

City of Winsted  
Planning Commission  
City Council Chambers  
September 9, 2009  
6:00 p.m.

Present: JoLynn Cafferty – Winsted Planning Commission  
Dan Dickhausen – Winsted Planning Commission  
Marvin Ebersperger – Winsted Planning Commission  
Max Fasching – Winsted Planning Commission  
Mike Guggemos – Winsted Planning Commission  
Tom Ollig – City Council Liaison

Staff Present: Brent Mareck - City Administrator  
Raquel Kirchoff – Administrative Assistant

- 1) Ebersperger called the meeting to order at 6 p.m.
- 2) Ebersperger asked if there were any comments or changes to the July 8, 2009 Planning Commission Minutes. No comments were received.

**Fasching motioned the approval of the July 8<sup>th</sup>, 2009 meeting minutes; Dickhausen seconded; unanimously carried.**

- 3) Public Hearings

**a. ) Variance – 470 – 5<sup>th</sup> Street North**

Doug Pawelk, 470 5<sup>th</sup> Street North, has submitted a request for a variance to accommodate the construction of an accessory building (10 x 12) that will encroach into the front setback by fourteen (14) ft. All structures in an R1 zoning district are required to maintain a thirty (30) ft. front setback.

The property sits on a corner lot bordering 5<sup>th</sup> Street North and Fairlawn Avenue West, which requires the property to maintain two (2) front setbacks. The applicant did begin construction prior to being notified by the City of his need to obtain a variance to construct a shed in its existing location. No additional work has been done to the shed since the City informed the applicant of his need to obtain a variance (a building permit is not required).

The construction of the shed within the front setback does not appear to negatively impact driving sight lines in the area. The shed is well screened on both its east and west side by two mature evergreen trees. In addition, a commercial building to the west of the applicant's property currently maintains a ten (10) ft. front setback (existing non-conforming) to Fairlawn Avenue West.

The applicant contends that the shed cannot be constructed in another location upon his property, due to drainage issues (low area) from surrounding properties.

No comments on the proposed variance have been received by the City of Winsted.

The applicant's request appears to have little impact on the surrounding properties. In addition, the applicant's "hardship" meets the criteria for granting a variance.

Mr. and Mrs. Doug Pawelk were available for questions. Pawelk stated that the shed was being constructed to store lawn mowers, lawn furniture, etc.

Scott Benda, 510 5<sup>th</sup> Street North, stated that since the Pawelk's pay property taxes, they should be allowed to build the shed.

No other comments were received.

**Guggemos motioned to recommend approval of a variance for Doug Pawelk, 470 5<sup>th</sup> Street North, to construct an accessory building to encroach fourteen (14) ft. into the front setback; Cafferty seconded; motion carried.**

Pawelk questioned if he could resume construction of the shed. Mareck stated that the variance must first be approved by the City Council and that item would be on the City Council Meeting Agenda for Tuesday, 09-15-2009.

**Cafferty motioned to close the Public Hearing; Dickhausen seconded; motion carried.**

- 4) Old Business
- 5) New Business

**a.) Zoning Guidance – 311 Fairlawn Avenue West**

The Adult Training & Habilitation Center (ATHC), 311 Fairlawn Avenue West, is proposing to operate a thrift store at their facility. The thrift store would operate as a “walk-up” business to the general public. The ATHC has submitted information on hours of operation, parking, etc., for the proposed thrift store; however, the primary issue before the Planning Commission is the zoning of the property.

The property is currently zoned as R2 (high density residential). The existing operations at the ATHC are permitted as a “conditional use” under:

*“clinics and other buildings for the treatment of human beings contingent upon adequate parking being provided.”*

The existence of a public/commercial use thrift shop may not be consistent with the provision that allows the ATHC to operate in its current zoning district. At times commercial uses cause traffic, signage, lighting and other issues that impact a residential neighborhood. Commercial uses are sometimes allowed in a building that does not have a commercial zoning (gift shop, coffee shop, etc.) classification; however, these business are operating as an ancillary use in relationship to the primary operation and are not typically used by the general public.

Two options were provided for the Planning Commission’s review:

- 1.) Recommend to the City Council that the use is consistent with the current zoning for the property and take no further action. The basis for this recommendation would be that the thrift store is a result of the business being involved in the “treatment of human beings” and as such complies with the zoning ordinance. In addition, the Planning Commission would find that the thrift store would have little to no impact on the surrounding neighborhood.
- 2.) Recommend to the City Council that the use be subject to a Conditional Use Permit (CUP) process. A CUP would allow the City to dictate hours of operation, signage, lighting, and other issues which may negatively impact the surrounding neighborhood. In addition, a CUP process would formally notify property owners in the area of the ATHC’s proposal to operate a thrift store.

Although the CUP process will take some additional time for the applicant to go through, it offers the best resource to the City to provide surrounding property owners with an opportunity to formally comment on the project. In addition, the CUP process will allow the Planning Commission and City Council to specify certain minimum conditions (hours of operation, parking, signage, etc.) for the use.

Jason Thelander, ATHC, was present and gave a summary of how the store would operate, stating that the three (3) main objectives for the store are to increase training for people going through the ATHC process, provide employment opportunities and to build, assemble and repair donated items. Most of the people going through the ATHC process are placed in a retail setting so this store would help train for those placements.

The store hours would be the same as their regular business hours which are Mondays through Fridays from 9 a.m. – 4 p.m. and possibly Saturday mornings from 9 a.m. – 12 noon. The number of employees would be two (2) in the store, six (6) to process incoming donations and volunteers would be needed as well.

When questioned what the customer traffic flow would be, Thelander responded that cities with a similar population have approximately \$125 - \$135 of sales per day and about two (2) – three (3) customers for every two (2) hours of business.

Planning Commission members were in support of the thrift store at the ATHC building and wanted them to apply for a Conditional Use Permit to open the store. This will give the proper notification that is needed to the public and will require the ATHC to review the process on an annual basis if any unforeseen problems occur.

**Guggemos motioned to recommend to the City Council that the ATHC should apply for a Conditional Use Permit to operate a thrift store at their facility to include public input; Fasching seconded; motion carried.**

6) Other

Mareck stated that Ridgeview Clinic contacted the City regarding the sign that will be placed at the corner of Linden Avenue and 6<sup>th</sup> Street North. Ridgeview did obtain a sign variance to place a permanent sign at this corner in 2008. They also obtained an easement from the property owner at 520 Linden Avenue West; however, that property owner is actively trying to sell the property and if sold, the new owner may not want to have a sign on the property. Because of this, Ridgeview would like to propose a temporary sign and provided drawings of this type of sign where it is mounted on two (2) posts rather than having a foundation with keystone and shrubs. Planning Commission members discussed the two (2) types of signs and most agreed that Ridgeview should have to submit another sign variance application. Guggemos disagreed and stated that if Ridgeview could make the temporary sign look like the permanent sign, including some keystone and shrubs, for a reduced cost, they should be allowed to place a sign like this with no additional approval.

Ollig stated that signs placed on 6<sup>th</sup> Street North/County Road 1 represent the community and he would not be in support of a different type of sign here. The reason why the variance was granted was that the sign was going to be an exceptional looking sign. Placing any other type of sign on this road could encourage other businesses to apply for more signs of similar type to be added to this road.

Mareck will explain to Ridgeview that they will need to submit another sign variance if they do not place the sign that they originally applied for and reiterate to them what the process is for a sign variance.

Mareck stated that the winners of the Winsted Pride Awards are Jim and Doris Menden, 111 Linden Avenue East, and St. John's Lutheran Church, 410 – 1<sup>st</sup> Street North. They will be invited to the Winsted City Council meeting on Tuesday, September 15<sup>th</sup>, 2009.

7) Adjournment

**Cafferty motioned to adjourn the meeting; Dickhausen seconded; motion carried.**

Respectfully Submitted,

Raquel Kirchoff  
Administrative Assistant