

City of Winsted
Planning Commission
City Council Chambers
October 12, 2011
6:00 p.m.

Present: JoLynn Cafferty
Marvin Ebersperger
Max Fasching
Mike Guggemos
Tom Ollig – Council Liaison

Absent: Dan Dickhausen

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

1) Call the Meeting to Order

Ebersperger called the meeting to order at 6:10 p.m.

2) Approval of Minutes

Fasching motioned to approve the minutes from the Planning Commission Meeting on September 14, 2011. Cafferty seconded the motion. Motion carried 4-0.

3) Public Hearings

a) Variance – 240 – 6th Street North

Ebersperger opened the public hearing for a variance request at 240 – 6th Street North.

City Administrator Martens stated that Casey's General Store has submitted a request for a variance to accommodate the construction of a new Casey's General Store at the existing site located at 240 - 6th Street North. The project is a reconstruction of the building and the relocation of gas pumps and the canopy. The proposed plan is to build the new store behind the current store in order to stay open as long as possible.

Martens stated that at the September 14, 2011 Planning Commission meeting, a Site Plan was approved for Casey's General Store with twelve (12) conditions; one of which was the following: "The applicant shall receive a variance for a reduction in the rear yard setback from thirty feet (30') to twenty-three feet, three inches (23' 3") prior to the issuance of a building permit by the City of Winsted." An application for a variance was received on September 28, 2011 for a rear yard setback of 23'3".

Martens reviewed the procedure for granting a variance which requires an application and a paid fee of \$250. In addition, a public hearing must take place, with at least a ten (10) day notice to property owners within 350 feet of the affected parcel. Martens stated that the City of Winsted has received the variance application and payment, and that a notification of the public hearing was mailed on Friday, September 30, 2011.

Martens reviewed the criteria for granting a variance as follows:

1. Evidence of ownership or enforceable option on the property.
2. The variance is consistent with the City of Winsted's Comprehensive Plan.
3. The variance is in harmony with the general purposes and intent of the ordinance.
4. The Applicant establishes that there are "practical difficulties" in complying with the zoning ordinance. Practical difficulties as used in connection with the granting of a variance, means that:
 - a. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - c. The variance, if granted, will not alter the essential character of the locality.
5. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Martens stated that the primary reason for the variance request is to change the pump direction from north/south to east/west. This will allow for increased access to pumps that would not be able to be completed without the variance.

A secondary reason for the variance request is that closing the existing store during construction would be a hindrance to business. The variance would also allow for the sales of gasoline during the construction of the replacement store.

Martens stated that he has received no comments regarding the variance. Martens asked the Planning Commission to consider if the request meets the practical difficulties definition in regards to granting the variance and to consider the motion to grant the variance.

James and Janice Brooks, 420 – 5th Street North, were in attendance at the Public Hearing and asked how the new layout of the gas pumps would affect the current intercom system that Casey's General Store has. Brooks stated that currently, they are able to hear the noise from the intercom system at the pumps, at their house.

Council Member Ollig stated that currently the intercoms would face east, toward the Brooks property, but with the new direction of the pumps, the intercoms should face the north/south direction and should reduce the noise. Casey's Representative, Brian DePrez, stated that he would check into the placement and sound of the intercoms and would inform the City when he knew. Ollig directed the Brooks to notify Martens if there was still an intercom noise issue after the placement of the new pumps and they could look into adjusting the volume on the speakers at the pumps.

No further comments were received.

Guggemos motioned to close the Public Hearing. Cafferty seconded. Motion carried 4-0.

Fasching motioned to recommend that the Winsted City Council grant a variance to Casey's General Store, 240 - 6th Street North, to construct a new convenience store to encroach six feet nine inches (6'9") into the rear yard setback. Guggemos seconded. Motion carried 4-0.

4) Old Business

5) New 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, and that this use is currently prohibited under the zoning ordinance. The language for the current ordinance reads, "Residences, when included as an integral part of the principle building, and off-street parking is provided. No such residences shall be allowed on street level."

He stated that permitting residences on street level would allow for an additional revenue source which could make the buildings more appealing. Additionally, many of the buildings in the C-1 Commercial Downtown Business District are deep enough where if a residence was located at the rear of the building, a significant space would still exist for commercial. 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 currently does have an apartment at street level.

Martens stated that he did an inquiry for examples of other Minnesota cities that allowed for street level residences in the downtown area; and found that New Ulm, Jordan, and Janesville allow these residences. He stated that Jordan, MN allows for 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. In New Ulm, MN, they are allowed through a conditional use permit as long as a retail store is located in the front section of the building.

In Janesville, MN they are allowed except that such residence shall not occupy the front twenty (20) feet of the first floor street frontages."

Martens stated that if the Planning Commission would like to consider this option and further review the current Winsted ordinance to allow for it, a public hearing should be scheduled for November 9, 2011.

Guggemos stated that the buildings on the lake would make it difficult for these street level residences for entrance to the building from the front of the building. Martens stated that stairs in the back of the building could be an option for rear access to the residence.

Ebensperger asked how street level would be defined with the new promenade and if that would be an exception; is the promenade considered a street? Ollig responded that he hoped that the promenade would be defined as street level so that there would not be apartments along the promenade. The original hope was that the promenade would be filled with shops. What we're asking for in this request and ordinance change would be that the front 20 or 25 feet of the building facing the street could not be used for apartments, but the back portion of the building could have an apartment. Another issue that would need to be addressed is that they would have to provide off street parking. There would be no on street parking for the apartments. The promenade would not be able to meet that parking requirement.

Ebensperger asked if from the boulevard to the building is considered off street parking and Martens stated it is; however, Ollig stated that those spaces are also used by commercial customers so we wouldn't want them used by residences.

Guggemos stated that he believes that the residences currently there have parking provided in the promenade.

Ollig stated that further research will need to be done and that not only the promenade area, but each area of the city that would have this type of residence as an option will have to be examined because each one will be different.

Guggemos stated that a suggestion could be that the current residences in the promenade would be able to keep their parking provisions, but new apartments would have a different option.

Martens stated that he would recommend that street level residences would be allowed through a conditional use permit, so it can be a case by case approval. The Planning Commission agreed with Martens.

Guggemos questioned if someone was requesting this type of residence. Martens stated yes, and additionally, another inquiry was made by someone wanting to purchase property. Martens stated people may look at purchasing the empty buildings if they can have a revenue source from rent to help pay for the building. Ollig stated that allowing this option may attract people that want to open a business because they could live in the back of their store. The concerns that Ollig has are regarding the parking on whatever the front streets are deemed to be, are not used by apartment residents, to leave them open for customers.

Ebensperger stated that he believes that along the promenade, and where there are currently apartments in this area, there is property behind the buildings that the City does not own that allows for parking and that this property varies in proportion behind each building.

Guggemos suggested that even though the Planning Commission favors the idea of allowing these residences with a conditional use permit, that criteria should be established, like a minimum number of feet that cannot be apartment at street level, and the number of off street parking spaces that will be provided, before implementation so that they are not completely different from each other.

Ebensperger asked if the ordinance already covers what parking should be for apartments within the City and Martens stated yes.

Martens confirmed with the Planning Commission that what they were favoring was that apartments would be allowed through a conditional use permit as long as the apartment was in the back of the building and a retail store was in the front of the building like New Ulm, and that he would research further if New Ulm had further ordinance language as an example for the Planning Commission to review.

Martens asked the Planning Commission if there would be a negative effect to current apartment buildings in the city by allowing street level apartments within a commercial district, and if there is an excess of

apartments currently. Cafferty responded that rental units are in demand right now and that there are not a large number of vacancies.

Planning Commission members were in favor of allowing street level residences in the downtown commercial district to attract people that would fill the empty buildings and provide a business where they could live; however, before a Public Hearing is held, they would like to review more information on the subject in regards to the areas of concern that were reviewed. These included how the promenade would be defined, parking, and input from current apartment owners in the city. Ebersperger also asked for draft ordinance language to be provided for consideration. Ollig asked Martens to also contact the Winsted Area Chamber of Commerce for their input too. Martens stated that he would gather information and present it at the next Planning Commission meeting, scheduled for November 9, 2011.

Planning Commission members were interested in this option and the idea that it may bring back the old time businesses where people lived in the buildings that they had businesses in. They were attracted to the idea that this option may help to fill buildings that are currently empty. They liked the idea of using a conditional use permit to allow these residences.

They are concerned about how this would affect the promenade and if the promenade is defined as street level. Ollig stated that he hopes the promenade would be defined as street level and that the original hope was that the promenade would be filled with shops. They also had concerns about parking.

b) Call for Public Hearing - Zoning Ordinance Amendment

Planning Commission members agreed that a Public Hearing should not be scheduled yet for an amendment to the Zoning Ordinance regarding C-1 Commercial Downtown Business District Permitted Uses until they had researched more information on the subject of allowing street level residences within the C-1 Commercial Downtown Business District.

6) No Other Business.

7) Adjournment

Cafferty motioned to adjourn the meeting. Fasching seconded the motion. Motion carried 4-0. The meeting adjourned at 6:45 p.m.

Brad Martens

Brad Martens,
City Administrator
City of Winsted

ATTEST:

Raquel Kirchoff

Raquel Kirchoff,
Administrative Assistant
City of Winsted