

City of Winsted
Planning Commission
City Council Chambers
June 22, 2011
6:00 p.m.

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

Not Present: Tom Ollig – Council Liaison

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 May 11, 2011. Dickhausen seconded the motion. Motion carried 5-0.

3) Public Hearings.

a) Temporary Structures – Zoning Ordinance Amendment

Ebensperger opened the Public Hearing to consider language amendments to the Winsted Zoning Ordinance regarding temporary structures and administrative permits.

John Anderson, Municipal Development Group, was present to give information on the consideration of amendments to the City of Winsted Zoning Ordinance, Sections 1501.002 Definitions; 1501.005 "R-1" Single Family Residential District; 1501.006 "R-2" Multiple Family Residential District; 1501.007 "R-M" Manufactured Home District; 1501.008 "C-1" Commercial Downtown Business District; 1501.009 "C-2" Highway Commercial District; 1501.010 "I-1" Industrial District; 1501.014 General Regulations and Performance Standards; and existing sections 1501.021 through 1501.024, which will be renumbered with 1501.021 Administrative Permits and Approvals being added. These amendments are in relation to the regulation of temporary structures, the issuance of administrative permits (zoning permits) by the City Administrator or designee, and adding a section to each zoning district listing the permitted administrative permits for that district.

These amendments were drafted from previous Planning Commission discussions regarding temporary structures and how the regulation of temporary structures would relate to vegetable stands, commercial greenhouses in a parking lot, and other types of temporary structures. What constitutes temporary structures and the parameters needed for the regulation of temporary structures was discussed, as well as implementing administrative permits to regulate temporary structures.

No public comments were received at the Public Hearing or prior to the hearing in written form.

Anderson presented Resolution PCR-11-02 recommending that the Winsted City Council approve the proposed zoning amendments to City Code Chapter Fifteen (15), Section One (1) Zoning Ordinance, Sections 1501.002 Rules and Definitions; 1501.005 "R-1" Single Family Residential District ; 1501.006 "R-2" Multiple Family Residential District; 1501.007 "R-M" Manufactured Home District; 1501.008 "C-1" Commercial Downtown Business District; 1501.009 "C-2" Highway Commercial District; 1501.010 "I-1" Industrial District ; 1501.014 General Regulations and Performance Standards; and 1501.021 through 1501.024 being renumbered with 1501.021 Administrative Permits and Approval being added.

The Planning Commission discussed the language amendments proposed and had changes they wanted implemented in Section 1501.014, General Regulations and Performance Standards, Letter P. Temporary Structures, Item 4. Roadside Stands for Sale of in Season Agricultural Products, letters b. and c. Anderson stated that he would implement the changes for b. and c. to read as follows and prepare a new printed resolution for signatures:

- b. In residential districts all products to be sold shall be grown or made by the operator of the stand, and the stand shall be operated by the owner or lessee of the property on which it is located.
- c. In residential districts a portion of the agricultural products to be sold must be grown on the property on which the stand is located with the other portion grown on other property owned or leased by the operator of the stand.

Guggemos motioned to close the Public Hearing, Cafferty seconded. Motion carried 5-0.

Fasching motioned to adopt Resolution PCR-11-02 with noted changes to Section 1501.014, General Regulations and Performance Standards, Letter P. Temporary Structures, Item 4. Roadside Stands for Sale of in Season Agricultural Products, letters b. and c. being made as discussed; recommending that the Winsted City Council approve the proposed language amendments to the City of Winsted, Chapter Fifteen (15), Section One (1), Zoning Ordinance, Sections 1501.002 Definitions; 1501.005 "R-1" Single Family Residential District; 1501.006 "R-2" Multiple Family Residential District; 1501.007 "R-M" Manufactured Home District; 1501.008 "C-1" Commercial Downtown Business District; 1501.009 "C-2" Highway Commercial District; 1501.010 "I-1" Industrial District; 1501.014 General Regulations and Performance Standards; and existing sections 1501.021 through 1501.024, which will be renumbered with 1501.021 Administrative Permits and Approvals being added. Dickhausen seconded. Motion carried 5-0.

4) Old Business

a.) Grading Compliance – Municipal Development Group

John Anderson, Municipal Development Group, explained that the Planning Commission has discussed requirements relating to grading certification for individual building permits, so the City can verify that all final grades match the City Engineer approved grading plan approved at the time that the sub-division or development was approved; and making amendments to the Winsted Subdivision Ordinance to initiate the process of grading plan checks. Anderson has researched the subject and has found that requiring a grading as-built would be beneficial in verifying that final grades on individual lots would meet the requirements of the City Engineer approved grading plan. At this time, the City does not require final as-built grading plans from the developer for an entire project so the individual certification of grading would be based on the City Engineer approved grading plan, rather than final as-builts for the development. It should also be noted that the City does not require monumentation (the placement of lot pins on the corner of lots) so this should be added as part of the proposed amendment.

The importance of requiring grading certification is so after the buildings and required landscaping are finalized, the final grades are correct and there are no water drainage problems. Grading certification should happen prior to the installation of landscaping, since in September of 2009, the City approved landscaping requirements and standards that required the applicant to submit cash, certified check, or credit escrow payment acceptable to the City in the sum of \$1,500.00 for any new residential construction and 125% of the estimated landscaping cost as determined by the City for the R-2, R-M, commercial and industrial zones.

Grading certification should be completed before the landscaping commences. Once the grading certification is approved by the City Engineer, the applicant would commence with the completion of the landscaping and upon the building or zoning official certifying that the landscaping improvements have been made and fully established, the escrow can be returned to the applicant. Final placement of iron monuments should also be required at the same time as the grading certification.

Anderson also stated that a Certificate of Occupancy would not be issued by the Building Inspector until a grading certification was completed by the City Engineer.

Anderson presented the following language amendments to the Winsted Subdivision Ordinance and also provided examples of a Grading Certification Checklist and Certificates of Grade:

Section 1502.007. Required Improvements, Letter E Issuance of Building Permits is amended to add Number Four (4) as follows:

4. Prior to the release of the required landscaping escrow, an as-built certificate of survey shall be submitted to verify that the final as-built grades and elevations of the lot and building and building setbacks are consistent with the approved grading plan for the development and amendments as approved by the City Engineer and that all required property monuments are in place.

Section 1502.007. Required Improvements is amended to add Letter I as follows:

I. Monuments.

1. Official monuments shall be set at each corner or angle point on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. Said monuments shall consist of a one-half inch (1/2") iron pipe with a plastic cap which contains the registration number of the land surveyor responsible for setting the monument. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary to be indicated; all monuments and surveyor's irons to be indicated; each angle point of the boundary perimeter to be so monumented.
2. Pipes or steel rods shall be placed at each lot corner and at each intersection of street center lines. All United States, State, County or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary bearings pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.
3. To insure that all irons and monuments are correctly in place, monumentation shall be required following the final grading of a plat. Proof of the monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy as may be amended. Commission would like to add requirements for grading certification and final placement of iron monuments, a public hearing would need to be called and the following language added to the Subdivision Ordinance. A grading certification checklist and form to be filled out by a licensed surveyor certifying the grading and final placement of iron monuments has also been attached to this staff report.

The Planning Commission discussed the proposed language amendments and examples of Grading Certification Checklist and Certificates of Grade and agreed that this language should be considered to protect the City from drainage problems that can occur, with a checklist and formal process implemented. They were concerned about additional expenses that would result from this process, and that these additional costs not be added as an additional building permit fee. Anderson explained that the City Engineer would be performing the grading plan compliance checks and that they are usually not very time consuming; however, if some have varied from the original grading plan, they can be time consuming with a higher cost. The group discussed options of the builder paying for the survey and the City paying the Engineer for the compliance check unless there were problems because of non-compliance. Then the fees would be passed on to the builder.

Anderson stated that the language amendments would be considered at a Public Hearing, tentatively to be scheduled in August, 2011, as part of the combined changes to the Winsted Zoning and Subdivision Ordinances related to land use.

5) New Business

a) Zoning Ordinance Review – Cynthia Smith-Strack Municipal Development Group

Smith-Strack stated that the Administrative Standards contained in the Winsted Zoning Ordinance needed to be updated to be consistent with the Land Use Plan; and that the Planning Commission would be specifically discussing the language regarding Variances. In future meetings, Nonconformance will be discussed.

Language amendments were discussed regarding Variances, in the following areas of the current Winsted Zoning Ordinance, Sections 1501.0018 - 1501.0020:

- Appeals and the Board of Adjustment

- Procedure for Variance Requests
- Criteria for Granting Variances
- Variances for Earth Sheltered Construction
- Conditions in the Granting of Variances
- Lapse of Variance
- Zoning Amendments (Rezoning)
- Administration and Enforcement

The Planning Commission agreed upon language amendments to the Zoning Ordinance regarding Variances. Smith-Strack stated that she would amend the language as discussed and present the amendments at a future Public Hearing that will be scheduled to consider adopting the amendments to the Winsted Zoning Ordinance regarding Administrative Standards.

Smith-Strack stated that Zoning Ordinance amendments related to Nonconformance would be reviewed at the next Planning Commission meeting.

- 6) No Other Business.
- 7) Adjournment

Fasching motioned to adjourn the meeting. Cafferty seconded the motion. Motion carried 5-0.

Respectfully Submitted,

Raquel Kirchoff

Administrative Assistant