

City of Winsted
Planning Commission
City Council Chambers
December 7, 2015
6:00 p.m.

Present: Jolynn Cafferty
Marvin Ebensperger
Mike Guggemos
Michael Henrich
Allison Moses
Tom Ollig

Staff Present: Daniel Tienter, City Administrator
Deborah Boelter, City Clerk-Treasurer

1) Call the Meeting to Order

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

2) Approval of Minutes

Ms. Cafferty motioned to approve the minutes from the Planning Commission Meeting on November 9, 2015. Ms. Moses seconded the motion. Motion carried 5-0.

3) Public Hearings

a) PCR 15-08 – Drainage and Utility Easement Vacation – DiMax Corporation

Mr. John Anderson, Municipal Development Group, stated that the business owner at 1107 Industrial Lane, DiMax Corporation, also owns the vacant lot north of this address and would like to construct a building on the vacant lot that would connect to the existing structure at 1107 Industrial Lane.

Mr. Anderson stated that because the proposed building involves two (2) separate lots, there is a lot line between the two (2) land parcels and a drainage and utility easement that runs between the properties. The applicant does not want to combine the two (2) lots because he would like to have the option in the future to split the properties and sell the building on the northern lot. Because the new construction will connect with the existing building at 1107 Industrial Lane, the easement must be vacated and the applicant must complete the Planned Unit Development process.

Mr. Anderson reviewed Planning Commission Resolution PCR 15-08 regarding the vacation of the easement that was provided for the Planning Commission members in the meeting packet.

Mr. Guggemos asked if it will be a problem in the future if the newly constructed building meets the property line, without a setback. Mr. Anderson stated that it is not definite that the two (2) buildings would be split; but if it were to happen, the drainage and utility easement would have to be rededicated at that time.

Mr. Guggemos asked how wide the current easement was. Mr. Anderson stated that it was ten (10) feet on each side of the property line.

Mr. Guggemos motioned to close the Public Hearing in reference to Planning Commission Resolution PCR-15-08. Mr. Henrich seconded the motion. Motion carried 5-0.

Mr. Henrich motioned to adopt Planning Commission Resolution PCR 15-08 recommending that the Winsted City council grants approval to vacate a drainage and utility easement along the common property line of Lot Three (3) and Lot Seven (7), Block Two (2) Winsted Industrial Park Two (2) for the purpose of constructing an industrial building at 1109 Industrial Lane. Ms. Cafferty seconded the motion. Motion carried 5-0.

b) PCR 15-09 – Planned Unit Development – DiMax Corporation

Mr. Ebensperger opened the Public Hearing for Planning Commission Resolution PCR 15-09 regarding the Planned Unit Development (PUD) for DiMax Corporation.

Mr. Anderson stated that the PUD is the next step in the process to allow the proposed building to cross the property line between the two (2) lots. Mr. Anderson reviewed the building plan related to the PUD and stated that for a structure this size, an additional eight (8) parking stalls are required; however, these additional stalls will only be required if the building is ever sold as a separate building.

Mr. Anderson stated that the City Engineer, Bolton and Menk, Incorporated has reviewed the application from DiMax Corporation and the applicant will be required to meet all requirements of the Engineer. Mr. Anderson stated that the Winsted Volunteer Fire Department also commented to request that a second lock box be installed on the new building with a set of keys for entrance in case of an emergency.

Mr. Anderson reviewed the application regarding zoning, setbacks, lot coverage of structures, building materials, lighting, and parking. Mr. Anderson reviewed the conditions listed in Planning Commission Resolution PCR 15-09 for approval of the PUD as follow:

1. Drainage and Utility Easement Vacation. That the drainage and utility easement located along the common property line between Lot 3 and Lot 7, Block 2, Winsted Industrial Park Two is vacated in the location of the proposed building.
2. Side Yard Setback. That the side yard setbacks along the common property line between Lot 3 and Lot 7, Block 2, Winsted Industrial Park Two, shall be changed from the required ten (10) feet to zero (0) feet.
3. Building Connection. That the Planned Unit Development will allow the existing building at 1107 Industrial Lane on Lot 7, Block 2, Winsted Industrial Park Two, to be connected to the new building at 1109 Industrial Lane on Lot 3, Block 2, Winsted Industrial Park Two without combining the properties into one (1) tax parcel.
4. Drainage and Utility Easement Rededication. That if the existing building at 1107 Industrial Lane on Lot 7, Block 2, Winsted Industrial Park Two is ever separated from the new building at 1109 Industrial Lane on Lot 3, Block 2, Winsted Industrial Park Two, a new drainage and utility easement is dedicated over the common property line in favor of the City of Winsted where the building is located.
5. Off-street Parking. That the eight (8) additional off-street parking spaces that are required to be added to the site plan to meet the off-street parking requirement of twenty-six (26) spaces will not be required to be installed unless the proposed building at 1109 Industrial Lane on Lot 3, Block 2, Winsted Industrial Park Two is separated from the existing building at 1107 Industrial Lane on Lot 7, Block 2, Winsted Industrial Park Two to facilitate a sale of the property and change the use of the property.
6. Lapse of Approval. Within one (1) year after the approval of a final Plan for the PUD, construction shall commence in accordance with such approved plan. Failure to commence construction within this time period, unless an extension has been granted, shall automatically render the PUD permit and approvals void. In such case, the City Council shall adopt an ordinance repealing the PUD permit and approvals, re-establishing the zoning rules and other applicable rules that would have otherwise been applicable to the subject property. The time limit established in this paragraph may, at the discretion of the City Council, be extended for not more than six (6) months.

The Planning Commission members discussed the setbacks being met if the buildings were sold as separate units in the future. They directed Mr. Anderson to add language to the resolution as a condition that if the applicant ever separates the buildings at 1107 and 1109 Industrial Lane to be sold separately, the property line should be moved to the south ten (10) feet so both buildings meet the side yard setback requirements, or to give the applicant the option of moving the building ten feet (10) to the north, prior to construction, so just the corridor is located in the side yard setbacks as allowed by the PUD approval.

Ms. Moses motioned to close the Public Hearing. Ms. Cafferty seconded the motion. Motion carried 5-0.

Mr. Guggemos motioned to adopt Planning Commission Resolution PCR-15-09 recommending that the Winsted City Council approve the Planned Unit Development with the stated conditions plus the addition of a condition into the resolution that if the property was ever to split the property line would have to be moved or the building would have to be shifted before it was constructed as was discussed. Ms. Cafferty seconded the motion. Motion carried 5-0.

4) New Business

a) PCR 15-10 – Site Plan Review – DiMax Corporation

Mr. Anderson stated that a site plan review is required for the proposed structure at 1109 Industrial Lane. Mr. Anderson reviewed the information that he had provided in the meeting packet regarding the plans for the property and structure related to parking, the main entrance, zoning, building materials, lighting, off street parking, loading, grading plan, utilities, landscaping, trash enclosures, exterior storage, and signage.

Mr. Anderson reviewed the conditions for approval of the Site Plan Review as follow:

1. Electrical Power Systems, Telephone and other Wire Communication Systems and Gas Systems. All electrical power lines, telephone and other wire communication systems and all primary and secondary gas distribution systems shall be located underground. All maintenance and service shall be the responsibility of supplier or its designated agent at the cost of the Applicant. Any and all meters or metering devices shall be attached to the main structure located on the premises.
2. Exterior Lighting. Any exterior lighting plans shall be reviewed and approved by the City Engineer.
3. Off-street Parking. That the eight (8) additional off-street parking spaces that are required to be added to the site plan to meet the off-street parking requirement of twenty-six (26) spaces will be addressed in the Planned Unit Development approval.
4. Building Connection. That a Planned Unit Development is approved allowing for the proposed building at 1109 Industrial Lane to be connected to the existing building located at 1107 Industrial Lane and to allow the side yard setbacks on the common lot line to be reduced to zero (0) feet.
5. Drainage & Utility Easement. That the drainage and utility easement located on the lot line between Lots 3 and 7, Block 2, Winsted Industrial Park Two, is vacated in the location of the proposed building.
6. Striping. All parking stalls shall be marked with white or yellow painted lines not less than four (4) inches wide.
7. Lockbox. A lockbox will need to be added on the new building at 1109 Industrial Lane at its main entrance with the same set of keys that are in the lockbox on the existing building at 1107 Industrial Lane.
8. City Engineer Approval. That the site plan and related documents shall meet all requirements and addresses all comments in a memo dated November 20, 2015 from the City Engineer prior to the issuance of a building permit by the City of Winsted.
9. Signage. All signs shall meet the requirements of section 1501.023 of the zoning ordinance and no signs shall be replaced, installed or constructed until the appropriate sign permits have been issued by the City of Winsted.
10. Building Permit. That all appropriate building permits are issued before construction begins. No building or structure shall be erected until the Building Inspector or the designated representative has issued a lawful building permit from the City of Winsted.
11. Time Limit from Site Plan Approval until Building Permit is Issued. From the time the applicant receives site plan approval from the City Council, the applicant must be issued a building permit within twelve months from the site plan approval date. Failure to do so will require the applicant

to obtain a new site plan approval, with appropriate fees, to receive a building permit. The applicant may apply for one six (6) month extension before the expiration date. Application for an extension is an administrative process.

Ms. Moses motioned to adopt Planning Commission Resolution PCR-15-10 recommending approval of the site plan for an industrial building to be located at 1109 Industrial Lane. Mr. Henrich seconded the motion. Motion carried 5-0.

5) Old Business

a) PCR-15-11 – Residential Accessory Structure Text Amendments

Mr. Anderson stated that the Planning Commission has reviewed a text amendment to the Municipal Code regarding accessory structures at previous meetings because of a request from a property owner that wants to re-roof an accessory structure with different materials than the principal structure, which is not allowed in the City's current ordinance.

Mr. Anderson reviewed that the Minnesota State Building Code changed in 2015 to no longer require a building permit for accessory structures 200 feet and under. Prior to this change, accessory structures larger than 120 square feet required a building permit. Mr. Anderson stated that at previous meetings, the Planning Commission members discussed whether requirements should be established for buildings from 120 square feet to 200 square feet.

Mr. Anderson stated that the Planning Commission passed Planning Commission Resolution PCR-15-06 to recommend that the City Council approve a text amendment regarding accessory structures larger than two hundred (200) square feet to be the same color pattern as the principal building on the lot, and if possible, materials should be similar to the principal structure on the lot, but not required; however, the City Council did not approve the text amendment and sent it back to the Planning Commission for further review on requirements for structures from 120 square feet to 200 square feet.

Mr. Anderson stated that the Planning Commission should decide if they want to establish language for buildings from 120 to 200 square feet.

Council Member Ollig stated that the City Council would like more definition on structures that they may not want within the city, for example, carports, and more clarification on if these type structures would be allowed in the current draft text amendment.

Mr. Anderson stated that the text amendment provided does include information regarding carports in the Definitions section as follows: "Carports - A canopy constructed of metal or other material supported by posts either ornamental or solid and having one or more sides open. Carports shall not be permitted in any Zoning District."

Mr. Guggemos stated that requirements should be established for accessory structures from 120 square feet to 200 square feet so that blighting conditions can be avoided, for example, property owners placing fishhouses or semi trailers with wheels removed on their property as an accessory structure.

Mr. Anderson stated that the Definitions section could be defined to exclude these type of structures as an accessory structure.

Mr. Tienter stated that the City has a Blight Ordinance and explained the process that is used to enforce this ordinance, which may address some of the issues that Planning Commission members were concerned about.

Mr. Anderson suggested that as part of the text amendment to the ordinance, the City could remove the accessory structure language from each Zoning District as it is currently referenced and create a separate Accessory Structure Section within the code for easier reference.

The Planning Commission members stated that they would like to see different draft language from Mr. Anderson to consider at a future meeting regarding requirements for buildings larger than 120 square feet and a separate Accessory Structure section to be created.

Mr. Tienter recommended that the Planning Commission members table the proposed Planning Commission Resolution PCR-15-11 and at the next meeting, different draft language could be considered.

Mr. Guggemos motioned to table Planning Commission Resolution PCR-15-11 and for City staff to gather more information to consider at the next meeting. Ms. Cafferty seconded the motion. Motion carried 5-0.

6) Other

Mr. Tienter stated that because a Special Planning Commission meeting was scheduled for tonight, the regularly scheduled Planning Commission meeting on December 14, 2015 is cancelled.

7) Adjourn

Ms. Cafferty motioned to adjourn the meeting. Ms. Moses seconded the motion. Motion carried 5-0. Meeting adjourned at 7:07 p.m.

Daniel Tienter

Daniel Tienter
City Administrator
City of Winsted

ATTEST:

Raquel Kirchoff

Raquel Kirchoff,
Administrative Assistant
City of Winsted