



COMMUNITY DEVELOPMENT

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May 6, 2020

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, May 11, 2020, at 4:30 p.m. electronically via Zoom. Instructions for access to Zoom are attached to this meeting notice.**

"The public hearing for the zoning of 3 acres of land at 22839 County Road 17 has been cancelled."

1. Call to Order
2. Approval of Minutes – April 13, 2020
3. Public Hearing – City of Winona Land Disturbance Activity Permit Application
4. Other Business
5. Adjournment

Sincerely,

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

Carlos Espinosa
City Planner

Zoom Procedures for Planning Commission

All interested parties are invited to participate via electronic means. This meeting is open to the public via web or phone. This meeting begins at 4:30 pm; please log in prior to the start of the meeting. You may exit the meeting at any time.

Planning Commission and Staff:

- To join the Zoom Meeting via web, go to: <https://zoom.us/j/575007967>
and enter Meeting ID: 575 007 967
- To join via phone, dial either phone number:
+1 312 626 6799 US (Primary)
+1 646 558 8656 US (Backup)
When prompted, enter the following Meeting ID: 575 007 967
Then enter your participant ID if you have one; if not, enter #

For participants:

- Only use one audio source; audio from computer is preferred if available.
- Be aware of background noise from your location.
- If using phone, do not use the speaker function.
- If using a web cam, be aware of what is in your background.
- If you have headphones, please use them as that will limit background noise
- Please mute your audio until you wish to speak. Then unmute your audio, and ask the Chairman for permission to talk.
- If using web access, note the options for you to view the meeting (gallery shows all participants same size)

Other notes:

- Staff will "host" the meeting on a city computer and will manage when participants' audio is muted / unmuted.
- The public hearing notices included the Zoom meeting information, and also indicated that written comments could be submitted to staff by a set date prior to the Planning Commission meeting. These written comments will be provided to the Commissioners either in advance or at the public hearing.

PLANNING COMMISSION MINUTES

DATE: April 13, 2020
TIME: 4:30 p.m.
PRESENT: Chairman Buelow, Commissioners Hahn, Boettcher, Ballard, Olson, Marks, Hall, and Shortridge
ABSENT: Commissioner 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 – March 23, 2020

The minutes from the Planning Commission meeting of March 23, 2020 were reviewed. Commissioner Olson moved to approve the minutes. Commissioner Hahn seconded the motion and the minutes were approved unanimously via roll call vote (roll call vote sheet attached to these minutes as Appendix A).

Public Hearing – 701 Wilson Street Tourist Home Interim Use Permit

Applicant Jo Koo spoke about the application for an IUP at 701 Wilson Street, reiterating the proposed occasional use by the owners as discussed at the previous meeting.

Mr. Sims provided an overview of the proposed tourist home. He noted that the application met the IUP requirements under review and that staff recommended approval.

Commissioner Hahn moved to approve the Interim Use Permit application. Commissioner Shortridge seconded the motion.

Commissioner Olson asked if any problems may be arising from the influx of IUP's for tourist homes since creating the short term rental regulations. Mr. Sims responded that City staff could research any potential problems that have arisen and report back.

Commissioner Hahn asked if the property was subject to the 30% Rule. Mr. Sims responded that this was correct and that there is an existing standard rental license for the property.

No further comments forthcoming, the Commission voted on the motion at hand. The motion was approved unanimously via roll call vote (roll call vote sheet attached to these minutes as Appendix A).

Public Hearing – Main Square Annex Final Plat at 166 West 6th Street

Cindy Telstad spoke on behalf of the applicant, reiterating that the proposed subdivision meets the City's requirements as was mentioned when the Commission first heard the item at the previous meeting. Ms. Telstad asked that the subdivision be approved.

Mr. Espinosa provided an overview of the proposed subdivision and recommended approval as the subdivision met the City's requirements with two conditions: 1) a lot size variance for Lot 2 shall be obtained, and 2) a variance shall be obtained for the 40 parking spaces that will now occupy a separate parcel.

Chairman Buelow opened the public hearing.

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

Commissioner Olson moved to approve the request with City staff's recommended conditions. Commissioner Ballard seconded the motion. The motion was approved unanimously via roll call vote (roll call vote sheet attached to these minutes as Appendix A).

Commissioner Boettcher joined the meeting.

Public Hearing – Comprehensive Plan Amendment Request – Low Density Residential to Urban Residential at 22839 County Road 17

Melissa Nelson of Bradford Development spoke on behalf of the applicant, providing an overview of the proposed co-op housing development which has a 48 person waiting list and will provide 36 units. Ms. Nelson noted that the proposed units will help fill some of the 82 units identified as a need in the housing study and will qualify as affordable housing. Ms. Nelson mentioned that the proposed development is in a good rural setting and that cooperative housing is successful and has been successful in Winona before. The proposed cooperative housing development will be four stories high with underground parking and will have units going for between \$108,000 and \$154,000. Regarding the nearby bluff, Ms. Nelson mentioned that the building will sit back along the bluff line.

Mr. Espinosa provided an overview of the proposed Comprehensive Plan Map Amendment and noted that the property in consideration before the Planning Commission is not yet in the City of Winona and is heading to an annexation hearing at the City Council on May 4, 2020. The proposed Map Amendment is for three acres of the total nine acres that may be annexed. He mentioned that there has been a pre-council meeting with general City Council support and there will be future action needed for this project to move forward, including zoning of the property following this map amendment, a variance to building heights, preliminary and final plats, and a site plan. The specific request before the Commission is a change from low density to urban residential. Mr. Espinosa mentioned that City staff recommends two conditions for any

approval, 1) all land use, zoning, and site plan approvals shall be obtained by May, 2021, and 2) If Condition 1 is not met, the Comp Plan change is null and void. Mr. Espinosa mentioned that the Urban Residential designation is the high density designation in the Comprehensive Plan, which is usually reflective of the core of Winona and hence its name. He noted that it is the only land use designation that would support the proposal at this location. Mr. Espinosa addressed the three criteria the Commission is to consider in this case. Starting with the consistency with the Comprehensive Plan, Mr. Espinosa began by noting that the property in question falls in the Urban Expansion area of the Comprehensive Plan which supports more flexibility and that the Housing Section also supports a balanced housing supply and addressing future needs of housing in Winona, including the large "baby boom" population segment. Secondly, the Commission is to consider whether any changes have occurred since the 2007 Comprehensive Plan. Mr. Espinosa mentioned that City sewer and water were extended past the property in question since the adoption of the Comprehensive Plan. Additionally, the City completed a housing study in 2016 which included a recognized demand for this housing type and to meet the market segment and that cooperative housing was specifically identified in the housing study. The Mayor's Housing Task Force recommended zoning changes where land is annexed to support meeting housing demand. Thirdly, City staff found that while out of character with the surrounding low density residential, the use will be buffered by undeveloped land which will remain low density should development occur in the future. The proposed buffer land is approximately the same size as a city block. Mr. Espinosa highlighted the bluffland area behind the proposed development and that it is largely undevelopable. Mr. Espinosa compared the proposed development to the existing Winona Arms development in Knopp Valley, which is high density but surrounded by single family homes, townhomes, and a church and follows the same zoning district as the potential zoning of the Bradford Development Cooperative housing project.

Chairman Buelow opened the public hearing.

Jim Vrchota, 1406 Highland Drive, and the Chair of the Housing Task Force spoke in favor of the request, highlighting the market need it is meeting as identified by the Housing Task Force and asked the Commission to support the request.

Mike Littrell, 23273 Blackberry Road, expressed concern about what would prevent the project from expanding into the bluffland. He mentioned that his wife and he were against the proposal. Mr. Littrell asked whether a water tower would be incorporated in the future. Laurel Littrell asked what would happen to the bluffland lands that had already been compromised when it was clear cut by the owner and the brush and lumber was left in piles along the bluff side, which is unsightly and a fire risk. She asked whether any of that would be required to be cleaned up before moving forward. Mr. Littrell mentioned that the land was bulldozed into piles and has changed the dynamic of the land and compared it to a bomb being set off. Mr. Espinosa mentioned that the area

being referenced is outside of the request before the Commission and outside the area potentially to be annexed into the City. He noted that it is in Wilson Township and that the City would like to work cooperatively to ensure the land is managed appropriately. Chairman Buelow asked if the land, should it be annexed, would have to comply with the City's Bluffland Ordinance. Mr. Espinosa responded that it would and the development in the land under Commission review at the meeting would be required to comply. He did note that any additional land for use of a water tower or something similar would undergo review under the Bluffland Ordinance as well. Ms. Littrell expressed appreciation for a willingness of the City to work with the Township but mentioned that it is really the property owner's responsibility to clean up and mentioned it made sense that the City would want the property owner to clean it up before rewarding the property owner with the approvals for development. Chairman Buelow noted that this is an adjacent property but shared the Littrells' concerns. Ms. Littrell mentioned that this is correct but that it is a concern. Mr. Littrell reiterated that it looks like someone set a bomb off. Ms. Littrell noted that when the people who have their reservations for the Bradford project see the surrounding area, they may not want to honor their reservations. Commissioner Hahn asked when the clearing took place. Ms. Littrell mentioned that it happened in 2018. Commissioner Olson mentioned that sounded correct. Ms. Littrell mentioned that there will be an issue for the property to be annexed and for people wanting to live nearby. Commissioner Olson asked how much of the bluffside being discussed would be annexed. Mr. Espinosa mentioned that the majority under consideration for annexation would be non-bluffland and the majority of the area that was clear cut is outside the proposed annexation area. Commissioner Hahn asked why the land was disturbed. Ms. Littrell mentioned that the property owner told the Littrells that he was hoping to put innumerable houses on the side of the bluff and that clear cut it to demonstrate how developable it is. Mr. Littrell recommended flying a drone over the land to see the devastation. Ms. Littrell recommended tabling the item until it could be observed. Chairman Buelow mentioned that may be outside the scope of the public hearing at this time. Commissioner Shortridge asked if the Littrells had spoken to anybody at the County about adherence to their bluffland ordinance or to the Township. Ms. Littrell mentioned that she assumed the Township knew about the clearing as they passed on the proposal and that neighbors also knew about it, but they had not made a formal complaint nor were they asked if it was okay. Commissioner Shortridge asked whether she was saying Wilson Township first had the proposal and rejected it for environmental or planning reasons. Ms. Littrell mentioned that she wasn't certain if that was the case.

Chairman Buelow mentioned that if there are issues related to the item at hand, members of the public should come forward to speak.

Leon Bowman, 22827 Garvin Heights Road, and Chair of the Wilson Township Board asked if the Planning Commission had received his letter, which had not been read yet.

Commissioner Hall responded that the Commission had received Mr. Bowman's comments which were emailed to the Commissioners. Mr. Bowman mentioned that there are areas the City surrounded by other parts of the City that could have multifamily housing and asked why the City had to go into the Township and annex by ordinance. Mr. Bowman noted that he has brought this up before when he was on the housing task force and that nobody wants people driving through their neighborhoods. He asked why the land use map change will only be occurring with these acres and not all of it and mentioned that there is a lot of this that doesn't make sense and there may be hidden agendas. Addressing the brush situation, Mr. Bowman said the Township didn't do anything as there was no logging occurring and it was already brush and he agreed that the owner should do something about it before anything else. He asked whether a survey has been done and whether the neighbors have been notified of the survey. Mr. Bowman agreed with the suggestion to table the item and agreed 110% as there are a lot of things going on that the Commission is not aware of. Mr. Espinosa followed up by reading Mr. Bowman's submitted comments.

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

Commissioner Hahn noted that the Urban Residential designation's documentation says that it should be well connected to parks, open spaces, shopping, and services and asked what "well connected" meant as this proposal is on the outskirts of Winona. Mr. Espinosa responded that the Urban Residential designation is more applicable to the core area of Winona and it is a little bit of a stretch to apply to this area but the only designation that would support R-3 zoning in the future.

Commissioner Olson moved to approve the request with the recommended conditions. Commissioner Boettcher seconded the motion.

Commissioner Shortridge said he has the same concern expressed by Commissioner Hahn and that this is not really Urban Residential and the same concern as has been discussed in meetings recently where it appears there is a reach to find a fit under the governing documentation when a category may not exist. He noted that four stories on the bluff will be tall compared to the neighbors. He also expressed concern about the format and that some members may not have been able to speak. He concluded his comment by noting that there may be some other ongoing processes with the Township that should be addressed to help get a full picture of how the proposal impacts the site.

Chairman Buelow mentioned that the proposal seems to meet some of the requirements for Urban Residential, like the outdoor space. He also expressed concern about the proposed scale of the building.

Commissioner Olson mentioned that the building will be in the lower elevations and not on the bluff. He also mentioned that the clearing of the bluffland should lead to the

property owner getting proper authorization and cleaning up the mess he created. Mr. Espinosa mentioned that Commissioner Olson is reading the map correctly and that the development at the bottom of the bluff and would be three stories over parking. Chairman Buelow asked Ms. Nelson how many stories the building would be. Ms. Nelson mentioned that it will be underground parking with four stories above.

Commissioner Marks raised concern over the four stories and agreed with concerns expressed over the designation and supporting documentation therein.

No further comments forthcoming, the Commission voted on the motion at hand via roll call vote. The motion passed 5-3 with Commissioner Marks, Hahn, and Shortridge dissenting (roll call vote sheet attached to these minutes as Appendix A).

Ms. Telstad spoke about concerns regarding public comments maybe not getting in, she mentioned that she and possibly others have remained on the line but are not making comments or attempting to do so.

Other Business

Commissioner Shortridge asked about the commercial contractor building being erected at the corner of Conrad Drive and Garvin Heights Road and the zoning at that location. Mr. Espinosa mentioned that it is zoned residential and it is a residential home being erected with a large garage area where vehicles will be stored. Commissioner Shortridge followed up to confirm that it is a house and not a pole barn and shop. Mr. Espinosa confirmed this is correct and mentioned that there are no design standards for residential homes. Commissioner Shortridge asked how it could be considered a home. Mr. Espinosa mentioned that it meets the definition of a dwelling and there are no design standards that would prevent a similar style building in other parts of the City so long as it meets dwelling standards. He did note that there will not be work done at the property but vehicles may be stored there. Commissioner Shortridge mentioned that it looks like this is stretching and there may be some holes in the planning and design process and mentioned it is like a tiny apartment with truck bays on either side.

Adjournment

On a motion from Commissioner Olson and second by Commissioner Hahn, the Commission unanimously voted in favor of adjournment via roll call vote at 7:33 p.m. (roll call vote sheet attached to these minutes as Appendix A).

Luke Sims
Assistant City Planner

APPENDIX A
 Roll Call Vote Sheet

NAME	Approval of Minutes from March 23, 2020	Motion to Approve IUP for 701 Wilson Street	Motion to Approve Final Plat of 166 W. 6 th Street with Conditions	Motion to Approve Comprehensive Plan Map Amendment at 22839 County Road 17
Brad Ballard	Aye	Aye	Aye	Aye
Dale Boettcher	Not Present	Not Present	Not Present	Aye
Brian Buelow	Aye	Aye	Aye	Aye
Ed Hahn	Aye	Aye	Aye	Nay
Dan Hall	Aye	Aye	Aye	Aye
Lavern Olson	Aye	Aye	Aye	Aye
Amy Jo Marks	Aye	Aye	Aye	Nay
Peter Shortridge	Aye	Aye	Aye	Nay

PLANNING COMMISSION

AGENDA ITEM: 3. Public Hearing – City of Winona Land Disturbance
Activity Permit Application

PREPARED BY: Carlos Espinosa

DATE: May 11, 2020

Summary

John Howard, the City's Natural Resources and Sustainability Coordinator has prepared the attached Land Disturbance Activity Permit related to a City project meant to stop erosion of intermittent stream banks in bluff areas. According to the application documents:

These streams receive significant inflows from the municipal storm sewer network that has caused gullies to form and to continue to deepen with each year. The streams eventually wash into Lake Winona, which is a priority to keep clean because it is already categorized as an impaired water with excess phosphorus.

This activity fits within the Essential Service category of allowed uses in bluffland areas provided the following criteria are met.

- a) The construction of any Essential Service provided that:
 - i. The Commission finds that the only reasonable and feasible location for an essential service requires placement within/through a defined Bluff Impact Overlay District, and that alternative locations and design elements have been considered.
 - ii. Essential services shall be designed to consider existing vegetative, topographic, and other site features, with the intent of minimizing vegetative and visual impacts to the greatest extent feasible. Land disturbance activity shall be limited in scope to include only those lands which are necessary to construct the essential service.
 - iii. The essential service shall be constructed in accordance with any applicable local or state laws and permitting requirements, including the City of Winona Stormwater Management Ordinance.
 - iv. No structure associated with the construction of an essential service shall exceed a maximum height of 30 feet.

- v. The activity shall include a site vegetative restoration plan which shall, in part, serve to promote the screening of structures required for the use, and shall include the use of native plant materials.

Next Steps

In review of the proposed project, options available to the Commission are:

1. Approve the Land Disturbance Activity Permit.
2. Deny the Land Disturbance Activity Permit.
3. Table the item if more information is needed.

Attachment

- Project Description

Conservation Corps Clean Water Fund Grant Application

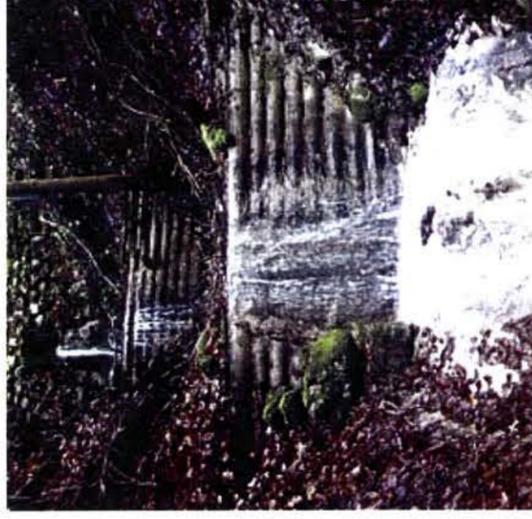
The City of Winona is proposing a solution to stop erosion of intermittent stream banks located in our bluff areas. These streams receive significant inflows from the municipal storm sewer network that caused gullies to form and to continue to deepen with each year. The streams eventually wash into Lake Winona, which is a priority to keep clean because it is already categorized as an impaired water with excess phosphorous.

Our suggested solution is to install a series of wooden check dams 3-5 feet in height using locally sourced logs. The dams would serve as a series of temporary impoundments to slow the flow of runoff to lessen its erosive potential, and hold back sediment. A sufficient number of suitable black locust trees are in the vicinity that can be utilized for lumber, and will serve well because of the durability and natural rot resistance of black locust. Additionally, their removal will be a step in the right direction from an invasive species control standpoint. The logs would be inserted around 2 feet into the banks and the stream bed to provide holding power.

Eroded side banks would receive cedar revetments to deter further erosion. The cedar will be sourced locally to the extent possible. The material will be anchored into the stream banks using duckbill style ground anchors.

The City proposes that two stream gully heads be targeted for this project and anticipates that each would require about 60-70 hours of labor to complete with a total of 2-3 check dams per gully. The cedar revetment in these stretches would add another 55 hours to the project. Two additional smaller gullies could be added if time permits. The sloped nature of the bluff lands means the dam installation would best be done by hand since standard earth moving equipment cannot easily get to the sites.

Example Log Check Dams:



Check Dam Diagrams

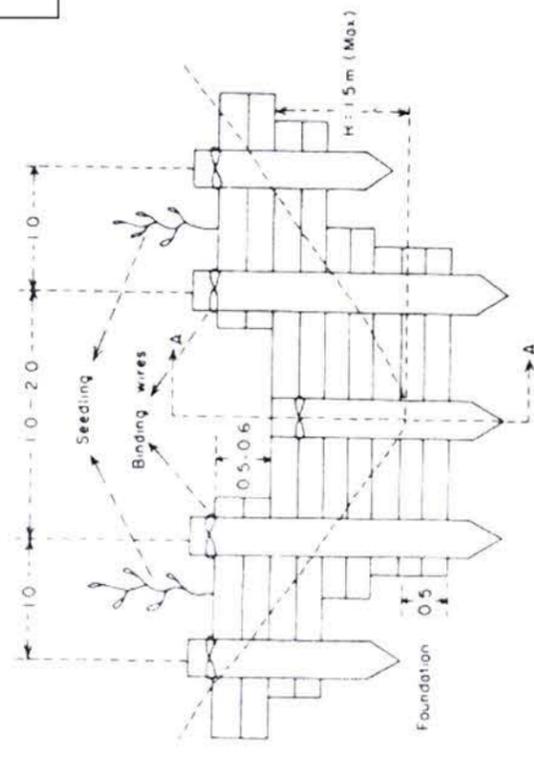
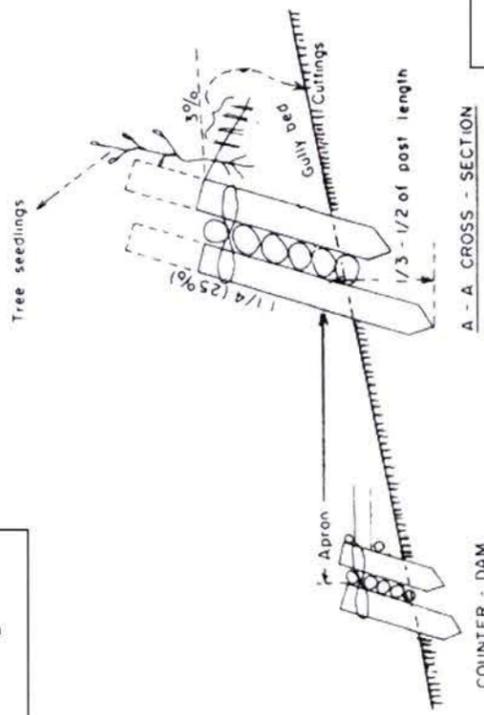


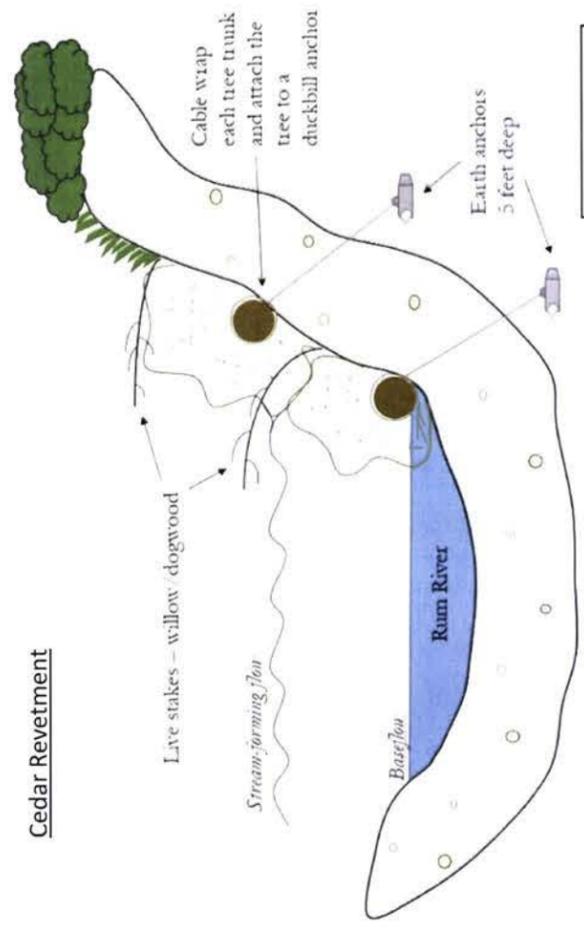
Fig. 15A Front view of the first log check dam.

Credit: FAO



g. 15B A-A cross-section of the first log check dam and counter-dam.

Cedar Revetment



Cross Section: Typical along revetment location

Credit: Anoka SWCD



Credit: MPR

Site Conditions:



Clean Water Fund Proposal

Winona Bluff Intermittent Stream Stabilization



	Storm Sewer Outfall
	100' Contours



Close up of Work Areas:

1. Skyline Dr.



Legend:

-  Check Dam
-  Cedar revetment for bank stabilization
-  Storm sewer outfall
-  Storm sewer main
-  Storm sewer catch basin/inlet
- 32470##### Parcel Number

2. Ridgewood Dr.





1. Legal description of property upon which the proposed Land Disturbance Activity will be located.

Project #1 as labeled on the map is on parcel # 324700520, and has a legal description of Sect-33 Twp-107 Range-007 SKYLINE SUBD Lot-00A OUTLOT "A". It does not have a street address.

Project #2 is on parcel # 323205440 and is described as Sect-28 Twp-107 Range-007 LIMITS W 1/2 OF SW 1/4 & 3.65 AC IN SW COR OF SW 1/4 OF NW 1/4 EX: LADY OF LOURDES 10.73 AC. This parcel has a street address of 1333 Wincrest Drive, but work would take place behind the 1300 block of Ridgewood Drive.

2. A current topographic map drawn to a scale of 100 feet to the inch, or less, and two foot contour intervals, showing the limits of any Bluff Impact and Ridgeline Transition Overlay District, and location of the planned land disturbance activity. In preparing this map, the applicant shall certify the method used in calculating overlay district limits. Should the City be requested to provide district limits, all such calculations shall be final.

See attached map.

3. A clear and complete description of the proposed disturbance activity, including supporting professional opinions, structural plans, site revegetation, erosion control, stormwater management, project timing or other documentation that defines project scope, anticipated impacts, and mitigation strategies. If associated with any use listed under Section 43.02.32 C) 6), the applicant shall provide response as to how conditions, pertaining to the use, will be met.

The project entails building a set of check dams and bank revetments to slow erosion of two intermittent stream beds. A check dam is a short dam (under 8 feet in height) designed to temporarily hold water and thus slow the velocity of stormwater runoff. Staff anticipates building 2-3 check dams down gradient of both of the stormsewer outfall locations identified on the map. The net effect of the dams will be to step the water down the slope rather than have it slide down. The dams ideally will be constructed from black locust trees that will be felled in the area. Black locust is an invasive tree species that have moderately high rot resistance and are a very strong wood.

The bank revetment will involve attaching cedar branches by anchor cables to the curves of the streambed to buffer the impact of high water flows. Staff anticipates there will be one to two segments per stream that will need revetment.

4. If located within a High Potential Burial Ground and Archaeological Site, the application shall include a fully prepared Phase 1 Archaeological Survey, with comments and recommendations received during this document review by Tribal Councils, and State Archaeologist. The survey must be prepared by a qualified professional as defined by MS 138.31, subd. 10, or who is listed on the Minnesota State Historic Preservation Office Archaeological contractors list, and in accordance with Minnesota State Historic Preservation Office protocol. For disturbances not relating to a plat, the scope of the survey shall include all land located within 150 feet of disturbance limits, or at the applicants property line, whichever is less. High Potential Burial Ground and Archaeological Site Area: An area possessing probable qualities of the existence of unrecorded or unplatted burial grounds and archaeological sites. As defined by the State Archaeologist Predictive location model, for Winona County, this definition shall apply to all lands located within 1000 feet from any Top of Bluff as defined per this ordinance; 500 feet of any public water stream or river, as defined pursuant to City Code Section 43.02.34 D); terraces

above flood plains, lower terraces back to the Toes of Bluffs with plain views of rivers and streams; and isolated hilltops with clear views of the surrounding country.

Not applicable. No settlements or burials would be in intermittent streams.

5. A hydrogeology study prepared by a qualified professional, a purpose of this study is to define sensitive surface and ground water features and to address strategies to be undertaken in mitigating proposed impacts from disturbances. At a minimum, the scope of this study must include all land located within 150 feet from the limits of the disturbance activity, or the applicants property line, whichever is less.

Not applicable, as the subsurface activity will only be securing the logs and cedar branches to the bank.