

City of Winsted
Planning Commission
City Council Chambers
September 9, 2013
6:00 p.m.

Present: JoLynn Cafferty
Marv Ebensperger
Mike Guggemos
Allison Moses
Mike Thonvold
Tom Ollig (Council Liaison)

Staff Present: Steve Stotko, Mayor
Clay Wilfahrt, City Administrator
Raquel Kirchoff, Administrative Assistant

1) Call the Meeting to Order

Mr. Ebensperger called the meeting to order at 6:00 p.m.

2) Approval of Minutes

Mr. Guggemos motioned to approve the minutes from the Planning Commission Meeting on July 15, 2013. Ms. Cafferty seconded the motion. Motion carried 5-0.

3) Public Hearings

a) Rezoning Property at 150 – 2nd Street North

Mr. Ebensperger opened the Public Hearing to consider the rezoning of the southern half of the property at 150 – 2nd Street North from C-1 Commercial Business District to R-1 Single Family Residential District.

Mr. John Anderson, Municipal Development Group, reviewed the information that was provided to the Planning Commission as follows.

Jason and Carrie Bayerl, 150 – 2nd Street North, applied for a building permit to relocate a three (3) season porch from outside the City to their property and attach it to their existing residence. As the permit was being processed, it was discovered that a conditional use permit would be needed since the structure was larger than ten (10) feet in width and twelve (12) feet in length. At that time it was also discovered that the northern half of the property is zoned R-1 Single Family Residential District and the southern half is zoned C-1 Commercial Business District according to the City's official zoning map. The principal use of the property is a single family residence with a detached garage located southwest of the house. The three (3) season porch is also proposed to be located on the south side of the house. This area of the lot is zoned C-1 Commercial Business District and is therefore needed to be rezoned to R-1 Single Family Residential District.

The property directly south of 150 – 2nd Street South is commercial in nature and also zoned C-1 Commercial Business District. The south twenty-five (25) feet of the east one hundred fifteen (115) feet of the property at 150 – 2nd Street South was also sold to the commercial business south of this property in the past for driveway purposes; however, it does make sense to rezone the remainder of the lot to R-1 Single Family Residential District since the use of the property is a single family residential house. It also allows the entire property to be zoned one zoning classification rather than have a split zoning on the site.

Factors to be considered in determining the possible effects of the proposed amendment shall include, but are not limited to, the following:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan. *The land use map guides the south half of the lot for Central Business District; however, the property has a split zoning and is currently a single family residence so it makes sense to zone the property one zoning classification.*
2. The proposed application is or will be compatible with present and future land uses of the area. *The use is existing and compatible with the other single family residences to the north and west.*

3. The proposed application conforms to all performance standards contained in the Zoning Ordinance. *All performance standards of the R- Single Family Residential District are met.*
4. The proposed application can be accommodated with existing public services and will not overburden the City's service capacity. *The existing use is currently served by municipal utilities so no additional burden will be placed on the public services.*
5. Traffic generation by the proposed use is within capabilities of streets serving the property. *No additional traffic will result from the rezoning due to the fact this is an existing property.*

Mayor Stotko read a written comment received from Brenda Vetsch of V's Grill, 220 Main Avenue West, as follows.

"I am sorry we are unable to attend tonight's public hearing on the conditional use permit and rezoning for the property located at 150 – 2nd Street North. We own property at 220 Main Avenue West - Marvin and Brenda Vetsch. We are both in support for the conditional use permit and rezoning at this property. We don't foresee any negative impact on our property."

No other public comments were received.

Ms. Cafferty motioned to close the Public Hearing for the purpose of rezoning the southern half of the property at 150 – 2nd Street North from C-1 Commercial Business District to R-1 Single Family Residential District. Mr. Guggemos seconded the motion. Motion carried 5-0.

Ms. Cafferty motioned to adopt Planning Commission Resolution PCR 13-02 recommending that the Winsted City Council adopt Ordinance O-13-04 amending the official zoning map of the City of Winsted, Minnesota as referenced in Chapter 15, Section 1501.004, Letter B of the Winsted Zoning Ordinance by rezoning property located at 150 – 2nd Street North. Ms. Moses seconded the motion. Motion carried 5-0.

b) Conditional Use Permit - 150 – 2nd Street North

Mr. Ebensperger opened the Public Hearing to consider a conditional use permit application submitted by Jason and Carrie Bayerl, 150 – 2nd Street North.

Mr. John Anderson, Municipal Development Group, reviewed the information that was provided to the Planning Commission as follows.

The applicant has submitted for a building permit to move in a three (3) season porch that is eighteen (18) feet in length by twenty (20) feet in width. After reviewing the permit it was discovered that under section 1501.005 Letter D Number 7 of the City of Winsted Zoning Ordinance any structure that is larger than ten (10) feet in width or twelve (12) feet in length and ten (10) feet in height shall require a conditional use permit. It was also discovered that the southern half of the property was zoned C-1 Commercial Business District while the northern half was zoned R-1 Single Family Residential District. The proposed use would be nonconforming under the C-1 Commercial Business District zoning so the applicant has submitted for a conditional use permit along with a rezoning of the southern half of the property to R-1 Single Family Residential. It will be a condition of approval to rezone the entire property to R-1 Single Family Residential.

The conditional use permit request meets all of the lot, yard, area and height requirements of the R-1 Single Family Residential District. The following standards will apply.

- Height: 35 feet
- Front yard setback: 30 feet
- Side yard setback: 5 feet with a total of 13 feet for both sides
- Rear yard setback: 25 feet
- Lot coverage structures: 50%

Mr. Anderson reviewed the following requirements regarding a conditional use and how the Bayerl's property and request compares to the requirement (in italicized text).

1. That the conditional use will not create a public nuisance or a health hazard. *No public nuisance or health hazard will be created.*
2. That the conditional use will not be injurious to the use and enjoyment of the other property in the immediate vicinity for the purposes already permitted. *The addition is to an existing structure and it will meet all of the zoning district performance standards.*
3. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the

area. *The conditional use will not impede the normal and orderly development of the surrounding vacant property.*

4. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated. *The streets in the area are capable of handling the traffic capacity since the use is existing and no additional traffic will be created.*
5. That adequate utilities, access roads, drainage and necessary facilities have been or are being provided. *The use is existing so no additional public facilities will be needed.*
6. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. *Adequate measures will be taken that meet the building code standards to prevent or control offensive odor, fumes, dust, noise and vibration.*
7. The proposed use is in compliance with the Winsted Comprehensive Plan and any other sub-area plan, transportation plan, park plan, land use plan, and the like adopted by the City, as may be amended. *The Winsted comprehensive plan guides the northern half of the property for low density and the southern half for downtown commercial. The southern half is being rezoned to R-1 Single Family Residential District.*

Mr. Anderson reviewed that if the approval of the conditional use permit is recommended by the Planning Commission, the following conditions should be included with the recommendation for approval.

1. Lot, Yard, Area and Height Requirements - The conditional use permit shall meet all the lot, yard, area and height requirements of the R-1 Single Family Residential District.
2. Building Materials - The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal structure and three season porch are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
3. Exterior Lighting - All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts.
4. Building Permit - That all City required building permits have been approved and issued prior to relocation of the building.
5. City Engineer Review - The site drainage system shall be subject to the review and approval of the City Engineer and the conditional use permit request shall satisfactorily address any issues raised by the City Engineer.

Mr. Guggemos asked how the City could insure that the porch had to match the current exterior finish of the house it is being attached to. Mr. Anderson stated that conditional use permits allow for the City to review the property again in the future, in case the property owner neglects to comply with the requirements. Mayor Stotko stated that the City's current building inspector is very detail oriented and will not issue a final permit until all requirements of the City are met.

Ms. Cafferty motioned to close the Public Hearing for a Conditional Use Permit at 150 – 2nd Street North. Mr. Thonvold seconded the motion. Motion carried 5-0.

Ms. Cafferty motioned to adopt Planning Commission Resolution PCR 13-03 recommending that the Winsted City Council approve a conditional use permit to allow for a building to be moved from a parcel of land outside of the City of Winsted to a parcel of land within the City of Winsted, that is larger than ten (10) feet in width or twelve (12) feet in length and ten (10) feet in height. Ms. Moses seconded the motion. Motion carried 5-0.

- 4) No Old Business
- 5) No New Business
- 6) Other Business

a.) City Administrator – Clay Wilfahrt

Mayor Stotko introduced Mr. Clay Wilfahrt, the City's new City Administrator.

Council Member Ollig thanked Mayor Stotko for serving as the Temporary-Acting City Administrator during the absence of an Administrator.

7) Adjournment

**Ms. Moses motioned to adjourn the meeting. Ms. Cafferty seconded the motion. Motion carried 5-0.
The meeting adjourned at 6:20 p.m.**

Clay Wilfahrt
City Administrator
City of Winsted

ATTEST:

Raquel Kirchoff,
Administrative Assistant
City of Winsted