

Present: Howard Stenerson    Mike Patterson    Suzanne Blue    Randy Juliar    Bernie Overby  
Absent: Sarah Pettit    Sam Michels    Steve McNamara

**WORKSHOP— HAMLET/MIXED-USE ZONING DISTRICT WORKSHOP**

M. Wozniak introduced the workshop for the mixed use zoning district for hamlets and explained that this workshop did not require a quorum. The planning commissioners would not need to take any official action.

He continued on to say that the request for a mixed use zoning district was first brought forth due to the area known as Frontenac Station in Florence Township. The area is zoned B-1 and includes various businesses, the town hall, and residences. The landowners were having difficulty in financing due to the area being zoned for business and their home is not a recognized permitted use in the district. A number of the property owners in that area would like to have flexibility to the use of the property. To respond from requests from Florence Township officials and property owners, the County has decided to look at these areas. There are a few of them; such as Welch, Vasa, White Rock and Stanton. There could be others, but these are the ones we have decided to focus on.

This district would be used in very limited areas: in places that were historical settlements. We have put together an ordinance that would only be used in these certain areas for a use of business and residential land uses. Whenever the use would change, it would require a conditional use permit. We are not listing uses that are outright permitted. From the date the district is established if the use was a home and you would like to put an addition on, you would not need to get a conditional use permit, but if the use of the home and you would like to change to a business, then it would require a conditional use permit. We felt that this review process would give anybody who might have a concern the ability to provide input. These hamlet areas are not intended for large retail businesses or large buildings. “Retail uses, professional offices, and personal or professional services in buildings of 2,000 sq ft or less (but up to 3,500 sq. ft. if in a building of two or more stories facing the street.

B. Overby stated that Section 2, subdivision 1, it reads like it could expand, expand, expand.

M. Wozniak replied that the intent of the ordinance is not to create new hamlets.

B. Overby asked if that then leads to the possibility of growth.

M. Wozniak said that there are two reasons that wouldn't happen. One because of the

R. Juliar said that at 6:55 pm a quorum was present. He officially opened the workshop to approve the agenda and minutes.

*<sup>[1]</sup>Moved by H. Stenerson, seconded by S. Blue to approve the July 17, 2006 Planning Advisory Commission agenda. Motion carried 5:0.*

*ii[2] Moved by B. Overby, seconded by M. Patterson to approve the June 19, 2006 Planning Advisory Commission minutes. Motion carried 5:0.*

H. Stenerson said the agenda didn't state that there was room for public hearing and would like to know if that could be worked in.

M. Wozniak said that we thought after staff introduction we would field questions from the Commission and then open it up for the public.

M. Wozniak read through the following talking points:

## **MXH Zone District for Hamlets Issues/Talking Points**

1. Why are we considering establishing the Mixed Use Zone District for Hamlets?

Florence Township Officials approached Goodhue County with concerns regarding the B-1 Zoning that is currently in place along a five block area bordering Trunk Highway 61 in the Frontenac Station area. Based on input from property owners the Township requested that the County establish a Mixed Use Zone District to allow the opportunity for residential, business and public land uses to co-exist within a new zone district designed for existing settlements (hamlets).

2. What is the purpose of the MXH Zone District?

The purpose of the MXH Zone District is to allow a mix of residential, public and commercial land uses to co-exist within the same zone district. This District establishes regulations that better recognize the mix of land uses that have historically co-existed in hamlets throughout the County. It is not the intent of this District to create new areas to be developed as hamlets where a rural settlement does not currently exist.”

3. Where does the County intend to allow the MXH District to be applied?

The following areas that will be considered eligible for this zone are the existing historical communities of: Welch (in Section 28, T113N, R16W); Vasa (in Section 15, T112N R16W); White Rock (in Section 32, T112N R16W); Stanton (in Section 30, T112N R18W); and Frontenac Station (in Section 15, T112N R13W).

The idea is that the MXH Zone District may only be used if desired by both County and Township Officials in a few long established rural settlements. The specific parcels that might be included in the MXH District at these hamlets would be determined through discussion with Township Officials and Property Owners.

4. What land uses would be permitted in the MXH District?

In order to provide adequate safeguards to property owners within and around the MXH Zone District all proposed land uses would be subject to issuance of a Conditional Use Permit. Prior to establishment of an MXH District, existing land use for each parcel of property to be included in the MXH District must be documented. Documentation of existing land use shall include a listing of land use(s) for each tax parcel, which include a description of the use, a map, and photographs which identify existing buildings along with a description of how each building is currently being used. The purpose of documenting existing land use of property and buildings is to ensure there is understanding of how properties within a proposed MXH Zone District are being used at the time of change of zone.

5. Will all existing land uses become “conforming” under the MXH Zone District?

Residential, Retail, Office, Professional Services and Public Land Uses will become conforming land uses under the MXH Zone District. However, these land uses may not be entirely conforming in respect to certain zoning requirements such as lot coverage, yard setbacks, height, etc.

6. Why is the size of Commercial buildings being limited?

“Retail uses, professional offices, and personal or professional services in buildings of 2,000 sq. ft. or less (but up to 3,500 sq. ft. if in a building of two or more stories facing the street.”

The idea of limiting the size of commercial buildings relates to the idea of limiting buildings to a size appropriate for a rural hamlet. There is no magic number in this regard, but restricting the development of large buildings in hamlets is most consistent with the intent of the MXH Zone District.

M. Patterson said he is not afraid of the possibility of growth, because everything is done by a conditional use permit. It is going to have a lot of public input along the way.

S. Blue said that she thinks we might be trying too hard to describe specifics early on. When we describe the size of buildings we might be limiting the ability of the hamlet to grow naturally. We have zoning for a rural area and these hamlets do not fit that. They are villages.

M. Wozniak said that if you take Welch, they have a community utility system there and as long as the storm water is being addressed in a manageable way. Historically we have a lot of pavement and very little setback.

M. Wozniak said that we would like to have a process where these environmental concerns can be addressed, but the charm isn't lost.

S. Blue said we don't have a goal that we are working toward. We are just trying to work something into a rural law that is not rural.

M. Wozniak said the object here is not to provide for significant expansion. It's to deal with these existing areas. It might be that when the district is applied it might not include all of the properties and over time one or two might like to be added in.

H. Stenerson said he is trying to figure in our comp plan we are allowed to consider this. Goal 3 of Element 2 says to preserve existing housing stock. And really this is all about Frontenac Station at this point.

S. Blue said and Welch, and White Rock.

H. Stenerson said they're the ones that are concerned with this and bringing it to us. What is there, maybe three or four homes on 61. We are talking about creating a whole new zoning district for the benefit of maybe four houses. He's not seeing the same kind of issues in Welch or White Rock.

S. Blue asked what the White Rock issue.

H. Stenerson said they rezoned some lots so he could put his septic system on.

M. Wozniak said the question is that is this at a level of detail that is beyond the comp plan and it could be. This might not be the only way to solve this. It is what was requested in the case of Frontenac and staff saw merit in it.

H. Stenerson said his other concern is that we are told that we cannot use financial gain to make their decision. The main reason for this is so people can get funding. He is concerned at rushing into a zoning change and what are the potential negatives. Most of these ghost towns have septic problems, the lots are too small. They have other issues and what are we getting into.

S. Blue said they are already there.

H. Stenerson said they are already there, but are we looking at where we are going 30 years from now.

S. Blue said we are either growing or dying with our regulation. Should we gradually disappear these hamlets and force them into nearby towns.

H. Stenerson said that is what he thinks we should discuss.

R. Juliar said there are opportunities there if Frontenac would like a couple of coffee shops. He is concerned with growth.

S. Blue said she would be very cautious about trying to discourage any existing business. The café has been there since 58 and serves many. There is the gas station. What is the

point of regulating hindrances? She thinks our job is to keep a healthy relationship between uses.

M. Wozniak said that we can certainly take a good look at what is in these areas so that we don't restrict businesses.

B. Overby said that H. Stenerson has a point about the comp plan and that it may or may not fit in there, and that might be shakey. If this goes through we need to have some control over this so that something doesn't sneak in that we don't want.

H. Stenerson said that that Welch is a little more limited for growth. He says he is not against this, but lets do some long range planning. Do we want them to grow? What is the goal for each one of these over a long range time? Maybe the problem is simple by adding a community septic.

M. Wozniak said that if you have a community system it effects what you can build on these properties.

R. Juliar said he dead against that comment. The community septics and growing these small... On and on during the comp plan it was discussed. Individual septics and community septics are two evils. The growth was suppose to be in the infrastructure of the cities. He is in favor of correcting an existing problem if we can help them out on an existing size and existing building with existing septics. The growth of these hamlets is dead wrong.

H. Stenerson he doesn't know what the answer is but we should have a plan for 30 yrs down the road before we make an ordinance today.

R. Juliar said he can see the value of these hamlets if we can keep it what it is and improve what's there and improve within but not expand out.

M. Wozniak clarified what we mean by growth.

H. Stenerson asked if we are talking about something that is impractical.

S. Blue said she doesn't have enough information to know that there is no environmental solution to a population of 500.

M. Wozniak said that there are small cities that chose to organize themselves as cities and chose to organize themselves as cities.

S. Blue asked if we allow it and watch the environmental solutions we are actually dealing with it rather than lot by lot. If they are chosing to grow they need to show

B. Overby said that there used to be many many of these places. They all had their stores. We are not going to reopen these places are we?

R. Juliar asked what legal standards did you chose to go with those.

M. Wozniak said that could come up. First of all the request would have to come from the township and it would go through the Planning Advisory Commission and the County Board.

*Public Comment*

Clay Ruggles said that one thing you are overlooking with growth is in 30 years the highway department is probably going to take out this block anyway.

M. Wozniak said the highway department will come in when you ask to change your access.

Mr. Ruggles said that every business is for sale and has been for sale, but nothing sells. Mainly the back half of the block that is mostly residential.

B. Overby asked if they are for this.

Mr. Ruggles said he is for doing something to help these people out.

H. Stenerson asked if rezoning the back half of the block residential and the front half business with a few residential bump outs would be an acceptable solution.

Mr. Ruggles said it would be acceptable.

H. Stenerson said that the mixed use district opens every other house to potentially having a business.

M. Wozniak said they had a meeting and most of the residents where most of the residents were there. They seemed to be very interested as having some flexibility of what they could do with their property.

Mr. Ruggles said that you bring up utilities and sewer, they are talking about building a field out and disposing of it that way.

M Wozniak said kind of like the Welch approach.

Lou Schmidt from Kenyon Township said that he made some inquiries he said he didn't find it to be the case that lending institutions wouldn't lend you money if your house burnt down. When he asked them they said they would make a loan based on what it was at that time. And in this county you can do a replacement building if it was conforming to what it was.

K. Gross said that these dwellings are non-conforming because they are not allowed in the business district. The ordinance doesn't allow them to rebuild.

Mr. Schmidt said this seems to be a massive solution to fix a couple of problems. People can get a variance in this solution.

M. Wozniak said that you can't get a variance to use. You couldn't get a variance for a use that is not allowed in the zoning district.

Mr. Schmidt said that down the road why couldn't I get a variance to build to advantage economically but you are allowing them to have a business over here.

M. Wozniak said that in the case of Frontenac station is that it is already zoned business, and it is already business now.

Mr. Schmidt asked if this is still blank could you still put a house there now.

M. Wozniak not now.

Mr. Schmidt said you can revoke a conditional use permit. Why would a lending institution finance something that wouldn't be able to rebuild.

M. Wozniak said you have to have grounds to revoke.

Mr. Schmidt said what if it burnt down. And you didn't need to issue another conditional use permit.

M. Wozniak said that if they weren't changing the use they would not need to come back in for a conditional use permit

Mr. Schmidt said that you should recheck that.

M. Wozniak said that he is the zoning administrator and he would be the one to make that decision.

Mr. Schmidt said that he hasn't heard of historically correct architecture. What would stop you from dropping a Quonset hut there?

M. Wozniak said that there are provisions for fitting with the characteristics of the area. That would be looked at during the conditional use permit.

Mr. Schmidt said he has two big historic dairy barns. What if he wanted to change them into apartment complexes? He has the room for the septic. What would they tell him?

B. Overby said that is A-1.

Mr. Schmidt said that you would tell me no.

R. Juliar said that we are talking about two different standards.

Mr. Schmidt said you are changing to a mixed use.

R. Juliar said a mixed use of business and residential.

S. Blue said that the county now zones and restricts. The zoning now divides conflicting uses, although we have these places that are mixed uses. We are trying to respond to these mixed use areas. In a title search the lending company will refer to the zoning.

Mr. Schmidt said you have it in all these small towns, in Wanamingo you have a house next to a gas station and apartment above a building.

S. Blue said in Wanamingo. That is in a city and it might be allowed in their zoning.

Mr. Schmidt said what he is thinking about is a conditional use permit can it be canceled later and if you don't require historically correct architecture.

M. Wozniak said that there are people that would like to zone their property with a mixture of business and residential and it seems to fit with the area. In Welch they have businesses below and apartments above. That is not allowed in the zoning district.

M. Patterson said that H. Stenerson's suggestion of picking and choosing doesn't solve anything either. We have a problem, it's not a huge problem and if we could have an ordinance that addresses that issue. This does a pretty good job of allowing for businesses and residential uses. If we want to kill these communities, that is exactly what we should do, not allow them to change. He doesn't think that is the solution either and he doesn't think that is what people want.

*R. Allen arrived*

B. Overby said that there has got to be something in there that we have control over it.

M. Patterson said that is why he likes the conditional use permit aspect of it.

S. Blue said that historic has come up a few times. Creating a historic district is a community thing.

H. Stenerson said that architectural aspect of it can be reviewed during the conditional use process. Do we want to put a conditional use permit on a residence?

M. Patterson said he would be in favor of making residences the one and only permitted use.

R. Juliar asked what would happen to the houses if they burnt down right now?

M. Wozniak said that first we would have to change the zone to make it buildable then we would have to look at the lot size and the septic and water.

H. Stenerson said the answer is it depends on the house.

R. Allen said that Welch is a good example of a little hamlet and they have a mixture of business and residential and there doesn't seem to be a problem.

M. Wozniak said that when people want to make a change it becomes a problem.

R. Allen asked if the applicants have to go to the local planning commission and they sort that out for us.

M. Wozniak said that not all townships have planning commissions. They still need to come here whether they do or not.

Richard Bauer, mayor of Zumbrota, asked if the mixed uses would be designed to coincide with what is an existing area now or allowed to be made larger.

M. Wozniak said the design now is to coincide with what exists and not to be made larger.

R. Juliar said the creamery has an opportunity for a business and that is a good place for it.

H. Stenerson asked if we are going to be self defeating. Do we want to make sure that those buildings remain as they are, or do we want to allow for cluster housing?

R. Allen asked if you can do a mixed use within a city.

M. Wozniak said the downtowns are typical for businesses below apartments above.

M. Patterson said that there is nothing stopping part of Holden Township to changing R1.

B. Overby said that he is concerned that an adjoining neighbor can apply for a change of zone once the MXH is established.

H. Stenerson asked why we are restricting it to this. Once you establish zoning anybody can request it. We can deny it, but anybody can request it. When we establish this, are the borders really going to remain the same for the next 20 years? Probably not.

M. Wozniak said what we are trying to get away from is 1970's type of zoning. The idea isn't to promote more growth.

R. Juliar said what we are doing by adding we are ignoring the future issues. These problems are in front of us right now

H. Stenerson said we have to be careful that saying growth is bad. It is control and planned growth. It has to make sense with what is there.

R. Juliar said that we are looking at problems right in front of us.

M. Wozniak said that the current zoning isn't the best either. It allows more intense development than what is there now.

Mr. Bauer said that if you don't have community well and community septic you have no control.

R. Juliar said that even the community septics still have a huge drainfield.

Mr. Bauer said he is thinking municipal wells and municipal septics. The state has many controls.

Mr. Ruggles said that he can't see it growing at all. What is there is going to disappear.

S. Blue said the septic thing is such a huge problem. The last time they looked at some expansion they had a presentation from REA and they do some monitoring. She would like more information on that in the future.

M. Wozniak said that some of those systems haven't been checked.

B. Overby said he thinks we should help out the people in Frontenac station, but he doesn't like the expansion.

S. Blue said that she sees more control with this than with what we have now.

H. Stenerson asked when the last time was that we canceled a zone. Once it's there its there.

M. Patterson said that it is the exact same that you have any other change of zone.

Mr. Schmidt asked how many of these small hamlets do we have multiple housing units in them.

M. Wozniak said that in our R1 we allow up to four. Welch has one building that has 6 or 8 units. Some of them might just have a duplex. We are not talking about significant apartment complexes.

Mr. Schmidt talks about section 8 housing.

M. Wozniak said there is not a whole lot of section 8 housing out there.

S. Blue said that she would like to talk about geographical rigidity.

M. Wozniak asked if this is a concept we wish to pursue. Should single family be allowed as a permitted use? Geography – if you differ from the ones that we flagged in the ordinance whether or not you have one that you don't want there or one that we didn't include here.

B. Overby said Frontenac station, if someone bought up these businesses and someone wanted to put up houses would that be alright.

M. Patterson said he is comfortable with someone bringing it forth as a conditional use permit.

H. Stenerson said the practicality of that is not logical. The size of that lot might not support the right size septic system.

M. Wozniak asked if we make some modifications could you have a public hearing at the next meeting.

M. Patterson said that we need to be.

Michael Hoeft from Zumbrota clarified that neighboring properties could apply. You also have a residential zoning subdivision.

M. Wozniak said that the way our ordinance reads that if you are going to, if that language is troublesome it could be removed.

B. Overby said could an individual go to the township and the township could weigh it, and if they think it's feasible.

M. Wozniak said that the townships can always be more restrictive. If the townships aren't going to be comfortable with these they will adopt something stricter.

M. Patterson said that this is not our concern.

H. Stenerson said that we need to check on the legality of a township making the application versus an individual.

R. Juliar said that is a little dangerous too.

M. Wozniak said that if an individual comes forward and has an interest the bottom line is that we would direct them to their township.

B. Overby said if the township would disapprove it would that be the end of it.

R. Juliar said not necessarily, we are two different entities.

M. Patterson said they still have the right to be heard. They might not get the building permit, but they have the right to be heard.

R. Juliar said that each one of us needs to do our homework to state what we agree with and what we don't agree with.

*<sup>iii[3]</sup>Moved by H. Stenerson and seconded by R. Allen to adjourn the July 17<sup>th</sup>, 2006 Planning Advisory Commission meeting at 8:27 p.m. Motion carried 5:0.*

Respectfully Submitted,

Kristi Gross  
Zoning Technician, Recording Secretary

## MOTIONS

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<sup>i[1]</sup> APPROVE the July 17, 2006 Planning Advisory Commission agenda. Motion carried 5:0.

<sup>ii[2]</sup> APPROVE the June 19, 2006 Planning Advisory Commission minutes. Motion carried 5:0.

<sup>iii[3]</sup> ADJOURN the July 17th, 2006 Planning Advisory Commission meeting at 8:27 p.m. Motion carried 5:0.