

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.

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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.

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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