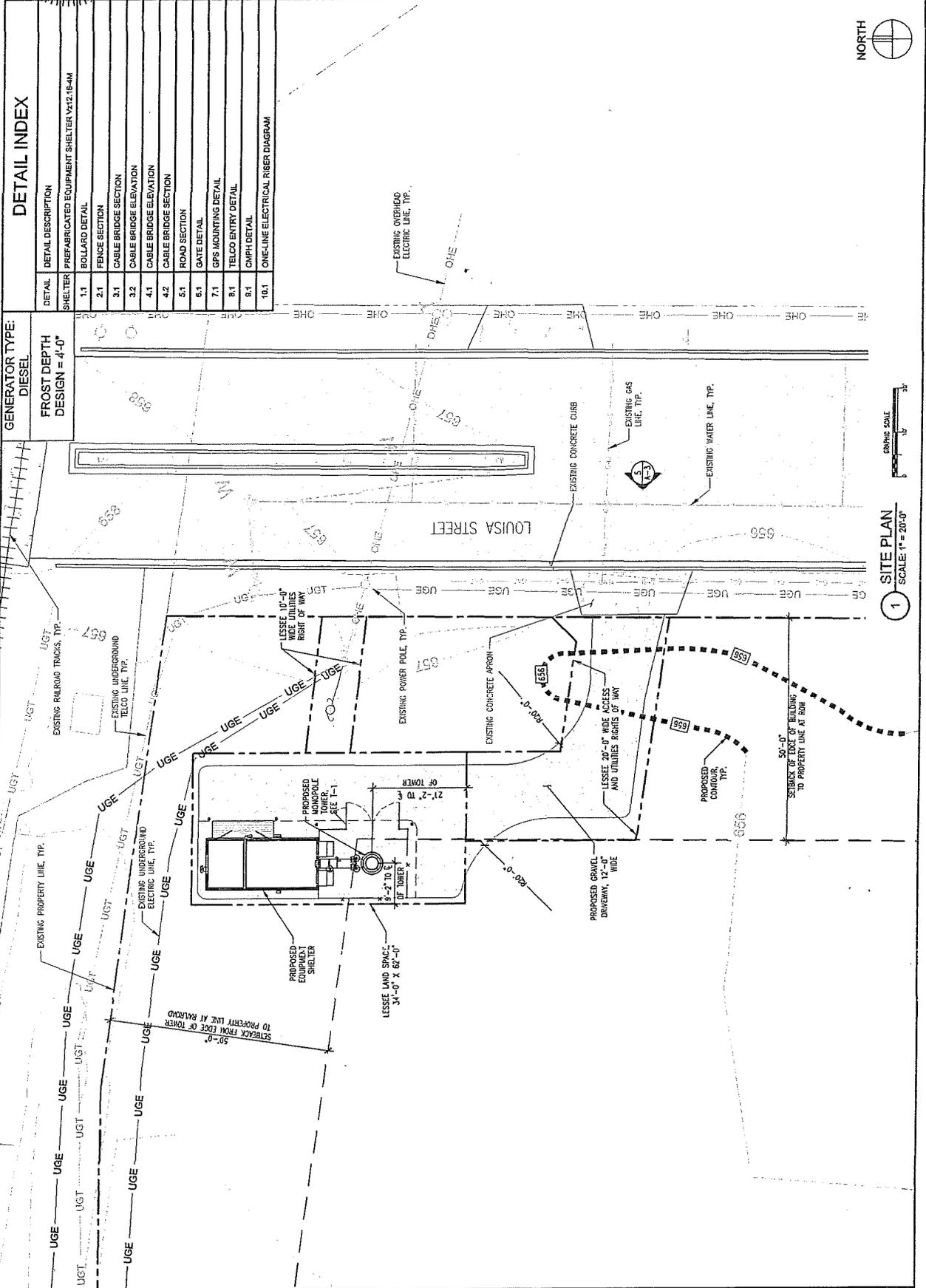
MN11
 SUGAR LOAF

MARK ST. E
 WINONA, MN 55987

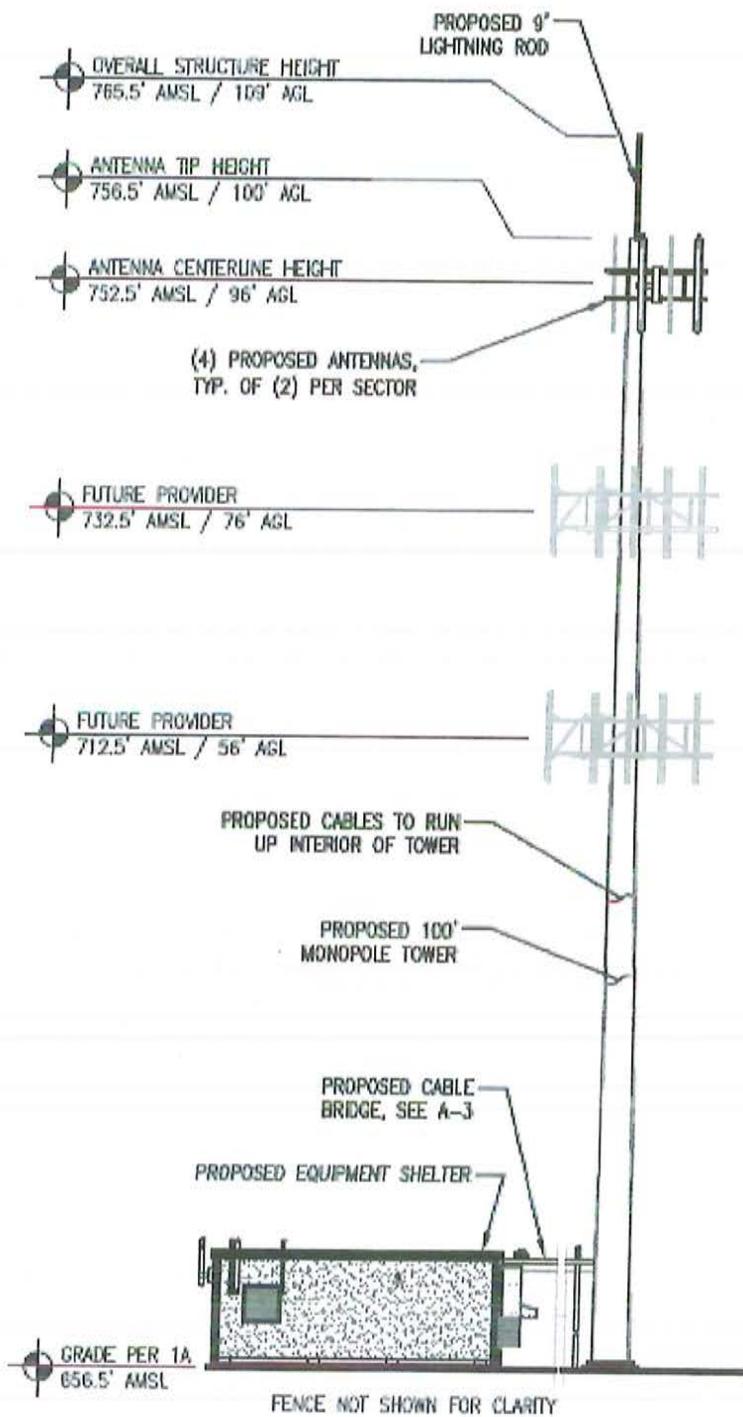
SHEET CONTENTS:
 SITE PLAN
 DETAIL INDEX

DRAWN BY:	DJS
DATE:	10-26-15
CHECKED BY:	COB
REV. A:	10-30-15
REV. B:	12-07-15

A-1



SITE SKETCH



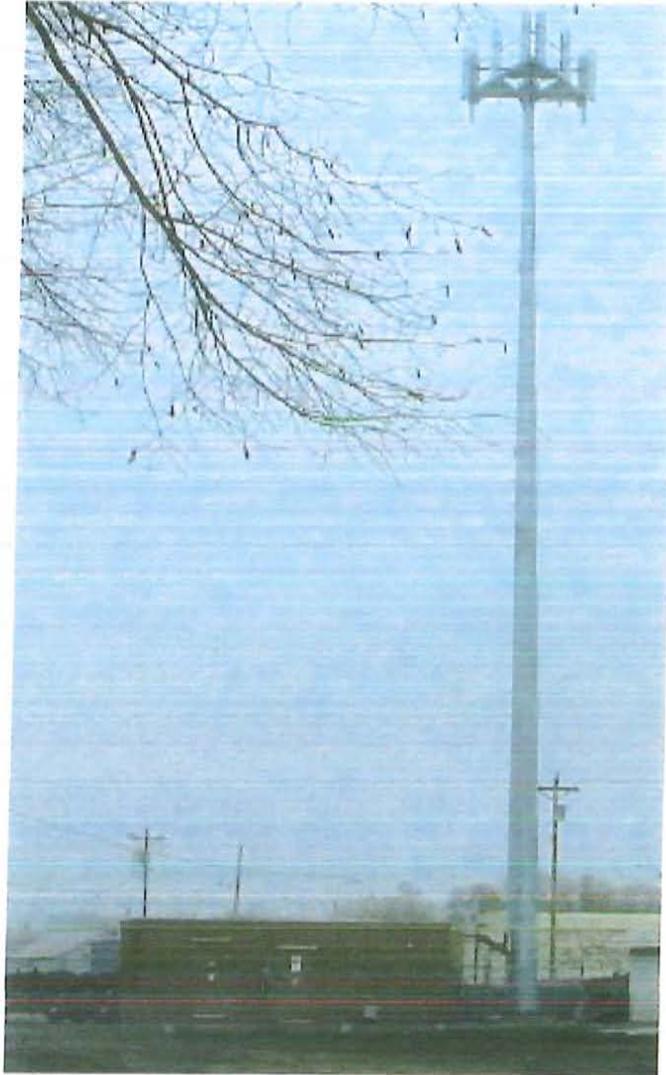
1

WEST ELEVATION

SCALE: 1" = 20'



TYPICAL MONOPOLE



ABOUT VERIZON WIRELESS

Verizon Wireless operates the nation's largest 4G LTE network and largest, most reliable 3G network.

Headquartered in Basking Ridge, N.J., Verizon Wireless is a joint venture of Verizon Communications (NYSE, NASDAQ:VZ) and Vodafone (NASDAQ and LSE: VOD). A leader in wireless voice and data services, the company:

- Owns and operates the nation's largest 4G LTE network. Launched in December 2010, the Verizon Wireless 4GLTE network covers more than 200 million people in more than 230 markets across the U.S. By the end of 2012 the company's 4G LTE network will cover more than 260 million people in 400 markets across the country.
- Built the nation's first wide-area wireless broadband network
- Delivered the nation's first wireless consumer 3G multimedia service
- Offers global voice and data services in more than 200 destinations around the world

Total Retail Customers	93.0 Million, including 88.0 million retail postpaid customers
Employees	80,000 nationwide
Annual Revenue 2011	\$70.2 Billion
Company Operated Stores & Kiosks	More than 2,000
Digital Network Technology	Fourth generation (4G) Long Term Evolution (LTE) network, Code Division Multiple Access (CDMA)
Data Services	Mobile Broadband for staying connected coast to coast on laptops, tablets, smartphones and other non-traditional wireless devices; Verizon Tones for ringtones and ringback tones; Verizon Video for full-length videos of popular cable and broadcast shows, Verizon Apps for 3D games and other apps; Text and picture messaging.
Switching Centers	175+
Headquarters	Basking Ridge, NJ
Area Headquarters	Northeast - Morristown, NJ South - Alpharetta, GA Midwest - Schaumburg, IL West - Irvine, CA

Verizon Communications Inc. (NYSE, Nasdaq: VZ), headquartered in New York, is a global leader in delivering broadband and other wireless and wireline communications services to consumer, business, government and wholesale customers. Verizon Wireless operates America's most reliable wireless network, with 93 million retail customers nationwide. Verizon also provides converged communications, information and entertainment services over America's most advanced fiber-optic network, and delivers integrated business solutions to customers in more than 150 countries, including all of the Fortune 500. A Dow 30 company with \$111 billion in 2011 revenues, Verizon employs a diverse workforce of nearly 192,000. For more information, visit www.verizon.com.

CERTIFICATION OF RESOLUTION

I, Carlos Espinosa, Secretary for the Winona City Planning Commission, do hereby certify that I have compared the annexed paper writing with the original Order of the Winona City Planning Commission RE: Resolution **#16-1** and Petitioner(s) **Verizon Wireless** now remaining of record in my office, and that the same is a true and correct copy of said original.

WITNESS, my hand in Winona, Minnesota, this 8th day of February, 2016.

Carlos Espinosa, Secretary
Planning Commission

CITY OF WINONA, MINNESOTA
PLANNING COMMISSION RESOLUTION 16-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WINONA,
MINNESOTA APPROVING THE REQUEST FOR A CONDITIONAL USE PERMIT FOR A
COMMUNICATIONS TOWER

WHEREAS, the applicant, Verizon Wireless, seeks a Conditional Use Permit (CUP) to Winona City Code 43.65(c)(1) for a communication tower at parcel ID 32-420-0010, which property is legally described on the attached Exhibit A and is zoned M-2; and

WHEREAS, the Planning Commission conducted a public hearing on February 8, 2016, and received public testimony regarding the requested Conditional Use Permit; and

WHEREAS, all required notices regarding the public hearing were properly made; and

WHEREAS, the Planning Commission subsequently reviewed the requested Conditional Use Permit at its meeting on February 8, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WINONA, MINNESOTA, that it adopts the following findings of fact related to the requested Conditional Use Permit:

Specific CUP Requirement

The two specific requirements applicable to the application are:

Standard #1: The tower/monopole shall be at least 50 feet in all parts from every lot line not a street lot line.

Finding #2: The monopole will be at least 50 feet from every lot line not a street lot line per Exhibit C.

General CUP Requirements

Standard #1 The extent, location and intensity of the conditional use will be in substantial compliance with the Winona Comprehensive Plan.

Finding #1 The Comprehensive Plan designates the project location as “General Industrial” in the future land use plan:

GI - General Industrial	
<p>Areas for manufacturing, processing and other activities that may have impacts off-site, and are generally isolated from other uses or buffered from them. Often contiguous to industrial riverfront, but less river-dependent. Sites should have direct access to major regional transportation facilities.</p>	<ul style="list-style-type: none"> • Performance standards for environmental effects and nuisance mitigation • Screen outdoor storage where practical

This land use designation is generally favorable for location of a communications tower/monopole. The project is approximately 550 feet from residentially designated properties and 750 feet from properties designated for commercial and residential mixed-use. In accordance, the proposed project is in substantial compliance with the Comprehensive Plan.

Standard #2 The conditional use will conform to all applicable zoning regulations for the district in which the property is located.

Finding #2 With approval of the CUP by the Commission, the project will conform to all applicable zoning regulations.

Standard #3 Considering existing circumstances and potential uses under existing zoning, the conditional use will not substantially impair the use and enjoyment of other property in the neighborhood.

Finding #3 Given the industrial setting of the surrounding area, the monopole will not substantially impair the use and enjoyment of other property in the neighborhood.

Standard #4 The conditional use will not impede the normal and orderly development and improvement of the surrounding property.

Finding #4 The monopole is proposed for a corner lot with streets separating it from other properties to the south and east, and railroad tracks separating it from properties to the north. To the west is the landowner on whose property the monopole is proposed. Given this situation, the proposed pole will not impede the improvement of surrounding property.

Standard #5 Considering existing circumstances and potential uses under existing zoning, the conditional use will not be detrimental to the existing character of the development in the immediate neighborhood or be incompatible with or endanger the public health, safety and general welfare.

Finding #5 Given the industrial setting of the surroundings, the project will not be detrimental to the character of the immediate area. If the monopole were to collapse, it is designed to fold in half and land within 50% of its height (100'). Since the pole is set back 50 feet from all property lines and the closest building is approximately 275 feet away, the potential for negative impacts to public health, safety and welfare is minimal.

Standard #6 The conditional use will not create an excessive burden on existing parks, schools, streets/roads and other public facilities, which serve or are proposed to serve the area.

Finding #6 The proposed communication facility will not impact parks, schools, streets/roads or other public facilities that serve the surrounding area.

Standard #7 The conditional use will not adversely affect neighboring property and dwellings because of excessive traffic generation, glare, noise or other nuisance characteristics.

Finding #7 The proposed communication facility will not produce nuisances that would adversely affect neighboring property.

Standard #8 A conditional use located on property having significant historical and architectural resources shall preserve such resources, and a conditional use shall not substantially diminish other neighboring property having significant historical and architectural resources.

Finding #8 There are no historically designated properties in the surrounding industrial area. As such, the project will not impact historical or architectural resources.

Standard #9 The conditional use shall either preserve or not significantly negatively affect natural and environmental resources.

Finding #9 The project's monopole design minimizes the mass of the structure in the air and doesn't require guy wires. In addition, the proposed location for the pole is a vacant portion of land that does not contain substantial natural or environmental resources.

Standard #10 The conditional use will comply with other applicable city, county, state, and federal regulations, as applicable.

Finding #10 The applicant will secure the approvals needed to proceed with the project.

BE IT RESOLVED that the requested Conditional Use Permit is hereby granted subject to the following conditions:

(1) The provisions of Winona City Code, Section 43.31.1.(i), Cancellation of Conditional Use Permit, are incorporated herein and made a part hereof by reference.

(2) The pole shall be constructed in accordance with industry standards for monopole design.

Passed by the Planning Commission of the City of Winona, Minnesota this 8th day of February, 2016.

VOTE: DAVIS HAHN BALLARD BUELOW L. OLSON
 M. OLSON PORTER BOETTCHER SHORTRIDGE

ATTEST:

Secretary

Chair

EXHIBIT A

Legal Description of 32-420-0010

The land referred to herein is described as follows:

Lot One (1), Block (1) RIVERBEND INDUSTRIAL PARK SUBDIVISION NO. 1, Winona County, Minnesota according to the recorded plat thereof.

EXHIBIT B

Reference Map



EXHIBIT C

Verizon Wireless Project Information

PLANNING COMMISSION

AGENDA ITEM: 4. Public Hearing – Rezone Request M-2 to B-3

PREPARED BY: Carlos Espinosa

DATE: February 8, 2016

BASE DATA

Petitioner: VEH Properties

Property Owners: 925 Shives Road – Scott & Tiffany Schindeldecker
951 Shives Road - Gerald Modjeski

Location: 925 Shives Road
951 Shives Road (Two Parcels)

Area: Approximately 1.39 acres

Existing Zoning: M-2 (General Manufacturing)

Requested Zoning: B-3 (General Business)

Existing Uses: 925 Shives Road - Residential
951 Shives Road - Vacant

Surrounding Land Use/Zoning: **North:** Shives Road
South: Frontenac Drive, Retail and Restaurants
(B-3)
East: Building/Landscaping Material Storage Yard
(M-2)
West: Vacant (B-3)



Zoning History:

The subject properties have been zoned M-2 since inception of the City's 1960 zoning plan.

Environmental Concerns:

No environmental concerns have been identified for the subject properties. The adjacent property at 919 Shives Road contained wetlands which were filled in 2009 in accordance with state regulations.

Streets/Traffic:

It is anticipated that Frontenac Drive will serve as the primary vehicular access for future development on the subject properties and 919 Shives Road. Frontenac Drive is classified as a "major collector", design capacity of this street is 15,000 vehicles/day. Given most recent (2007) traffic data, present flow is at approximately 3,100 vehicles per day. Also, Frontenac Drive is located on a City bus transit route.

Public Utilities:

The site is presently served by City water, sanitary sewer, and storm sewer facilities, all of which are located within the Frontenac Drive right-of-way, and which include adequate capacity to serve any form of development that may occur.

Present Use Request:

The specific purpose of this request relates to the applicants desire to develop the subject properties along with 919 Shives Road. The concept plan which includes a hotel and commercial uses is provided in Attachment A. Although the plan is representative of what would become “permitted” upon approval of the rezoning request, the Commission’s recommendation should be based upon the full scope/merit of requested B-3 zoning.

ANALYSIS

1. Was there an error or oversight in approval of original zoning of the site?

No. Present M-2 zoning is a remnant of the City’s 1960 zoning plan. In part, this plan was based upon 1960 Comprehensive Plan recommendations designating the subject properties (and adjoining lands) for “Industrial Reserve” purposes.

2. Have there been changes in area development patterns, since original zoning, to warrant/support rezoning?

Yes. Since original zoning, the surrounding area has experienced a transition from planned industrial use toward commercial development. In part, this transition has been supported by a number of approved rezoning activities including:

- 3/2010: M-3 to B-3 – 919 Shives Road located adjacent to the subject parcels.
- 3/2006: R-2 to B-3 – located westerly of subject parcels, rezoning resulted in construction of an office building.
- 3/2005: R-2 to B-3 – located westerly of subject parcels, rezoning resulted in expansion of warehouse business.
- 2/2005: M-2 to B-3 – located southerly of subject parcels, rezoning resulted in construction of new retail buildings (strip mall and A&W)
- 11/2002: R-2/M-2 to B-3 – located south westerly of subject parcels, rezoning resulted in Walgreens.
- 11/2002: R-2/M-2 to B-3 – located westerly of subject parcels, rezoning resulted in redevelopment of property for a coffee shop and eventual Verizon store.
- 3/1988: M-2 to R-3 – located northerly of subject parcels, rezoning resulted in construction of multiple family residential complex.

In addition it should be noted that although adjacent warehouse and building/landscaping material storage and sales businesses have developed under the framework of M-2 zoning, all would be permitted under B-3 zoning.

3. Would potential uses of requested B-3 zoning impose “undue hardship” (relating to noise, odors, etc.) on neighboring properties?

No. Given present use/zoning patterns of the immediate neighborhood, down zoning (M-2 to B-3) of the site is not anticipated to result in undue (excessive) hardship on neighboring properties. Although outdoor activity at the adjacent building/landscaping material business does generate significant noise, primary operating hours are during the day and a covered shed/storage area serves as a type of buffer between the use and the subject parcels. Any future development of the subject parcels and 919 Shives Road should consider this situation in site planning.

4. Would the public interest be better served if rezoning was considered within another area?

No. Rezoning the subject parcels fits with the transition of surrounding properties from manufacturing zoning to commercial zoning and uses. In addition, as discussed below, the Comprehensive Plan supports commercial zoning for this area.

5. Could the rezoning be construed as being spot zoning?

Spot zoning occurs if one of the following tests are met:

- A. The rezoning action results in benefits realized only by the petitioner.
The rezoning does not solely benefit the petitioner. Rezoning the subject parcels to B-3 matches the adjacent property at 919 Shives Road and will facilitate future commercial development. Also, it may be difficult to develop a manufacturing use on the subject parcels given their current irregular shape. Thus, rezoning to B-3 creates a more developable overall property of benefit to the city.
- B. The rezoning is considered to be arbitrary, capricious, or unreasonable.
The proposed B-3 zoning aligns with the Comprehensive Plan and is consistent with adjacent zoning. Thus, the rezoning is not arbitrary, capricious, or unreasonable.

C. Rezoning is not consistent with goals and objectives of the Comprehensive Plan.

B-3 zoning of the site is supported by 2007 Comprehensive Plan recommendations calling for General Commercial use of the site:

Future Land Use Categories / Descriptions	Density / Intensity / Design
<p>GC - General Commercial</p> <p>Auto-oriented commercial and office uses focused primarily on needs and convenience of the motorist, without losing pedestrian access and connection. Situated along arterial roads, typically with parking in front of building. No residential uses, but these may be in close proximity.</p>	<ul style="list-style-type: none"> • Allow for transition to mixed use where appropriate • Improve pedestrian connections from adjacent neighborhoods • Enhance appearance of Highway 61 corridor with landscaping, materials and signage standards • Recognize Highway 61 access improvements

GENERAL PUBLIC CORRESPONDANCE

The owner of the landscaping materials business to the east of the subject properties contacted staff with concerns about future residential or hotel type uses and the potential impacts on his business.

RECOMMENDATION

In summary, the previous analysis has concluded that:

1. No error, or oversight, was made in the “original” (1960) M-2 zoning of the site.
2. Since 1960, the immediate neighborhood has transitioned toward commercial through zone change requests.
3. Potential uses of the requested B-3 classification would not impose “undue” hardship on neighboring properties.
4. Approval of the request fits the transition of the surroundings to commercial and aligns with the Comprehensive Plan’s future land use designation for the area.
5. Spot zoning is not evident.

Given the previous, approval of the request is recommended.

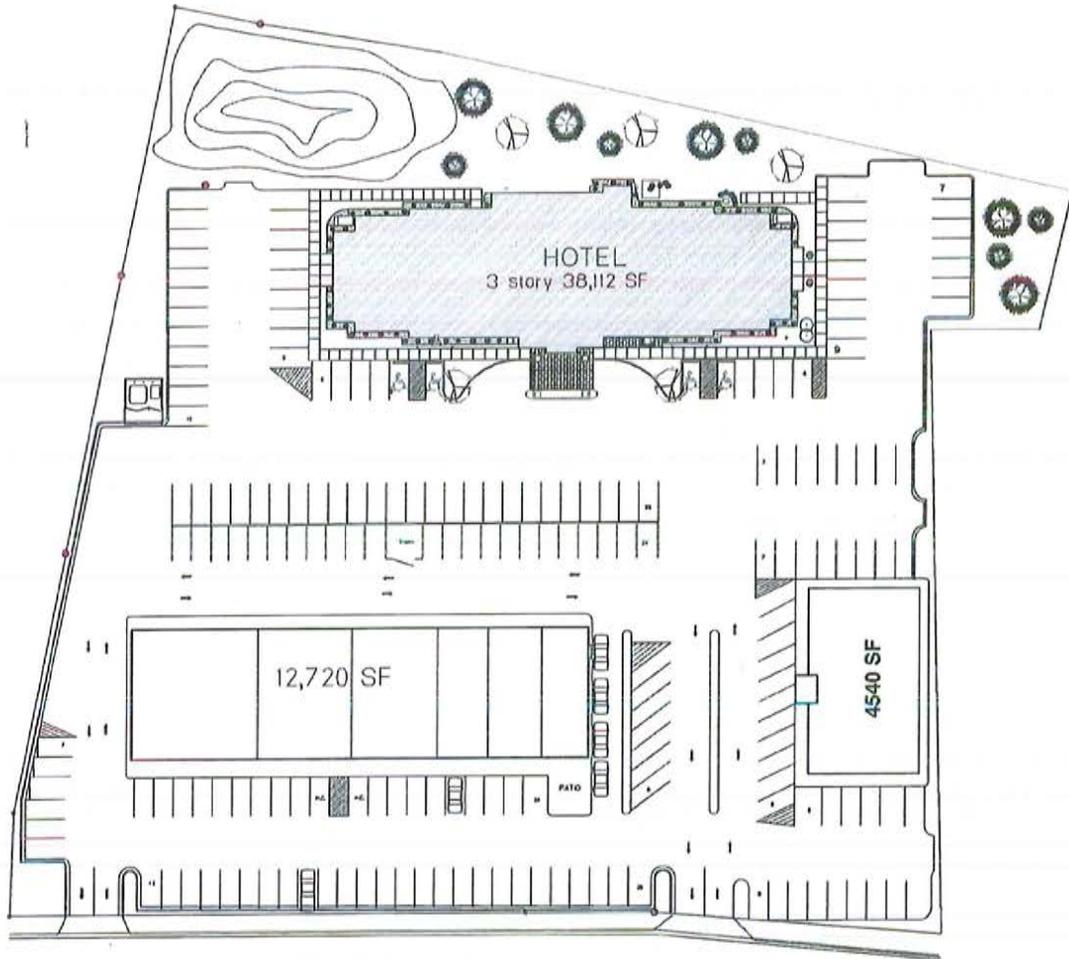
In consideration of this matter, the following alternative actions are available to the Commission:

1. Recommend approval of the request, adopting the analysis above as the findings of the Planning Commission.
2. Recommend denial of the request. If denial is recommended, specific reasons should be given. These reasons should pertain to the potential uses of the proposed zone.
3. Recommend modification of the request. Under this option, the Commission may recommend rezoning a stricter zoning classification (e.g. B-2).
4. Table the item to allow staff additional time to answer questions.

ATTACHMENTS

- A) Conceptual Plan
- B) Comprehensive Plan Map of Subject Properties
- C) B-3 and M-2 Zoning

Conceptual Plan

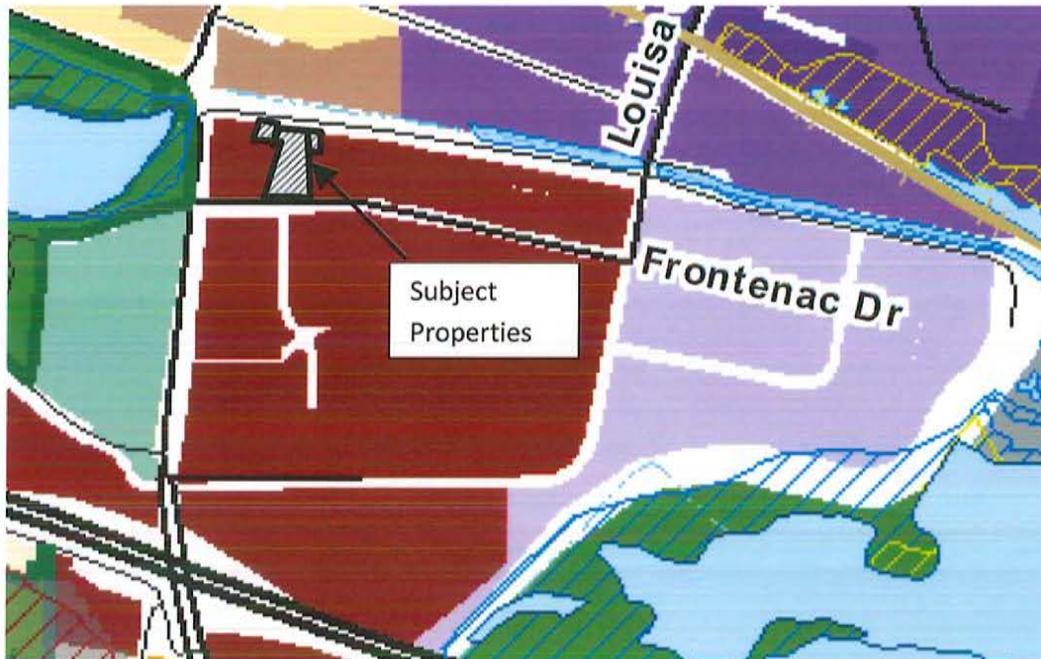


FRONTENAC DRIVE
SITE PLAN
192 Parking Stalls Total



A

2007 Comprehensive Plan Map for 925 & 951 Shives Road



Land Uses

 Downtown Mixed Use	 Industrial Riverfront
 Downtown Fringe	 General Mixed Use
 Neighborhood Commercial	 Transportation and Utilities
 General Commercial	 Limited Residential
 Limited Industrial	 Low Density Residential
 General Industrial	 Traditional Neighborhood

B

43.61 GENERAL BUSINESS DISTRICT.

(a) Permitted Uses. Any use permitted and as regulated in the B-2 district shall be permitted in the B-3 district, except as hereinafter modified in the following:

- (1) Retail and service. Laundries, clothes cleaning or dyeing establishments, used merchandise stores, funeral homes and mortuaries.
- (2) Wholesale and warehousing. Any wholesale business, storage and warehousing and commercial greenhouses.
- (3) Eating and drinking establishments. Drive-in eating and drinking places, summer gardens and roadhouses, provided that principal building is distant not less than 200 feet from any R-S or R-1 district.
- (4) Automotive services and farm implements. Automobiles, trucks, trailers, farm implements, for sale, display, hire or repair, including sales lots, used car lots, trailer lots, repair garages, body and fender shops, paint shops, but not within 50 feet of any R district.
- (5) Animal hospitals, veterinary clinics, etc. Animal hospitals, kennels, display and housing or boarding of pets and other domestic animals; provided, that any enclosures or buildings in which the animals are kept shall be at least 200 feet from any R district and at least 100 feet from any B-1 district. Exercise runs shall be enclosed on 4 sides by a sight-obscuring, unpierced fence or wall at least 5 feet in height.
- (6) Commercial recreation. Repealed. Ord. No. 04/16/90.
- (7) Building and related trades. Carpenter shops, electrical, plumbing, paint shops, heating shops, paper hanging shops, furniture, upholstering and similar enterprises, not including contractors' yards, but not within 100 feet from any R-S or R-1 district.
- (8) Printing and related trades. Publishing, job printing, lithographing, blue printing, sign painting, etc., but not within 100 feet from any R-S or R-1 district.
- (9) Bottling works and wholesale bakeries. Bottling of soft drinks and milk or distribution stations and wholesale bakeries; provided, that a building used for such processing and distribution shall be at least 200 feet from any R-S district or R-1 district and 100 feet from any R-2 or R-3 district.
- (10) Miscellaneous trades. Specialized metal working trades such as sheet metal shops, welding shops, and machine shops; provided that no use shall employ punch presses, drop hammers, or similar equipment and provided further that no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within 100 feet of any R-S or R-1 district and within 50 feet from any R-2 or R-3 district.
- (11) Contractors' yards and related establishments. Building material yards, excluding concrete mixing, contractors' equipment storage yard or plant, or storage yard for rental of equipment commonly used by contractors; trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sales of grain, livestock feed or fuel; carting, express or hauling establishments, including storage of vehicles; provided, that such uses are conducted either wholly within a completely enclosed building, except for storage of vehicles, which building shall be distant at least 100 feet from any R district,

unless such building has no openings other than stationary windows and required fire exits within such distance, but not within 50 feet of any R district in any case or when conducted within an area completely enclosed on all sides with a solid wall or uniformly painted solid board fence not less than 6 feet high, but not within 200 feet of any R district; provided further, that all storage yards related in the uses in this paragraph shall be enclosed.

- (12) Other uses. Any other use which is determined by the commission to be of the same general character as the above permitted uses, but not including any use which is first permitted in the M-1 district or which is prohibited in the M-1 district.
 - (13) Small animal hospitals, veterinary clinics, provided that: The building in which the use is located is a minimum of 50 feet from any residential district, and any building or room within a building in which animals are housed on an overnight basis shall not have openings other than stationary windows and required fire exits.
 - (14) Small Breweries, provided that no portion of any structure, which is used for the production (excluding warehousing or storage) of malt liquors, shall be located closer than 100 feet from any R District, and said uses comply with those performance standards of section 43.33.
- (b) Accessory Uses. Accessory uses and structures as permitted and as regulated in the B-2 district and such other accessory uses and structures not otherwise prohibited, customarily accessory and incidental to any of the foregoing permitted B-3 uses, shall be permitted in the B-3 district.
- (c) Required Conditions. Processes and equipment employed and goods processed or sold in the B-3 district shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste and must comply with the performance standards in Section 43.33.
- (1) Enclosed buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for incidental display of merchandise, the sale of automobile fuel, lubricants and fluids at service stations, loading and unloading operations, parking, the outdoor display or storage of vehicles, materials and equipment and the uses specified in paragraph (11) Section 43.61(a).
 - (2) Night operation. No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 200 feet of any R-S or R-1 district and 100 feet from any R-2 or R-3 district. Any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any R district.
- (d) Height Regulations. No principal or accessory structures shall exceed 3 stories or 40 feet in height, except as provided in Section 43.21.
- (e) Lot Area, Frontage and Yard Requirements. Lot area and frontage and yard requirements in the B-3 district shall be the same as in the B-2 district. (08-17-59)

43.63 M-2 GENERAL MANUFACTURING DISTRICT.

- (a) Permitted Uses. Any use permitted and as regulated in the M-1 district shall be permitted in the M-2 district, except as hereinafter modified.

Any manufacturing use which is not prohibited altogether by this division or is not listed in subsection (d) of this section as subject to review in conformance with the performance standards procedure set forth in Section 43.30 may be permitted without such review; provided, however, that any such permitted use shall be subject to the requirement of initial and continued compliance with the performance standards in Section 43.33; and provided further, that any proposed use may be required to be reviewed in conformance with the performance standards in Section 43.30 at any time before or after issuance of a zoning certificate or building permit if, in the opinion of the zoning or building inspector or the commission, it is considered possible that such use may violate or may already be in violation of the performance standards prescribed in Section 43.33.

The following uses shall also be permitted without commission review or performance standards procedure, but shall be subject to the certain specifications prescribed below in each instance.

- (1) Junk/Scrap Yards. If located not less than 200 feet from any R district; provided, that the use shall not involve the handling or storage of putrescible solid waste materials, and any outside storage areas are enclosed on all sides with a solid wall or uniform tight board fence, not less than 8 feet high and that such operation shall not be visible from the nearest street or highway.
 - (2) Transfer Stations as defined in Section 35.01. Provided that, any part of such use shall be located not less than 300 feet from any R or B district; that any outside storage areas are enclosed on all sides with a solid wall or uniform tight board fence, not less than 8 feet high, and that such operation shall not be visible from the nearest street or highway.
 - (3) Crematory. If located not less than 200 feet from any R district.
 - (4) Railroad yard and freight station. If located not less than 200 feet from any R district.
 - (5) Large Breweries, provided that no portion of any structure which is used for the production of malt liquors (excluding warehousing and storage) shall be located closer than 200 feet from any R District.
 - (6) Other uses. Any other use that is determined by the commission to be of the same general character as the above permitted uses; provided, that it can comply with the performance standards in Section 43.33.
- (b) Conditional Uses. The following manufacturing uses shall be permitted in the M-2 district only if specifically authorized by the commission in accordance with the provisions of Section 43.30; provided, that such uses can control the generation of any dangerous or offensive elements in their operation, so as to comply with the performance standards in Section 43.33 and subject to review in accordance with the performance standards procedure in Section 43.30 in all instances.
- (1) Acetylene manufacturing in excess of 15 pounds pressure per square inch.
 - (2) Acid manufacture, except as provided in this section.
 - (3) Asbestos manufacture.
 - (4) Automobile assembly.

- (5) Bleaching, cleaning and dyeing plant.
- (6) Boiler shops, structural steel fabricating shops, railway car or locomotive shops, including repair metal working shops employing reciprocating hammers or presses over 20 tons rated capacity.
- (7) Distilling of liquors.
- (8) Brick, pottery, tile and terra cotta manufacturing.
- (9) Bulk station.
- (10) Candle or sperm oil manufacturing.
- (11) Cooperage works.
- (12) Dextrine, starch or glucose manufacturing.
- (13) Disinfectant, insecticide or poison manufacturing.
- (14) Enameling, lacquering or Japanizing, varnishing.
- (15) Emery cloth or sandpaper manufacturing.
- (16) Felt manufacturing.
- (17) Flour or grain mill.
- (18) Forge or foundry works.
- (19) Grain drying or poultry feed manufacturing, from refuse, mash or grain.
- (20) Hair or hair products manufacturing.
- (21) Lime or lime products manufacturing.
- (22) Linoleum, oil cloth or oiled goods manufacturing.
- (23) Match manufacturing.
- (24) Meat packing, stockyards or slaughterhouses must comply with the requirements of distance from other districts, as set out in this section.
- (25) Paper and pulp manufacturing.
- (26) Perfume manufacturing.
- (27) Pickle, sauerkraut or sausage manufacturing.
- (28) Plaster manufacturing.
- (29) Poultry slaughterhouse, including packing and storage for wholesale.
- (30) Printing ink manufacturing.
- (31) Radium extraction.
- (32) Sandblasting or cutting.
- (33) Sawmill, the manufacture of excelsior, wood fiber sawdust products.
- (34) Sewage disposal plant.
- (35) Shoddy manufacturing.
- (36) Shoe blacking or polish or stove polish manufacturing.
- (37) Steam power plant, except where accessory to a permitted principal use.
- (38) Slag piles.
- (39) Silica Sand processing facilities, including silica sand washing and drying facilities. In addition to the general performance standards set forth in Section 43.33, silica sand processing facilities shall also comply with the following specific conditions:

- a. Hard Surfacing. Asphalt or concrete surfacing shall be required in any truck or equipment maneuvering area.
- b. Truck Washing Equipment and/or Tracking Pads. Truck washing equipment or tracking pads, or a combination of both, shall be required at each facility.
- c. Truck Route Designation. All trucks entering and leaving such facilities shall enter and exit Winona on designated truck routes. Such routes shall avoid residentially zoned property to the greatest extent possible.
- d. Transportation Impact Analysis. Notwithstanding the provisions of Section 43.89 (a), all silica sand facilities shall complete a Transportation Impact Analysis in accordance with Article XIX of this Chapter

- e. Enclosure and Covering of Processing Equipment and Stockpiles. Processing equipment (including dryers, washers, and screeners) and stockpiles within 500 feet of any R or B district shall be enclosed by a structure. Stockpiles greater than 500 feet from an R or B district and undisturbed for more than one week shall be covered.
- f. Setback. All structures housing processing equipment and stockpiles shall be located a minimum of 500' from a residential property.
- g. Stockpile Watering. Uncovered stockpiles shall be watered regularly to prevent surface areas from drying out and becoming susceptible to wind erosion.
- h. Hours of Operation. Hours of operation for truck traffic and equipment/ machinery with back-up alarms shall be limited to 7 a.m. – 7 p.m.
- i. Landscaping and Screening. Sufficient landscaping and screening, including but not limited to fences, walls and/or vegetative screens, as approved by the City of Winona, shall be provided to mitigate visual impacts of operation on adjacent properties.
- j. Contact Information. Facility operators shall provide current contact information to the City of Winona to facilitate response to concerns.
- k. Permits and Reports Obtained and Placed on File. Any applicable state or federal permits shall be obtained and placed on file with the City of Winona. Any reports generated to fulfill permit requirements shall be submitted to the City of Winona.

- (40) Transportation facilities used to ship silica sand, except for dredged material (e.g. river sand) from the Mississippi River. In addition to the general performance standards set forth in Section 43.33, transportation facilities used to ship sand shall also comply with the specific conditions set forth under 43.63 (b) (39) above.

The provisions of this section shall also apply to any other use which, in the opinion of the zoning inspector or commission, is of a similar character with respect to the emission of dangerous or offensive elements to the uses listed above.

- (c) Location of Certain Uses. Any of the following uses, in addition to the performance standards in Section 43.33 and performance standards procedure in Section 43.30, shall be located not less than 600 feet from any R district and not less than 200 feet from any M-1 or B district.

- (1) Manufacturing uses involving primary production of the following products from raw materials:
 - a. Asphalt, cement, charcoal and fuel briquettes.
 - b. Aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric and sulfuric acids.

- c. Coal, coke, and tar products, including gas manufacturing; explosives, fertilizers, gelatin, animal glue and size.
 - d. Turpentine.
 - e. Rubber and soaps, including fat rendering.
- (2) The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; storage, curing or tanning of raw, green or salted hides or skins.
 - (3) Stockyards, etc. Stockyards and slaughterhouses, except for poultry.
 - (4) Explosives. Storage of explosives or fireworks, except where incidental and accessory to a use which is not subject to a distance requirement.
 - (5) Other uses. Any other use which is determined by the commission to be of the same general character as the uses in this subsection (c).
- (d) Accessory Uses. Accessory uses and structures permitted and as regulated in the M-1 district, except as hereinafter modified, and such other uses and structures customarily accessory and incidental to any M-2 use shall be permitted in the M-2 district.

In addition, exterior signs which pertain to a permitted use on the premises and billboards and outdoor advertising signs and structures shall be permitted in the M-2 district, subject to the provisions in Section 43.43.

- (e) Required Conditions.
- (1) Enclosure not required. Any use may be conducted in the M-2 district within or without a building or enclosure, subject only to performance standard distance requirements where applicable, except as otherwise provided.
 - (2) Enclosure of junk yards. All junk yards shall be enclosed by a solid board fence or wall not less than 8 feet high.
- (f) Prohibited Uses. The following uses are prohibited in the M-2 district:
- (1) Dwellings, etc. Dwellings and residences of any kind, including motels, trailers, parks, also schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any such uses legally existing in the M-2 district at the time of adoption of this chapter or any amendment thereto, shall not be classified as a nonconforming use and subject to the provisions of Section 43.32.
 - (2) Business and services. Business uses and service establishments including restaurants, except when incidental and accessory to a permitted principal use and except service stations and such business, commercial and other uses as are first permitted in the B-3 district.
- (g) Height Regulations. Height regulations in the M-2 district shall be the same as in the M-1 district.

(h) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed in the M-2 district, except as modified by the provisions of Section 43.53(a) through (e):

<u>Lot Areas</u>	<u>Frontage Depth</u>	<u>Front Yard</u>	<u>Side Story</u>	<u>Yard One</u>	<u>Width Both</u>	<u>Rear Yard Depth</u>
Nonresidential Structures						
None	None	25 ft.	None except when adjoining R district - then not less than 50 ft. each side yard.			1-story 40 ft. 2-story 50 ft. 3-story 60 ft. Five feet more each additional story.
Dwellings or residential parts of nonresidential buildings			Not permitted in M-2 district (Existing dwellings: Same as R-3)			

PLANNING COMMISSION

AGENDA ITEM: 5. Public Hearing – Zoning of Annexed Property – 1720 Valley View Drive

PREPARED BY: Mark Moeller

DATE: February 8, 2016

Hearing Purpose:

The purpose of this public hearing is to consider a staff recommendation to apply R-1 (One-Family Residence) Zoning to 1720 Valley View Drive. A map referencing the location of this property is found on Exhibit B. The property is legally referenced as lots 13 and 14, Pleasant Valley Terrace Subdivision 1.

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 could request/petition annexation of his/her property into the City. Following a 30 day review/comment period by the Township, Council enacted an approving resolution that was 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-six parcels, all located within Orderly Annexation (shaded) areas of Exhibit A, have been annexed under the previous process. Of these, the distribution of lots has included eight (developed) lots within the Pinecrest neighborhood, eleven (developed) lots within the Pleasant Valley Terrace Subdivision neighborhood, five (developed) lots along County Road 17, and two undeveloped lots.

On September 30, 2015, a letter was sent to Waleed M. Al-Balawi and Amy Torbenson, owners, advising them of the Commission's intent to initiate zoning of their property.

During the Commission's meeting of October 12, 2015, 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 adopted a motion initiating the zoning amendment process of the parcel.

On January 26, 2016, legal notice of the Commission’s February 8th hearing was provided to the property owner and surrounding neighborhood. To date, no responses to that letter have been received.

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, County Road 17 to the west, and One-Family Residential development to the north and south. 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, occurring within this area, and in accordance with terms/conditions of the 2005 Agreement, City sanitary sewer lines have been constructed throughout all of the subdivision. While City water is currently available only to northerly portions of the development, a planned extension project will provide service to the lot within the immediate future.

The following Table A provides detail relating to the existing use and structure of this lot:

TABLE A					
USE	* LOT AREA SQ. FT.	LOT FRONTAGE	MINIMUM YARDS:		
			FRONT	SIDE	REAR
Single Family Residence	24,700	445	73	25	80

*** As reflected on Exhibit C, a portion of the property is subject to a 20 foot public drainage easement.**

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

Staff recommends approval of this proposal on the basis of the following:

- 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, recommended in the 2007 Plan, 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 use residential performance standards for each of these classifications are as follows:

Table B

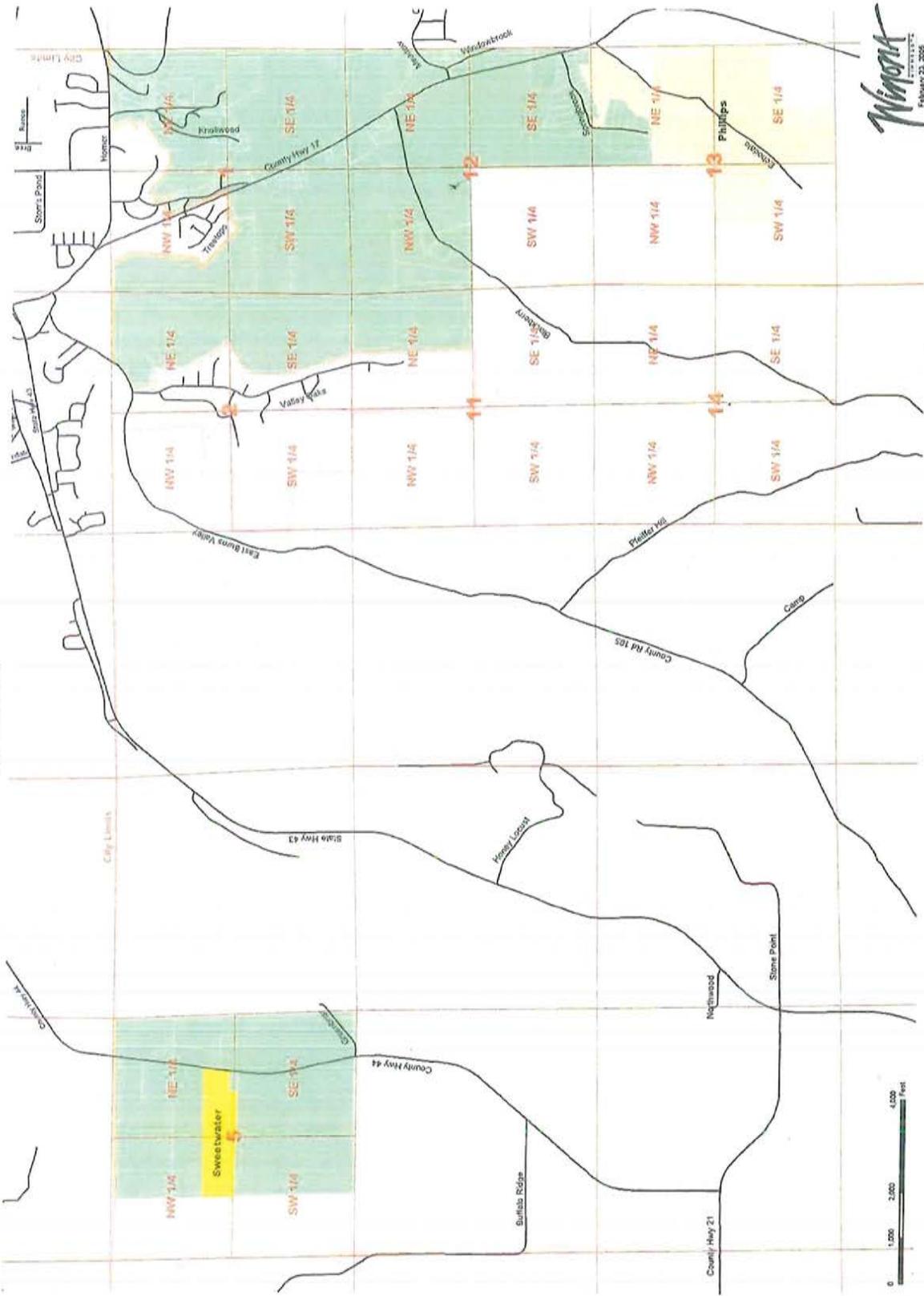
Zone	Lot Area	Frontage	Front Yard	Side Yard	Rear Yard
R-R	18,000	100	35	12	50
R-S	12,000	90	35	10	50
R-1	8,000	65	25	8	40

- In consideration of the previous, although any of the districts listed could reasonably accommodate the property as it currently stands, it must be remembered that it is an oddity in that it contains 2 parcels. Given this, and in recognizing that other annexed properties within this subdivision have received R-1 Zoning, it is recommended that R-1 Zoning be extended to this property.

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

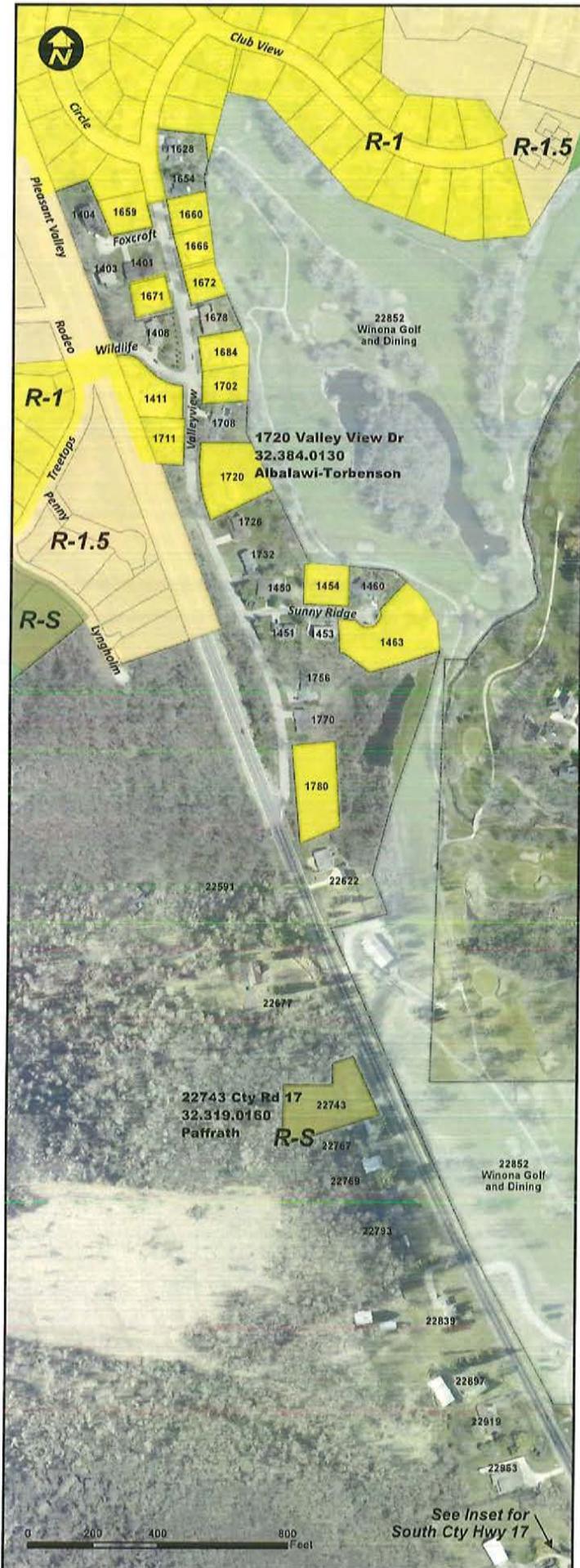
Attachments

Exhibit A

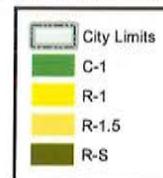


Wingard
 CONSULTANTS
 February 21, 2006

"A"



Recent Annexation Zoning Pleasant Valley

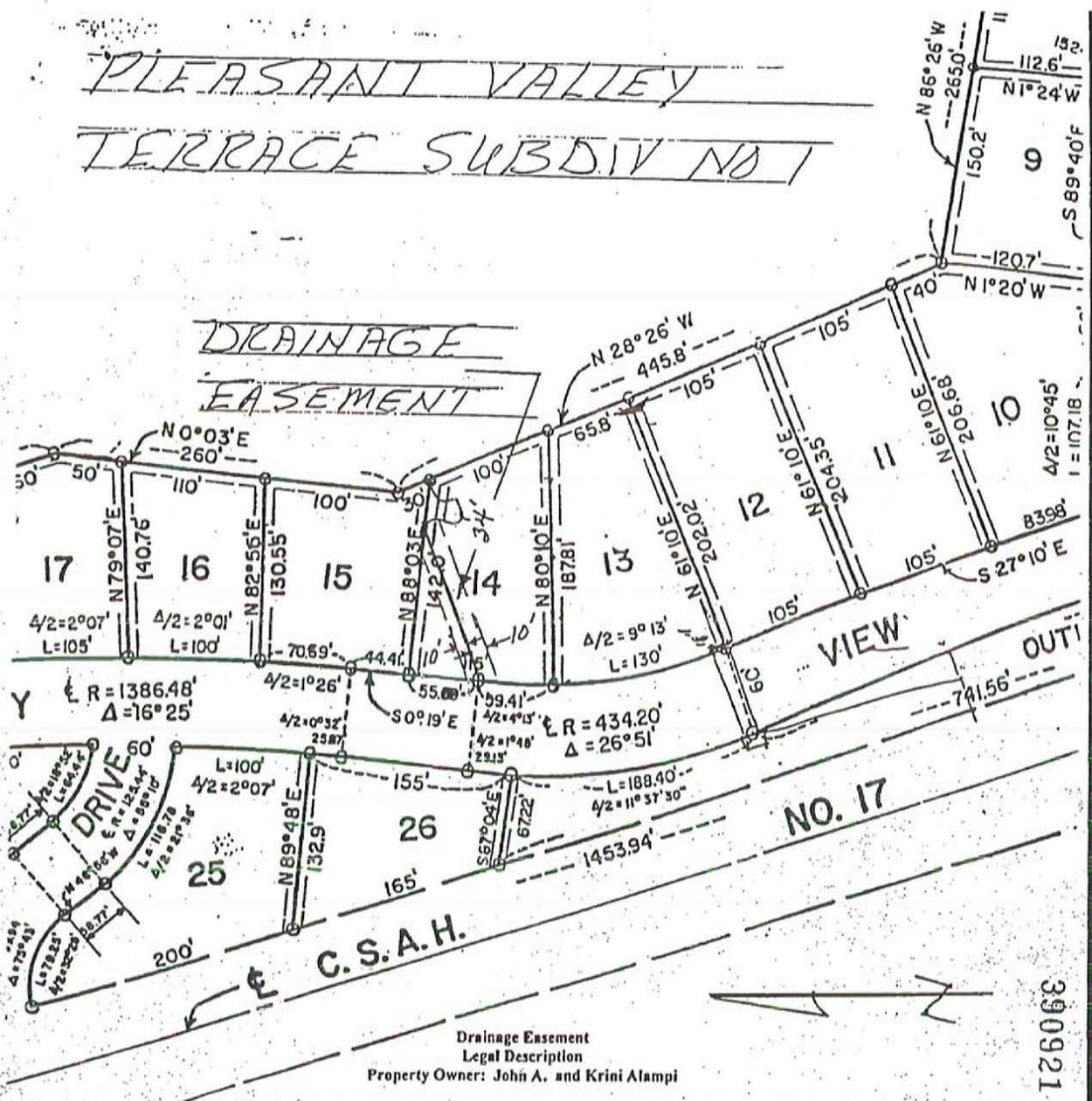


This map was compiled from a variety of sources. This information is provided with the understanding that conclusions drawn from such information are solely the responsibility of the user. The GIS data is not a legal representation of any of the features depicted, and any assumptions of the legal status of this map is hereby disclaimed.

January 2016

"B"

PLEASANT VALLEY TERRACE SUBDIV NO 1



Drainage Easement
Legal Description
Property Owner: John A. and Krini Alampi

An easement ten (10) feet on each side of the following described line:
Part of Lot 14, Pleasant Valley Terrace, Subdivision No. 1, beginning at a point on the West line of said Lot 14. Fifty-five (55) feet Southerly of the Northwest corner of said Lot 14; thence Easterly to a point on the North line of said Lot 14, Thirty-four (34) feet Westerly of the Northeast corner of said Lot 14; thence Easterly along the North line of said Lot 14 to the Northeast corner of said Lot 14 and there terminating.

Date: MAY 16, 1996 *Robert J. Boliant*
Robert J. Boliant
Director of Public Works
Reg. #8576

EXHIBIT I

CERTIFICATE OF RECORDING

State of Minnesota, County of Winona ss

I hereby certify that this instrument was recorded as microfilm document number 390921
on September 16, 1996 at 10:30 AM Fees paid: 19.50 RE CHARGE

Sandy Falkowski Deputy
Robert J. Bambenek
Winona County Recorder

Return to: CITY CLERK
CITY OF WINONA

390921

PLANNING COMMISSION

AGENDA ITEM: 6. Public Hearing – Zoning of Annexed Property – 22743 County Road 17

PREPARED BY: Mark Moeller

DATE: February 8, 2016

Hearing Purpose:

The purpose of this public hearing is to consider a staff recommendation to apply R-S (Residential-Suburban) Zoning to 22743 County Road 17. A map referencing the location of this 1.07 acre property is found on Exhibit B.

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 could request/petition annexation of his/her property into the City. Following a 30 day review/comment period by the Township, Council enacted an approving resolution that was 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-six parcels, all located within Orderly Annexation (shaded) areas of Exhibit A, have been annexed under the previous process. Of these, the distribution of lots has included eight (developed) lots within the Pinecrest neighborhood, eleven (developed) lots within the Pleasant Valley Terrace Subdivision neighborhood, five (developed) lots along County Road 17, and two undeveloped lots.

On September 30, 2015, a letter was sent to Randy R. Paffrath (owner) advising of the Commission's intent to initiate zoning of the property.

During the Commission's meeting of October 12, 2015, 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 adopted a motion initiating the zoning amendment process of the parcel.

On January 26, 2016, legal notice of the Commission's February 8th hearing was provided to the property owner, and surrounding neighborhood. In response to that

notice, staff did receive one communication from an adjoining neighbor requesting additional information of the proposed zoning classification. No objections to the request have been received.

Analysis

As reflected on Exhibit B, this “unplatted” parcel has direct access to County Highway 17, while land abutting the site at its north, south, and west sides is Wilson Township (County) zoned UR (Urban-Residential). The stated purpose of this district is 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 accordance with terms and conditions of the 2005 annexation agreement, the property is served by both City sewer and water facilities.

The following Table A provides detail relating to the existing use and structure of this lot:

TABLE A					
USE	LOT AREA SQ. FT.	LOT FRONTAGE	MINIMUM YARDS:		
			FRONT	SIDE	REAR
Single Family Residence	1.07 Acres	200	20	45	200

2007 Comprehensive Plan

The 2007 Comprehensive Plan recommends “low density residential” use for all land located within those Orderly Annexation areas (including this site) 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

Staff recommends approval of this proposal on the basis of the following:

- 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, recommended in the 2007 Plan, 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 use residential performance standards for each of these classifications are as follows:

Table B

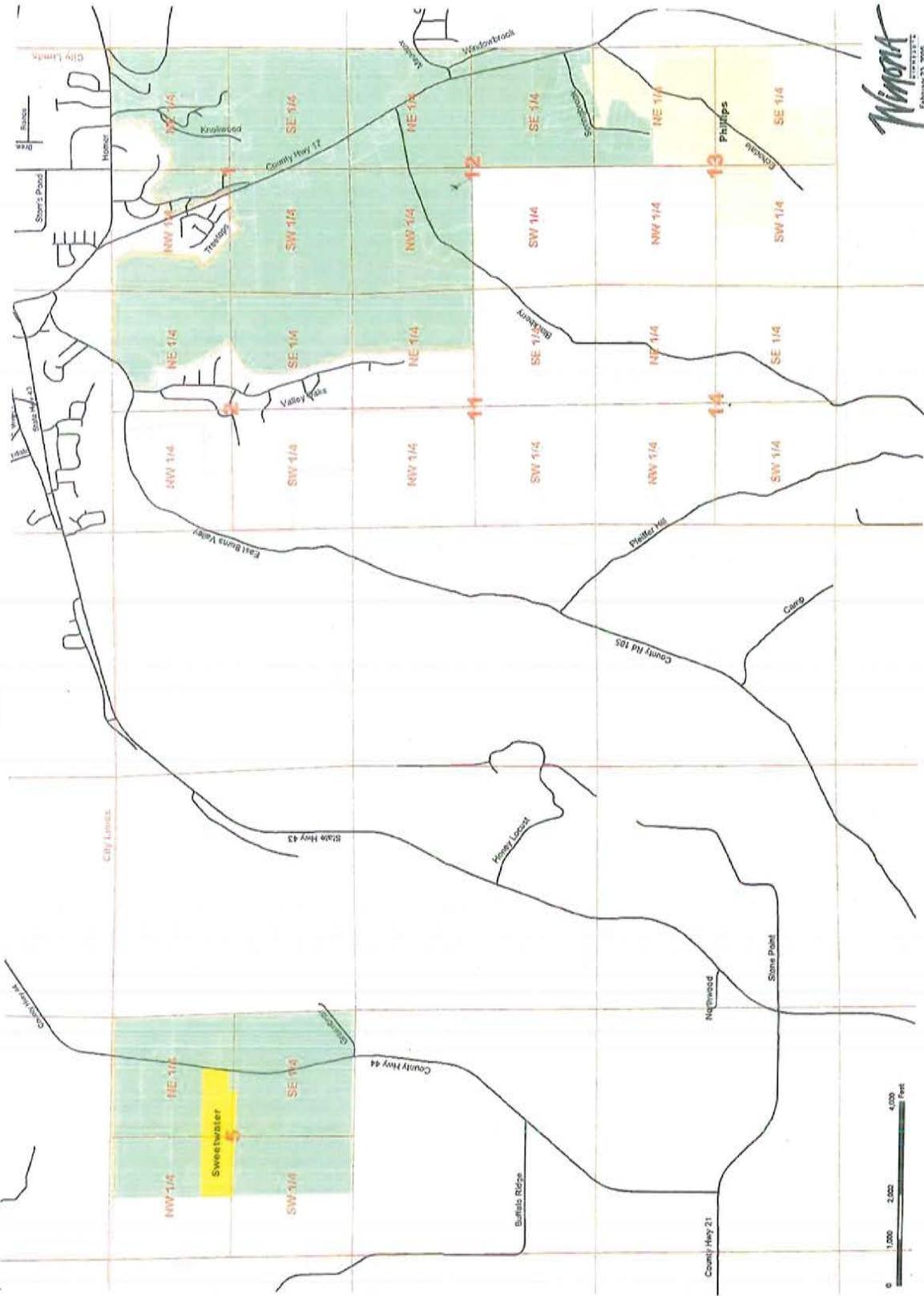
Zone	Lot Area	Frontage	Front Yard	Side Yard	Rear Yard
R-R	18,000	100	35	12	50
R-S	12,000	90	35	10	50
R-1	8,000	65	25	8	40

- In consideration of the previous tables, the R-S (Residential-Suburban) option would appear to provide reasonable fit to the lot. Additionally, this option would provide consistency to other County Road 17 annexed parcels that have also been zoned R-S since 2005.

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

Attachments

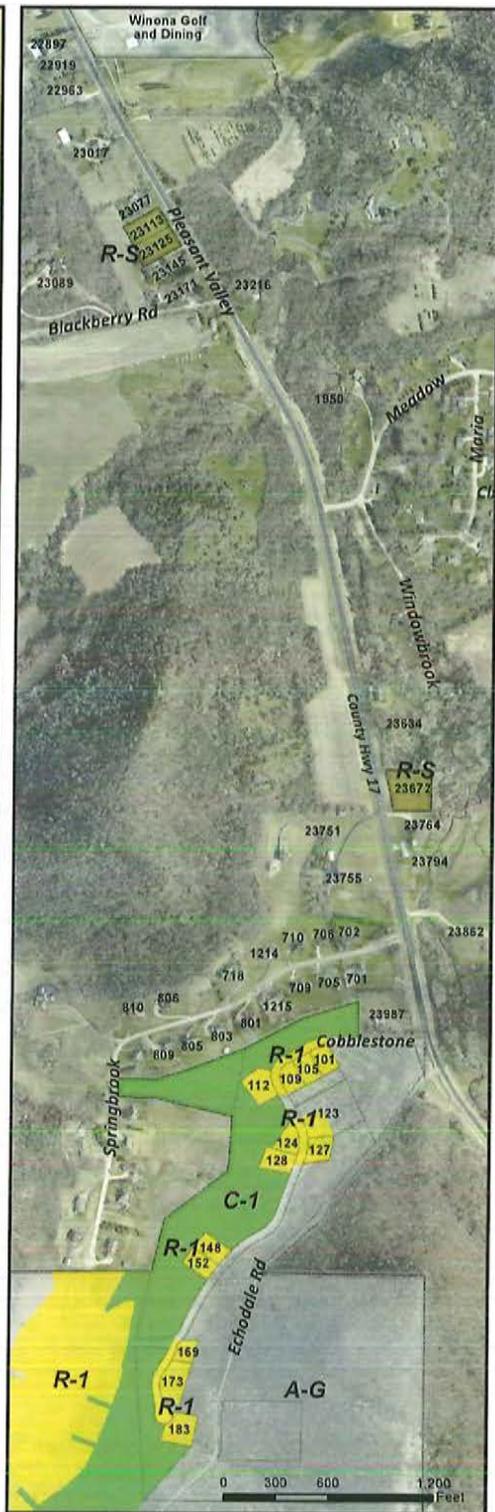
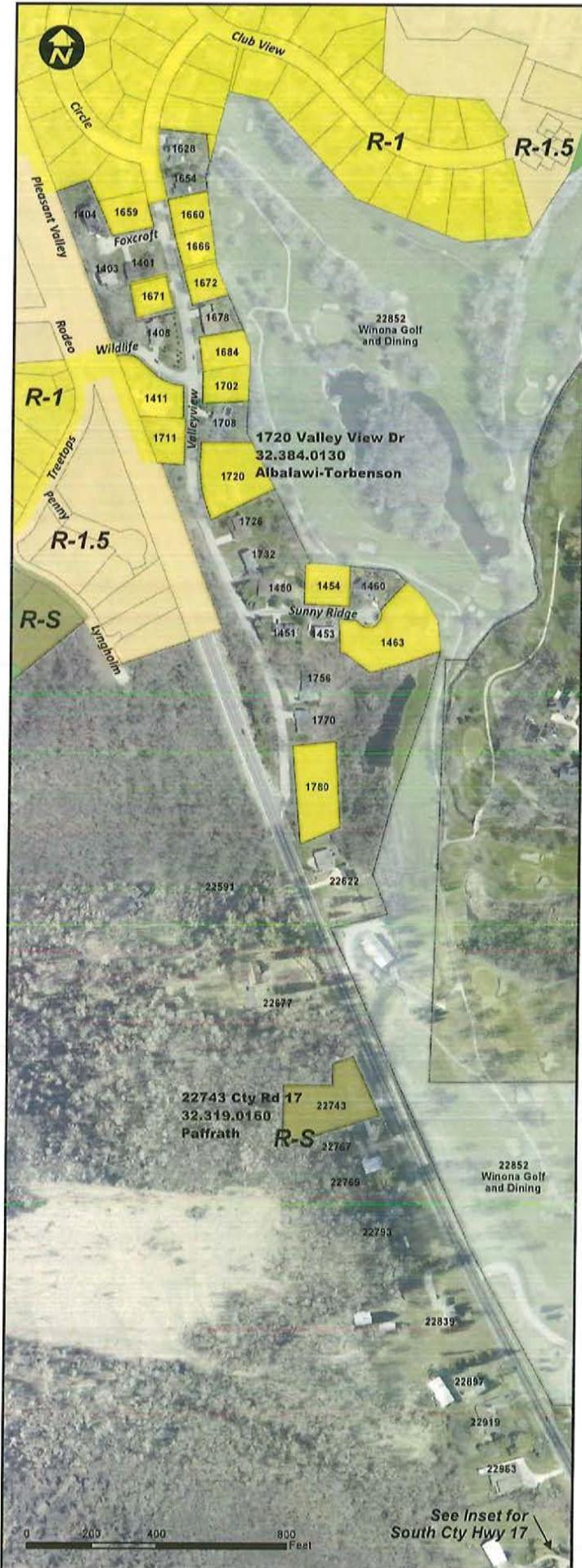
Exhibit A



Wingard
 CONSULTANTS
 February 21, 2005

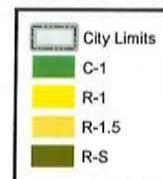
—	Roads
■	Ordery Annexation Area
■	Periods
■	Existing City Limits
■	Sweetwater Property
■	Phillips Property
■	Sections

"A"



Recent Annexation Zoning

Pleasant Valley



"B"

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January 2016