

Present: JoLynn Cafferty  
Dan Dickhausen  
Marvin Ebensperger  
Max Fasching  
Mike Guggemos

Staff Present: Brad Martens, City Administrator  
Raquel Kirchoff, Administrative Assistant

1) Call the Meeting to Order

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

2) Approval of Minutes

**Fasching motioned to approve the minutes from the Planning Commission Meeting on October 12, 2011. Cafferty seconded the motion. Motion carried 4-0.**

3) No Public Hearings

4) **Old Business**

**a) Zoning Ordinance Review – C-1 Commercial Downtown Business District Permitted Uses**

Martens explained that the City of Winsted has received a request to allow street level residences in the C-1 Commercial Downtown Business District. He stated that the current zoning ordinance language states: "Residences, when included as an integral part of the principal building, and off-street parking is provided (see Section 1501.014.A. for parking standard). No such residence shall be allowed on street level."

Martens stated that permitting residences on street level would allow for an additional revenue source and make buildings more appealing to purchase or lease. Many of the buildings are deep enough to allow for a significant commercial space to exist in the front of the building. Conditions could require the residence to remain a certain distance from the street or limit the square footage of the residence. Martens stated that at least one property already does have an apartment at street level.

Martens stated that he had requested example ordinance language from Minnesota cities that allow street level residences in the C-1 Commercial Downtown Business District from the Minnesota City/Management Association (MCMA). The cities of Jordan, New Ulm and Janesville responded to his request as follows:

- Jordan, MN
  - A. Residential Units.
    1. Apartment, provided it is located above the ground floor.
    2. A single dwelling unit on the ground floor provided it is located in the back of the building where a yard with usable open space exists and where no rear access exists to the building for commercial purposes.
- New Ulm, MN
  - Allowed through Conditional Use Permit as long as a retail store is located in the front section of the building.
- Janesville, MN
  - Any residence except that such residence shall not occupy the front twenty (20) feet of the first floor street frontages.

Martens reviewed that the request was discussed at the October 12, 2011 Planning Commission meeting and questions arose on how street level would be defined, parking requirements, and apartment vacancy rates in Winsted. City Staff was directed to contact current apartment owners, and further review parking requirements and street level issues.

Martens stated that he contacted five (5) different apartment owners and the findings were that vacancies do exist in almost every apartment building in Winsted and that additional competition is not needed; however, one (1) or two (2) units would not overly change the market and owners were generally supportive of the idea, if it is able help the downtown.

Martens stated that street level is determined as ground floor and that parking in a Multiple Family Use requires off-street parking of two spaces per unit.

Martens suggested that the word "Apartment" should be added under the heading of D.Conditional Uses (Section 1501.008 of the Winsted Zoning Ordinance).

Martens stated that the best option to allow for street level residences in a commercial district would be through a Conditional Use Permit where the applicant would submit an application to the Planning Commission for review that would require a Public Hearing and finally City Council approval.

Martens asked the Planning Commission to consider scheduling a public hearing on Wednesday, December 14, 2011 to consider amendments to the Zoning Ordinance regarding C-1 Commercial Downtown Business District Permitted Uses.

Ebensperger asked questions concerning the interpretation of what the ordinance presently states under Section 1501.008, C-1, Commercial Downtown Business District, Item D. Conditional Uses. It does not specifically state anything about ground floor or specifically have the word apartment to handle these apartments. The Planning Commission discussed this wording and Martens stated that he would confirm that within this statement, requirements restricting ground floor requirements previously stated in the ordinance supersede this specific statement, and this specific statement does not allow for ground floor residences.

The Planning Commission discussed the current parking, especially on 1<sup>st</sup> Street North, parking requirements and how potential apartment spaces, especially in the buildings on 1<sup>st</sup> Street North, would have a difficult time providing two (2) spaces. Martens stated that this is why the Conditional Use process would be the best option to grant this type of residence because then each case will be looked at separately.

Guggemos asked if when the new ordinance language was approved, if it was the responsibility of the building owners to fulfill the parking requirements and not the City. Martens stated yes, and that if the owner was not able to meet the parking requirement, they would have to apply for a variance.

Ebensperger requested that the new ordinance language be developed that would be added into Section 1501.008, "C-1 Commercial Downtown Business District" of the Zoning Ordinance. Martens stated that specifically, the new language would be added under the Conditional Uses section (Section 1501.008, Letter D, Item Six (6)).

The Planning Commission discussed and agreed that they needed to develop a minimum square footage or percentage of the building that would be required to be commercial space. They looked at the example ordinance language that was given from Janesville, New Ulm and Jordan. They had a lengthy discussion on how to come up with this minimum number due to the different types of buildings and how it would vary from one building to another once they established the number.

The Planning Commission also discussed whether or not to formally define the Promenade as a street, or leave it as assumed street level/open ended. They all agreed that the best option to approve apartments within a commercial district would be through the Conditional Use process. Building owners that wanted to construct apartments at the 1<sup>st</sup> Street North/Promenade area would have to be looked at individually, and at that time, the Planning Commission would ensure that commercial space was the intent at both the Promenade street level and 1<sup>st</sup> Street North street level. The Planning Commission agreed that they want to protect the Promenade street front to only hold commercial/businesses within the first set number of feet, and not have apartments facing the Promenade at street level. When the Promenade was created, it was the intent to have retail shops or businesses along the Promenade.

Guggemos asked if the Planning Commission needed to define that the building owner be allowed a corridor for access to the apartment from street level, especially for the buildings in the Promenade, where both sides are street level. Ebensperger suggested that this issue could be addressed as part of the Conditional Use process.

Fasching asked if a person were to purchase a building on 1<sup>st</sup> Street North, in the Promenade area, they would not be allowed to have any parking on either the 1<sup>st</sup> Street North side or the Promenade side, or be able to construct a garage for parking, for their apartment, without applying for a variance. Martens stated yes, that was the correct understanding.

Ebensperger asked how the utilities would be handled once apartments in a commercial district were created and if the water/sewer flow would be sufficient for apartments. Martens stated that any construction will require a building permit and this would be checked at the time of construction.

The language that the Planning Commission created and agreed to during the meeting for the ordinance language change was as follows:

A single street level residence provided any such residence shall not occupy the front 25 feet of the building on that street level.

**Guggemos motioned to schedule a Public Hearing for Wednesday, December 14, 2011 to consider a language amendment number six (6) be added to the Winsted Zoning Ordinance Section 1501.008 – “C-1” Commercial Downtown Business District; Letter D – Conditional Uses; as follows: “A single street level residence provided any such residence shall not occupy the front 25 feet of the building on that street level”. Dickhausen seconded. Motion carried 5-0.**

6) Other Business.

Martens stated that the City Council will be accepting the minutes from the separate Winsted Commissions at their City Council meetings.

Martens stated that the City Council has requested that the Chair Member of each Commission present items from their Commissions to the City Council at scheduled times throughout the year, starting in 2012.

Martens stated that the City of Winsted is working on a Work Plan that includes items from Winsted Commissions. If there are any suggestions, please forward them to Martens.

Martens suggested that the Planning Commission look at the changes that have been happening at the Tetra-Pak site, 801 Kingsley Street South, and the new Napa Store at 465 - 6<sup>th</sup> Street North.

Martens stated that the Fairlawn Avenue project was substantially completed at this point in time, to handle a rainfall of 4.6 inches per hour. In addition, the Slope Stabilization project behind City Hall is substantially completed too.

Martens stated that the Casey's General Store site plan and variance were approved at the City Council Meeting on November 1, 2011.

7) Adjournment

**Fasching motioned to adjourn the meeting. Dickhausen seconded the motion. Motion carried 5-0. The meeting adjourned at 7:10 p.m.**

*Brad Martens*

Brad Martens,  
City Administrator  
City of Winsted

ATTEST:

*Raquel Kirchoff*

Raquel Kirchoff,  
Administrative Assistant  
City of Winsted