

“Injurious” to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. With this type of use could the neighbors surrounding feel that they could be in their front yards comfortably. Concerns of safety, client privacy, and possibly affect to property values. Friedmeyer also questioned why this couldn't be an IUP (Interim Use Permit). Friedmeyer asked that if the Commission chooses to grant this CUP that they consider the conditions as hours of operation and parking be included.

2. Jeani Wodele 515 Lawrence Blvd West, questioned what type of signage would be on the property, would it be portable and set out just during the hours that you practice and what would be allowed within the residential area. Staff reviewed briefly on what district standards allow for signage
3. Dean Meurer (on mothers behalf) (Gloria Meurer 507 Lawrence Blvd West) expressed concern of the potential clients it could bring to the neighborhood and any risk they could pose. If approved, Meurer hopes the commission would only allow Mondays and the hours of 8-5 (only 4 days per month) Meurer did not feel the handicapped accessibility to the business/home is an issue.

An email from Ruby White will be submitted as a record to the minutes.

Hearing no other public comment Chair Wodele closed the public hearing at 7:30 pm.

The commission addressed Ms. Schultz who indicated she is a Mental Health Practitioner and cannot prescribe medication and does not see substance abuse clients. Typical cliental are dealing with depression, anxiety and all age groups. She does not see pedophiles or sex offenders. Ms. Schultz does not feel she would be endangering the community.

The commission went on to discuss the proposed use and that it was allowed within the R2 district as a Conditional Use. Staff clarified that and IUP would work for a home occupation that only used a fraction of the floor plan. Ms. Schultz is looking to utilize the entire main floor for her business. Staff indicated that if in the future she would sell the property the only possible scenario would be 1 practitioner, 1 day a week for the hours of 8-6 would be able to continue. Any changes to this either with Ms. Schultz or a future owner would require a new public hearing to modify the existing CUP.

The commission would like for staff to have Peter Ekstrand, City Attorney look into whether or not we can limit the hours of operation for this particular use.

Commissioners Falkum and Wallerich made the follow motion to approve

WHEREAS, the property addressed 523 Main Street West is zoned R-2 which allows medical and clinic uses as a conditional use; and

WHEREAS, the use will not alter the external façade of the building and adequate parking is available for the clinic and single family detached home ; and

WHEREAS, the proposed property has a land use designation of Medium Density Residential; and

WHEREAS, The Planning Commission provides the following findings:

- a) Jacquelyn Schultz will be the sole practitioner on-site
- b) Allowing this CUP will protect the health, safety & general welfare of the community and neighbors use and enjoyment of property and their property values.

- c) The medium density residential zone allows for development of medical and dental clinics
- d) There are no public health implications
- e) The proposed use is consistent with the City comprehensive land use plan.
- f) Parking and public access to Main Street and the adjacent alley will not create traffic conflicts
- g) The site has city sewer and water service.
- h) The use will not alter the exterior building so it will have a minimal visual impact to the neighborhood.

NOW THEREFORE, IT IS HEREBY RESOLVED, the Planning Commission approves the Conditional Use Permit for a clinic use at 523 Main Street West with the following conditions;

- 1. Hours of operation will be from 8am-6pm
- 2. Operating 1 day per week

Adopted unanimously.

6) Old Business

a) Comp Plan Update

In the last few weeks since the school, resident, and non-resident surveys have been on-line and distributed by hard copy, we have received the following completed surveys: 103 Resident, 52 Non-resident and 63 School Surveys.

Kristi has placed surveys at the following businesses and public: City Hall, The Public Library, Wabasha Post Office, Eagle Nest Coffee House, Kwik Trip, Scheels Grocery Store, Hill's Hardware, St. Elizabeth's Medical Center, St. Elizabeth's Nursing Home & Care Center.

A postcard will be mailed out to each utility address (property owner) within the City of Wabasha in early June. This postcard will make all residents and non-residents, within Wabasha, aware that the community survey is available and on-line or how they can get a hard copy of the survey and will encourage them to take the survey.

Kristi indicated they will close the community survey around mid-July and have their final workshop meeting on Wednesday, July 29th to discuss the survey results and define proposed goals and policies that will be promoted to the Planning Commissioner for their review and discussion for the Comprehensive Plan.

b) Major Traffic Generators Discussion –

During last month's planning commission meeting the Commissioners asked that Kristi research and provide some draft text that would provide a waiver to the Major Traffic Generators language to allow small, seasonal, or short-term projects (hauls) that would not impact the roadways, health, or safety of the residents.

Kristi found a number of "waiver" sections in county and city ordinances throughout Southeastern Minnesota to use as a guide. This concept is apparently not a new idea. The commission went on to review the following text which includes some language in the final sentence that Peter thought would be appropriate to use as descriptive language to *not* allow the hauling of hazardous or harmful materials to apply for a waiver.

F. Waiver:

The requirement for a Transportation Impact Report may be waived by the Road Authority Representative with responsibility for the public access road, after consulting with Road Authority Representatives with roads comprising any designated haul routes (the County Highway Engineer for affected County roads in Wabasha County, the City Engineer for any affected City roads, the District Engineer of MnDOT District 6 for State or Federal Highways, or the Town Board or its Designee for township roads), if it is determined that;

- A. A Transportation Impact Report is not necessary to determine needed road improvements on access roads or the portions of haul routes under their jurisdiction, and that for access roads and the intersections along haul routes under their jurisdiction, no unsafe or hazardous conditions will be created by the development as proposed; or
- B. The applicant has provided performance bonds or other guarantees providing adequate assurance that anticipated damage to roads can be mitigated and/or that unsafe conditions can be mitigated or avoided; or
- C. The use is seasonal or short-term, less than six months in total, with peak daily trip generation that exceeds the major traffic generators thresholds, but whose annual average trip generation does not pose a risk to the road infrastructure or traffic safety of the facility and adjacent road network based on evaluation of the cumulative pavement impact expected and geometric design of the roadway.

This waiver shall not preempt the authority of the Minnesota Department of Transportation to require a traffic study on any state or federal highway nor the authority of any affected jurisdiction to require a traffic study under an applicable ordinance. A waiver will not be granted to haul any product that is deemed hazardous or a potential threat to the health of the public.

The commission expressed concerns with the time being less than six months and would like to see it at 3 months. The route needs to be looked at and the distance. Kristi said that the City Engineer, County & MNDOT(if applicable) , and the City Street Commission would be reviewing the waiver applications and all would have to agree upon the terms.

c) SSS CUP – Kristi stated that a letter had been sent to Superior Sand Systems and that there still has been no response to date.

d) Brewery and Distillery Ordinance

Kristi indicated that Sue, Peter Ekstrand and herself will continue to work on the language for City Code in the license and hope to have a public hearing in July.

7) New Business- None

8) Board of Adjustment Business- None

9) Other Business –

10) Next Regular Meeting Date –

The next regular meeting will be scheduled for Tuesday July 14th at 7pm at Wabasha City Hall.

11) Adjourn – Commissioners Wallerich and Durand made a motion to adjourn at 8:12 pm. Adopted unanimously.

Respectfully submitted by: _____
Wendy Busch, Planning & Zoning Assistant

Adopted Date