

Planning Commission Meeting

Minutes



April 26, 2021, 4:30 p.m.
City Council Chambers – City Hall
3rd Floor - 207 Lafayette Street
Winona, MN 55987

Members Present: Commissioner Brian Buelow, Commissioner Brad Ballard, Commissioner LaVerne Olson, Commissioner Ed Hahn, Commissioner Daniel Hall, Commissioner Amy Jo Marks, Commissioner Dale Boettcher, Commissioner Todd Paddock, Commissioner Peter Shortridge

Staff Present: City Planner Carlos Espinosa, Assistant City Planner Luke Sims, Administrative Assistant/GIS Jayne Meier

1. **Call to Order**

The meeting was called to order at 4:30 by Chairperson Buelow.

2. **Approval of Minutes - April 12, 2021**

The minutes from the Planning Commission meeting of April 12, 2021 were reviewed.

To approve the minutes from April 12, 2021. Mr. Hahn mentioned that he was not there and it lists him present and absent. So with this correction Commissioner Boettcher moved to approve the April 12, 2021 minutes.

Moved by Commissioner Boettcher
Seconded by Commissioner Shortridge

Motion Carried Unanimously

3. **Public Hearing - Echostone Final Plat**

Mr. Espinosa provided an overview of the proposed Echostone Subdivision Final Plat related to the combination of five parcels and adjacent outlot areas in the Cobblestone Subdivision. The proposed final plat will not have any changes to Natural State Areas or other parts of the subdivision.

Brian Wodele, Johnson and Scofield Surveying and Engineering, mentioned that he was available for questions and comments.

Commissioner Olson asked who owned the property before and who will own it after the final plat is approved. Mr. Wodele responded that the current owner is one of the landowners at 123 Cobblestone Lane and he recently purchased them and is now selling portions to adjoining landowners. Commissioner Olson asked who gains from this proposal. Mr. Espinosa responded that the property owners increasing their land will gain new land and the current property owner will have lower property taxes as well. Commissioner Olson asked if the present owners have agreed to purchase the portions that would be made available. Mr. Wodele said all of the property owners involved are aware and would be required to sign the plat as owners.

Commissioner Ballard joined the meeting at 4:36pm.

Chairperson Buelow opened the public hearing.

Michael Busch, 24208 County Road 17, mentioned that he owns adjoining property and has an easement on the property. He mentioned he may be interested in purchasing the land to make it easier. He expressed concern about the changes to the names of the plats changing from Cobblestone to Echodale and general concern about his easement as he would like to buy the land and settle it. Commissioner Olson asked if he was interested in purchasing the largest outlot by the entrance. Mr. Bush mentioned he would be interested and that his septic system is on that property and has a right to drain there. Commissioner Shortridge mentioned that the easements aren't on the survey being reviewed. Mr. Wodele said there were some other easements but didn't recall the private easement exactly but that final plats aren't required to show easements, even though they exist. Commissioner Shortridge asked if there would be a negative impact on Mr. Busch's easement rights. Mr. Wodele mentioned that this would be a question for an attorney but it will be a different land owner and changing ownership doesn't negate easements. Mr. Busch asked for the reason for the change in the first place. Mr. Espinosa mentioned that the property owners are interested in owning more land and also lowers the property tax burden of the person owning the outlots as currently composed.

Commissioner Olson said he needs to be more assured that Mr. Busch's rights and easements will not be affected before approval of the final plat, even if it means a lawyer needs to check over it before approving. Commissioner Hahn expressed agreement.

Mr. Busch mentioned he would be willing to work with the property owners and Wilson Township to address the concern.

Commissioner Hahn asked to confirm that the school house owned by Mr. Bush was addressed as 24057 just across from Echodale. Mr. Busch confirmed that this was correct.

Mr. Busch mentioned that the corner of his property was just across the creek.

Mr. Espinosa mentioned that originally all of the outlots were owned by Phillips Development and the easement existed. He noted that two years ago, Mr. Overton purchased the outlots and then it was purchased again and now there will be another transfer based on the final plat and the easement has continued to persist even though the ownership has changed. Mr. Busch reiterated that he would like to purchase the land. Mr. Espinosa recommended that he work with the property owner to do so.

Commissioner Paddock asked Mr. Espinosa to confirm that Mr. Busch's easements won't be affected by approval of the final plat. Mr. Espinosa mentioned that the final plat is changing the ownership but should not affect the easement. Mr. Busch expressed concern about a portion owned by the City for drainage. Mr. Espinosa mentioned that those concerns are outside of the purview of the final plat at hand. Mr. Busch mentioned he had called earlier. Mr. Espinosa noted that he returned the call and had Mr. Busch's written statement to be entered in the record.

Commissioner Boettcher asked what was recommended to be done. Mr. Espinosa mentioned that his impression is that the easement will not be affected but if Commissioners would like to have staff follow up with legal counsel, he would do so.

Commissioner Olson mentioned that he would like staff to follow up with legal counsel and it gives Mr. Busch time to talk to the owners about possible purchasing some or all of the outlot parcel.

Mr. Busch mentioned that the schoolhouse sits in Wilson Township while the easement is in the City and that makes it tricky. Commissioner Olson expressed agreement.

No further comments forthcoming from the public, the public hearing was closed.

Mr. Espinosa mentioned that if the Commission wishes to postpone to the next Planning Commission meeting, then the motion should be to postpone to the May 10, 2021 meeting at 4:30 pm. Commissioner Olson expressed agreement with that idea so long as it was enough time to address Mr. Busch's concern.

Commissioner Paddock mentioned he doesn't think this is the concern of the Planning Commission even if Mr. Busch may be disappointed or dissatisfied. However, the plat has been properly surveyed and the easements will persist and he doesn't need the City Attorney spending public money to review this. He noted that it is up to the private property owners to interact with each other in their own interests. Commissioner Hall asked to confirm that Commissioner Paddock isn't concerned about the two week delay but that he doesn't want the legal concerns included. Commissioner Shortridge expressed agreement with Commissioner Paddock and that private parties should deal with each other rather than the Planning Commission providing some sort of advantage. Commissioner Ballard expressed agreement just to make sure that Mr. Busch has an opportunity to make sure the easement will persist. Commissioner Boettcher agreed. Chairperson Buelow agreed.

Commissioner Olson motioned to postpone Consideration of the Final Plat to May 10, 2021 at 4:30 pm.

Moved by Commissioner Olson
Seconded by Commissioner Hahn

Motion Carried Unanimously

4. Discussion - UDC Text Amendments

Mr. Espinosa provided an overview of the eight text amendments the Commission has considered over the last year, compiled for a final look before scheduling for a public hearing.

Chairperson Buelow asked if the term "smaller" needed to be defined for the Cluster Development changes in text amendment #2. Mr. Espinosa mentioned that there is an alternative means for determining maximum density within the Cluster Subdivision language and it sets aside open space to not be developed as shown on page two the agenda item.

Commissioner Shortridge said he was glad to see the language addressing garage size related to homes. He mentioned that the accessory structures addressed are not the same as temporary structures or buildings like shipping containers. Mr. Espinosa mentioned that this was correct. Commissioner Shortridge asked if that would require a later change. Mr. Espinosa mentioned this was correct. Mr. Espinosa mentioned that the temporary nature is not addressed but an accessory structure is addressed. Commissioner Shortridge asked if Mr. Espinosa meant it can be addressed with language change. Mr. Espinosa mentioned this was correct. Commissioner Hahn agreed that what is

temporary should be addressed with an actual number. Chairperson Buelow expressed agreement.

Commissioner Olson asked if the residential lot size of 8,000 square feet was still the minimum lot size and how small the cluster development could go for individual lots. Mr. Espinosa mentioned that there is not a minimum but there is a density calculation regarding the number of lots allowed in exchange for community, public open space that cannot be developed even if it is considered developable. Commissioner Hahn asked if that open space must be contiguous or not. Mr. Espinosa mentioned that the criteria speaks to that and in the individual Cluster Development application considerations, there is a determination if the Cluster Development is better than what would be typically developed without a Cluster Development proposal, therefore allowing some flexibility to facilitate unique designs. Commissioner Hahn clarified that the Planning Commission would still have final say. Mr. Espinosa mentioned this was correct. Commissioner Shortridge said that the tradeoff is to make it an amenity that is connected and useful and raised the value of the overall product. He said he has seen this used effectively in other communities. He also mentioned that this helps tighten up the language as some other developers have tried to use the tool to skirt regulations.

Commissioner Boettcher asked about the garage size limitation compared to dwelling space and whether it would be new. Mr. Espinosa mentioned that this was correct and that it would limit the size to the overall floor, including multiple stories, of a house. Commissioner Shortridge mentioned that it would limit land owners from possibly using garages for commercial use.

Commissioner Olson asked if the temporary storage considerations mentioned before would address people using a shed on skids, which effectively becomes permanent even though it isn't intended as such. He asked if that would still be allowed based on the current text amendments. Mr. Espinosa mentioned that the sheds or shipping containers are classified as accessory structures, would still have to meet setbacks, would have to be attached to the ground, and other standards. Commissioner Olson mentioned he doesn't want to prevent people from using a movable storage shed. Chairperson Buelow mentioned that someone may take advantage of that and bring in multiple shipping containers or they may effectively become permanent. Mr. Espinosa mentioned that this will come up at a future date but is not addressed specifically by the text amendments currently under consideration.

Commissioner Olson asked if the item should be tabled temporarily. Mr. Espinosa said the opposite was being suggested that we need to set the public hearing.

A motion to direct staff to set the public hearing would be in order.

Moved by Commissioner Shortridge
Seconded by Commissioner Boettcher

Motion Carried Unanimously

5. Other Business

None

6. Adjournment

The Commission voted in favor of adjournment at 5:16 p.m.

Moved by Commissioner Olson
Seconded by Commissioner Hahn

Motion Carried Unanimously

Luke Sims
Assistant City Planner