AGENDA

City of Winona
Board of Adjustment

DATE: **Wednesday, June 3, 2020**
TIME: **5:00 P.M.**
PLACE: **The next meeting of the Board of Adjustment will be held electronically via Zoom in the Dakota Room, City Hall. Instructions for access to Zoom are attached to the meeting agenda.**

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1. **CALL TO ORDER**
   Approval of the May 6, 2020 minutes

2. **NEW BUSINESS**

   Applicant: Cave Enterprises Operations LLC
   Parcel Address: 860 Mankato Avenue

   Nature of Request: Applicant requests modifications from code:

   - Off-premise signs be 200 feet from a residential zoning district. The extant sign for Target is located roughly 70 feet from the R-3 zoning district to the West.

   City Code Section: 43.05.14(A)(2)(a)(ii)

   Applicant is proposing a new lot to be subdivided from 860 Mankato Avenue, which will include the extant Target sign, requiring its compliance with the aforementioned ordinance.

   - New off-premise sign be 300 feet from the nearest off-premise sign. The extant Target sign is roughly 200 feet from the nearest off-premise sign to the North located at 840 Mankato Avenue.

   City Code Section: 43.05.14(C)

   Applicant is proposing a new lot to be subdivided from 860 Mankato Avenue, which will include the extant Target sign, requiring its compliance with the aforementioned ordinance.

3. **OTHER BUSINESS**

4. **ADJOURNMENT**

Zoom Procedures for Board of Adjustment

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 5:00 pm; please log in prior to the start of the meeting. You may exit the meeting at any time.

Board of Adjustment Commissioners and Staff:

- To join the Zoom Meeting via web, go to: https://zoom.us/j/96880614307 and enter Meeting ID: 968 8061 4307

  - To join via phone, dial either phone number:

    +1 312 626 6799 US (Priority)
    +1 646 558 8656 US (Backup)

  When prompted, enter the following Meeting ID#: 968 8061 4307
  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 Board of Adjustment meeting. These written comments will be provided to the Commissioners either in advance or at the public hearing.

Notice of Public Hearing
By Electronic Means
860 Mankato Avenue

Notice is hereby given that on Wednesday, June 3, 2020 at 5:00 pm in the Dakota Room, 207 Lafayette Street, Winona, MN, the Winona Board of Adjustment will hold a public hearing concerning a variance request for the following application.

Cave Enterprises Operations LLC - City Code Section 43.05.14(A)(2)(a)(ii) which requires that off-premise signs be 200 feet (200') from a residential zoning district. The extant sign for Target is located roughly 70 feet (70') from the R-3 zoning district to the West. Applicant is proposing a new lot to be subdivided from 860 Mankato, which will include the extant Target Sign, requiring its compliance with the aforementioned ordinance.

City Code Section 43.05.14(C) which requires that a new off-premise sign be 300 feet (300') from the nearest off-premise sign. The extant Target sign is roughly 200 feet (200') from the nearest off-premise sign to the North located at 840 Mankato Avenue. Applicant is proposing a new lot to be subdivided from 860 Mankato, which will include the extant Target Sign, requiring its compliance with the aforementioned ordinance.

Property is described as B-3 zoning, Sect-35, Twp-107, Range-007, LAKE PARK RETAIL SUBD, Lot-001, Block-001, EX: AC RES FOR ROAD or at 860 Mankato Avenue.

This informational meeting is being conducted electrically following Minnesota State Statute 13D.021 pursuant to Resolution 2020-17 Declaring a Special Emergency, as adopted by the Winona City Council on Monday, March 16, 2020.

All interested parties are invited to provide input via Zoom at which time you will be given the opportunity to express comments on the project. This meeting is open to the public via web or phone.

- To join the Zoom Meeting via web, go to: https://zoom.us/j/96880614307 and enter meeting ID: 968 8061 4307
  - To join via phone, dial either phone number:
    +1 312 626 6799 US (Priority)
    +1 646 558 8656 US (Backup)
    When prompted, enter the following Meeting ID: 968 8061 4307

Written testimony will also be accepted prior to the public hearing. Written comments must be sent via email to: Luke Sims **lsims@ci.winona.mn.us by 4:00 p.m. on Monday, June 1, 2020. Specific questions can be directed to the Community Development Office, 507.457.8250.**

Notice is sent to the applicants and to the owners of the properties affected by the application.

THIS NOTICE OF REGULAR MEETING BY TELEPHONE OR OTHER ELECTRONIC MEANS IS GIVEN PURSUANT TO MINN. STAT. § 13D.O4.

Dated: May 22, 2020

Luke Sims
Assistant City Planner

Chris Sanchez
Board of Adjustment
Chairman

Greg Karow
Building Official
Board of Adjustment Secretary

[redacted]

CITY OF WINONA

APPEAL TO BOARD OF ADJUSTMENT FOR MODIFICATION OF CITY CODE

Date May 8, 2020 Owner Target

Owner Address 860 Mankato Ave

Petitioner Cave Enterprises Operations LLC Phone No. 605-360-1709

Petitioner Address 1624 West 18th Street Chicago IL 60608

As property owner or petitioner, I hereby make application to modify the City Code at the following address:
860 Mankato Ave

It is understood that only those points specifically mentioned are affected by action taken on this appeal.

Purpose in seeking Board of Adjustment hearing: Cave Enterprises Operations LLC dba as Burger King is purchasing a portion of property from Target on which the Target pylon sign is currently located. We are applying for an off premise sign variance on behalf of Target to maintain the pylon in its current location. The location of sign is indicated on the attached site plan.

See handout for required submittal information and general appeal information.

[redacted]

I hereby certify that I am the owner of the above described property or am otherwise legally empowered to make this appeal.

[redacted]

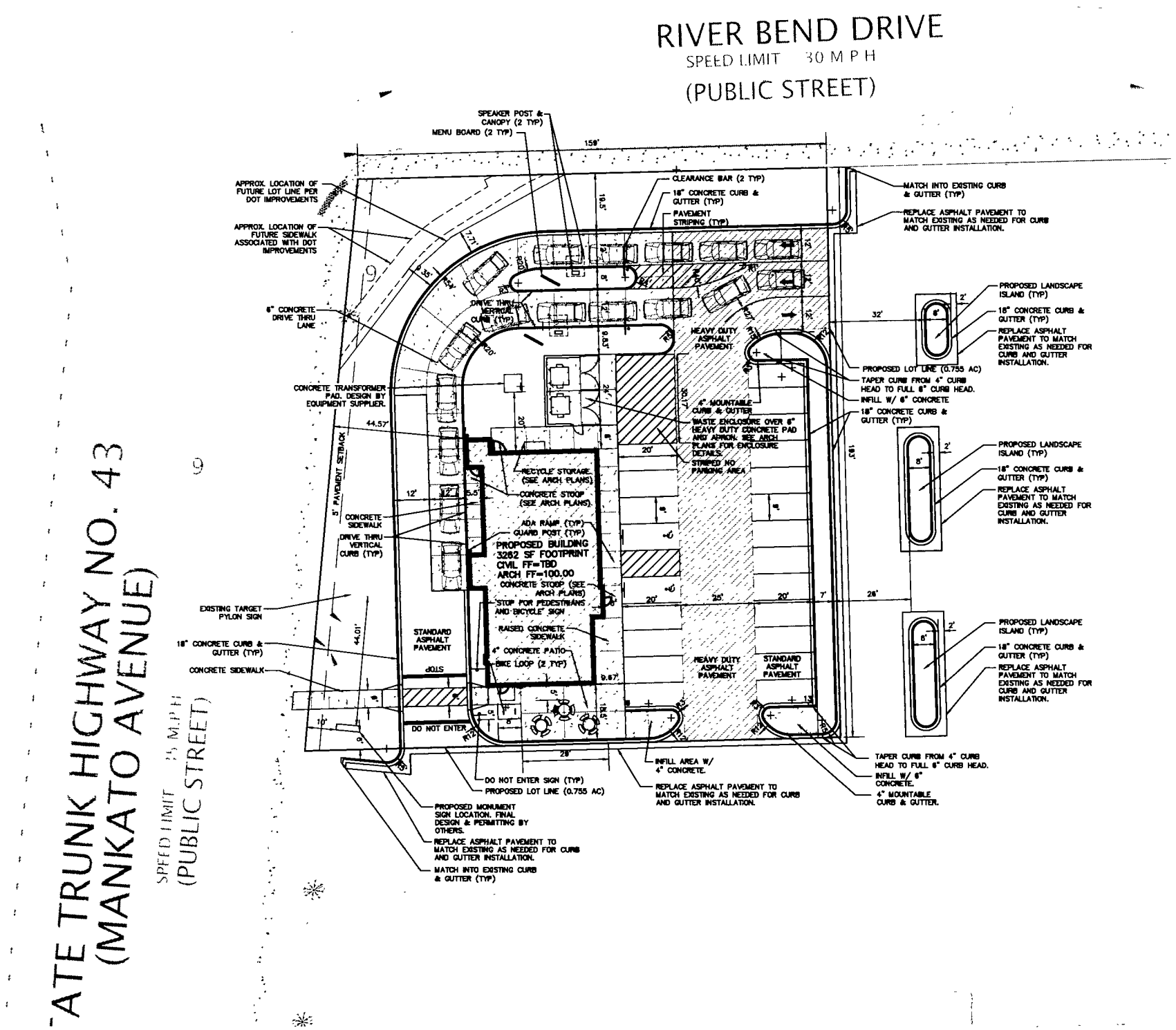
(Applicant's Signature)

The Board meets on the first and third Wednesday of every month. Petition must be filed by noon on the Friday 19 days prior to the Wednesday meeting date. The petitioner is required to attend the meeting.

[redacted]

32-306-010

SPECIFICATION NOTE
SEE SHEET C0 1 FOR PLAN
SPECIFICATIONS AND REQUIREMENTS



SITE INFORMATION:

PROPOSED PROPERTY AREA	32,903 S F (0 755 ACRES)	
EXISTING ZONING	B-3	
PROPOSED ZONING	B-3	
EXISTING USE.	PARKING LOT	
PROPOSED USE.	QUICK SERVE RESTAURANT WITH DRIVE-THRU	
AREA OF SITE DISTURBANCE.	XXXX	
SETBACKS:	BUILDING:	FRONT = NONE SIDE = NONE REAR = NONE
	PAVEMENT.	FRONT = 5' SIDE = NONE REAR = NONE
PROPOSED BUILDING HEIGHT XXXX	(MAX HEIGHT XXXX)	
PARKING REQUIRED:	1 SPACES PER 200 S F GFA (17 SPACES REQ)	
PARKING PROVIDED	22 SPACES (2 H C ACCESSIBLE)	
HANDICAP STALLS REQUIRED	1 REQUIRED, 2 PROVIDED	

EXISTING SITE DATA

	AREA (AC)	AREA (SF)	RATIO
PROJECT SITE	0 76	32,903	
BUILDING FLOOR AREA	0 00	0	0 0%
PAVEMENT (ASP & CONC)	0 00	0	0 0%
TOTAL IMPERVIOUS	0 00	0	0 0%
LANDSCAPE/ OPEN SPACE	0 76	32,903	100 0%

PROPOSED SITE DATA

	AREA (AC)	AREA (SF)	RATIO
PROJECT SITE	0 76	32,903	
BUILDING FLOOR AREA	0 07	3,262	9 9%
PAVEMENT (ASP & CONC)	0 00	0	0 0%
TOTAL IMPERVIOUS	0 07	3,262	9 9%
LANDSCAPE/ OPEN SPACE	0 68	29,641	90 1%

CIVIL SITE PLAN

EXCEL
ARCHITECTS • ENGINEERS • SURVEYORS
Always a Better Plan
100 Camelot Drive
Fond Du Lac, WI 54935
Phone: (920) 926-9800
www.EXCELENGINEER.com

PROJECT INFORMATION

PROPOSED BURGER KING FOR:
CAVE ENTERPRISES
860 MANKATO AVENUE • WINONA, MN 55987

PROFESSIONAL SEAL

PRELIMINARY DATES
MAY 1, 2020
MAY 8, 2020

NOT FOR CONSTRUCTION

JOB NUMBER
2006240

SHEET NUMBER
C1.1

2020 © EXCEL ENGINEERING, INC.

MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Board of Adjustment

FROM: Luke Sims

DATE: May 20, 2020

SUBJECT: BOA Application Considerations for 06/03/2020 Meeting

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Applicant: Creative Sign Company – 860 Mankato Avenue

Considerations related to Board of Adjustment Variance Criteria are provided below:

1) **Is the variance in harmony with the purpose and intent of the ordinance?**

   The intent of the ordinances in question is to ensure that there is adequate spacing for off-premise signs and that they do not have a negative impact on the residential character of R-districts in the City of Winona.

2) **Is the variance consistent with the Comprehensive Plan?**

   The variance does not affect the land use as dictated in the Comprehensive Plan. The Comprehensive Plan's future Land Use map designates this property as General Commercial and the surrounding land with the exception of Winona Health to the West (Semi-Public/Educational/Institutional) is designated as such.

3) **Does the proposal put property to use in a reasonable manner?**

   Off-premise signage is a reasonable use in the property's zoning district subject to limited standards, which the applicant is proposing the variance for.

4) **Will the variance, if granted, retain the essential character of the locality?**

Properties to the North, East, and South are all generally commercial in nature and are zoned and operate as such. Properties to the West are owned by Winona Health, which operates a clinic and hospital, among other services, across Mankato Avenue from the property in question.

5) **Are there other considerations for the variance request besides economics?**

If the findings of questions 3-5 are affirmative this criterion is satisfied.

BOARD OF ADJUSTMENT
Regular Meeting

DATE: **May 6, 2020**

TIME: **5:00 p.m.**

PLACE: **Zoom Online Meeting**

PRESENT: **Breza, Buege, Conway, Kouba, Krofchalk, Murphy, Sanchez**

ABSENT: **None**

Chairman Sanchez called the meeting to order at 5:00 p.m.

The minutes from the Board's March 4, 2020 meeting were approved unanimously upon motion by Murphy and second by Conway.

Petition No. 20-13-V, Mario Einsman

Chairman Sanchez opened the public hearing and read the petition:

> Mario & Sheryl Einsman - City Code Section 43.01.27 standards which dictates that a primary structure on a Lot of Record must maintain a side yard setback of 10% of the width of the lot, which is five feet (5') in this case. Applicant is proposing an addition to their primary structure that extends an existing legal non-conformity – the westerly wall of the structure – in line with its present placement which is located within the five-foot (5') setback at approximately two feet (2') from the lot line. Property is located at 307 West Sanborn (8th) St.

Mario and Sheryl Einsman, 307 West Sanborn, addressed the Board. The Einsmans stated that they were requesting the variance to expand their residence. The expansion would accommodate improvements needed for them to remain in their house after retirement.

There being no others who desired to speak, Chairman Sanchez closed the public hearing and opened it up for discussion.

Next, the Board went through the variance finding questions.

Is the variance in harmony with the purpose and intent of the ordinance?

Is the variance consistent with the Comprehensive Plan?

The Board determined that the variance is consistent with the Comprehensive Plan since this neighborhood is designated for traditional residential use.

Does the proposal put the property to use in a reasonable manner?

The Board determined that the variance is reasonable given it is in-line with the existing house.

Are there unique circumstances to the property not created by the landowner?

The Board determined that there are unique circumstances given the small size of the property.

Will the variance, if granted, retain the essential character of the locality?

The Board determined that the variance would have minimal impact on the character of the locality.

Are there other considerations for the variance request besides economics?

The Board found that there are other considerations for the variance given the findings listed above.

Next, Jon Krofchalk made a motion to approve the variance and it was seconded by Tom Conway. All were in favor of approving the variance.

Petitioner was informed that there was a 10-day appeal period during which time no action could be taken on the petition.

Petition No. 20-14-V, Creative Sign Company

Chairman Sanchez opened the public hearing and read the petition:

> Creative Sign Company - City Code Section 43.05.14 E) d) which lists requirements for signage of permitted nonresidential uses in residential zoning districts. Applicant is proposing a signage package for the residential R-3 zoned YMCA building at 902 Parks Ave. The signage package requires the following variances:

	Requirement	Proposed
1) Number of Signs Per street frontage	1	3
2) Size of Wall Signs per frontage	260 Sq. Ft.	302 Sq. Ft.
3) Lighting of Wall Signs	Unlit	Lit
4) Max Size of an	100 Sq. ft.	127 Sq. ft.

Individual Sign		
5) Wall Sign Height	14' maximum	1) 51' 2) 38' 3) 34'6" 4) 41'6"
6) Ground Sign Height	5'	15'9"
7) Ground Sign Lighting	Indirect	Internal

Andrea Swanson, Creative Sign Company described the project and noted that the need for so many variances is primarily due to the residential zoning of the property. Although the residential zoning is a remnant of past multi-family use on the site, there are currently no dwellings adjacent to the property. The property is surrounded by the Winona Health Clinic, a dental office, and Lake Winona. The nearest residential properties are on the south side of Highway 61 approximately 500' away. None of the proposed signs will point toward these properties.

There being no others who desired to speak, Chairman Sanchez closed the public hearing and opened it up for discussion.

Next, the Board went through the variance finding questions.

Are the variances in harmony with the purpose and intent of the ordinance?

The Board determined that the variances are in harmony with the ordinance because although the property is zoned residential, there are no adjacent residential uses.

Are the variances consistent with the Comprehensive Plan?

The Board determined that the variances are consistent with the Comprehensive Plan since area is designated for commercial use.

Does the proposal put the property to use in a reasonable manner?

The Board determined that the variances are reasonable given the size and location of the building adjacent to non-residential uses.

Are there unique circumstances to the property not created by the landowner?

The Board determined that there are unique circumstances given the property's location in proximity to Highway 61.

Will the variance, if granted, retain the essential character of the locality?

The Board determined that the variances would have minimal impact on the character of the locality.

Are there other considerations for the variance request besides economics?

The Board found that there are other considerations for the variances given the findings listed above.

Jon Krofchalk made a motion to approve the variances and it was seconded by Travis Buege. Upon vote, all were in favor.

Petitioner was informed that there was a 10-day appeal period during which time no action could be taken on the petition.

Petition No. 20-15-V, Main Square Development LLC

Chairman Sanchez opened the public hearing and read the petition:

> Main Square Development, LLC – City Code Sections 43.02.23 which establishes minimum lot size and 43.03.23 A)2)b) which requires on-site parking for multifamily residential uses in an R-3 zoning district. Applicant is proposing a lot split for the existing parcel at 166 W. 6th St. which houses the East Washington Crossings Apartment Building and former Winona Middle School Auditorium. The lot spit is triggering the need for a lot size variance (74,000 Sq. Ft. required; 48,522 proposed), and a variance to provide off-site parking.

Cindy Telstad, representing the petitioner, stated that the variance requests are due to a lot split. The lot split was being made to facilitate development of a structured parking facility for the Main Square development. In the facility, 40 parking spaces will be dedicated to the Washington Crossings apartment buildings for as long as they are used for residential. This is being done through a perpetual parking agreement.

There being no others who desired to speak, Chairman Sanchez closed the public hearing and opened it up for discussion.

Next, the Board went through the variance finding questions.

Are the variances in harmony with the purpose and intent of the ordinance?

The Board determined that the variances are in harmony with the ordinance because they facilitate the provision of additional parking which is needed in the area. In addition, the proposed development will help preserve property values.

Are the variances consistent with the Comprehensive Plan?

The Board determined that the variance is consistent with the Comprehensive Plan since area is designated for mixed uses.

Does the proposal put the property to use in a reasonable manner?

The Board determined that the variances are reasonable given there will be no physical changes to the Washington Crossings buildings, and the 40 parking spaces currently dedicated to the buildings will continue to be dedicated into the future.

Are there unique circumstances to the property not created by the landowner?

The Board determined that there are unique circumstances given the property's split zoning.

Will the variance, if granted, retain the essential character of the locality?

The Board determined that the variances would have minimal impact on the character of the locality. In fact, the variances will enhance the locality.

Are there other considerations for the variance request besides economics?

The Board found that there are other considerations for the variances given the findings listed above.

Jim Murphy made a motion to approve the variances and it was seconded by Tom Conway. Upon vote, all were in favor.

Petitioner was informed that there was a 10-day appeal period during which time no action could be taken on the petition.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 5:45 p.m.

Carlos Espinosa
Acting Secretary