



COMMUNITY DEVELOPMENT

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

February 5, 2020

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, February 10, 2020, at 4:30 p.m. in the Wenonah Room** of the Winona City Hall.

1. Call to Order
2. Approval of Minutes – January 27, 2020
3. Tabled Item – Comprehensive Plan Map Amendment Resolution – 330 West Second Street
4. Other Business
5. Adjournment

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos Espinosa", written over a horizontal line.

Carlos Espinosa
City Planner

PLANNING COMMISSION MINUTES

DATE: January 27, 2020

TIME: 4:30 p.m.

PRESENT: Chairman Buelow, Commissioners Hahn, Boettcher, Hall, Olson, and Shortridge

ABSENT: Commissioners Ballard, Marks, and Paddock

STAFF PRESENT: City Planner Carlos Espinosa, Assistant City Planner Luke Sims

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

Approval of Minutes – January 13, 2020

The minutes from the Planning Commission meeting of January 13, 2020 were reviewed. Commissioner Olson moved to approve the minutes. Commissioner Hahn seconded the motion. All members present voted aye.

Public Hearing – Interim Use Permit 707 West King Street Tourist Home

Mr. Sims provided an overview of the proposed tourist home, which would be converting an existing long-term rental unit within an existing tri-plex to a short-term rental unit. The applicants had provided adequate responses to the required information for a short-term rental.

Commissioner Hahn asked to confirm that the property would be owner occupied. Mr. Sims responded that this was correct.

Chairman Buelow opened the public hearing. No members of the public coming forward to speak, the public hearing was closed.

Commissioner Hahn moved to approve the application. Commissioner Hall seconded the motion.

Commissioner Shortridge asked if there were other tourist homes in the area. Mr. Sims responded that he couldn't recall any nearby at this time.

Commissioner Olson mentioned there was not a significant amount of parking at the property.

No further comments forthcoming, the Commission voted on the motion at hand. All members present voted aye.

Public Hearing – 276 East Garvin Heights Road Zone Change

Applicant, Jerry Papenfuss, of 276 Pleasant Hill Drive came forward to address his proposal for a zoning change at 276 East Garvin Heights Road. He noted that there is

PLANNING COMMISSION MEETING MINUTES

JANUARY 27, 2020

PAGE 2

a housing shortage in Winona and that the zoning change would allow for a development of seven lots for homes in the \$300,000 range, which past sales show there is demand for. He also noted that there would be an additional \$2 million to the City's tax base and that the City will see \$100,000 from the development with limited costs as there are existing utilities at that location already.

Chairman Buelow asked if the radio tower was still at that location. Mr. Papenfuss responded that there is a small building there but that the tower has been removed.

Commissioner Olson asked if the existing building would be demolished. Mr. Papenfuss responded that it would be.

Mr. Espinosa provided an overview of the proposal, which would be a rezoning of 12 acres currently zoned Agricultural/Natural Resources to Rural Residential. He noted that there were not mistakes in the existing zoning and that the zoning to the south has changed to accommodate residential suburban development, which has lot characteristics consistent with the proposed Rural Residential zoning. Mr. Espinosa noted that there is a driveway serving the Redig property to the west. He also mentioned that the applicant would ultimately dedicate four acres of land behind the proposed seven lots to the City.

Chairman Buelow opened the public hearing.

Sue Buswell, 279 East Garvin Heights Road came forward to ask if the covenants affecting the properties to the south would affect the proposed properties that the applicant will bring forward in the future. Mr. Espinosa noted that as a separate subdivision, the covenants would likely not apply. Ms. Buswell also asked if there would be a park at the properties proposed to be rezoned. Mr. Espinosa noted it would be park land but there was not a proposed park. Ms. Buswell expressed concern over the narrowness of the roads and that there was a lack of sidewalks and parking could be a problem. She suggested that the roads be enlarged.

No further members of the public coming forward to speak, the public hearing was closed.

Commissioner Olson moved to approve the application adopting staff's analysis as the findings of the Commission. Commissioner Boettcher seconded the motion.

Commissioner Olson asked for clarification regarding the portion of the land to be dedicated. Mr. Espinosa noted that the rectangle to the north in the Commission's packet was the section to be dedicated.

Commissioner Olson asked for clarification regarding the future use of the half-moon shaped area to the west of the Redig driveway. Mr. Espinosa noted that he was not

PLANNING COMMISSION MEETING MINUTES

JANUARY 27, 2020

PAGE 3

aware of a clear direction for that property at this time but that it won't be dedicated to the City. He did note that it is a steep area that is undevelopable.

Commissioner Shortridge asked if there was an easement for access to the Redig property. Mr. Papenfuss responded that this was the case.

Commissioner Olson asked to clarify if there was any development possible to the west of the driveway. Mr. Espinosa mentioned that it is too steep to the west.

Commissioner Shortridge asked about the number of lots proposed, which would have one more lot than the number of lots across the street. Mr. Espinosa noted that the lots across the street are a similar size and are in fact larger than their required minimum lot area, which the proposed lots in this case would follow.

Commissioner Shortridge asked if sidewalks would be required. Mr. Espinosa mentioned that this would be addressed in the subdivision process.

No further comments forthcoming, the Commission voted on the motion at hand. All members present voted aye.

Public Hearing – 262 High Forest Street Zone Change

Dax Connelly, representative of Kwik Trip at 626 Oak Street in La Crosse, Wisconsin, came forward to speak about the continued expansion of the Kwik Trip store adjacent to the lot in question. The proposed rezoning of the lot in question would provide employee parking for the existing store at 770 East 6th Street.

Commissioner Hall asked if there was parking at that location currently. Mr. Connelly noted that the house that sat there has been removed and there is grass there currently. Mr. Hall mentioned that he thought the expansion of Kwik Trip stores is often a benefit to the surrounding neighborhood.

Commissioner Olson asked about fencing along the property to be used as parking. Mr. Connelly mentioned that following the rezoning, they would pursue a variance for a six-foot fence which would be white vinyl. Commissioner Shortridge asked to clarify that there are requirements for fencing of a parking lot. Mr. Espinosa mentioned that it has to be approved by the Community Development Department and it can't be chain link. Commissioner Hall mentioned that it has to be decorative. Mr. Espinosa noted that this would be addressed at a future date.

Mr. Espinosa provided an overview of the proposed rezoning from R-2, Medium Density residential to Mixed Use-Neighborhood, noting that the surrounding zoning to the property has changed over time to accommodate existing and expanding business interests in the area, including that of Kwik Trip since the 1980s and 1990s. Mr. Espinosa mentioned that there has been no error in the zoning of the property and that

PLANNING COMMISSION MEETING MINUTES
JANUARY 27, 2020
PAGE 4

there has been considerable changes in the surrounding area, will have limited impact on the surrounding area, it is an appropriate location for rezoning, and that there is a potential case for spot zoning as the rezoning does not completely reflect the Comprehensive Plan's future land use map, but given the past changes in zoning the request is not arbitrary or capricious or unreasonable.

Chairman Buelow opened the public hearing. No members of the public coming forward to speak, the public hearing was closed.

Commissioner Boettcher moved to approve the application adopting staff's analysis as the findings of the Commission. Commissioner Olson seconded the motion.

Chairman Buelow mentioned that the change could be beneficial to the surrounding area.

No further comments forthcoming, the Commission voted on the motion at hand. All members present voted aye.

Tabled Item – Comprehensive Plan Map Amendment 330 West Second Street

Chairman Buelow reminded the Commission of the past public hearing and discussion on the proposed Comprehensive Plan Map Amendment that took place on January 13, 2020. Chairman Buelow mentioned that there was some public comment at the past meeting from members of the community outside of the notice area and noted that Commissioners received additional comment regarding the application via mail separately following the last meeting. Commissioner Hall mentioned to clarify that the people objecting are not neighbors but are members of the community.

Commissioner Hall mentioned that there is some concern but that this is the first step in a multi-step process and that this proposal generally does not conflict and the change that is required is somewhat of a quirk in the zoning ordinance. He noted that by quirk, the existing zoning does not allow for storage units and that the City did not want downtown to become a place only for storage units. He also mentioned that the requested designation is Limited Industrial but that it wouldn't necessarily have to be Limited Industrial but could become a commercial zoning and accommodate the proposed use of storage units. Mr. Sims clarified that the proposal from the applicant is in line with a proposal for an industrial rezoning of the property. He did note that the desired use as storage units is possible in some commercial zones but that the application currently before the Commission would open the door to an industrial rezoning, which was proposed in part due to adjacent industrial zoning to the west. Mr. Sims reiterated that the proposal before the Commission is for the future land use map designation change to Limited Industrial. Applicant, Mike Onstad, mentioned that an

PLANNING COMMISSION MEETING MINUTES

JANUARY 27, 2020

PAGE 5

industrial designation is more in line with the properties to the west, which may help address concerns over spot zoning.

Commissioner Shortridge mentioned that while the properties to the west are zoned industrial, there are a number of commercial and office uses in that location and it is limited industrial. Mr. Sims mentioned that the properties are zoned I-2, heavy industrial but that there are some office uses to the west.

Commissioner Shortridge expressed concern over the bifurcation of the property. He also mentioned that this is a key part of downtown at a key corner. Commissioner Shortridge address staff's analysis that the surrounding area has not yet transitioned to mixed use and that it would be shortsighted to look at the proposed change in that way as there is a multi-million dollar office building under development to the east and that letting industrial encroach on the mixed use areas of downtown would be ill fitting. He reiterated that the bifurcation of the existing building is a concern for the proposal. Commissioner Shortridge mentioned that future rezoning of the property to industrial could allow a gas station or other uses that would not be compatible with downtown.

Commissioner Hahn mentioned that what he thought came through clearly from the public was that they did not object to the proposed use but that they objected to this quirk that requires the requested change in order for that use to be instated. He noted that the land use change and future rezoning would open the door to a lot of changes should the applicant ever move on. Commissioner Shortridge mentioned that a change to industrial may make it more marketable for the applicant. Commissioner Boettcher mentioned that the property to the north is currently for sale as a comparable consideration. Commissioner Shortridge mentioned that there will be long-term implications for that corner and it would be a bad move to allow a short-term change that may inhibit more desirable development at that location. Commissioner Hall mentioned that the applicant's proposal would not prohibit many compatible uses like a restaurant or a childcare facility at that location. Commissioner Shortridge mentioned that in terms of planning for the future, it is not the intention of the Comprehensive Plan or the Unified Development Code to move toward more industrial on that corner.

Commissioner Olson mentioned that he does view the future rezoning of the property, especially as the existing building is physically connected to the property to the east as a problem. Commissioner Shortridge mentioned that there may be other ways to allow a variance or something to allow the short term use as storage until a larger master plan occurs. Commissioner Hall mentioned that a variance for a use that is disallowed is not possible. Mr. Sims confirmed that this is correct.

Commissioner Hall mentioned that the commenters at the last meeting and who emailed the Commission were making a slippery slope argument, which he mentioned

PLANNING COMMISSION MEETING MINUTES

JANUARY 27, 2020

PAGE 6

should not be taken into consideration as the Commission considers each application separately and doesn't think that argument is particularly valid. He mentioned that because of the quirk in zoning, creating a storage facility isn't allowed. Commissioner Shortridge interjected to clarify that the disallowing of storage facilities is not a quirk but rather just a regulation that must be complied with. Commissioner Hall mentioned that he views it as a quirk because at the time there was a push to not convert vacant storefronts to storage facilities and there are even a few still operating. Mr. Sims confirmed that there are some grandfathered storage facilities in downtown still. Commissioner Shortridge mentioned that storage facilities are a property holding strategy because they are cheap and they have limited taxable value, so the community wanted to see them further away from downtown. Commissioner Hall then rhetorically asked, what happens to the property if it doesn't become a storage facility? Will it sit vacant? He noted that past commercial uses at that location haven't stuck and it may become harder. Commissioner Shortridge mentioned that if the Commission changes the designation and, later, the zoning, then there is a little industrial section adjacent to downtown that will persist. He also mentioned that the Commission should not take into account the economic concerns of the applicant in its consideration. Regarding spot zoning, Commissioner Hall asked to clarify that the spot zoning concern would be addressed because the neighboring properties to the west are industrial. Mr. Sims responded that the application before the Commission is for a change to the Comprehensive Plan's future land use map, which leads to discussions similar to the concerns being grappled with by the Commission currently. He noted that the rezoning is a separate action that the Comprehensive Plan Land Use Map Amendment process could help justify in part.

Commissioner Hall mentioned that this is just the first step. Commissioner Shortridge mentioned that this change would lead to rezoning and once it is rezoned then everything industrial is on the table. Commissioner Hahn mentioned that this same concern was raised in the former Madison Elementary School process, which also had to go through a Comprehensive Plan Map Amendment process before rezoning to R-3, multi-family residential.

Chairman Buelow asked to clarify the land to the west is light industrial and that to the south is a car dealership. Mr. Sims mentioned that the car dealership is zoned Mixed Use-Downtown Fringe. Commissioner Shortridge mentioned that the surrounding area is not really industrial and that there are offices even in the industrial space to the west. He reiterated that the surrounding area is not particularly industrial.

Commissioner Boettcher asked the applicant if someone had approached him about using the existing space. The applicant responded that he has been approached by a number of different potential tenants including day care providers, commercial

PLANNING COMMISSION MEETING MINUTES

JANUARY 27, 2020

PAGE 7

providers, and that a restaurant wasn't interested due to parking and traffic counts. He mentioned that the property has been available for six months to eight months and that this is not a change he is pursuing without trying to use the property in its current land use designation and zoning. He mentioned that businesses and restaurants don't want to be in this location but rather out by Wal-Mart and other commercial. The applicant mentioned that the other options would be to move his online toy business back into the building but would then leave another building vacant to move it in there. He noted that there is excitement about the new Fastenal building and there is need for more storage. The applicant also mentioned that he reached out to Kwik Trip when the company was considering the YMCA lot.

Commissioner Shortridge mentioned that light manufacturing is already allowed, warehousing and wholesale trade are allowed, and that there are a lot of things that are currently allowed under the existing zoning. He clarified that it doesn't have to be office or commercial or retail in that location. Commissioner Hall pointed out it is a quirk that warehousing is allowed but storage is not. Commissioner Shortridge mentioned that there may be some concern about an oversight of turning an existing building into many small warehouses vs storage. Mr. Sims mentioned that the applicant is proposing climate-controlled storage, which is prompting the land use map change. Commissioner Shortridge clarified that the small spaces would be rented to individuals. Mr. Sims confirmed that this is the case and mentioned that warehousing deals more with bulk goods compared to general storage for individuals. Commissioner Hahn mentioned that this may be a loophole in the zoning code. Commissioner Shortridge mentioned it could open a can of worms and limit the long term potential of that corner.

Commissioner Shortridge moved to address staff to bring forward a resolution of denial at the next Planning Commission meeting. Commissioner Olson seconded the motion.

The Commission voted 5-1 on the motion at hand with Commissioner Hall dissenting.

Other Business

No other business was discussed.

Adjournment

On a motion from Commissioner Shortridge and second by Commissioner Olson, the Commission unanimously voted in favor of adjournment at 5:37 p.m.

Luke Sims
Assistant City Planner

PLANNING COMMISSION

AGENDA ITEM: 3. Comprehensive Plan Amendment Resolution: 330 West 2nd Street

PREPARED BY: Luke Sims

DATE: February 10, 2020

At the January 27, 2020 Planning Commission meeting, the Commission voted 5-1 for staff to return with a resolution recommending denial for the Comprehensive Plan Amendment requested by Black Squirrel Properties for the property addressed as 330 West Second Street. The resolution is attached. The findings are based on the Commission's discussion at the last meeting.

Given the Commission vote at the last meeting, a motion to approve the resolution would be in order.

Attachment

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 **#20-2** and Petitioner(s) **Black Squirrel Properties, LLC** 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 10th day of February, 2020.

Carlos Espinosa, Secretary
Planning Commission

CITY OF WINONA, MINNESOTA
PLANNING COMMISSION RESOLUTION 20-2

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WINONA,
MINNESOTA RECOMMENDING DENIAL OF A COMPREHENSIVE PLAN
AMENDMENT CHANGING THE LAND USE DESIGNATION OF 330 WEST SECOND
STREET FROM DOWNTOWN FRINGE TO LIMITED INDUSTRIAL

WHEREAS, the applicant, Black Squirrel Properties, LLC, is seeking an amendment to the 2007 Comprehensive Plan to change the land use designation of the property addressed as 330 West Second Street from Downtown Fringe to Limited Industrial, which property is legally described on the attached Exhibit A; and

WHEREAS, the Planning Commission conducted a public hearing on January 13, 2020, and received public testimony regarding the requested Comprehensive Plan amendment; and

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

WHEREAS, the Planning Commission subsequently reviewed the requested Comprehensive Plan amendment at its meeting on January 13, 2020 and January 27, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WINONA, MINNESOTA, that it adopts the following finding of fact related to the requested Comprehensive Plan amendment:

The amendment will have an undue impact on health, safety, and welfare of the community for the following reasons:

- 1) The benefits of re-designation flow only to the developer because it sets the stage for a change in use that is not in accordance with the surrounding blocks and the future land use designation of the City's 2007 Comprehensive Plan.
- 2) The potential uses supported by the Limited Industrial designation are incompatible with the existing commercial, office, and mixed use properties adjacent to the property.
- 3) The proposed designation of the Limited Industrial designation is not consistent with the policies and objectives of the Comprehensive Plan in that location, such as the mixed use redevelopment of downtown-adjacent properties in a major principal corner near new office and mixed use development and recreation opportunities.

BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF WINONA, MINNESOTA, hereby recommends denial of the requested Comprehensive Plan amendment.

Passed by the Planning Commission of the City of Winona, Minnesota this 10th day of February, 2020.

VOTE: HAHN SHORTRIDGE BALLARD BUELOW
 L. OLSON MARKS HALL BOETTCHER PADDOCK

ATTEST:

Secretary

Chair

EXHIBIT A

Legal Description

That part of the Easterly 300 feet of Outlot F, as measured along Second Street, of the recorded plat of Port Authority Riverview Park, City of Winona, County of Winona, State of Minnesota, Described as follows: Beginning at the Southerly line of said Outlot F, 150 feet Westerly of the Southeast corner of said outlot F; thence North $70^{\circ} 06' 30''$ West along the Southerly line of said Outlot F, 150 feet; thence North $19^{\circ} 53' 30''$ East, 240 feet; thence South $70^{\circ} 06' 30''$ East, 150 feet; thence South $19^{\circ} 53' 30''$ West, 240 feet to the point of beginning

EXHIBIT B

Reference Map

