

A G E N D A
CITY COUNCIL MEETING
MONDAY, OCTOBER 18, 2021
5:30 P.M.
COUNCIL CHAMBERS

Call to Order.

Pledge of Allegiance.

Roll Call.

- (mot) 1. Adoption of Agenda.
- (mot) 2. Approving minutes from October 4, 2021 and October 11, 2021
- 3. Recognitions and Awards.
- (mot) 4. *Consent Agenda
Licenses:
Right of Way: Carl Bolander & Sons, LLC, St. Paul

Claims:

- a. Pre-list of bills
- b. Investment Report.

Event Applications:

2022 Farmers Market Place events

PUBLIC HEARINGS:

- (res) 5. Reviewing a tax abatement application from Chad and Frances Sonnek.
 - a. Approval or denial of abatement.

PETITIONS AND REQUESTS:

- (mot) 6. Approving the advanced contract for the purchase of a fire apparatus in 2022.
- (res) 7. Approving an assessment deferral for Melissa M. Weis.
- (res) 8. Accepting donations to the City of Austin.
- (mot) 9. Approving 2022 stormwater utility rates.
- (res) 10. Approving a contract for FAA lighting inspection at the Airport.
- (mot) 11. Reviewing a rezoning ordinance for the Baudler property.
 - (mot) a. Adopting findings on the matter.
 - (mot) b. For preparation of the ordinance. (if approved)
 - (ord) c. For adoption and publication of the ordinance. (if approved)

- 12. Reviewing a parking and height variance requests for the Mill on Main.
 - (mot) a. Approve or deny parking variance request.
 - (mot) b. Approve or deny height variance request.
- 13. Reviewing an accessory structure variance request for Nicholas Yerhart.
 - (mot) a. Approve or deny variance request.
- (res) 14. Declaring the garage at 611 13th Street NE a hazardous structure.
- (mot) 15. Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1605 12th Street SW, Rivera Property.

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator

City Council

- (mot) Adjourn to **Monday, November 1, 2021** at 5:30 pm in the Council Chambers.

All items listed with an asterisk () are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a council member or citizen so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

M I N U T E S
CITY COUNCIL MEETING
October 4, 2021
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Oballa Oballa, Michael Postma, Jason Baskin, Joyce Poshusta and Council Member-at-Large Jeff Austin

MEMBERS ABSENT: Council Member Rebecca Waller

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan

STAFF APPEARING ELECTRONICALLY: Public Works Director Steven Lang, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Kevin Nelson, City Attorney Craig Byram, Human Resources Director Trish Wiechmann and City Clerk Ann Kasel

OTHERS APPEARING ELECTRONICALLY: Austin Daily Herald

Mayor King called the meeting to order at 5:30 p.m.

Moved by Council Member Postma, seconded by Council Member Baskin, approving the agenda. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, approving Council minutes from September 20, 2021. Carried.

RECOGNITIONS AND AWARDS

Mayor King welcomed Kris Heichel as the newest Honorary Council Member.

Ms. Heichel stated she is looking forward to learning more about the City Council.

Mayor King read a proclamation declaring October 4, 2021 as SPAM Post 570 day.

CONSENT AGENDA

Moved by Council Member Fischer, seconded by Council Member Poshusta, approving the consent agenda as follows:

Claims:

- a. Pre-list of bills
- b. Financial and Credit Card Reports.

Carried.

PUBLIC HEARINGS

City Clerk Ann Kasel noted the public fall assessment hearings on the agenda. For each type of assessment, the individual property owners were mailed a notice of hearing and a public notice was also published in the Austin Daily Herald.

A public hearing was held for the assessment of Turtle Creek 2 sanitary sewer assessments.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution declaring the cost of improvement for Turtle Creek 2 sanitary sewer assessments. Carried 6-0.

Moved by Council Member Poshusta, seconded by Council Member Fischer, adopting the assessment roll for Turtle Creek 2 sanitary sewer assessments. Carried 6-0.

A public hearing was held for assessments for miscellaneous sidewalk and driveway projects.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution declaring the cost of improvement for miscellaneous sidewalk and driveway projects. Carried 6-0.

Moved by Council Member Baskin, seconded by Council Member Postma, adopting the assessment roll for miscellaneous sidewalk and driveway projects. Carried 6-0.

A public hearing was held for the assessment of 2021 snow removal.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution for assessments for 2021 snow removal. Carried 6-0.

A public hearing was held on assessments for 2021 junk and garbage removal.

There were no additional public comments.

Moved by Council Member Baskin, seconded by Council Member Postma, adopting a resolution for assessments for 2021 junk and garbage removal. Carried 6-0.

A public hearing was held for the assessments for 2021 grass and weed removal.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Oballa, adopting a resolution for assessments for 2021 grass and weed removal. Carried 6-0.

A public hearing was held for assessments for administrative citations.

There were no public comments.

Moved by Council Member Oballa, seconded by Council Member Postma, adopting a resolution for the assessment of Park and Recreation administrative citations. Carried 6-0.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution for the assessment of zoning administrative citations. Carried 6-0.

Moved by Council Member Baskin, seconded by Council Member Fischer, adopting a resolution for the assessment of rental housing administrative citations. Carried 6-0.

Moved by Council Member Oballa, seconded by Council Member Poshusta, adopting a resolution for the assessment of storm water administrative citations. Carried 6-0.

A public hearing was held for the assessment of unpaid vacant property fees.

There were no public comments.

Moved by Council Member Baskin, seconded by Council Member Fischer, adopting a resolution for the assessment of unpaid vacant property fees. Carried 6-0.

A public hearing was held for assessment a senior deferral for sanitary sewer.

There were no public comments.

Moved by Council Member Austin, seconded by Council Member Fischer, adopting a resolution for the assessment of a senior deferral for sanitary sewer. Carried 6-0.

A public hearing was held for the review of a five-year tax abatement requested by Lee and Joni Hansen. City Administrator Craig Clark stated the couple plans on building a home valued at approximately \$700,000 in NE Austin. He requested approval of the tax abatement.

Moved by Council Member Baskin, seconded by Council Member Fischer, approving a five-year tax abatement for Lee and Joni Hansen. Carried 6-0.

PETITIONS AND REQUESTS

Director of Administrative Services Tom Dankert stated the City has approximately \$3.6 million in excess fund balance as of December 31, 2020. He stated this is due to CARES act funding and unspent budgeted funds. Staff and Council had debated using some of these funds to balance the 2022 budget but that would result in a higher percentage of tax levy in future years.

Mr. Dankert stated the funds are going to be used for one-time projects including \$1.5 million for a fire truck replacement, \$250,000 for Library renovations, \$80,000 for siding and windows at Ruby Rupner and other projects. Mr. Dankert stated after the project are funded then the fund balance will be in the acceptable range of 42-48%.

Moved by Council Member Austin, seconded by Council Member Oballa, approving budget adjustment number 5 – fund balance usage. Carried 6-0.

Administrative Services Director Tom Dankert stated the City received bids for the replacement and upgrade of the audio visual equipment in the Council Chambers. He stated the current equipment is over 10 years old, with the exception of the new microphones. The new setup will include drop down microphones, streaming content to YouTube, new cameras, tvs, monitors and electronic components. The new system should make broadcasting easier with less technical difficulties.

The City would like to award the contract to EPA Audio/Visual in the amount of \$135,341.54. They are not the lowest bidder on the project but the City recommends their contract because of the experience with the current setup, maintenance and trouble shooting policy and the City's excellent experience with them over the last 25 years.

Moved by Council Member Fischer, seconded by Council Member Poshusta, approving a contract with EPA Audio Visual for AV upgrades in the Council Chambers. Carried 6-0.

Police Chief David McKichan requested the Council approve a Toward Zero Deaths grant agreement in the amount of \$15,325 with the State of Minnesota.

Moved by Council Member Baskin, seconded by Council Member Oballa, approving a Towards Zero Deaths grant agreement with the State of Minnesota. Carried 6-0.

Public Works Director Steven Lang reviewed the City's draft ADA transition plan. He stated the City has adopted a schedule to make the right-of-way more accessible with the goal of being 80% compliant in 2050. He stated there is 125 miles of sidewalk in the community and 2,086 pedestrian ramps which are classified currently on their level of compliance. He stated the plan includes a public outreach group and website information. He stated the plan has been open for public comments for two weeks and has received no comments.

Moved by Council Member Austin, seconded by Council Member Fischer, adopting an ADA Transition Plan. Carried.

Public Works Director Steven Lang stated the Council has discussed the 4th Street bridge replacement multiple times and recommended the single point bridge design at the September 20, 2021 work session.

Moved by Council Member Fischer, seconded by Council Member Poshusta, recommending the single point bridge design for the 4th Street NW bridge. Carried 5-1 with Council Member Postma voting nay.

Moved by Council Member Baskin, seconded by Council Member Fischer, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1010 4th Avenue NW, Ruble Property. Carried.

REPORTS

Council Member Oballa thanked Kris Heichel for being an honorary Council Member.

Council Member Baskin noted the KSMQ groundbreaking on Thursday, October 7th. He also stated he will be serving on the LGA property tax committee.

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, adjourning the meeting to October 18, 2021. Carried.

Adjourned: 5:50 p.m.

Approved: October 18, 2021

Mayor: _____

City Recorder: _____

M I N U T E S
CITY COUNCIL MEETING
October 11, 2021
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Oballa Oballa, Michael Postma, Jason Baskin, Rebecca Waller, Joyce Poshusta and Council Member-at-Large Jeff Austin

MEMBERS ABSENT:

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan, Community Service Officer Ernesto Cantu, City Attorney Craig Byram

OTHERS PRESENT: Robin Airey

Mayor King called the meeting to order at 5:30 p.m.

Moved by Council Member Postma, seconded by Council Member Waller, approving the agenda. Carried.

City Attorney Craig Byram stated the dog Beau owned by Robin Airey was designed as a potentially dangerous animal. He noted that this is different from the usual dangerous dog hearing in that with a potentially dangerous dog hearing the animal is not in the possession of the City of Austin nor is the animal facing destruction. Mr. Byram presented a September 10, 2021 incident report from CSO Cantu from interviewing the victim at the hospital, a September 11, 2021 incident report from interviewing Ms. Airey, a September 16, 2021 incident report along with a potentially dangerous dog notice served upon Ms. Airey, an appeal filed with the City from Ms. Airey, photo of the dog Beau and two photos of the victim that was bitten.

Mr. Byram called CSO Cantu to testify regarding the incident. Officer Cantu stated he was called to the hospital and talked to the victim, Haley Culbert. Ms. Culbert told Officer Cantu she was walking on the street and was approaching a green house and described a grey and white collie. Officer Cantu stated Ms. Culbert was bitten on the back of the leg with bruising and puncture wounds present. He stated she did not need stitches. Officer Cantu stated he spoke with Ms. Airey the next day and Ms. Airey was aware that her dog bit someone on the street. Officer Cantu testified that Ms. Airey stated she was with her dog on the front porch and the dog came across the yard and attacked Ms. Culbert. He testified on September 16, 2021 he delivered a potentially dangerous dog notice checking the criteria that "the animal, has when unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack" and "the animal has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals." Officer Cantu stated the dog met the criteria for these requirements because the dog came off the porch and approached the victim and attacked her. The victim lifted her dog up off the ground to keep it away from Beau.

Ms. Airey asked CSO Cantu if the dog was well mannered when he served the dangerous animal notice.

CSO Cantu stated the dog was well behaved.

Ms. Airey stated she walked toward the victim and the victim walked toward her.

CSO Cantu testified that Ms. Airey told him that she was seated on the porch and did not mention anything about walking toward the victim in the original report.

Ms. Airey denied that she told him that. She stated she met the victim halfway and the dog did not bite the victim.

Mr. Byram asked CSO Cantu again if Ms. Airey stated she was on the porch and her dog ran off the porch and attacked the victim.

CSO Cantu confirmed those statements. He stated there was no conversation about her coming off the porch.

Council Member Baskin asked if there was any information about the demeanor of the dog as it was running toward the victim.

CSO Cantu stated the victim was scared at that moment.

Council Member Poshusta asked what the victim was wearing.

CSO Cantu stated he believed she was wearing pants.

Ms. Airey stated the testimony from CSO Cantu didn't happen. She testified that the victim walked toward her and the two met in the middle of the street. She testified that the victim was freaking out and was strangling her little dog by the leash. Ms. Airey stated Beau did not attack the victim. Ms. Airey stated she hugged the victim.

She testified that she was shocked that she was served with a notice of potentially dangerous animal. Her dog is an emotional support animal and has never been aggressive. She stated the bite mark must have come from another dog, possibly her own dog.

Council Member Baskin stated on Mr. Airey's appeal form she stated that Beau left a scratch on the victim.

Ms. Airey denied she wrote that.

Mayor King noted that there are often no witnesses with these incidents.

Ms. Airey stated there is no proof that her dog bit the victim.

City Attorney Byram stated the Council needs to judge the case including the credibility of the witnesses. He stated the Council should consider the facts of the case presented. He stated if the dog does not have any additional incidents, then this designation will not harm him. However, if the dog is aggressive again then the designation may have implications.

Council Member Fischer stated he believed CSO Cantu's testimony.

Moved by Council Member Fischer, seconded by Council Member Poshusta, affirming the dangerous dog designation for the dog Beau owned by Robin Airey. Carried.

Moved by Council Member Poshusta, seconded by Council Member Waller, adjourning the meeting to October 18, 2021. Carried.

Adjourned: 5:22 p.m.

Approved: October 18, 2021

Mayor: _____

City Recorder: _____

Austin POLICE DEPARTMENT



LAW ENFORCEMENT CENTER 201 1st STREET NE AUSTIN, MINNESOTA 55912 (507) 437-9400 FAX (507) 437-9546

EVENT APPLICATION

1. Event Title Farmers Market
2. Name of Organization Farmers Market Place LLC
3. Address of Organization same as contact Phone same as contact
4. Organization Contact Person Mary Willand Phone 438-4213
5. Event Chairman or Alternate Contact Alison Whitham Phone 440-2966
6. Date of Event MONDAYS - May - Oct. 2022 Assembly Time 3:00pm Set up
7. Location and Description of Assembly Area 3rd Ave NE - Main St - east to parking lot before 1st St NE
8. Starting Time of Event 3:00 pm Estimated Termination Time 6:30 pm
9. Starting Point of Event 3rd Ave NE - 1 blk - oneway - Southside Spam Museum
10. Please draw a map of the event route/area on the back of this form. Travel Route of Event:

11. Termination Point of Event Oct. - 2022
12. Approximate Number of Participants 6? possibly more
13. Portion of Street Width Traversed: **Run/Walk Events:** Runners and walkers are to remain in the furthest right lane (or out of the vehicle traffic lane) as much as possible. Organizers are responsible for providing safety personnel wearing reflective safety gear along the route to assist participants at intersections.

10-8-21

Application Date

Mary Willand

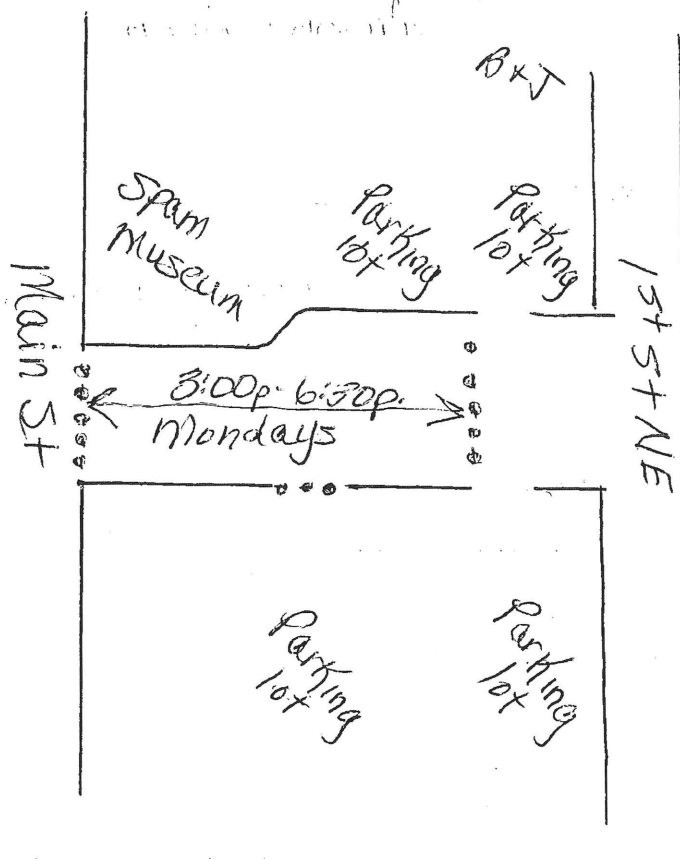
Signature of Applicant

Approved this 11th day of October, 2022 upon compliance with the following terms and conditions:

Digitally signed by
Steven Lang
Date: 2021.10.11
09:34:31 -05'00'

City Engineer

Chief of Police or Designated Officer



HOUSING TAX ABATEMENT APPLICATION

(Application Period 8-1-16 through 12-31-2022)

Property Owner / Applicant: Chad & Frances Sonneck
 Current Address: 901 16th Ave. Apt. 317 Austin, MN 55912
 Telephone: 507-383-2845 E-Mail: C.Sonneck@mohscontracting.com

Has applicant ever defaulted on property taxes? ☐ Yes ☒ No If Yes, provide details on separate page(s).

Are property taxes current? ☒ Yes ☐ No

Proposed Project: ☒ New Construction ☐ Replacement of housing unit

Project Type: ☐ Single Family ☒ Duplex ☐ Multi-family

Project Address: 3005 & 3007 15th Ave. SW Austin, MN

Project Legal Description: Lots 3 & 4, Block 1, The Meadows

Parcel Number: 34.742.0040 / 34.742.0030 Estimated Project Valuation: \$ 600,000

Applicant Statement: We currently lived in fariborn county before deciding to build in Austin. One of the big factors was the tax program that was offered for new construction. It made it easy to choose Austin.
 (Please provide a statement as to why you are requesting an abatement of property taxes.)

Attach building plans, site map, parcel information and parcel number. (Include letter of consent from property owner if subject to purchase agreement or include a copy of the purchase agreement.)

I / We as applicant(s) for the Housing Tax Abatement certify that no construction has begun or will begin prior to the taxing authority's decision on my/our application. For the purposes of this provision, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction.

Construction
Certification

Signature of Applicant(s)

9/20/21
Date

I / We as applicant(s) for the Housing Tax Abatement submit this application having read the policy and understand the provisions as outlined including, but not limited to, the potential of a partial abatement in year one, construction must commence within one year of the approval, assessors cannot be refused access to the property for assessment purposes and the abatement is awarded following full payment of real estate taxes due annually.

Signature of Applicant(s)

9/20/21
Date

FOR OFFICE USE ONLY: ELIGIBLE / APPLICABLE APPROVALS

Mower County

Date: _____

☐ City or ☐ Township of _____

Date: _____

School District of _____

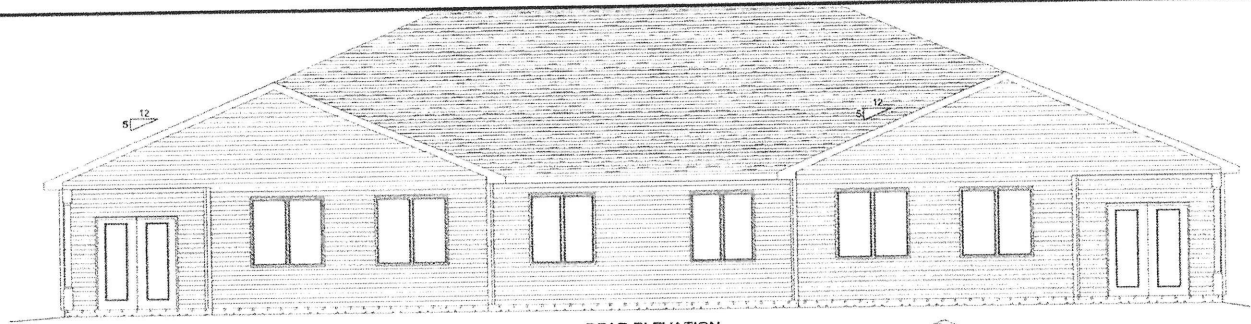
Date: _____

Disclaimer: Each taxing entity makes its own decision on approval or denial of application for tax abatement. Applications must comply with all requirements of the policy/program as outlined in the policy/program guidelines and build within allotted timeframe or tax abatement offer will be automatically terminated. Building cannot start until such time as all taxing entities have approved and written authorization is provided.

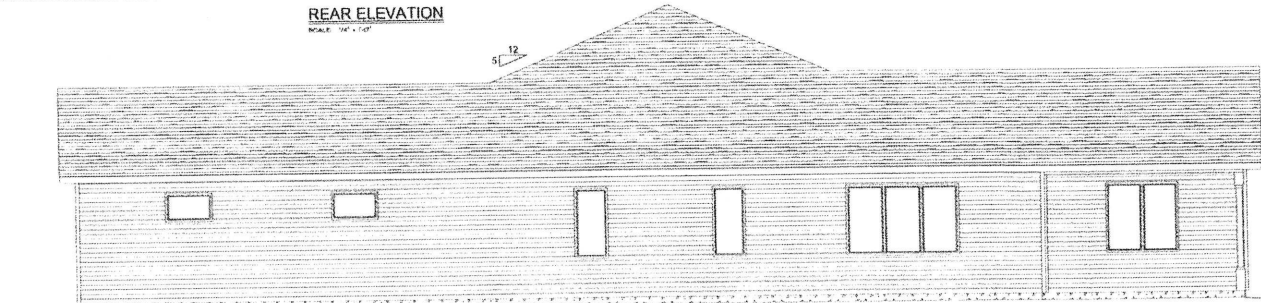
Please submit completed application with attachments to:

Mower County Administration
 201 1st Street NE, Suite 9, Austin MN 55912
 507-437-9549
 Office Hours: M-F 8 a.m. – 4:30 p.m.
 deniseb@co.mower.mn.us

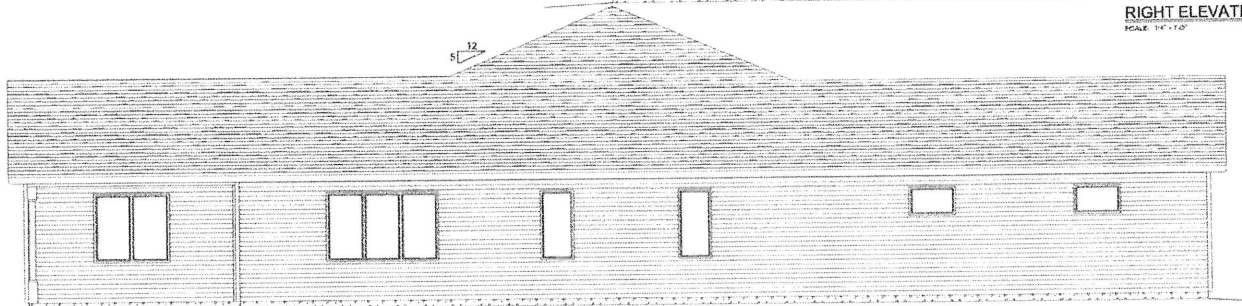
**PRELIMINARY
DRAFT
NOT FOR CONSTRUCTION**



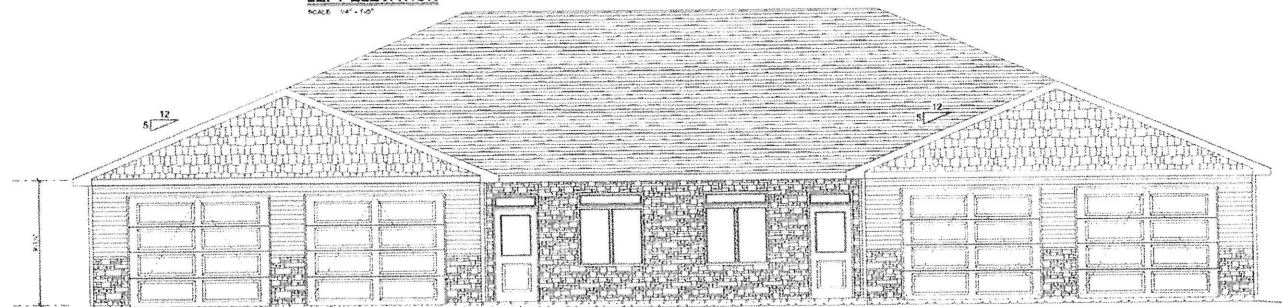
REAR ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION

DRAWING

NOT TO SCALE
ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
ALL MATERIALS AND FINISHES ARE TO BE DETERMINED BY THE ARCHITECT
ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS
ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS

GENEVA LUMBER COMPANY
413 WEST MAIN STREET
GENEVA, NY 14456
TEL: 315.787.2541
www.genevalumber.com

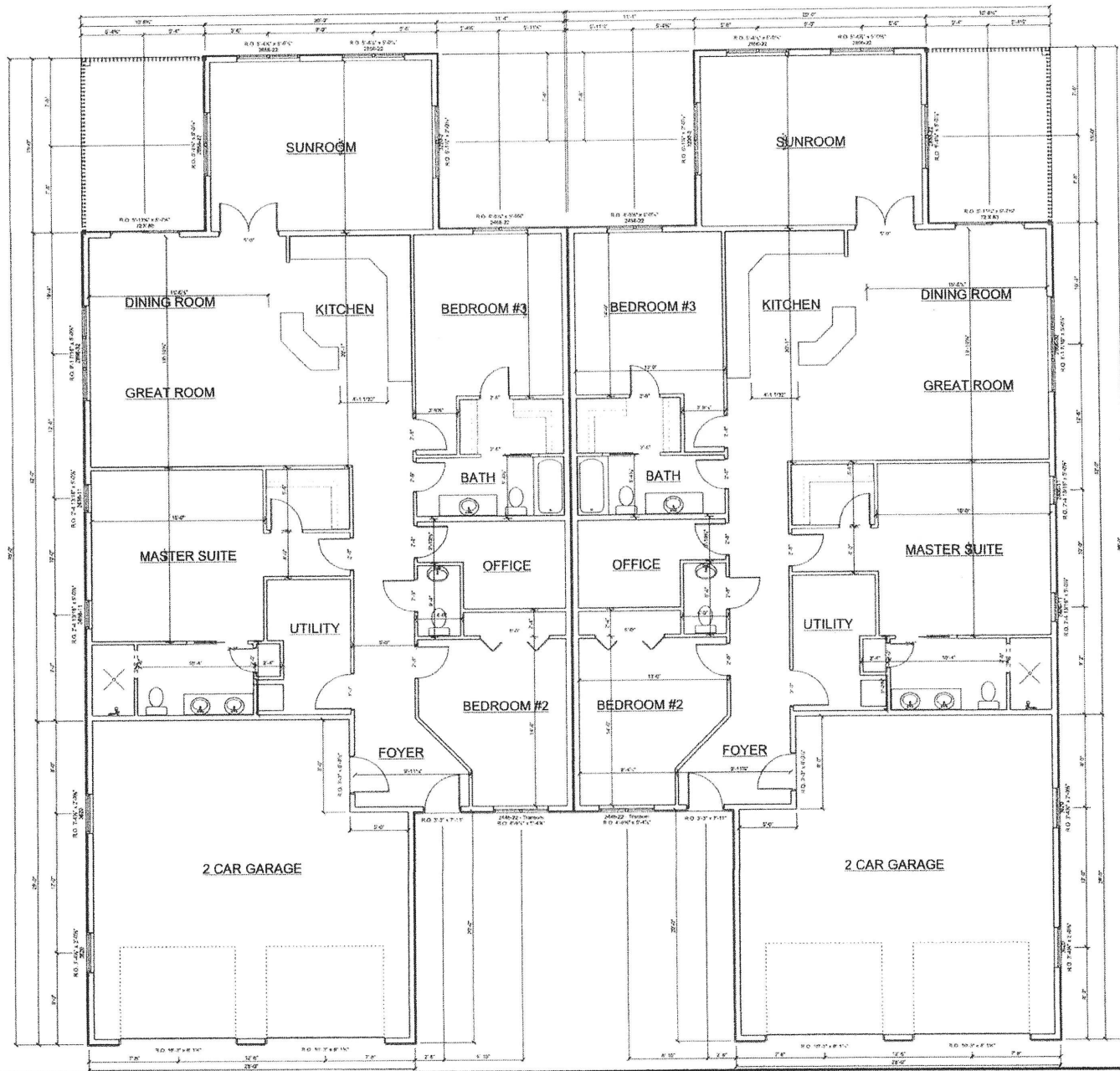
SCALE: 1/4" = 1'-0"
DRAWN BY: JOSH WILDER
DATE: Monday, May 4, 2020

GENEVA LUMBER COMPANY
413 WEST MAIN STREET
GENEVA, NY 14456
TEL: 315.787.2541
www.genevalumber.com

GENEVA
Lumber Company

Chad Sonnak
PHONE:
EMAIL:

**PRELIMINARY
DRAFT
NOT FOR CONSTRUCTION**



Chad Smith
PHONE:
EMAIL:



GENEVA LUMBER COMPANY
411 WEST MAIN STREET
GENEVA, VA 20153
PHONE: 507-251-0055
FAX: 507-251-0071
www.genevalumber.com

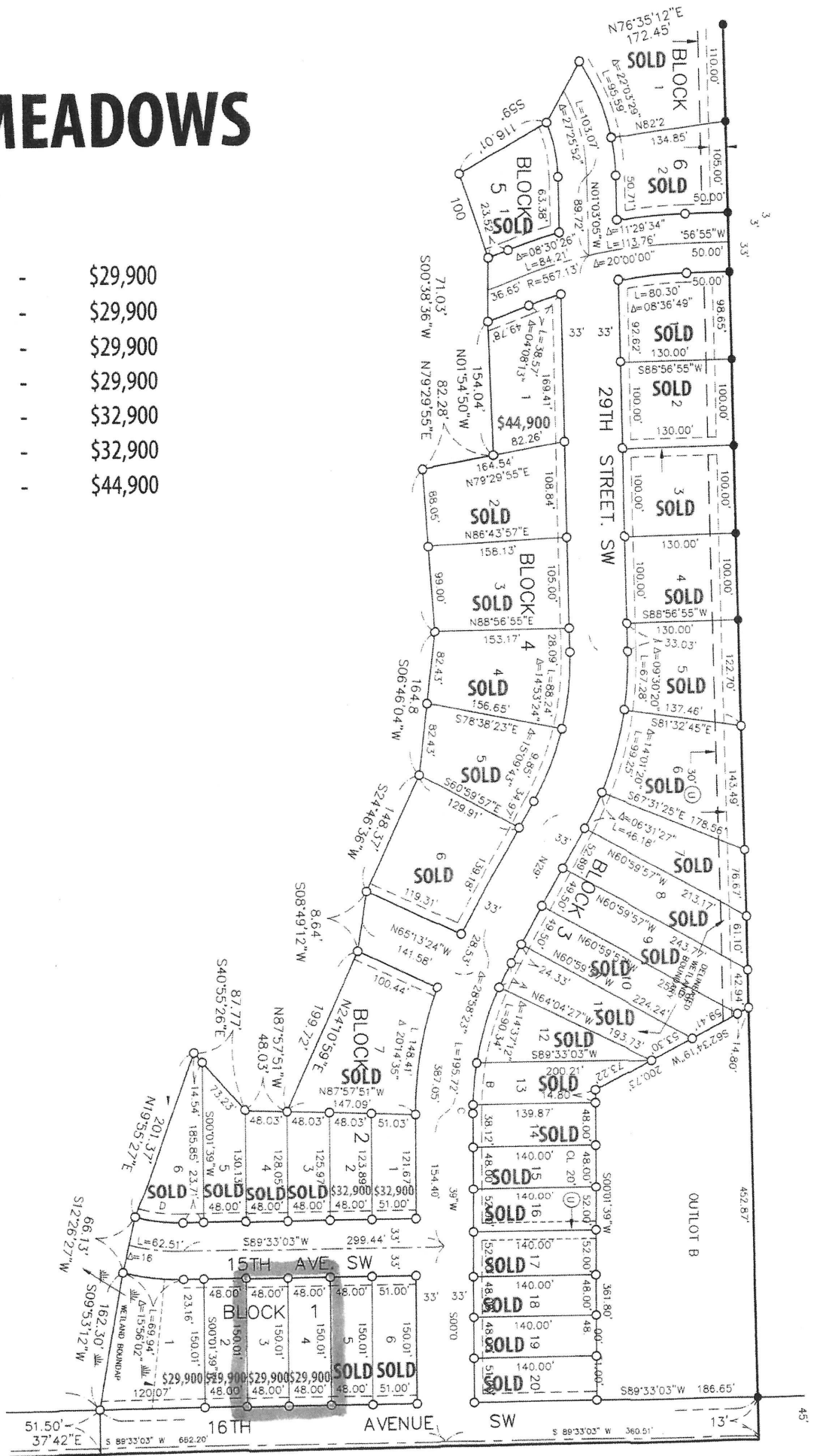
SCALE: 1/4" = 1'-0"
DRAWN BY: JOSH ANGLER
DATE: January, May 1, 2020

OUTDOOR KITCHEN
The outdoor kitchen is located in the sunroom area of each unit. It includes a built-in grill, sink, and storage cabinets. The sunroom also features a large window looking out onto the rear yard.

DRAWING

THE MEADOWS

Block 1 Lot 1	-	\$29,900
Block 1 Lot 2	-	\$29,900
Block 1 Lot 3	-	\$29,900
Block 1 Lot 4	-	\$29,900
Block 2 Lot 1	-	\$32,900
Block 2 Lot 2	-	\$32,900
Block 4 Lot 1	-	\$44,900



**NOTICE OF PUBLIC HEARING
ON TAX ABATEMENT REQUEST**

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Austin, Mower County, Minnesota, will hold a public hearing on Monday, October 18, 2021 at 5:30 p.m. to consider a tax abatement request from Chad & Frances Sonnek, pursuant to Minnesota Statutes 469.1813 and 116J.993 through 116J.995. The request is to abate 100% of the City's portion of real estate taxes related to the new residential improvements on the subject property for a period of 5 years. The estimated amount of the abatement is \$16,625. The subject property is located at 3005 & 3007 15th Avenue SW, Austin, Minnesota and is legally described as:

Lots 3 & 4, Block 1, Townhomes at the Meadows, City of Austin, County of Mower

The public hearing will be held in the City Council Chambers, at City Hall, 500 4th Avenue NE, Austin, Minnesota. All interested persons are invited to attend and be heard. Those unable to attend are invited to send written comments, prior to the hearing, to: City Administrator, City of Austin, 500 4th Avenue NE, Austin, Minnesota 55912.

Publish: October 6, 2021

PURCHASE AGREEMENT

The undersigned, Turtle Creek Estates, Inc., a Minnesota corporation (hereinafter "Seller"), hereby agrees to sell to the undersigned Chad J. Sonnek and Frances K. Sonnek, husband and wife, in joint tenancy (hereinafter "Buyer"), property located on 15th Avenue SW, Austin, Minnesota, situated in the County of Mower, State of Minnesota, and legally described as follows:

Lot 3, Block 1, Townhomes at The Meadows, Common Interest Community No. 16,
and
Lot 4, Block 1, Townhomes at The Meadows, Common Interest Community No. 16

(the "Property")

All of which Property the undersigned Seller has this day sold to the Buyer for the sum of Twenty-nine Thousand Nine Hundred and no/100th Dollars (\$29,900.00) per lot, or a total purchase price of Fifty-Nine Thousand Eight Hundred and no/100th Dollars (\$59,800.00), which Buyer agrees to pay in the following manner: Five Thousand Nine Hundred Eighty and no/100th Dollars (\$5,980.00) as Earnest Money at the time of execution of this Agreement; Fifty-Three Thousand Eight Hundred Twenty and no/100th Dollars (\$53,820.00) to be paid to Seller on or before October 15, 2021, the date of closing herein.

Subject to performance by the Buyer, Seller agrees to execute and deliver a Warranty Deed conveying marketable title to said premises subject only to the following exceptions:

- (a) Building and zoning laws, ordinances, State and Federal regulations.
- (b) Restrictions relating to the use or improvement of premises without effective forfeiture provision.
- (c) Reservation of any minerals or mineral rights to the State of Minnesota.
- (d) Utility and drainage easements which do not interfere with present improvements.

Real estate taxes and special assessments due and payable in 2020 and all other prior years will be paid by Seller. Real estate taxes due and payable in 2021 shall be prorated to the date of closing. As of the date of this Purchase Agreement there are no installments or special assessments known.

Seller shall be responsible for the cost of preparation of the Warranty Deed, any state deed taxes imposed, and the cost of recording any satisfactions of mortgages or other liens necessary to provide good title to the Property to Buyer. Buyer shall be responsible for the cost of recording the Warranty Deed and the cost of preparing and recording any mortgage or other financing documents. Other closing costs shall be split evenly between Seller and Buyer. Each party shall be responsible for their own attorneys fees.

Buyer shall be responsible for the payment of a fee of \$100.00 for each lot (a total of \$200) to the Townhomes a The Meadows Homeowners Association, said fee to be due and payable at the date

of closing.

Any dwelling constructed on the Property must be a townhome consisting of one structure, with two separate residences, in general conformity with the current townhomes in the development. This term survives the date of closing.

Ownership of the Property will be subject to the terms of the Declaration, the Articles of Incorporation, the By-Laws and rules and regulations of Townhomes at The Meadows Homeowners Association. This conveyance is made subject to the Declaration of Townhomes at The Meadows, Common Interest Community No. 16, filed in the office of the Mower County Recorder on September 20, 2005, as Document No. A000543247 and the By-Laws of Townhomes at The Meadows, filed on September 20, 2005, as Document No. A000543250 and First Amendment to Declaration of Townhomes at The Meadows filed as Document No. A000557442. This obligation shall survive the date of closing herein.

The following notice is required by Minnesota Statutes. "The Buyer is entitled to receive a disclosure statement or resale disclosure certificate, as applicable. The disclosure statement or resale disclosure certificate contains important information regarding the common interest community and the Buyers' cancellation rights."

Ownership of the Property shall also be subject to an obligation on the part of Buyer, together with Buyer's successors in interest in the Property, to submit all proposed architectural drawings, schematics, or other plans to the Board of the Townhomes at The Meadows Homeowners Association for prior approval for any dwellings constructed thereon. It is understood and agreed that all dwellings constructed on the Property must be substantially similar in all regards to other dwellings constructed within this common interest community. This obligation shall survive the date of closing.

Seller shall, within a reasonable time after approval of this Agreement, furnish a Registered Property (Torrens) Certificate, to include proper searches covering bankruptcies, and State and Federal judgments and liens. Buyer shall be allowed 30 days after receipt thereof for examination of said title and the making of any objections thereto, said objections to be made in writing or deemed to be waived. If any objections are so made the Seller shall be allowed 120 days to make such title marketable. Pending corrections of title the payments hereunder required shall be postponed, but upon correction of title and within 10 days after written notice to Purchaser, the parties shall perform this agreement according to its terms.

Seller knows of no wells on the Property.

This contract contains the entire agreement between the parties, and neither party has relied upon any verbal or written representations, agreements or understandings not set forth herein, whether made by any agent or party hereto.

(The rest of this page left intentionally blank)

We, the undersigned, do hereby approve the above agreement and sale and purchase thereby made.

Dated: August 05, 2021

SELLER:

TURTLE CREEK ESTATES, INC.

By: Lane Rogers
Its: Secretary

Dated: August 05, 2021

BUYER:

Chad J. Sonnek

Frances K. Sonnek

901 16th Avenue
Apt 317
Austin, MN
55912

RESOLUTION NO.

RESOLUTION APPROVING TAX ABATEMENT FOR CERTAIN PROPERTY PURSUANT TO MINN. STAT. 469.1813

WHEREAS, the Austin Home Initiative's purpose is to provide incentives to encourage the construction of new owner occupied and residential housing units within the City of Austin for the public benefit including, but not limited to, capturing future taxes from units that would not have otherwise been constructed and increasing housing inventory to support local business growth.

WHEREAS, Minnesota Statute 469.1813 gives authority to the City of Austin to grant an abatement of taxes imposed by the City if certain criteria are met; and

WHEREAS, in addition to the statutory requirements, the City of Austin has adopted the Austin Home Initiative guidelines which must be met before an abatement of taxes will be granted for residential development; and

WHEREAS, Chad J. Sonnek and Frances K. Sonnek are the owner of certain property within the City of Austin legally described as follows:

Lots 3 & 4, Block 1, Townhomes at The Meadows, Common Interest Community No. 16, City of Austin, County of Mower

WHEREAS, Chad J. Sonnek and Frances K. Sonnek have made application to the City of Austin for the abatement of taxes as to the above-described parcel; and

WHEREAS, Chad J. Sonnek and Frances K. Sonnek have met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision (1) and Subdivision 2(i) as well at the Austin Home Initiative guidelines for abatement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Austin, Minnesota:

The City of Austin does hereby grant an abatement of the City of Austin's share of real estate taxes upon the above-described parcel for the construction of a single family dwelling on the subject property.

The tax abatement will commence with the receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority's resolution, whichever is first, and shall continue for five years.

The City shall provide the awarded abatement payments following the payment of due real estate taxes annually. Payments shall be made to the owner of record at the time of the payment.

The tax abatement shall be limited to the increase in property taxes resulting from the improvement of the property. Land values are not eligible and will not be abated.

The abatement shall be null and void if construction is not commenced within one year of the approval of this resolution or if the real estate taxes are not paid on or before the respective payment deadlines annually.

Passed by a vote of yeas and nays this 18th day of October, 2021.

Yeas

Nays

ATTEST:

APPROVED

City Recorder

Mayor

James McCoy, Fire Chief
Austin Fire Department



122 First Avenue NE
Austin, Minnesota 55912
Phone: 507-433-3405
Fax: 507-433-3525
www.ci.austin.mn.us

TO: Honorable Mayor and City Council
FROM: Fire Chief Jim McCoy *Jm*
DATE: September 27, 2021
SUBJECT: Apparatus

The fire department is scheduled to replace the "rescue" style apparatus (301) in the 2022 budget. This vehicle has successfully served our department's needs since its purchase; although, we need to assess our future fleet demands.

Our department has had many discussions regarding increased call volume, the expense associated with the purchase of future apparatus, and staffing issues related to the structure of the department. Before our last apparatus purchase, we put in place an apparatus group that continues to evaluate the use and needs for our department's apparatus. Ultimately, as a result to this group's decision, the last apparatus purchased was put in-service as our first truck to respond to all emergency calls.

To better serve our needs and the needs of our community, the apparatus group has established a change is warranted in the way our fleet is made up. The group proposal is to replace unit 301 with a pickup truck and trailer. The pickup will be designed with a cover to store needed rope rescue and fire ground related equipment that is currently located on 301. The trailer will be equipped with heat and air to accommodate fireground firefighter rehabilitation and immediately remove fire victims from the continued exposure of dangerous elements.

In addition, the apparatus group has proposed to trade engine 305 towards the purchase of a mini-pumper. The mini-pumper has the same pumping capacity as the old engine; although, comes with a reduced cost for future replacement (half the cost of a full-size apparatus). The smaller apparatus will allow for more rapid response times to assigned calls and, overall, a lower cost to maintain. Our larger engine will still respond to all reported fires both within the city limits and our contracted townships.

In 2018, the purchase price of our first responding apparatus was \$520,000. This unit was put in place January 2019 and currently has over 20k miles. The current proposal creates a more usable and financially sustainable fire fleet.

As we move forward with this proposal, I am requesting council allow us to contract for the purchase of the mini-pumper prior to the next price increase from the manufacturer, which is set to take place on November 1, 2021. The increase is not expected to be a double-digit percentage even though any increase on a \$300,000 purchase is sizable. The purchase agreement would lock the price of the apparatus in this year with no disbursement of funds until 2022. Our last two apparatus were purchased under this same type of agreement prior to price increases which resulted in the saving of thousands of dollars within our budget. The purchase of the pickup and trailer would be purchased in 2022 from the state bid program.

RESOLUTION NO.

**RESOLUTION APPROVING DEFERMENT OF SPECIAL ASSESSMENTS FOR
MELISSA M. WEIS**

WHEREAS, Chapter 2 of the City Code of the City of Austin provides for deferment of special assessments; and

WHEREAS, Melissa M. Weis, residing at 514 36th Street NW, described as OLS NW¼ Sec, 5, NE¼ Sec, 6 02064 OL 5 & ⅛ th Int. in OL'S A, B, C, D & Common Area, Section 6-102-18, Property Tax No. 34.822.0070, has made application for deferment under this section; and

WHEREAS, the City Council of the City of Austin has reviewed the application from Melissa M. Weis, and found it has met all conditions set forth in Section 2.74, Subd. 2.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, that the special assessment for Melissa M. Weis, residing at 514 36th Street NW, described as OLS NW¼ Sec, 5, NE¼ Sec, 6 02064 OL 5 & ⅛ th Int. in OL'S A, B, C, D & Common Area, Section 6-102-18, Property Tax No. 34.822.0070, levied for annual collection in the amount of \$14,950 for the years 2022 to 2031, shall be deferred with interest at the annual rate of 4%, from November 1, 2021 until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.

Passed by a vote of Yeas and Nays this 18th day of October, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received gift as follows:

Gift	Donor	For
\$200	Disabled American Veterans	Pool Family Fun Night
\$11,360.51	Austin Area Foundation	Worlein Park
\$667.99	Phillip Burkhart	Park bench at East Side Lake
\$9,320.00	Mower County SHIP Grant	Farmers Market

NOW THEREFORE, BE IT RESOLVED that the Austin City Council accepts said gifts to the City of Austin.

Passed by a vote of yeas and nays this 18th day of October, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

 City Recorder

 Mayor

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Steven J. Lang, P.E.
City Engineer/P.W. Director
507-437-9950
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

To: Mayor and Council
From: Steven J. Lang, P.E.
Date: October 14th, 2021
Subject: Storm Water Utility Rates

In 2003, the City of Austin established a storm water utility fee. The utility fee was developed to fund existing programs and new mandates from the state and federal government. Those programs included the following:

- Surface water management practices and ordinance implementation and enforcement
- Detention basin and storm sewer construction
- In place drainage system maintenance and reconstruction programs
- Sediment basin maintenance
- Attention to localized drainage problems
- Public information

At that time, public input was received and rates were developed. A single-family home was charged \$2.50 per month, commercial property was charged \$15.00/acre per month and there were many sub-categories in between for apartments, recreational and institutional properties. This rate generated \$422,000 per year in 2003. In 2012, the single-family rate was adjusted to \$4.00 per month, commercial rate was \$24.00, generating \$675,000 per year.

Implementation of the program has been absorbed by many employees throughout the Public Works Department and our program meets the minimum regulations. As public awareness increases, storm water regulations and unfunded mandates have continued to impact the City of Austin storm water program.

Based on the way things are tracking, we feel it is time to evaluate the storm water program and rates to address the following:

- Unfunded mandates, increased public awareness and expectations
- Increasing reconstruction needs
- Projects identified in the 5-year CIP
- Cedar River Watershed District Regulations
- Storm water program management
- MPCA TMDL program

Attached are the following items for reference:

- A rate breakdown for the City's storm water fund showing a \$0.50 incremental increase for residential property and similar % increases for the other categories. This includes stormwater rates for similar sized communities in greater Minnesota.
- Project schedule and funding summary from the 5-year CIP

It would be our recommendation to increase the R.E.U. rate by \$1.00, from \$4.00 to \$5.00. This would increase the commercial rate from \$24.00/acre to \$30.00/acre and the other categories would be adjusted accordingly. The total yearly revenue is projected to increase from \$675,000 to \$850,000.

The recommendation from the work session was to increase the R.E.U. rate by \$1.50, from \$4.00 to \$5.50. This would increase the commercial rate from \$24.00/acre to \$33.00/acre and the other categories would be adjusted accordingly. This is a 37.5% increase with projected yearly revenue to increase from \$675,000 to \$925,000. The new rates would go into effect on January 1st, 2022.

The proposed rate increase will help to bring fiscal balance to the CIP, but still provides funding gaps for the following:

- CIP Program
- MPCA unfunded mandates

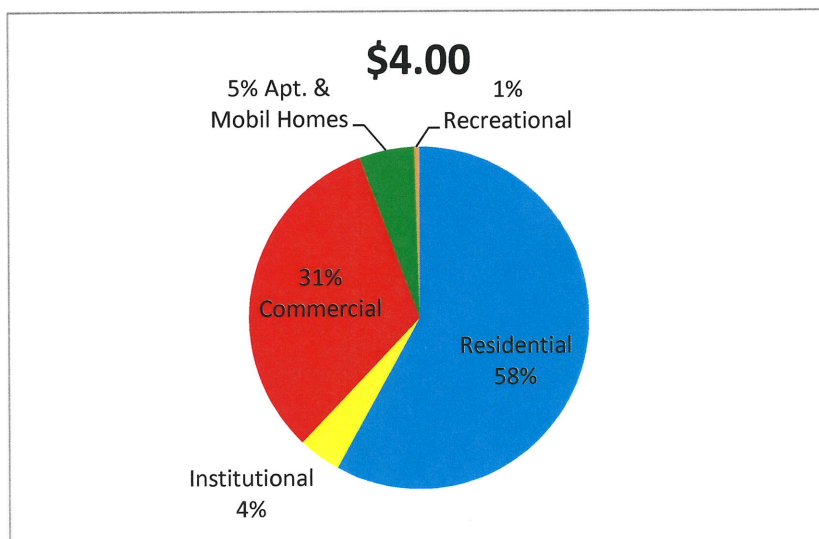
If you have any questions, please feel free to contact me.

Stormwater Utility Rate Breakdown						Total Water Customers = 9098
	2002	2012	2022			
	\$2.50	\$4.00	\$4.50	\$5.00	\$5.50	Residential Equivalent Unit (R.E.U.)
Residential 8324	\$20,810.00	\$33,296.00	\$37,458.00	\$41,620.00	\$45,782.00	House = 1.0
Apartments & Mobile Homes 98	\$1,449.38	\$2,319.01	\$2,608.88	\$2,898.76	\$3,188.64	Townhome/Duplex = 1.0 Apartment = 0.25 Mobile Home = 0.50
Commercial 637	\$11,178.48	\$18,444.49	\$20,750.05	\$23,055.62	\$25,361.18	0 to 1/2 Acre = REU x 3 1/2 to 1 Acre = REU x 6 > 1 Acre = REU x 6/acre
Institutional 45	\$1,881.62	\$3,010.59	\$3,386.92	\$3,763.24	\$4,139.56	Public & Private Schools > 1 Acre = REU x 4.5/acre
Recreational 6	\$167.82	\$268.51	\$302.08	\$335.64	\$369.20	Recreational Areas & Cemeteries = 25% REU
Exempt 33	-	-	-	-	-	City of Austin, Park & Recreation and Austin Utilities Properties
Credits (Monthly)	-\$302.19	-\$483.50	-\$543.94	-\$604.38	-\$664.82	Storm Water Ponds
Total Monthly	\$35,185.11	\$56,855.10	\$63,961.99	\$71,068.88	\$78,175.76	
Total Yearly	\$422,221.32	\$682,261.20	\$767,543.85	\$852,826.50	\$938,109.15	

Comparison Cities	Owatonna	Alexandria	Hutchinson	Worthington	Rochester	Moorhead
2020 Rate	\$4.35	\$4.50	\$4.57	\$5.76	\$10.30	\$10.21

* When a building permit is applied for,
the following fees will be applied:

Residential Platted Lot	Business/ Commercial Development
\$50.00/lot	\$250.00/ acre



City of Austin, Minnesota

5-Year Capital Improvement Plan

2022 - 2026



Approved: December 20, 2021

Q. STORM WATER UTILITY DISTRICT

1. Project Descriptions

a) Storm Sewer Upgrades:

This program allows for the funding of structurally deficient or undersized storm sewer pipe throughout Austin.

The estimated cost of the projects is \$250,000 annually and would be paid for via the City of Austin's Storm Water Utility District Fund fund balance. These projects will correspond to street reconstruction.

The project is scheduled for construction in 2022 through 2026.

b) Tile Line Installation:

In order to avoid capital costs at the Wastewater Treatment Plant to provide additional capacity, we propose an ongoing tile installation system to remove infiltration from the sanitary sewer system.

The estimated cost of the project is approximately \$20,000 per year and would be paid for via the City of Austin's Wastewater Treatment Plant Fund (\$10,000) and Stormwater Utility District Fund (\$10,000). The project is scheduled for construction in 2022 through 2026.

c) Cedar River Total Maximum Daily Load (TMDL) Reduction Program:

To meet MPCA requirements for reduction of solid loadings to the impaired Cedar River, some improvements will be made.

The estimated cost of the project is \$50,000 annually and would be paid for via the City of Austin's Storm Water Utility District fund. The project is scheduled for construction in 2022 through 2026.

d) 27th Avenue NE, 60" Culvert Replacement

The existing corrugated metal culvert under 27th Avenue NE is collapsing and in need of replacement. The estimated costs of the pipe and flared end sections is \$30,000.

With asphalt, riprap and restoration the total project is estimated at \$40,000 and would be paid for via the City of Austin's Storm Water Utility District fund. The project is scheduled for construction in 2022.

e) Austin Acres Field Tile:

There is an existing field tile that runs across private property draining water from 15th Avenue to 16th Avenue SW in Austin Acres. The tile likely dates back to the 1920's and has started to breakdown in recent years. The proposed project would involve rerouting the existing drainage within the existing right-of-way from 15th Avenue to 24th Street and then to 16th Avenue.

The estimated cost of the project is \$75,000 and would be paid for via the City of Austin's Storm Water Utility District fund. The project is scheduled for construction in 2022.

f) Riverland Drainage Ditch:

This ditch is located west of Riverland and drains NW from 8th Avenue to I-90. Over the years the ditch has lost capacity from sediment and has a large number of trees encroaching. The project would involve removing the trees and sediment to re-establish the proper ditch bottom and grade.

The estimated cost of the project is \$100,000 and would be paid for via the City of Austin's Storm Water Utility District fund. The project is scheduled for construction in 2023.

g) Ellis Ditch Improvements:

The Ellis ditch provides drainage for a watershed of approximately 2700 acres that includes the SE portion of Austin, Ellis School, Austin Municipal Airport and adjacent farm land. Over the years the ditch has lost capacity with overgrown trees and sediment. The project would involve implementing improvements developed from the evaluation of the drainage area from Dobbins Creek, upstream to 28th Street SW, including ditch capacity and available storage in the Johnson Pit. The goal of the project will be to increase capacity and storage to decrease flooding impacts to property owners along Ellis Ditch and downstream.

The estimated cost of the project is \$1,500,000 and would be paid for via the local option sales tax (\$1,000,000) and the City of Austin's Storm Water Utility District fund (\$500,000). The project is scheduled for construction in 2024.

2. Project Schedule

PROJECT SCHEDULE – STORM WATER UTILITY DISTRICT						
	Description	2022	2023	2024	2025	2026
a	Storm Sew. Upgrades	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000
b	Sump pump tile	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
c	Cedar River TMDL	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
d	27 th Ave. NE Culvert	\$ 40,000				
e	Austin Acres Tile	\$ 75,000				
f	Riverland Drainage Ditch		\$ 100,000			
g	Ellis Ditch			\$1,500,000		
	Total Expenses	\$ 435,000	\$ 420,000	\$1,820,000	\$ 320,000	\$ 320,000

3. Funding Summary

FUNDING SUMMARY – MISCELLANEOUS STREETS					
	2022	2023	2024	2025	2026
Bond Issue					
WWTP Fund (61000)	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Grants					
Local Sales Tax			\$1,000,000		
Storm Water Utility Dist.	\$ 425,000	\$ 410,000	\$ 810,000	\$ 310,000	\$ 310,000
Total Misc. Streets	\$ 435,000	\$ 420,000	\$1,820,000	\$ 320,000	\$ 320,000

CASH BALANCE – STORM WATER UTILITY DISTRICT (67000)					
	2022	2023	2024	2025	2026
Beg. Cash Balance 1/1	\$ 500,000	\$483,948	\$ 470,248	\$ 43,548	\$ 103,448
Investment Earnings					
User Fees	\$ 830,000	\$ 830,000	\$ 830,000	\$ 830,000	\$ 830,000
Bond Issue					
Grants					
Local Sales Tax			\$ 1,000,000		
WWTP Fund (61000)	\$ 10,000	\$10,000	\$ 10,000	\$ 10,000	\$ 10,000
Less: Cap. Items (above)	(\$ 435,000)	(\$420,000)	(\$1,820,000)	(\$ 320,000)	(\$ 320,000)
Less: Non MSA Streets					
Less: Misc. Other					
Less: Operations (Note 1)	(\$ 421,052)	(\$433,700)	(\$446,700)	(\$ 460,100)	(\$ 473,900)
End. Cash Bal. 12/31	\$ 483,948	\$ 470,248	\$ 43,548	\$ 103,448	\$ 149,548

Note 1: Estimated increase of 3% included.

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Steven J. Lang, P.E.
City Engineer/P.W. Director
507-437-9950
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slang@ci.austin.mn.us

Memorandum

To: Mayor and Council
From: Steven J. Lang, P.E.
Date: October 14, 2021
Subject: Airport Lighting FAA Inspection

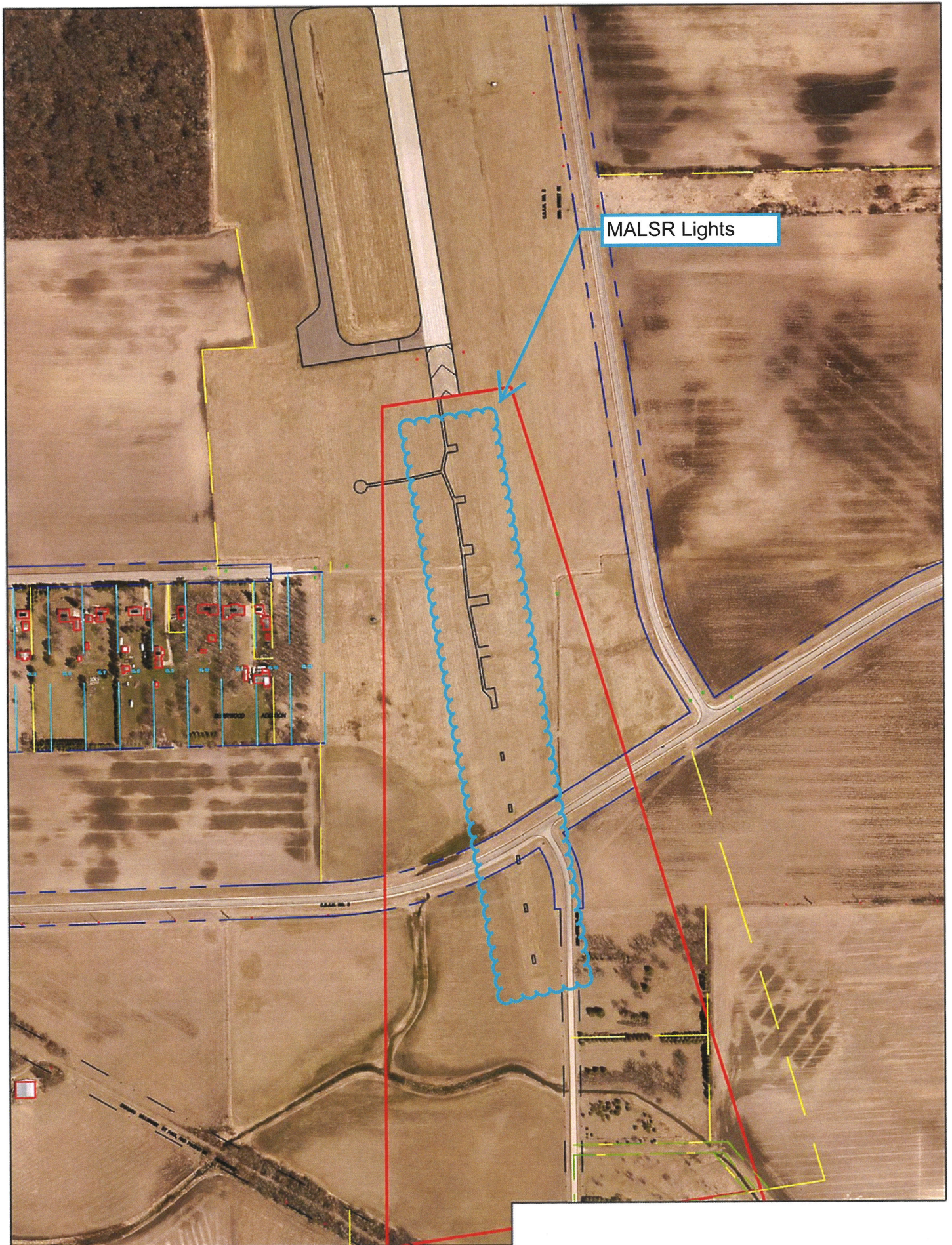
As part of the navigation aids at the Austin Municipal Airport, at the south end we have a MALSR (Medium intensity Approach Lighting System with Runway alignment lights). The MALSR system allows aircraft to land during inclement weather when there is limited visibility. The system provides navigation aids to allow pilots to land with visibility is down to ½ mile and the ceiling is down to 200ft.

The City's MALSR lighting system was installed during the airport expansion in the mid 2000's. The lights are required to have a specified intensity, be aimed in the proper location and at a specified angle. All of the requirements are governed by the FAA to ensure consistent lighting parameters from airport to airport across the nation.

We have been notified that the FAA will be requiring annual and semiannual ground checks of the lighting system. Those ground checks require an FAA certified contractor and NEO Electrical Solutions from Hudson, WI is only one certified contractor in our region. We have received a proposal from NEO Electrical Solutions that includes the following:

- | | | |
|---------------------------|-----------------------|-----------------|
| • Semiannual ground check | \$2500.00 | |
| • Annual/FAA ground check | \$3800.00 | Total \$6300.00 |
| • Unscheduled maintenance | \$130/hour + material | |
| • Emergency service | \$185/hour + material | |
| • 3-year contract | | |

I would recommend approving a 3-year contract with NEO Electrical Solutions for MALSR maintenance. If you have any questions, please feel free to contact me.



MALSR Lights



PAPI
Precision Approach Slope Indicator



Runway Edge Light
Runway Threshold Light



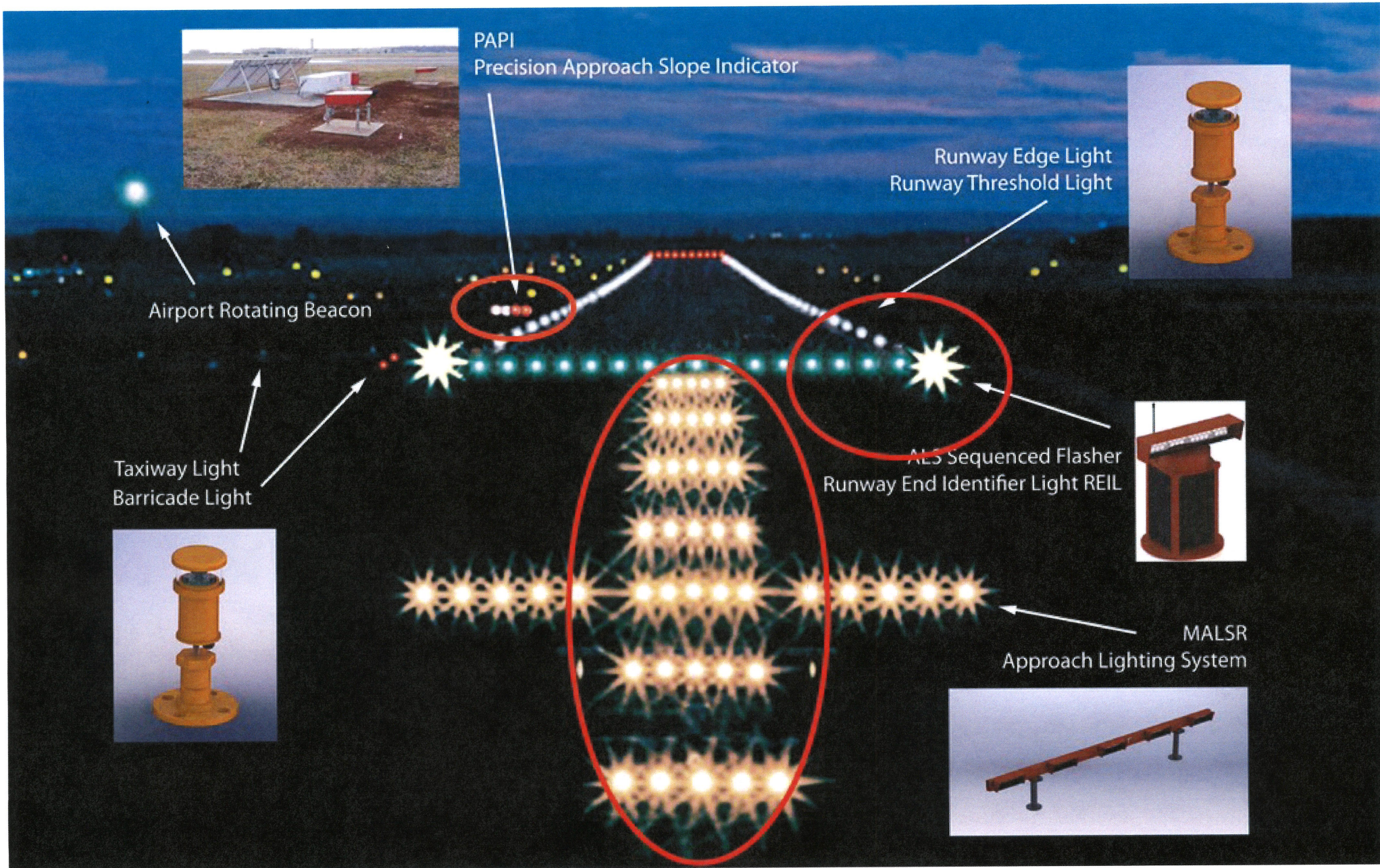
ALS Sequenced Flasher
Runway End Identifier Light REIL



MALSR
Approach Lighting System

Airport Rotating Beacon

Taxiway Light
Barricade Light



RESOLUTION NO.

APPROVING A CONTRACT FOR LIGHTING CHECKS
AT THE AUSTIN MUNICIPAL AIRPORT

WHEREAS, the City of Austin has Medium Intensity Approach Lighting System with Runway alignment lights at the Austin Municipal Airport; and

WHEREAS, the system allows aircraft to land during inclement weather and was installed in the mid-2000's; and

WHEREAS, The FAA will be requiring annual and semi-annual ground checks of the lighting system; and

WHEREAS, the checks are required to be completed by a FAA certified contractor and NEO Electrical Solutions from Hudson, Wisconsin is the only one in the region; and

WHEREAS, the Engineering Department recommends extending a three year contract to NEO Electrical Solutions.

NOW THEREFORE, BE IT RESOLVED, that the Austin City Council approves the agreement for contract with NEO Electrical Solutions in the amount of \$6,300 and authorizes the Mayor and City Recorder to execute all contract documents.

Passed by a vote of yeas and nays this 18th day of October, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Holly Wallace
Planning & Zoning Administrator
507-437-9952 / Fax 507-437-7101
Cellular 1-507-438-2380
Email: hollyw@ci.austin.mn.us

Memorandum

To: Mayor & City Council
From: Austin Planning Commission
Subject: Recommendation for Rezoning Request Petitioned by Charlie Fawver o/b/o Bruce Baudler
Date: October 14, 2021

During the October 12, 2014, meeting of the Austin Planning Commission, the commission reviewed a request to rezone property from Bruce Baudler.

Said property is legally described as follows: See proposed ordinance, Exhibit A.

The petitioner split an existing parcel into Parcel A and Parcel B. The petitioner is requesting to rezone Parcel A to "R-O", multi-family/office and Parcel B to "B-2" Community Business and to amend the Future Land Use plan from Low Density Residential to Mixed Use, which reflects the existing conditions in the area. This action has been requested to facilitate development of both parcels. The property currently has a vacant residential dwelling (which is likely substandard due to several years of vacancy) and is zoned "R-1" single family residential. The surrounding uses are commercial to the North and West and residential to the South and East.

The Planning Commission with 8 members present recommends denial of the rezoning of Parcel A by the following vote:

8 Ayes 0 Nays

And denial of the rezoning of Parcel B by the same:

8 Ayes 0 Nays

This rezoning action is taken by ordinance, for approval of this request the vote must be a unanimous approval for the first reading of the ordinance. If this fails, to obtain an approval the second reading of the ordinance shall be by 2/3rd's vote in accordance to MN Statute 462.357, Subd.2

Planning Commission recommended denial of the rezone based on concerns that the rezone would allow uses, including those proposed, that would increase traffic, which would in turn negatively impact the health, safety and welfare of the residents.

Meeting Summary:

Backup materials were reviewed by the Planning and Zoning administrator, identifying the parties, property involved and uses allowed in the proposed zoning districts. Considerations that may be weighed in making a decision to rezone were also reviewed (See end of memo).

The petitioner's representative, Charlie Fawver spoke about future development opportunities with the change to R-O on Parcel A. Rob Steffes, Scooter's Coffee, spoke about opportunities and plans for a store on Parcel B pending a change to B-2.

Parcel B –

Steffes proposes to add a Scooter's Coffee kiosk (600 sq. ft.), drive through only. Hours of operation from 6AM to 7:30PM. Approx. 15 employees, food and coffee available. Aesthetics of the location are important as well as relationship with neighbors.

Prefers this location due to "rooftops" (homes) to the South and existing retail and interstate to the West and North. Good traffic counts and travel corridor to other retail areas. Good opportunity to redevelop for the community/remove vacant house, which would otherwise likely be demolished as substandard by the city.

Ingress/egress agreement with city to control traffic into the lot. Anticipates 75-80% of traffic to be local and some from adjacent interstate. Asserts that the proposal creates a transitional space that is more marketable than single family homes and limits a large fully developed retail space.

Parcel A –

Fawver proposes "maybe" a small office, approx. 2,000 sq. ft. and possibly 6 townhomes, operated as a CIC (condo like community). Fawver asserts that this is a "soft" development, less intensive use that retains residential. And that Scooter's Coffee is small and part of the transition/buffer between the residential homes to the South and more intensive commercial uses to the North and West.

Residents -

55 properties were noticed regarding the proposed rezone. Approximately 16 people appeared at the meeting, with about 10 properties represented. These individuals primarily reside on 4th St NW, 3rd St NW, and 2nd ST NW. Their comments were overwhelmingly concerned with traffic on 4th St NW. That 4th Street has heavy traffic that impacts their ability to access 4th St from their homes, that existing businesses create too much traffic and this business would create additional traffic, that the new apartment downtown will increase traffic on 4th as well, and that the development will decrease their property values.

Considerations:

1. Consistency of the proposed zoning with the goals, policies and Future Land Use Map of the Comprehensive Plan.
2. The compatibility of the site with the uses permitted in the proposed zoning district.
3. The compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
4. The capacity of existing infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the “health, safety and welfare” of the residents.
5. Whether the uses permitted in the proposed zoning district will cause detrimental environmental impacts, including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
6. The boundaries of the requested zoning district are sufficient to meet the dimensional regulations for the proposed zoning district.
7. The ability of the applicant to satisfy any requirement (e.g., site plan, etc.) applicable to the specific use imposed pursuant to zoning and land use regulation.

Petitioner: Bruce Baudler, 23218 N. 25th ST, Phoenix, AZ 85024

Location of

Property: 1400 4th St NE, Austin MN 55912

Legal

Description: See attached application

Requested

Action: The petitioner is requesting to rezone this property, consisting of two parcels. Parcel A and B are currently zoned "R-1" single family. The Petitioner wishes to rezone Parcel A to "R-O" Residential-Office and Parcel B to "B-2" Community Business. The future land use plan is proposed to be amended from residential low density to mixed use.

Present

Land Use: None/dilapidated house.

Surrounding

Land Use: South and East ("R-1" Single Family Residential), North and West ("B-2" Commercial).

Reason for

Request: The petitioner has made this rezoning request to accommodate redevelopment of the property.

Applicable

Zoning

Ordinance: The following ordinance applies to the proposed land use:

§ 11.32 R-O, MULTI-FAMILY RESIDENCE - OFFICE DISTRICT.

Subd. 1. *Purpose.* It is the purpose of the R-O district to restore economic value to developed sections of the city where old, large estate properties are no longer practical for single-family residency, and where residential properties along major thoroughfares can be removed and replaced by modern residential and office buildings.

Subd. 2. *Permitted uses.* No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following, except as provided in § 11.80.

(Ord. 1286, passed 11-11-75)

A. *General.* All principal or conditionally permitted uses in R-1 and R-2 districts, except customary home occupations, as listed in § 11.30, Subd. 3, Subpar. D and except mining as listed in § 11.30, Subd. 3, Subpar. H.

(Ord. 165, Second Series, passed 1-5-88)

B. *Cultural.* Colleges for academic instruction.

C. *Mortuary.* Mortuaries or funeral homes when located on premises with frontage on a road which will accommodate parking and traffic flow incident to this use.

D. *Offices.* Business or professional offices.

E. *Studios.* Art, television, radio, music and dance studios and/or conservatories.

F. *Clubs.* Clubs, fraternities, lodges and meeting places for other organizations, not including any use customarily conducted as a gainful business.

(Ord. 1286, passed 11-11-75)

G. *Antennas and towers.* Antenna and towers when mounted on a rooftop not to exceed 25 feet or along a building or other structure not to exceed 75 feet in height above grade.

(Ord. 384, Second Series, passed 5-28-97)

Subd. 3. *Conditional uses.* The following uses shall be permitted only if specifically authorized by the Planning Commission:

(Ord. 1337, passed 2-5-79)

A. *Transient accommodations.* Hotels, motels, motor hotels, tourist homes and bed and breakfasts for any number of guests including incidental commercial accessory uses.

(Ord. 188, Second Series, passed 6-1-89)

B. *Research facilities.* Research facilities will be allowed provided they are within an enclosed building.

(Ord. 1337, passed 2-5-79)

C. *Home occupations.* Customary home occupations as listed in § 11.30, Subd. 3, Subpar. D.

(Ord. 21, Second Series, passed 10-27-81)

D. *Mining.* The extraction of sand, gravel, rock, soil or other material from the land in the amount of 1,000 cubic yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided the removal is an approved item in the building permit.

(Ord. 165, Second Series, passed 1-5-88)

E. *Antennas and towers.* Antenna and towers, when mounted on a rooftop exceeding 25 feet or along a building or other structure exceeding 75 feet in height above grade.

(Ord. 384, Second Series, passed 5-28-97)

Subd. 4. *Accessory uses and buildings.*

A. *Accessory structures.* Accessory uses, buildings or structures as permitted and regulated in the R-2 district and any accessory use, building or structure customarily incidental or accessory to a principal or conditionally permitted use in the R-O district.

B. *Service.* Restaurants, shops and personal service establishments within apartment buildings, hotels, recreation buildings and office buildings, provided all entrances shall be from within such building or project.

Subd. 5. *Requirements.* The requirements for lot area, lot frontage, front yard, side yard, rear yard, lot coverage, height, lot area per dwelling contained in § 11.31, Subd. 5, apply to uses in the R-O district.

A. *Off-street parking and loading.* Off-street parking and loading facilities shall be provided as specified in § 11.70.

B. *Signs.* No billboard, signboard or advertising sign shall be permitted, except as provided in the sign regulations of the City Code.

(Ord. 1286, passed 11-11-75) ('80 Code, § 11.32)

AND

§ 11.41 B-2, COMMUNITY BUSINESS DISTRICT.

Subd. 1. *Purpose.* It is the purpose of the B-2 district to permit and to encourage the establishment of commercial shopping centers which offer a wide variety of consumer goods and services. It is intended that the community business district serve a larger

population and larger area than the B-1 district and, when located along major highways and thoroughfares, accommodate primarily automotive- oriented establishments.

Subd. 2. *Principal permitted uses.* No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in § 11.80.

(Ord. 1286, passed 11-11-75)

A. *General.* All principal or conditional permitted uses as regulated in B-1 neighborhood business district.

(Ord. 1310, passed 10-3-77)

B. *Small retail store establishments.* Retail establishments up to or equal to an aggregate building area of 70,000 square feet.

C. *Personal services and business services.*

1. Personal service establishment;
2. Post offices and telegraph offices;
3. General business services; and
4. Restaurants and cocktail lounges, subject to all applicable regulations and such permits and licenses as may be required by law.

D. *Processing.* Bakery, catering establishment, laundry or dyeing and cleaning works.

E. *Ice storage and distribution station.* Limited to five-ton capacity.

F. *Minor fabrication and repair.* Appliance and television repair shop, plumbing shop, painting and decorating shop, tinsmithing shop, and commercial parking lots.

G. *Drive-in uses.* Drive-in banks, building and loan companies and similar financial institutions; drive-in eating places provided that the premises shall be screened by a sight obscuring solid wall, fence or vegetative screen at least six feet high where it adjoins in the rear or on the sides of any residential district, public park, school or church.

(Ord. 1286, passed 11-11-75)

H. *Home businesses.* Small businesses which are operated and maintained by a resident of the dwelling unit, and when the use is incidental to the residence; provided, however, that the use shall be within the main dwelling and shall be located on one floor only and shall not occupy more than one-third of that floor area.

(Ord. 1336, passed 1-15-79)

I. *Transient accommodations.* Hotels, motels, motor hotels, tourist homes and bed and breakfasts for any number of guests, including incidental accessory uses.

(Ord. 188, Second Series, passed 6-1-89)

J. *General.* Any conditionally permitted use and as regulated in the B-1 district, except as hereinafter specified.

K. *Commercial recreation.* Any type of commercial recreation, including drive-in theaters, baseball fields, swimming pools, skating rinks, golf driving ranges, and similar open air facilities, provided the establishments shall be located at least 100 feet from any residential district.

L. *Animal hospitals, veterinary clinics.* Kennels for display, boarding or treatment of pets and other domestic animals; provided that any structure or area used for such purposes, including pens, and exercise yards, shall be located at least 100 feet from any residential district and that such pens or exercise runs shall be enclosed on four sides by a sight obscuring, unpierced fence or wall at least five feet in height.

M. *Automotive service, farm implements.* Repealed.

(Ord. 352, passed 12-4-95)

N. *Public utility stations and services.*

O. *Stations.* Radio and television transmitting stations and appurtenances thereto.

P. *Warehousing, storage and wholesaling.* Repealed.

(Ord. 352, passed 12-4-95)

Q. *Residential.* Permitted and conditional uses in the R-1, R-2, R-O districts.

Subd. 3. *Conditional uses.* The following uses may be permitted only if specifically authorized by the Planning Commission:

A. *Bottling works.* Bottling of soft drinks and milk or distribution stations, providing a building used for the processing and distribution shall be at least 100 feet from any residential district boundary.

B. *Mining.* Mining would be allowed as a conditional use under § 11.41, Subd. 3, Subpar. I.

(Ord. 213, Second Series, passed 7-30-90)

C. *Limited manufacturing.* The storage, handling, assembly, fabricating, altering, converting, finishing, processing, treating and packaging, except any combustible materials and/or flammable liquids, providing that the use will not be hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise, vibration, radiation, refuse matter or fluid waste.

(Ord. 215, Second Series, passed 9-3-90)

D. *Automotive service, farm implements.* Automobiles, trucks, trailers, farm implements, for sale, display, trailer lots, repair garages, body and fender shops, paint shops, provided that they shall be at least 50 feet from any residential district and that the premises shall be screened by a sight obscuring solid wall, fence or vegetative screen at least six feet high where it adjoins in the rear or on the sides of any residential district, public park, school or church.

E. *Warehousing, storage and wholesaling.* The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use, except any combustible materials and/or flammable liquids, providing that the use will not be hazardous, offensive or objectionable by reasons of odor, dust, cinders, gas, fumes, noise, vibrations, radiation, refuse matter or fluid waste.

(Ord. 352, Second Series, passed 12-29-95)

F. *Large retail store establishments.* Retail establishments exceeding an aggregate building area of 70,000 square feet.

Subd. 4. *Accessory uses and buildings.* Any accessory use, building or structure customarily incident to a principal permitted use or conditionally permitted use, located on the same lot therewith.

Subd. 5. *Requirements.* The following requirements shall be observed:

A. *Business in enclosed buildings.* All business services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations and the outdoor display or storage of vehicles, materials and equipment as hereinbefore specifically authorized or as may be authorized by the Board of Adjustment and Appeals.

B. *Non-objectionable uses.* No process or equipment shall be employed or goods sold which are objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water-carried waste.

C. *New merchandise.* Goods for sale shall consist primarily of new merchandise, except for antique shops and used motor vehicles.

(Ord. 1286, passed 11-11-75)

D. *Yard requirements and bulk regulations.* The yard and bulk requirements defined in § 11.01 shall be observed as specified below:

1. Lot area minimum (sq.ft.): 6,000.
2. Lot frontage minimum (ft.): 60, except where property was platted prior to the adoption of this chapter in which event the frontage and area minimum shall not be less than the platted dimensions.
3. Front yard minimum (ft.): seven.
4. Rear yard minimum (ft.): none, except where adjoining R district, 20 foot minimum.
5. Side yard minimum (ft.): none, except where adjoining R district, 20 foot minimum.
6. Maximum lot coverage: none.
7. Maximum height: three stories or 45 feet.
8. Minimum open area: 20%.

(Ord. 258, Second Series, passed 2-17-92)

E. *Off-street parking and loading.* Off-street parking and loading facilities shall be provided as specified in § 11.70.

F. *Signs.* No billboard, signboard or advertising sign shall be permitted, except as provided in the sign regulations of the City Code.

('80 Code, § 11.41) (Am. Ord. 521, Second Series, passed 5-16-05)

Staff Report:

Considerations:

1. Consistency of the proposed zoning with the goals, policies and Future Land Use Map of the Comprehensive Plan.
2. The compatibility of the site with the uses permitted in the proposed zoning district.
3. The compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
4. The capacity of existing infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the residents.
5. Whether the uses permitted in the proposed zoning district will cause detrimental environmental impacts, including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
6. The boundaries of the requested zoning district are sufficient to meet the dimensional regulations for the proposed zoning district.
7. The ability of the applicant to satisfy any requirement (e.g., site plan, etc.) applicable to the specific use imposed pursuant to zoning and land use regulation.

Other applicable Comprehensive Plan provisions relating to this requested action include the attached sections in this back-up material.

Attachments:

Survey showing existing parcels

Aerial views are available on Mower Co. GIS

Street views are available on Mapillary

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

(This form should be filled out in duplicate by typing or printing in ink)

CITY OF AUSTIN

Street Location of Property: 1400 4th STREET N.W.

Legal Description of Property: ATTACHED

Owner: Name BRUCE BAUDLER Phone 480-502-0518

Address 23218 W. 25th STREET

City PHOENIX State AZ. Zip 85024

Type of Request: ☐ Variance ☐ CUP ☐ IUP ☒ Rezone ☐ Other

Applicable to Section _____ of the Austin City Zoning Ordinance, as amended

Description of Request WISH TO CHANGE ZONING FROM R1
TO A COMBINATION OF R2 + RD TO ACCOMMODATE
DEVELOPMENT

Reason for Request DEVELOP PROPERTY WITH SCOOTER'S
COFFEE - SMALL OFFICE/RETAIL AND TOWNHOUSE
DEVELOPMENT

Present Zoning Classification R1

Existing Use of the Property VACANT

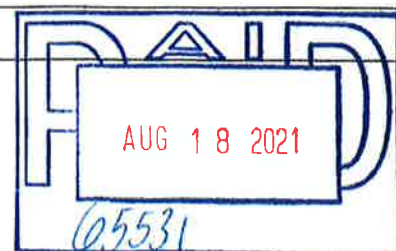
Has a request for a rezoning, variance, or conditional use permit on the subject site or any part thereof been previously sought? YES When? 2018

Signature of Applicant [Signature] Date 8/10/21

Approved _____ Denied _____ by the Planning Commission on _____ (date)

Approved _____ Denied _____ by the Common Council

Comments _____



AFFIDAVIT OF MAILING
PUBLIC HEARING REZONE NOTICE
STATE OF MINNESOTA
COUNTY OF MOWER

Lauren K Heiny, being first duly sworn, disposes and says: "I am a United states citizen, over 21 years of age, and the engineering clerk of the City of Austin, MN."

On Monday, September 27th 2021, acting on behalf of the City Planning Commission, I deposited in the United States Post Office in Austin, Minnesota copies of the attached notice of a hearing, enclosed in sealed envelopes, with postage thereon fully prepaid, address to the following persons at the addresses appearing below their respective names:

Baudler- Rezone
See attached list

There is delivery service by United States mail between the place of mailing and the places so addressed.

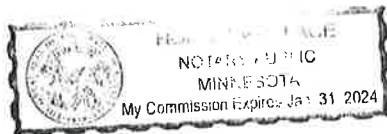


Lauren K Heiny

Subscribed and sworn to before me
This 27th of September 2021.



Notary Public



Baudler Rezone Affidavit of Mailing List

Ajulu Opiew- 302 14th PI NW

Adam and Kristin Ansorge- 300 14th PI NW

Kent and Georgiann Simonson- 1402 2nd St NW

Karen Baldridge- 1400 2nd St NW

Daniel Dalager- 1306 2nd St NW

Wendel and Erleen Nelson- 1304 2nd St NW

Otis and Mary Clasby- 1300 2nd St NW

Codie Miller- 1305 2nd St NW

Thomas Ntabo- 1307 2nd St NW

Holly Christianson- 1309 2nd St NW

Ronald Carlsen- 1311 2nd St NW

Dan and Carol Carolan- 301 14th PI NW

Brian and Terrye Butts- 303 14th PI NW

James and Terri Stough- 305 14th PI NW

John Locher- 307 14th PI NW

Ann Marie Warner- 306 14th PI NW

Michael and Jennifer Forbes- 304 14th PI NW

Rebecca Morris- 404 12th PI NW

Peter Erickson- 400 12th PI NW

Jack and Becky Faas- 302 12th PI NW

Kyle Stanley- 304 12th PI NW

Stephanie Montes- 306 12th PI NW

Darren Thomas- 308 12th PI NW

Adrian Vela- 310 12th PI NW

Marco Quezada- 1300 3rd St NW

Yuanguo Wang- 1302 3rd St NW

Danielle Wagner- 1304 3rd St NW

Coleen Flanders- 1301 2nd St NW

James and Jeanne Rushton- 1303 2nd St NW

Maria Vargas- 1308 5th St NW

Joe Ortega- 510 12th Ave NW

Steven Schmidt- 508 12th Ave NW

Robert Scheirbeck- 505 13th Ave NW

Rottinghaus LLC- 510 Gillete St Lacrosse

CAS Enterprise- 19295 Hwy 52 Pleasanton KS

Todd Carlson- 1211 4th St NW

Debra Earl- 1209 4th St NW

Northland Investments- 3112 Golf Rd Eau Claire

Kelly Mosher- 1304 4th St NW

Timothy and Rebecca Hansen- 1305 3rd St NW

Jacob Heigel- 1302 4th St NW

G Wayne Marshall- 1303 3rd St NW

Don and Lori Mcedward- 1300 4th St NW

John Lembrick- 1301 3rd St NW

Tom and Deb Smith- 406 12th PI NW

Jessica Wroblewski- 402 12th PI NW

Suen/Huang Family Trust- 1409 4th St NW

Convenience Store Inv- 1626 Oak St Lacrosse

Robert and Virgina Berg- 1408 5th St NW

Michael and Mary Goetz- 1406 5th St NW

Finley Properties- 1404 5th St NW

Lucia Luna- 1402 5th St NW

Oscar and Sandra Talamantes- 510 13th Ave NW

Annette Grage- 508 13th Ave NW

Gary Jacobson- 1310 5th St NW

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF AUSTIN, MINNESOTA
AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND
USE REGULATION (ZONING)" BY CHANGING A LAND
USE DISTRICT; AND BY ADOPTING BY REFERENCE,
CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG
OTHER THINGS, CONTAIN PENALTY PROVISIONS.**

THE CITY COUNCIL OF THE CITY OF AUSTIN ORDAINS as follows:

Section 1. City Code Chapter 11 is hereby amended by changing the Use District as follows:

The Use District of the hereinafter described premises (see attached Exhibit "A") Parcels A and B shall be changed as follows:

Parcel A shall be changed from R-1 (Single Family) to R-O (Residential/Office)

Parcel B shall be changed from R-1 (Single Family Residential) to B-2 (Community Business).

The Future Land Use map shall be changed from Suburban Low Density Residential to Mixed Use.

Section 2. The foregoing change shall be noted on the Zoning Map in accordance with City Code Section 11.02.

Section 3. City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Passed by a vote of Yeas and Nays this ____ Day of _____, 2021.

Yeas ____

Nays ____

ATTEST:

APPROVED:

Tom Dankert
City Recorder

Steven King
Mayor

NW CORNER SE1/4
SECTION 34-T103N-R18W

○ = 5/8 Inch x 16 Inch iron stake monument
(Capped SJT 22705)-Placed
● = Iron stake monument-Found
M=Measured Distance & Angle
D=Deed Distance & Angle
N.T.S.=Not to Scale
—X— =PVC Fenceline



**JONES
HAUGH
SMITH**

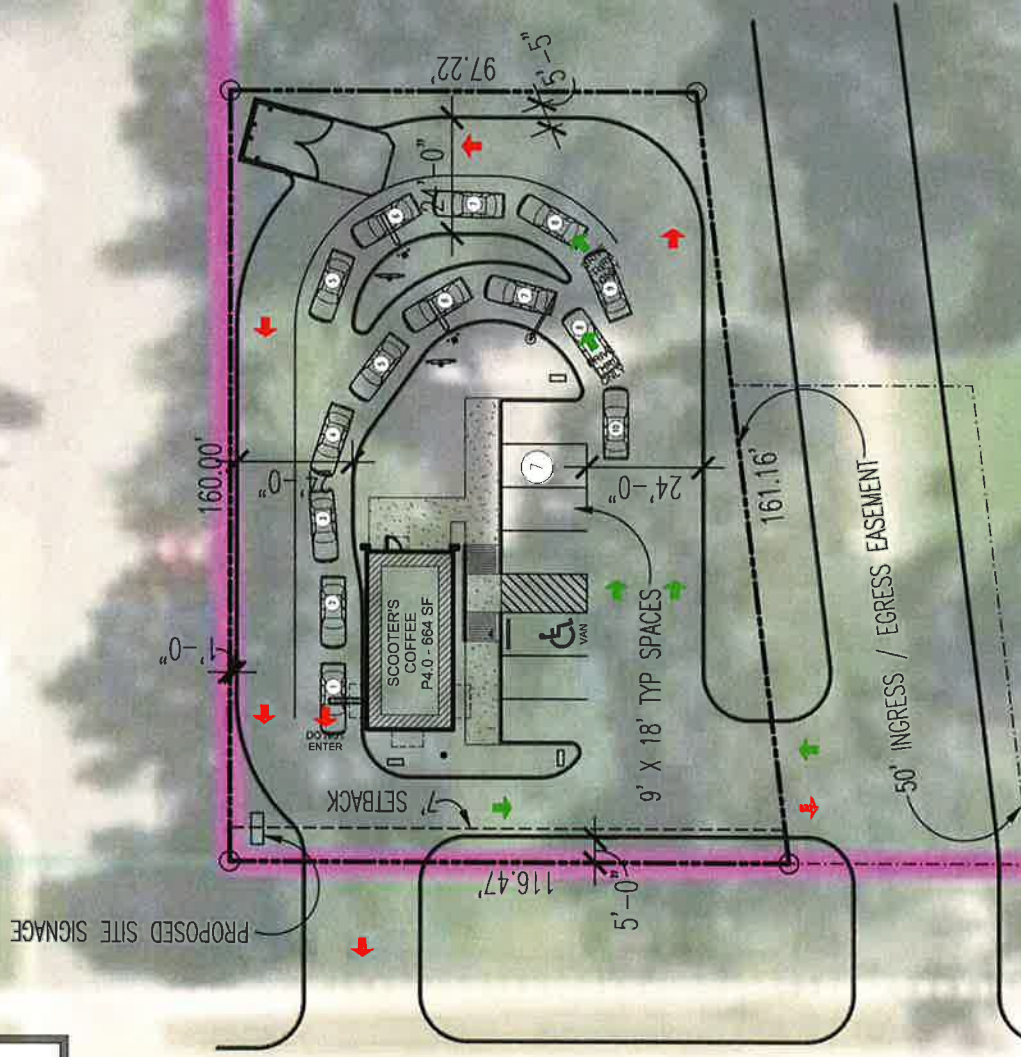
515 South Washington Ave.
Albert Lea, MN 56007
507-373-4876

415 West North Street
Owatonna, MN 55060
507-451-4598

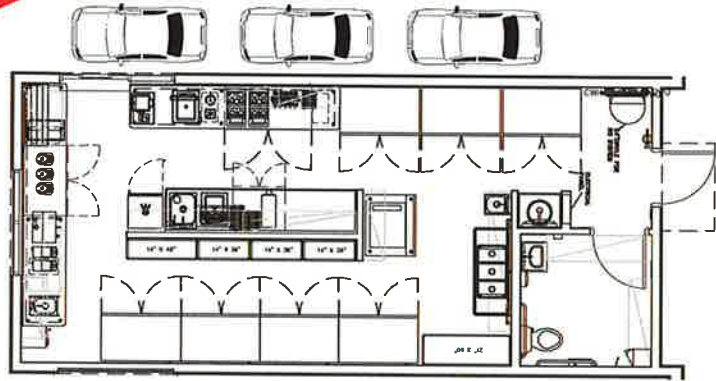
Engineers + Surveyors

GENERAL NOTES:

1. PROPERTY AREA: ±16,000 SF - 0.37 ACRES
2. BUILDING AREA: 664 SF
3. PARKING: 7 TOTAL SPACES



BUSINESS MODELS / DRIVE-THRU KIOSK

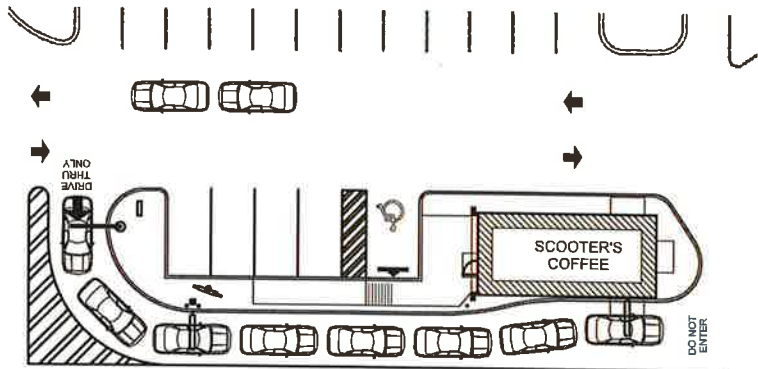


- BUILDING: 630 sq ft
- LOT SIZE: 5,000 sq ft
- PARKING: 4 employee parking fields
- WATER & SEWER: Required
- VOICE & DATA: Required
- GAS: Not required
- GREASE TRAP: Per city codes
- DRIVE-THRU LANE: Stacking must meet city codes
- WALK-UP WINDOW: Optional
- PATIO: Optional
- SIGNAGE: Maximum allowed by city/landlord

AWARDS



SITE PLAN



NATIONAL EXPANSION

Opened 48 STORES in 2020
On track to open 140 STORES in 2021

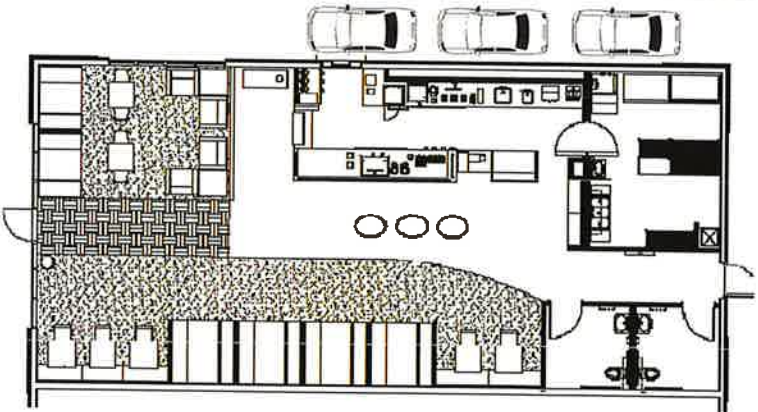


- Available Markets (open for development)
- States with Open Locations or Commitments
- Sold Out Markets

LOCATION CRITERIA

- 25,000+ Vehicles Per Day
- Hard corner preferred
- Stop light preferred
- Popular morning commute routes
- Morning commute side of the street
- Parking fields or small parcels (5,000+ SF)
- In your face visibility
- Access from all directions (no medians)
- Speed limit 25-45 mph
- Plentiful signage opportunities
- Ground Lease or Sale

BUSINESS MODELS / DRIVE-THRU COFFEEHOUSE

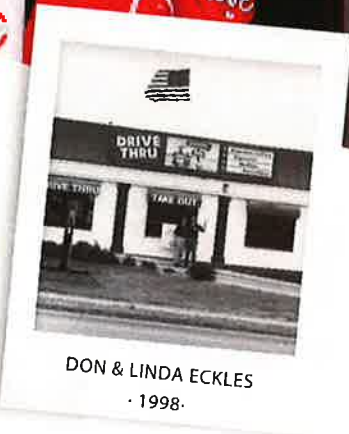


- BUILDING: 1,600 - 2,000 sq ft
- PARKING: Per city requirement
- HVAC: 7.5 tons
- ELECTRIC: 400 amps, 3 phase
- WATER & SEWER: Required
- VOICE & DATA: Required
- GAS: Not required
- GREASE TRAP: Not required
- ORDER BOX: 1 (required)
- DRIVE-THRU WINDOW: 1 (required)
- DRIVE-THRU LANE: Stacking must meet city codes
- PATIO: Preferred
- SIGNAGE: Maximum allowed by city/landlord
- LOCATION: End cap of a strip center (drive-thru window required)



OUR STORY

In 1998, Scooter's Coffee was born. Co-founders Don and Linda Eckles began an amazing journey when they opened their first drive-thru coffeehouse in Bellevue, Nebraska. Their keys to success: find a great location and stay committed to high-quality drinks, speed of service, and a BIG smile.



Scooter's Coffee's success over many years of history is very simple: stay committed to the original business principles and company core values. The Scooter's Coffee Brand Promise, spoken of often to franchisees, customers and employees is: "Amazing People, Amazing Drinks... Amazingly Fast!®" It represents the company's business origins from 1998 and reflects a steady commitment to providing an amazing experience for our customers.



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REAL ESTATE SITE CRITERIA & SITE SELECTION

OWNASCOOTERS.COM



Findings and Decision
Re-Zone Baudler Parcel

WHEREAS, Bruce Baudler has petitioned to re-zone his property located at 1400 Fourth Street NW, Austin, Minnesota, which is now zoned R-1 Single Family;

WHEREAS, Bruce Baudler has recently subdivided said parcel into two parcels, labeled Parcel A and Parcel B, to accommodate his plans to develop Parcel B into a Scooter's Coffee kiosk, while retaining some flexibility to further develop Parcel A in the future;

WHEREAS, based on the above, Bruce Baudler has requested Parcel B be re-zoned to B-2 Community Business District, and Parcel A be re-zoned to R-O Residential-Office;

WHEREAS, a public hearing was held before the Austin Planning Commission on October 12, 2021, at which evidence and testimony was provided by City staff, the Developer of Parcel B, a representative of Bruce Baudler, and neighbors owning parcels located within 350 feet of the subject parcel;

WHEREAS, the Planning Commission voted unanimously in favor of a recommendation to the City Council that the requests to re-zone both parcels be denied;

WHEREAS, the Planning Commission's recommendation was based in whole or material part upon an opinion that further commercial, office, or even multiple family housing on the subject parcel would add to the existing traffic congestion on Fourth Street NW causing a threat to the safety and welfare of those living in and traveling upon and across Fourth Street NW and the intersecting avenues and existing drive way access points;

WHEREAS, the opinions expressed in the public hearing relating to traffic congestion and public safety concerns were entirely anecdotal and lacking in any measurable objective standard raising concerns about the accuracy of such opinions and the weight to be given to such opinions;

WHEREAS, City Council received additional professional guidance from the City Administrator, the City Planning Director, and the City Engineer on the subject of public safety, traffic congestion, and the highest and best use of this parcel from a future land use perspective.

WHEREAS, the City Council debated and discussed whether to adopt the recommendation of the Planning Commission by denying the requests to re-zone Parcel A and Parcel B, or whether to approve those requests.

NOW, THEREFORE, The Common Council of the City of Austin, Minnesota hereby finds as follows:

1. Fourth Street NW is an Minor Arterial, meaning it is intended to and serves as a primary travel course moving vehicular and pedestrian traffic between the downtown core business district, the 18th Avenue commercial corridor, Interstate 90, and generally moving traffic north and south through the community. It is constructed and controlled with the knowledge and understanding that vehicular traffic will be heavy throughout the day. This is not a defect to be avoided, but instead is a design feature of the overall roadway system in the community. In the Northwest quadrant of Austin, the only other only Minor Arterial running North-South is Fourteenth Street NW, and the only Minor Arterial running East-West is Oakland Avenue/First Avenue.
2. Traffic is encouraged, by way of traffic control devices and other mechanisms to funnel from the interstate and Principal Arterials (e.g., Highway 2018 North) onto Minor Arterials, then onto Major and Minor Collectors (spaced every four blocks or so), and ultimately onto Local Roads primarily serving those who live there. Again, this is all part of a well-organized, well-planned traffic system that allows for safe and efficient travel from one part of town to another. This benefits the health safety and welfare of all citizens and encourages more intense development on the arterial streets where traffic counts are higher while preserving Local Roads and an overall small town experience.
3. When the Interstate was built and the locations of the interstate interchanges were selected, those choices had a profound impact on properties near the existing roadways serving those interchanges. Ever since, those roadway designs and traffic controls have been upgraded and redesigned to handle the increased traffic naturally flowing from and to those interchanges. Similarly, with the increased traffic on those roadways, residential uses have diminished in value and commercial uses have expanded consistent with the long-term impacts of that increased traffic. This slow expansion of commercial and business uses with the commensurate replacement of residential uses is a natural outgrowth of these pressures. Buyers of homes on Minor Arterials have enjoyed favorable purchase prices as compared to similar homes located on Local Roads. Similarly, single family homes have converted to multi-family homes and small business offices. Other former homes have been removed in favor of commercial development. This is to be anticipated in a growing and thriving market as investment in single family homes moves to the local roads and parcels on the Minor Arterials become more and more attractive for commercial investment.
4. The comprehensive plan for the City of Austin recognizes all of the above and further states that Minor Arterial collectors “typically have a greater focus on mobility than land access” (meaning the movement of traffic is more valued than providing easy access to adjacent properties). The comprehensive plan also acknowledges that land uses near the interstate will be more intense and those uses may diminish in intensity further from the interstate. In fact, the comprehensive plan categorizes Fourth Street NW as a Principal Arterial collector due to the existing commercial uses on both sides of the road south of Interstate 90. The comprehensive plan also calls for efforts to “in-fill” underutilized properties, to expand economic development where appropriate, and recognizes that development adds to the overall economic vitality of the community.
5. As a result of the above, the parcels surrounding the subject parcels are currently zoned as follows:

- North: B-2 Community Business District - primary use is currently as a Hardees Restaurant. These uses continue to the Interstate. Commercial uses also predominate North of the Interstate.
- West: B-2 Community Business District - Primary uses include liquor store, veterinary hospital, Subway Restaurant, Kwik-Trip Convenience Store and Gas Station, Car Wash, and Burger King. These uses are immediately adjacent to single family structures, with only screening walls separating the two.
- South: Single Family Structures built prior to the Interstate.
- East: Single Family Structures, some built prior to the Interstate, and some built after the interstate, these homes enjoy the benefits of being served by Local Roads rather than Minor Arterials. Prior commercial development North of the subject parcel (Hardees) included a screening wall for separation between that development and the adjacent residential structures, and retention of substantial rear setbacks on the commercial lot.

The subject parcel is the next parcel south of the commercial district and therefore is the logical place where any expansion of commercial use would occur. If commercial uses are expanded as proposed, the commercial uses on the East side of Fourth Street NW will extend southward commensurate with commercial uses already existing on the West side of Fourth Street NW. As such, this proposal does not inordinately change the current character of the neighborhood.

5. The subject parcel has been vacant for almost five years. The current structure is not in good repair. It is not reasonable to expect that the current structure will be restored nor that the current parcel will be returned to a single family use. Further, it is not reasonable to expect that single family investment would occur if the parcel were subdivided. Residential investment is universally occurring elsewhere in the community and the above findings support a conclusion that investment in this location is certain to include commercial or business uses.
6. Over the past 22 years, multiple development proposals have been presented and the same arguments have been made by residential neighbors. Those proposed developments have never included a residential use, until now. For a variety of reasons the City Council has denied those proposals leaving the parcel zoned only for R-1 Single Family uses. This has left this sizeable lot without any reasonable use or expectation of development. It is in the best interests of the broader community to see this parcel put to use, and the proposed uses present limited impacts on the adjacent properties.
7. The traffic patterns on Fourth Street NW are heavy by design. However, the traffic does not exceed the capacity of a Minor Arterial. All available traffic controls, turn lanes, and other mechanisms have been employed to reduce the impact of this traffic on the remaining residential neighbors. There are no further mechanisms available other than those that would push traffic off of Fourth Street NW and onto other less efficient pathways. Such a choice would undermine the global traffic system and its current level of effectiveness and efficiency. In other words, Fourth Street NW is and will remain a busy street with the highest traffic counts being North of Thirteenth Avenue NW. This proposed development will not add to this traffic intensity in a material sense. The impacts of the development have been mitigated as possible by the limitation

that the sole ingress point will be directly across from Thirteenth Avenue NW. This will mean that those attempting to cross Fourth Street NW, egress from the subject parcel to the South, or ingress the subject parcel from any direction will do so only at an existing intersection. Those exiting from the subject parcel to the North will not create additional congestion as that transition should be easy. Therefore, the provision of an “exit only/right turn only” option will move those exiting vehicles away from the intersection where other traffic may be entering or exiting. This traffic control limitation is sufficient to mitigate concerns about traffic as much as possible.

8. Pedestrian crossings are always a concern on Minor Arterials (and other more traffic intense roadways). Pedestrians do need to exercise care whenever crossing such highly traveled roadways. Cross walks are available South of this location. Crossing Guards are stationed south of this location on school days. Public works can monitor this location and if a cross-walk is needed, the Council can consider that request. However, the proposed location is not reasonably expected to increase the number of pedestrians in the area nor to change the way those pedestrians cross Fourth Street NW currently. As such, there is no reliable evidence that pedestrian safety will be adversely impacted, and if such impact occurs there are alternative solutions that are less detrimental than leaving the subject parcel without any reasonable use.
9. The proposed development, including a Scooter’s Coffee kiosk on Parcel B, is a reasonable and logical continuation of a transition from historical residential uses on Fourth Street NW near the interstate. Re-zoning all of the subject parcel as proposed will further encourage productive use of the subject parcel and further development in the future. The proposed approach is consistent with the comprehensive plan and the overall logic and purpose of the zoning ordinance.
10. The neighboring property owner argues that this decision will diminish the value of that owner’s single family home. That home has a driveway onto Fourth Street NW. The owners testified that they purchased the home after the interstate was constructed and when nearly all the existing commercially zoned structures were in place. As such, they purchased the property with full knowledge of the Minor Arterial nature of Fourth Street NW, with full awareness that their drive way was on Fourth Street NW, and that commercial uses extended from the interstate to across the street from their home. Further, they knew that their home was located next to a 2.1 acre parcel likely to transition and be redeveloped. No evidence was presented (e.g., a real estate professional, an appraiser, etc.) to support a finding that this development (as presented) will negatively impact the value of their property.
11. Other neighboring property owners argue that any additional burdens placed on Third Street NW will create safety concerns or exceed traffic capacities of Third Street NW. First, the matter before the Council is not a plat or subdivision of Parcel A such that the Council is deciding whether a street extension bringing 3rd Street NW into Parcel A should be allowed or not. Those decisions will be made at a latter date at which time the current design of Third Street NW, Twelfth Place NW, etc. can be reviewed with an actual subdivision proposal. Those issues do not confront the City Council today as the question before us is whether Parcel A should be re-zoned to allow R-O Residential-Office uses in addition to the already existing residential uses allowed under the current zoning designation.
12. The Planning Commission recommendation was based entirely on findings that the increased traffic would exceed the capacity of Fourth Street NW, and that this would in-turn create health,

safety, and welfare concerns for those who live in the neighborhood. While the public hearing included claims in this regard, those claims are not supported by the data, are not supported by the City Engineer, nor the City Planning Director. In fact, information provide by each required a different conclusion. The proposed development will have nominal impact on either traffic congestion or pedestrian safety. Such impact is entirely consistent with Fourth Street NW being a Minor Arterial and the proximity to the interstate interchange. The traffic on Fourth Street NW is intended to be heavy. Any minor increase seen from this development will not push the traffic beyond the capacity of a Minor Arterial to handle. If pedestrians do experience difficulties with this area, the Public Works department may suggest the addition of a cross walk, but that decision should be based on actual experienced conditions and not assumed on conjecture.

13. As the City Council has determined that the Planning Commission recommendation is not supported by the evidence, and is not in the interests of the public, the City Council hereby determines as follows:
 - A. The future land use map should be and hereby is revised to whatever extent necessary to include the subject parcel in the area planned for future commercial development consistent with the area on the West side of Forth Street NW and the area north of the subject property and south of the interstate.
 - B. The subject parcel be re-zoned consistent with the applications submitted by Mr. Baudler and described above, namely Parcel B is re-zoned to B-2 Community Business and Parcel A is re-zoned to R-O Residential Office.

The above findings and Decision are adopted by the Common Council of the City of Austin on this 18th day of October, 2021, by a vote of yeas and nays as follows:

Yeas: _____

Nays: _____

ATTEST:

APPROVED:

City Recorder

Mayor

Findings and Decision
Re-Zone Baudler Parcel

WHEREAS, Bruce Baudler has petitioned to re-zone his property located at 1400 Fourth Street NW, Austin, Minnesota, which is now zoned R-1 Single Family;

WHEREAS, Bruce Baudler has recently subdivided said parcel into two parcels, labeled Parcel A and Parcel B, to accommodate his plans to develop Parcel B into a Scooter's Coffee kiosk, while retaining some flexibility to further develop Parcel A in the future;

WHEREAS, based on the above, Bruce Baudler has requested Parcel B be re-zoned to B-2 Community Business District, and Parcel A be re-zoned to R-O Residential-Office;

WHEREAS, a public hearing was held before the Austin Planning Commission on October 12, 2021, at which evidence and testimony was provided by City staff, the Developer of Parcel B, a representative of Bruce Baudler, and neighbors owning parcels located within 350 feet of the subject parcel;

WHEREAS, the Planning Commission voted unanimously in favor of a recommendation to the City Council that the requests to re-zone both parcels be denied;

WHEREAS, the Planning Commission's recommendation was based in whole or material part upon an opinion that further commercial, office, or even multiple family housing on the subject parcel would add to the existing traffic congestion on Fourth Street NW causing a threat to the safety and welfare of those living in and traveling upon and across Fourth Street NW and the intersecting avenues and existing drive way access points;

WHEREAS, the City Council has carefully considered the evidence presented in the public hearing before the Planning Commission, the comprehensive plan, the uses allowed in both R-O Residential-Office and B-2 Community Business districts, the traffic congestion currently existing in this area of 4th Street NW, and the impacts any commercial or office development will have on existing homes on 4th Street NW as a result of any further increases in traffic;

WHEREAS, the City Council debated and discussed whether to adopt the recommendation of the Planning Commission by denying the requests to re-zone Parcel A and Parcel B, or whether to approve those requests.

NOW, THEREFORE, The Common Council of the City of Austin, Minnesota hereby finds as follows:

1. Fourth Street NW is in the area of the subject parcel is already overly congested and difficult to navigate. No further enhancements are planned nor anticipated that would reduce the traffic counts on this stretch of Fourth Street NW.

2. The subject parcel retains a highest and best use consistent with its current zoning classification, namely R-1 Single Family Residential. Its large size, about 2.1 acres, makes a residential development subdivision a plausible alternative to encouraging any expansion of commercial uses beyond their current boundaries.
3. The parcels surrounding the subject parcel are currently zoned as follows:

North: B-2 Community Business District - primary use is currently as a Hardees Restaurant. These uses continue to the Interstate. Commercial uses also predominate North of the Interstate.

West: B-2 Community Business District - Primary uses include liquor store, veterinary hospital, Subway Restaurant, Kwik-Trip Convenience Store and Gas Station, Car Wash, and Burger King. These uses are immediately adjacent to single family structures, with only screening walls separating the two.

South: Single Family Structures, some with driveways on Fourth Street NW.

East: Single Family Structures, some of which have back yards adjacent to the subject parcel.
6. Over the past 22 years, multiple development proposals have been presented for the subject parcel, each time those requests have been denied on similar grounds to those adopted by the Planning Commission. This current proposal presents similar impacts to the surrounding area.
7. The City Council hereby determines that the recommendation of the Planning Commission is well-reasoned and supported by the evidence presented in the public hearing. As such, the City Council adopts the same as its final action on the Petition to Re-Zone submitted by Mr. Baudler. Such petition is denied. The subject parcel will remain zoned R-1 Single Family Residential.

The above findings and Decision are adopted by the Common Council of the City of Austin on this 18th day of October, 2021, by a vote of yeas and nays as follows:

Yeas: _____

Nays: _____

ATTEST:

APPROVED:

City Recorder

Mayor

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF AUSTIN, MINNESOTA
AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND
USE REGULATION (ZONING)" BY CHANGING A LAND
USE DISTRICT; AND BY ADOPTING BY REFERENCE,
CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG
OTHER THINGS, CONTAIN PENALTY PROVISIONS.**

THE CITY COUNCIL OF THE CITY OF AUSTIN ORDAINS as follows:

Section 1. City Code Chapter 11 is hereby amended by changing the Use District as follows:

The Use District of the hereinafter described premises (see attached Exhibit "A") Parcels A and B shall be changed as follows:

Parcel A shall be changed from R-1 (Single Family) to R-O (Residential/Office)

Parcel B shall be changed from R-1 (Single Family Residential) to B-2 (Community Business).

The Future Land Use map shall be changed from Suburban Low Density Residential to Mixed Use.

Section 2. The foregoing change shall be noted on the Zoning Map in accordance with City Code Section 11.02.

Section 3. City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Passed by a vote of Yeas and Nays this ____ Day of _____, 2021.

Yeas ____

Nays ____

ATTEST:

APPROVED:

Tom Dankert
City Recorder

Steven King
Mayor

Exhibit A

The Property prior to subdivision is described as follows:

All that part of the NW¼ SE¼ Section 34-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northwest corner of Block 1, Cedar View Addition, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence north 00°29'55" west a distance of 10.00 feet, on an assumed bearing, on a northerly extension of the west line of said Block 1, to the point of beginning;

thence north 00°29'55" west a distance of 88.18 feet, on a northerly extension of the west line of said Block 1, to the south line of Parcel No. 416K as described in the NOTICE OF LIS PENDENS recorded in the office of the Mower County Recorder in Book 9 of Miscellaneous at page 575;

thence north 89°30'05" east a distance of 22.00 feet, on the south line of said Parcel No. 416K, to a point 55.00 feet east of the west line of the SE¼ of Section 34 - T103N - R18W;

thence north 00°29'55" west a distance of 165.77 feet, on the east line of said Parcel No. 416K and the east line of Parcel No. 316K, as described in said NOTICE OF LIS PENDENS recorded in said Book 9 Miscellaneous at page 575, to the point of intersection with a line drawn at an angle of 90°55' from the west line of said SE¼ measured from south to east from-a point thereon, which is 850.92 feet south of the northwest corner of said SE¼ Section 34;

thence north 88° 35'05" east a distance of 198.00 feet, on an easterly extension of the last described line, to a point on the west line of Lot 5, Block 1 in Plat of Pasture Heights, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence south 00°22'25" east a distance of 5.10 feet, on the west line of said Lot 5, to the southwest corner thereof;

thence north 89°10'48" east a distance of 160.50 feet, on the south line of said Lot 5 to the southwest corner thereof;

thence south 00°22'25" east a distance of 205.74 feet, on the west line of Lots 1 & 2 in Block 1 of said Plat of Pasture Heights to the southwest corner of Block 1, in said Plat of Pasture Heights;

thence south 00°27'12" east a distance of 45.00 feet, on a northerly extension of the east line of Lot 3, Block 2, of said Plat of Cedar View Addition, to a point 10.0 feet north of the northeast corner of said Lot 3, Block 2, Cedar View Addition;

thence south 89°10'48" west a distance of 380.00 feet, on a line parallel with and 10.0 feet north of the north line of said Cedar View Addition, to the point of beginning;

subject to easements of record.

Following subdivision, **Parcel A** is described as follows:

All that part of the NW¼ SE¼ Section 34-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northwest corner of Block 1, Cedar View Addition as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence North 00°29'55" West a distance of 10.00 feet on an assumed bearing on the northerly extension of the west line of said Block 1, to the point of beginning;

thence North 00°29'55" West a distance of 88.00 feet on said northerly extension, to the south line of Parcel No. 416K as described in the NOTICE OF LIS PENDENS recorded in the office of said Mower County Recorder in Book 9 of Miscellaneous, Page 575;

thence North 89°30'05" East a distance of 22.00 feet on said south line, to the east line of said Parcel No. 416K;

thence North 00°29'55" West a distance of 50.42 feet on the east line of said Parcel 416K and the east line of Parcel No. 316K in said NOTICE OF LIS PENDENS;

thence North 83°02'17" East a distance of 160.60 feet;

thence North 00°21'33" West a distance of 100.00 feet, to the intersection of a line at an angle of 91°03'22" from the west line of the SE¼ of said Section 34, measured from south to east and which is 850.92 feet south of the northwest corner of said SE¼;

thence North 88°35'05" East a distance of 38.16 feet on said line, to the west line of Lot 5, Block 1, Pasture Heights as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence South 00°22'25" East a distance of 5.52 feet on said west line, to the southwest corner of said Lot 5;

thence North 89°10'48" East a distance of 160.44 feet on the south line of said Lot 5, to the southeast corner thereof;

thence South 00°22'25" East a distance of 205.40 feet on the west line of Lots 1 & 2 in said Pasture Heights, to the southwest corner of said Lot 1;

thence South 00°27'12" East a distance of 45.08 feet on the northerly extension of the east line of Lot 3, Block 2 of said Cedar View Addition, to a point 10.00 feet north of the northwest corner of said Lot 3;

thence South 89°10'48" West a distance of 380.00 feet, parallel with and 10.00 feet north of said Cedar View Addition, to the point of beginning;

subject to easements of record.

Following subdivision, **Parcel B** is described as follows:

All that part of the NW¼ SE¼ Section 34-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northwest corner of Block 1, Cedar View Addition as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence North 00°29'55" West a distance of 10.00 feet on an assumed bearing on the northerly extension of the west line of said Block 1; thence North 00°29'55" West a distance of 88.00 feet on said northerly extension, to the south line of Parcel No. 416K as described in the NOTICE OF LIS PENDENS recorded in the office of said Mower County Recorder in Book 9 of Miscellaneous, Page 575; thence North 89°30'05" East a distance of 22.00 feet on said south line, to the east line of said Parcel No. 416K; thence North 00°29'55" West a distance of 50.42 feet on the east line of said Parcel 416K and the east line of Parcel No. 316K in said NOTICE OF LIS PENDENS, to the point of beginning;

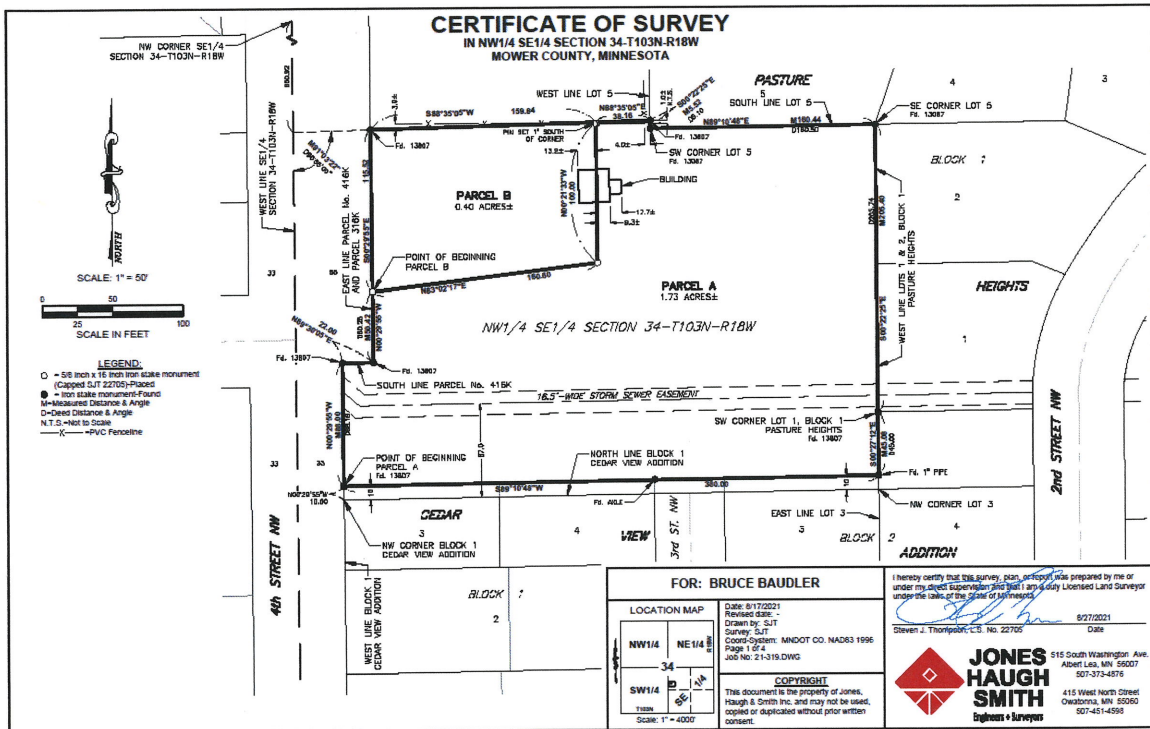
thence North 83°02'17" East a distance of 160.60 feet;

thence North 00°21'33" West a distance of 100.00 feet, to the intersection of a line at an angle of 91°03'22" from the west line of the SE¼ of said Section 34, measured from south to east and which is 850.92 feet south of the northwest corner of said SE¼;

thence South 88°35'05" West a distance of 159.84 feet on said line, to said east line;

thence South 00°29'55" East a distance of 115.52 feet on said east line, to the point of beginning.

For illustrative purposes, the following is a depiction of Parcel A and Parcel B all being a part of the Property prior to subdivision.



City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Planning & Zoning Department
507-437-9950
Fax 507-437-7101

Memorandum

To: Mayor and City Council
From: Holly Wallace, Planning and Zoning Administrator
Date: October 13, 2021
Re: Off-Street Parking Appeal Submitted by Mill on Main, LLC

At the October 12, 2021 Planning Commission meeting, the petitioner requested approval of 153 parking stalls for a new 92 unit apartment project, Mill on Main, at the former YMCA site at 704 1st Dr NW. City Code Section 11.70 H(2), requires 207 spaces.

The petitioner proposes 1.66 spaces per dwelling unit. The city zoning code requires 2.25. The petitioner detailed the units and bedrooms per unit. More studio and one bedroom apartments support a lower number of parking stalls than required by city ordinance.

Section 11.70, Subd. 5:

All parking requirements are open to appeal to the Planning Commission and Board of Adjustment and Appeals.

REQUIRED OFF-STREET PARKING 207 spaces

Parking Proposed: 153 spaces (74% of required parking)

The planning commission with 8 members present found:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*
2. *The variance is consistent with the comprehensive plan.*
3. *The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision.*

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Planning & Zoning Department
507-437-9950
Fax 507-437-7101

Memorandum

To: Mayor and City Council

From: Austin Planning Commission

Re: Request for Height Variance, submitted by Mill on Main, LLC

Date: October 13, 2021

At the October 12, 2021, meeting of the Austin Planning Commission, Mill on Main, LLC, requested a variance from City Code Section 11.41, Subd. 5(D)(7) limiting the maximum height in a B-2 district to three stories or 45 feet.

The project proposes a five-story building including a partially buried lower-level parking garage that walks out to the east. The proposed height is 45' from the first-floor (west) and 55'-8" from the lower-level (east).

The neighboring R-2 Districts to the West and North, would allow a height up to 80 feet for a similar size lot. The lot is approximately 2 acres. Properties in close proximity include The Cedars, Pickett Place and Austin Lane Condos, between 4 and 8 stories.

The Planning Commission, based on the information presented, found that:
The variance is in harmony with the general purposes and intent of the zoning code.
The variance is consistent with the comprehensive plan.
The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision.

After review, the Planning Commission, with eight members present, recommended granting the variance by the following vote:

Ayes – 8

Nays – 0

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

(This form should be filled out in duplicate by typing or printing in ink)

CITY OF AUSTIN

Street Location of Property: 704 1st Drive NW

Legal Description of Property: See Attached.

Owner: Name Mill on Main LLC Phone 605.362.4663

Address PO Box 89624

City Sioux Falls State SD Zip 57109

Type of Request: ☒ Variance ☐ CUP ☐ IUP ☐ Rezone ☐ Other

Applicable to Section 11.70, Subd. 1 and 11.41, Subd. 5 of the Austin City Zoning Ordinance, as amended

Description of Request See attached.

Reason for Request See attached.

Present Zoning Classification B-2 Community Business District

Existing Use of the Property Previous site of the YMCA

Has a request for a rezoning, variance, or conditional use permit on the subject site or any part thereof been previously sought? N/A When? N/A

Signature of Applicant [Signature] Date 9/20/21

Approved ☐ Denied ☐ by the Planning Commission on _____ (date)

Approved ☐ Denied ☐ by the Common Council

Comments _____

Mill on Main

704 1st Drive NW, Austin, MN

Application for Consideration of Planning Request – Variance Description

September 20, 2021

Variance From Off-Street Parking Requirement

Applicable to Section:

Section 11.70, Subdivision 1.

Description of Request:

A variance is requested from the off-street parking requirements for multiple dwellings, consisting of three or more units, requiring 2.25 parking spaces for each dwelling unit. The project proposes 153 parking spaces for 92 dwelling units which equates to 1.66 parking spaces for each dwelling unit.

Reason for Request:

The project team feels that the proposed off-street parking provided in the design proposal will exceed the parking needs of the facility. The following parking ratios, based on similar building types in Stencil Group's project portfolio, reflect the project team's expectation of the parking needs of the proposed facility.

- 16 studios at an average of 1.1 cars per unit = 18 cars
- 46 one-bedroom apartments at an average of 1.5 cars per unit = 69 cars
- 30 two-bedroom apartments at an average of 2.1 cars per unit = 63 cars

Based on these ratios, the total off-street parking provided in the design proposal of 153 spaces exceeds the project team's expected parking needs of 150 spaces.

Variance From Maximum Building Height Requirement

Applicable to Section:

Section 11.41, Subdivision 5.

Description of Request:

A variance is requested from the B-2 Community Business District maximum building height of three stories or 45'. The project proposes a five-story building including a partially buried lower-level parking garage that walks out to the east. The proposed height is 45' from the first-floor (west) and 55'-8" from the lower-level (east).

Reason for Request:

The project is located adjacent to an eight-story building in the R-2 District, a four-story building in the B-2 District, and a four-story building in the B-3 District. The design proposal is consistent with the current aesthetics of the area and is intended to support and participate in community growth.

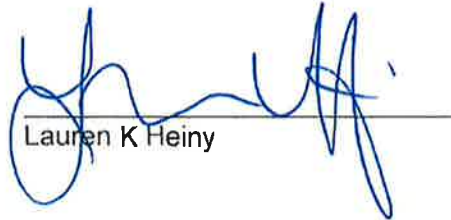
AFFIDAVIT OF MAILING
PUBLIC HEARING VARIANCE NOTICE
STATE OF MINNESOTA
COUNTY OF MOWER

Lauren K Heiny, being first duly sworn, disposes and says: "I am a United states citizen, over 21 years of age, and the engineering clerk of the City of Austin, MN."

On Monday September 27th 2021, acting on behalf of the City Planning Commission, I deposited in the United States Post Office in Austin, Minnesota copies of the attached notice of a hearing, enclosed in sealed envelopes, with postage thereon fully prepaid, address to the following persons at the addresses appearing below their respective names:

Mill on Main - Variance
See attached list

There is delivery service by United States mail between the place of mailing and the places so addressed.



Lauren K Heiny

Subscribed and sworn to before me
This 27th day of September 2021.



Notary Public

HOLLY A WALLACE
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan 31 2024

Mill on Main Affidavit of Mailing List

C O A Associates- 700 1st Dr NW

Potach and Mitchell- 607 1st Dr NW

Baarsch Properties- 608 1st Dr NW

Anthony and Joni Roehl- 610 1st Dr NW

Mahn Properties- 1416 Oak St Lake City MN

Jose Jimenez- 602 3rd St NW

Phillip and Ashley Furnish- 701 1st Dr NW

Conley Vanderploeg- 701 2nd St NW

Kelsey Ritchie- 703 2nd St NW

Jeffery Houston- 709 2nd St NW

Oman Awilli Oman- 711 2nd St NW

Anthony Horvath- 304 6th Pl NW

Michael and Mary Goetz- 305 7th Pl NW

Nyakong Choat- 801 1st Dr NW

Jordan and Christina Evenson- 803 1st Dr NW

Adam Youso- 304 7th Pl NW

Peter John Grover Trust- 805 1st Dr NW

HRA- 308 2nd Ave NE

Eastwood Bank- Po Box 1000 Lake Elmo MN

Warren and Janice Kelly- 800 1st Dr NW Apt 101

Joni Halverson- 800 1st Dr NW

Brian and Kersten Tollefson- 800 1st Dr NW Apt 401

Diane Wacholz- 800 1st Dr NW Apt 105

Earl and Florence Hagstron- 800 1st Dr NW Apt 104

Robert and Chyeral Stohlmann- 800 1st Dr NW Apt 102

Rodney and Patricia White- 800 1st Dr NW Apt 205

James Burke- 800 1st Dr NW Apt 204

David Burke- 800 1st Dr NW Apt 203

John Sheedy- 800 1st Dr NW Apt 202

Jimmy Drake- 800 1st Dr NW Apt 201

Kenneth Dalager- 800 1st Dr NW Apt 206

Thomas Madson- 8 Morningstar Dr Strathaam NH

Pamela Grover- 800 1st Dr NW Apt 304

Janice Andree- 800 1st Dr NW

Roxanne Headington- 4122 Osby Dr Houston TX

Joan Cheney- 100 1st Dr NW Apt 301

Paul Mayer- 800 1st Dr NW Apt 306

Janet Larson- 800 1st Dr NW Apt 405

Sarah Fink- 800 1st Dr NW Apt 404

Kay F Hahn Trust- 800 1st Dr NW Apt 403

Randel Christopherson- 800 1st Dr NW Apt 402

PETITIONER: Mill on Main LLC
PO Box 89624
Sioux Falls, SD 57109

LEGAL DESCRIPTION: See attached application.

CURRENT LAND USE AND ZONING CLASSIFICATION: "B-2" Single-Family Residence District
Single-Family Residence

SURROUNDING ZONING: North - Multi-Family Residential/Commercial - "R-2" and "B-2" District
South - Commercial - "B-3" District
East - Mill Pond/Industrial
West - Multi-Family Residential- "R-2" District

REQUESTED ACTION: The petitioner has requested a variance from City Code Section 11.41, Subd. 5(D)(7) limiting the maximum height in a B-2 district to three stories or 45 feet.

The project proposes a five-story building including a partially buried lower-level parking garage that walks out to the east. The proposed height is 45' from the first-floor (west) and 55'-8" from the lower-level (east).

The neighboring R-2 Districts to the West and North, would allow a height up to 80 feet for a similar size lot. The lot is approximately 2 acres. The proposed zoning code update would allow the same heights in B-2 as R-2 to facilitate apartment/multi-family projects.

Two neighboring properties are The Cedars and 800 1st Dr. condos.

A street view of the City of Austin/this location, is available on Mapillary.

The Planning Commission and City Council must decide if the variance required meets the statutory requirements for granting a variance:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*
2. *The variance is consistent with the comprehensive plan.*
3. *The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision.*
 - *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*
 - *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*
 - *The variance will not alter the essential character of the surrounding area.*

NOTE: Economic considerations alone shall not constitute an undue hardship, if a reasonable use of the property exists under the terms of the ordinance.

Attachment: See civil plans and variance descriptions with parking appeal

Exhibit "A"

File No.: 21-1124PUR

The land referred to herein below is situated in the County of Mower, State of Minnesota, and is described as follows:

Parcel 1:

All that part of the following-described property which is included in the land described in Certificate of Title No. 3030 in the office of the Registrar of Titles in and for Mower County, Minnesota, which land is described as follows: Commencing at the northwest corner of Lot 25, Block 33, Original Village in Austin, Minnesota; thence westerly in a continuation of the north line of said Lot 25, a distance of 33 ft. to the east line of the northwest quarter of the northeast quarter of Section 3, Township 102 North, Range 18 West. This point shall be referred to as Point "A". Thence northerly from Point "A" on said east line of the northwest quarter of the northeast quarter, a distance of 847.62 ft.; thence westerly at a deflection angle to the left of $90^{\circ} 00'$, a distance of 43.08 ft.; thence southwesterly at a deflection angle to the left of $28^{\circ} 21'$, a distance of 176.83 ft, to the point of beginning of said tract; thence northerly at a deflection angle to the right of $115^{\circ} 42'$, a distance of 185 ft.; thence southwesterly at a deflection angle to the left of $115^{\circ} 42'$, a distance of 415 ft. to the west line of Block 14, Morgan's Addition; thence southeasterly along this west line of Block 14 at a deflection angle to the left of $90^{\circ} 00'$ a distance of 165 ft. to the southwest corner of Lot 6, Block 14, Morgan's Addition; thence northeasterly at a deflection angle to the left of $90^{\circ} 00'$, a distance of 335 ft. along the south line of said Lot 6 extended to the point of beginning.

EXCEPT The following described land lying in the Northwest Quarter of the Northeast Quarter of Section 3, Township 102 North, Range 18 West, described as follows:

Starting at the southwest corner of Lot 6, Block 14, Morgan's Addition to the City of Austin, Minnesota, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence northwesterly 165 feet on the westerly line of said Block 14, to a point on the southerly right-of-way line of Seventh Place Northwest; thence northeasterly 415 feet on said southerly right-of-way line, at a right angle; thence southerly 57.10 feet, at a deflection angle of $115^{\circ} 42'$ right, to the point of beginning; thence southerly 18.21 feet, on a southerly extension of the last described line; thence northeasterly 22.43 feet, at a deflection angle of $154^{\circ} 18'$ right; thence southeasterly 9.93 feet, to the point of beginning.

Torrens
Certificate 4141

Parcel 2:

The following described land lying in the Northwest Quarter of the Northeast Quarter of Section 3, Township 102 North, Range 18 West, described as follows:

Starting at the southwest corner of Lot 6, Block 14, Morgan's Addition to the City of Austin, Minnesota, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence northwesterly 165 feet on the westerly line of said Block 14, to a point on the southerly right-of-way line of Seventh Place Northwest; thence northeasterly 415 feet, on said southerly right-of-way line, at a right angle; thence southerly 107.80 feet, at a deflection angle of $115^{\circ} 42'$, to a point which is hereinafter called the point of beginning; thence southerly 75.31 feet, on a southerly extension of the last described line, to a point on a northeasterly extension of the south line of said Lot 6, Block 14, Morgan's Addition; thence northeasterly 32.66 feet, at a deflection angle of $115^{\circ} 42'$ left, on said northeasterly extension of the south line of Lot 6; thence northwesterly 67.86 feet, at a right angle to the point of beginning.

Torrens
Certificate 4142

Parcel 3:

Starting at the southwest corner of Lot 6, Block 14, Morgan's Addition to the City of Austin, Minnesota, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence northwesterly 165 feet on the westerly line of said Block 14, to a point on the southerly right-of-way line of Seventh

Place Northwest; thence northeasterly 415 feet on said southerly right-of-way line at a right angle; thence southerly 57.10 feet at a deflection angle of 115° 42' right, to the point of beginning; thence southerly 18.21 feet on a southerly extension of the last described line; thence northeasterly 22.43 feet at a deflection angle of 154° 18' right; thence southeasterly 9.93 feet to the point of beginning.

Torrens
Certificate 4713

Parcel 4:

Beginning at point K marked by Judicial Land Mark numbered 5, as described on Certificate No. 2128 in the office of the Registrar of Titles in and for Mower County, Minnesota, thence 132 feet Southwesterly along the extended Northerly line of Lot 6, Block 14, Morgan's Addition to the City of Austin, Minnesota, to the most Northerly corner of said Lot 6, which point is called point L and is marked by a Judicial Land Mark numbered 6; thence Southeasterly 66 feet at a deflection angle of 90° 00' left along the Easterly line of said Lot 6 to the Southeasterly corner of said Lot 6; thence in a Northeasterly direction along the extended South line of said Lot 6 a distance of 203 feet; thence along a line at a deflection angle to the left of 64° 18' to its point of intersection of a line drawn between said points L and K extended Northeasterly; thence Southwesterly along said extended line between said points L and K to the point of beginning.

Together with a driveway easement for perpetual ingress and egress to the above described tract from Main Street north which easement is described as follows:

Commencing at the northwest corner of Lot 25, Block 33, Original Village in Austin, Minnesota; thence westerly in a continuation of the north line of said Lot 25, a distance of 33 ft. to the east line of the northwest quarter of the northeast quarter of Section 3, Township 102 north, Range 18 west. This point shall be referred to as Point "A". Thence northerly from Point "A" on said east line of the northwest quarter of the northeast quarter, a distance of 847.62 ft.; thence westerly at a deflection angle to the left of 90° 00', a distance of 43.08 ft. to the point of beginning of said easement; thence southwesterly at a deflection angle to the left of 28° 21', a distance of 176.83 ft.; thence northerly at a deflection angle to the right of 115° 42', a distance of 16.65 ft.; thence northeasterly at a deflection angle to the right of 64° 18', a distance of 177.67 ft.; thence southerly at a deflection angle to the right of 118° 15', a distance of 17.03 ft. to the point of beginning of said easement. Said easement is subject to a sewer easement across the easterly 22.70 feet thereof granted to the City of Austin, Minnesota.

Torrens
Certificate 3061

Parcel 5:

All that property described in Certificate of Title No. 3064 in the Office of the Registrar of Titles in and for Mower County, Minnesota, which lies Northwesterly of a line drawn between points F and K as said points are described on Certificate of Title No. 3030 in the office of the Registrar of Titles in and for Mower County, Minnesota.

Torrens
Certificate 4051

Parcel 6:

All that part of the property described in Certificate No. 3064 in the office of the Registrar of Titles in and for Mower County, Minnesota, which lies Southeasterly of a line drawn between points F and K as said points are described on Certificate of Title No. 3030 in the office of the Registrar of Titles in and for Mower County, Minnesota. All that part of the property described on Certificate of Title No. 2128 in the office of the Registrar of Titles, lying North of the South line of Lot 6, Block 14, Morgan's Addition to the City of Austin, Minnesota, extended Easterly to its point of intersection with a line drawn between points D and E as said points are described on said Certificate of Title No. 2128; excepting therefrom the following described tract:

Beginning at point K marked by Judicial Land Mark numbered 5, as described on Certificate of Title No. 2128 in the office of the Registrar of Titles in and for Mower County, Minnesota, thence 132 feet Southwesterly along the extended Northerly line of Lot 6, Block 14, Morgan's Addition to the City of Austin, Minnesota, to the most Northerly corner of said Lot 6, which point is called point L and is marked by a Judicial Land Mark numbered 6; thence Southeasterly 66 feet at a deflection angle of 90° 00' left along the Easterly line of said Lot 6 to the

Southeasterly corner of said Lot 6; thence in a Northeasterly direction along the extended South line of said Lot 6 a distance of 203 feet; thence along a line at a deflection angle to the left of $64^{\circ} 18'$ to its point of intersection of a line drawn between said points L and K extended Northeasterly; thence Southwesterly along said extended line between said points L and K to the point of beginning.

EXCEPT, the following described land lying in the Northwest Quarter of the Northeast Quarter of Section 3, Township 102 North, Range 18 West, described as follows:

Starting at the southwest corner of Lot 6, Block 14, Morgan's Addition to the City of Austin, Minnesota, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence northwesterly 165 feet on the westerly line of said Block 14, to a point on the southerly right-of-way line of Seventh Place Northwest; thence northeasterly 415 feet, on said southerly right-of-way line, at a right angle; thence southerly 107.80 feet, at a deflection angle of $115^{\circ} 42'$, to a point which is hereinafter called the point of beginning; thence southerly 75.31 feet, on a southerly extension of the last described line, to a point on a northeasterly extension of the south line of said Lot 6, Block 14, Morgan's Addition; thence northeasterly 32.66 feet, at a deflection angle of $115^{\circ} 42'$ left, on said northeasterly extension of the south line of Lot 6; thence northwesterly 67.86 feet, at a right angle to the point of beginning.

Torrens
Certificate 4714

Parcel 7:

A parcel of land in Mower County, Minnesota described as follows:

Commencing at the Northwest corner of Lot 25, Block 33, original Village in Austin, Minnesota, thence Westerly in a continuation of the North lot line of said Lot 25, a distance of 33 feet to the East line of the Northwest Quarter of the Northeast Quarter of Section 3, Township 102 North, Range 18 West. This point shall be referred to as a point A. Thence Northerly of a point A on said East line of the Northwest Quarter of the Northeast Quarter, a distance of 847.62 feet; thence Westerly at a deflection angle to the left 90° , a distance of 43.08 feet to the point of beginning of said tract; thence Northerly at a deflection angle to the right of $89^{\circ} 54'$, a distance of 140.43 feet; thence Westerly at a deflection angle to the left of $91^{\circ} 31'$, a distance of 93.43 feet; thence Southwesterly at a deflection angle to the left of $26^{\circ} 44'$, a distance of 80.18 feet; thence Southerly at a deflection angle to the left of $64^{\circ} 18'$, a distance of 185 feet, thence Northeasterly at a deflection angle to the left of $115^{\circ} 42'$, a distance of 176.83 feet to the said point of beginning.

LESS AND EXCEPT:

Starting at the southwest corner of Lot 6, Block 14, Morgan's Addition to the City of Austin, Minnesota, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence northwesterly 165 feet on the westerly line of said Block 14, to a point on the southerly right-of-way line of Seventh Place Northwest; thence northeasterly 415 feet on said southerly right-of-way line at a right angle; thence southerly 57.10 feet at a deflection angle of $115^{\circ} 42'$ right, to the point of beginning; thence southerly 18.21 feet on a southerly extension of the last described line; thence northeasterly 22.43 feet at a deflection angle of $154^{\circ} 18'$ right; thence southeasterly 9.93 feet to the point of beginning.

Abstract

Property is Abstract and Torrens

CURRENT ZONING: R-2 COMMUNITY BUSINESS DISTRICT / B-3 CENTRAL BUSINESS DISTRICT

PROPOSED ZONING: B-2 COMMUNITY BUSINESS DISTRICT / B-3 CENTRAL BUSINESS DISTRICT

PROPERTY AREA	2.06 AC
DISTURBED AREA	2.06 AC

EXISTING IMPERVIOUS AREA: 1.25 AC
PROPOSED IMPERVIOUS AREA: 2.44 AC

DEVELOPMENT AND DESIGN STANDARD

YARD (BUILDING) SETBACKS
FRONT 2 FT MINIMUM
SIDE 5 FT MINIMUM
REAR 5 FT MINIMUM

SIDE
REAR

OFF-STREET PARKING AND DESIGN STANDARD REQUIREMENT

OFF-STREET PARKING SETBACKS FROM: 0 FEET MINIMUM

SIDL	0.11 MINIMUM
RLAR	0.11 MINIMUM

MINDFULNESS PRACTICE LEADS TO MORE POSITIVE AND HEALTHY PATTERNS

REAR SPACE W/OUT	8.21
PARKING SPACE LENGTH	18.51

OFF-STREET PARKING CALCULATION

UNDERGROUND PARKING PROVIDED = 66 STAL

SURFACE PARKING PROVIDED = B7 STAL

TOTAL PARKING PROVIDED = 153 SPACES

ACCESSIBLE PARKING

PROPOSED ACCESSIBLE PARKING: 4 SPACES

REQUIRED ACCESSIBLE PARKING 4 STALLS**

*REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES FOR 76 TO 100 STALLS

SITE NOTE

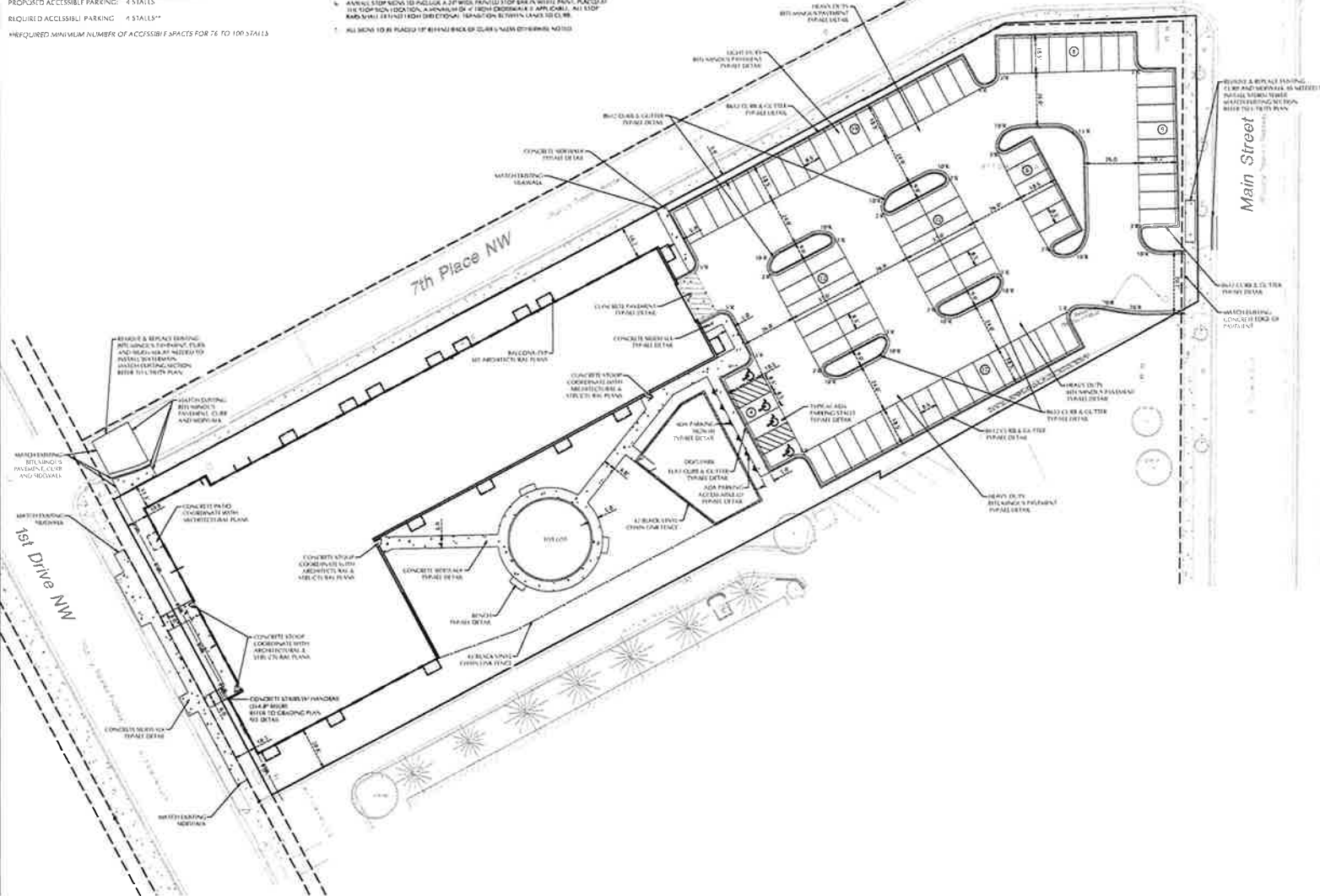
1. ALL CURBS SHALL BE CURB, CULVERT AND SIDEWALK SHIM BUILT IN ACCORDANCE WITH THE FOLLOWING:
 - a. IN ACCORDANCE WITH THE CURB SHOWN, PER THE DIST. SPECIFICATIONS AND STATUTORY REQUIREMENTS
 - b. ACCESSIBLE PARKING AND ACCESSIBLE WALKWAYS SHALL BE PROVIDED PER CURB AND ADA STANDARDS AND EQUALIZER REQUIREMENTS
 - c. ALL CURB DIMENSIONS SHOWN AND TO THE FACE OF CURB UNLESS OTHERWISE NOTED
 - d. ALL BULBING DIMENSIONS SHALL BE TO THE OUTSIDE FACE OF THE CURB UNLESS OTHERWISE NOTED
 - e. TYPICAL RAILROAD PARKING SHALL BE A 16' X 16' CURB UNLESS OTHERWISE NOTED
 - f. ALL CURB ROUNDOFFS SHALL BE 3/16" UNLESS OTHERWISE NOTED
2. BULKHEADS IMBEDDED INTO THE BOARD TO BE PLACED AT FULL DEPTH OF CONCRETE ADJACENT TO LASTING STRUCTURES AND BEHIND CURB ADJACENT TO DRIVEWAYS AND SIDEWALKS

8. WE NOT ELECTRONIC PLAN FOR SITE LIGHTING

- [illegible]

8. WE NOT ELECTRONIC PLAN FOR SITE LIGHTING

- SIGNAGE AND STRIPING NOTES:**
1. CONTRACTION SHALL BE RESPONSIBLE FOR ALL SITE SIGNAGE AND STRIPING AS SHOWN ON PLANS.
 2. CONTRACTION SHALL PAINT ALL ACCESSIBLE STAKES, LOGS AND CROSS MATCH LOCATIONS ASIDES WITH WHITE PAINT/BLACK MARKING. (MIN WIDTH)
 3. CONTRACTION SHALL PAINT ALL ACCESSIBLE DIRECTIONAL TRAFFIC ARROWS AS SHOWN IN WHITE PAINT.
 4. ALL SIGNAGE SHALL INCLUDE PORT, CONTRAID LOGGING AND SITE CASING/WHY REQUIRED.
 5. ALL SIGNAGE NOT PROVIDED BY CLIENT, LOCATED IN PARKING, OFF ROAD OR DRAID AREAS TO BE PLACED IN STEEL JACOBS, FLD WITH DOWNSHIFT AND PAINTED WITH WHITE. RETIR TO 100'.
 6. ALL SITE STRIPING TO INCLUDE A 20' WIDE CONTRAID STOP BAR IN WHITE PAINT, PLACED AT THE STOP/TURN LOCATION, A MINIMUM OF 10' FROM CROSSWALK OR APPROACH, ALL STOP BAR SIGNS TO BE PLACED IN STEEL JACOBS, FLD WITH DOWNSHIFT AND PAINTED IN WHITE.



NOTE:
EXISTING CONDITIONS INFORMATION SHOWN
FROM A AITA/NSPS LAND TITLE SURVEY PREPARED
BY LONCKE, DATED JUNE 2011.

CIVIL LEGEND I

[illegible]

PAVEMENT TYPE

 CONCRETE SIDEWALK
 CONCRETE PAVEMENT
 LIGHT DUTY BITUMINOUS PAVEMENT
 HEAVY DUTY BITUMINOUS PAVEMENT

NOTE
SEE PAVEMENT SECTIONS ON SHEET CB-1 OR CB-2 FOR TYPE AND
DEPTH INFORMATION

MILL ON MAIN
LUXURY
APARTMENT

LOUCK

LOCK
PLUMBING
ENGINEERING
LANDSCAPE ARCHITECTURE
EXTERIOR DESIGN
2020-2021 and 2022
1000-1000-1000
1000-1000-1000
1000-1000-1000

PROFESSOR LEWIS

[illegible]

QUALITY CONTROL

1. ☐ **Check** ☐ **Copy** ☐ **Print** ☐ **Save** ☐ **Close** ☐ **Quit**

4-8711-100

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.



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THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COORDINATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR STREET AND / OF RELOCATION OF LINES.

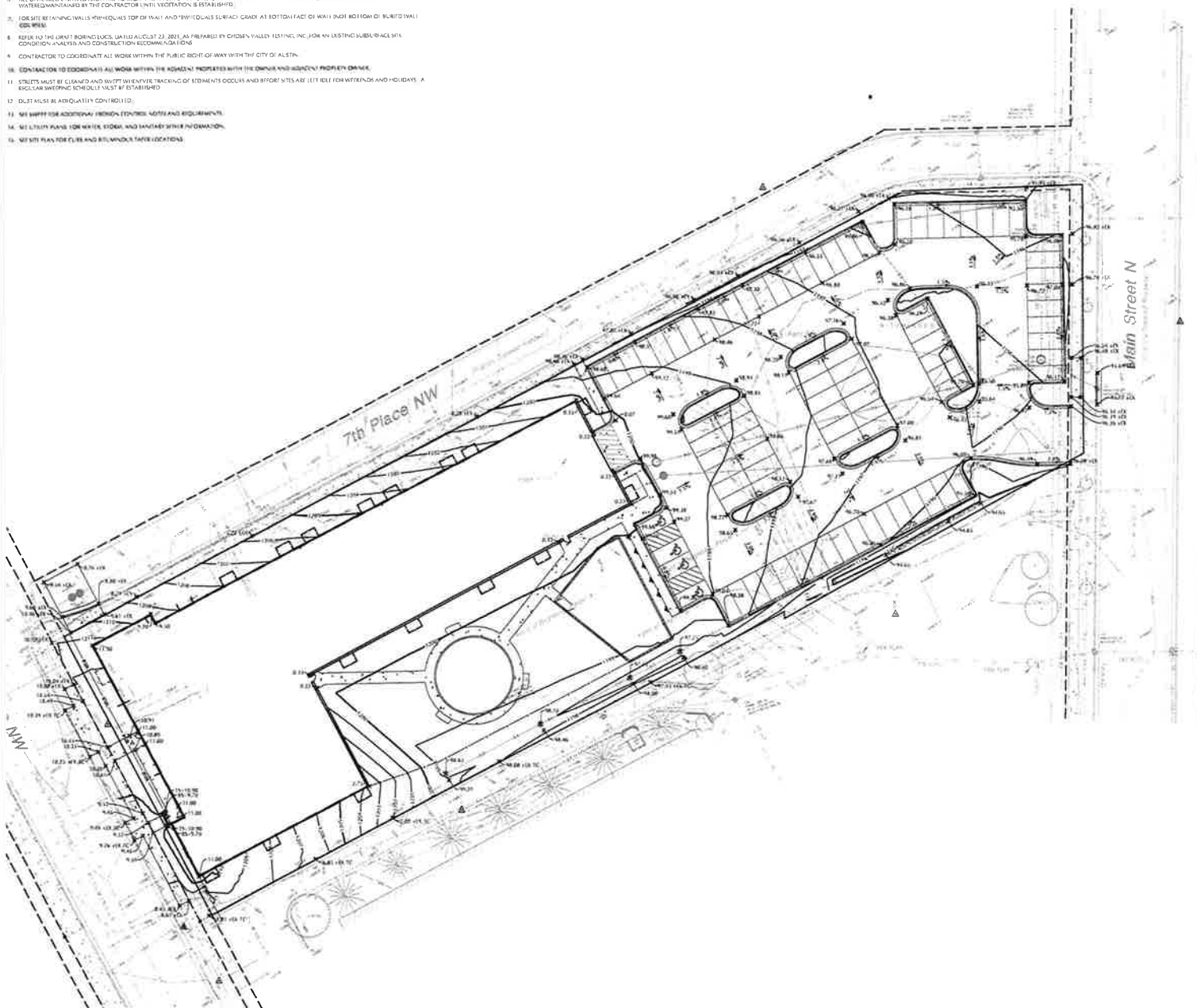
THE CONTRACTOR SHALL CONTACT GOWDER STATE ONE CALL, A 813-555-5007, AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL EXISTING UNDERGROUND WATER, GAS, CABLE, CONDUITS, PIPES, MANHOLES, ETC. IF ANY OTHER BURIED UTILITIES BEYOND BEING IN CONTACTS, THE CONTRACTOR SHALL AFFIX OR ERECT THE ABOVE IF WHEN DAMAGED DURING CONSTRUCTION, IT NOT TO GO TO THE OWNER.

SITE PLAN

C2-1

GRADING, DRAINAGE & EROSION CONTROL NOTES

1. SPOT ELEVATIONS REPRESENT PROPOSED SURFACE GRADES. EXISTING ELEVATIONS AND EROSION CONTROL MEASURES SHALL BE SHOWN ON SEPARATE SHEETS. EXISTING ELEVATIONS SHALL BE SHOWN ON SEPARATE SHEETS.
2. ALL ACCESSORY ELEVATIONS SHALL BE CONTAINED WITHIN A CROSS SECTION AND A WARNING SIGN. NOT TO EXCEED 10%.
3. AT FINISHED GRADE, THE ACCESSORY ELEVATIONS SHALL NOT EXCEED 10% IN ANY DIRECTION FOR AN AREA 10' IN DIAMETER.
4. ALL PUBLIC ROADS SHALL BE CONSTRUCTED WITH A CROSS SLOPE NOT EXCEEDING 2% AND A WARNING SIGN. NOT TO EXCEED 10%.
5. CATCH BASINS AND MANHOLES IN PAVED AREAS SHALL BE SLOPED TO 1% FROM THE BASIN OR MANHOLE. ALL CATCH BASINS IN CATCH BASINS SHALL BE SLOPED TO 1% FROM THE BASIN OR MANHOLE. ALL CATCH BASINS IN CATCH BASINS SHALL BE SLOPED TO 1% FROM THE BASIN OR MANHOLE.
6. ALL DITCHES SHALL BE SLOPED TO 1% FROM THE BASIN OR MANHOLE. ALL DITCHES SHALL BE SLOPED TO 1% FROM THE BASIN OR MANHOLE. ALL DITCHES SHALL BE SLOPED TO 1% FROM THE BASIN OR MANHOLE.
7. FOR SITE RETAINING WALLS, THE TOP OF WALL AND "FINISHED SURFACE" GRADE AT BOTTOM OF WALL SHALL BE SHOWN ON SEPARATE SHEETS.
8. REFER TO THE LATEST BORING LOGS, DATED AUGUST 23, 2021, AS PREPARED BY CHISEN VALLEY TESTING, INC. FOR AN EXISTING SUBSURFACE CONDITION ANALYSIS AND CONSTRUCTION RECOMMENDATIONS.
9. CONTRACTOR TO COORDINATE ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY WITH THE CITY OF ALSTON.
10. EROSION CONTROL MEASURES SHALL BE SHOWN WITHIN THE DRAINAGE AND EROSION CONTROL PLAN.
11. STREETS MUST BE CLEANED AND SWEEPED ON EXITS, TRUCKS, AND OTHER SITES ARE LEFT FOR WEEKENDS AND HOLIDAYS. A REGULAR SWEEPING SCHEDULE MUST BE ESTABLISHED.
12. DUST MUST BE AIR QUALITY CONTROLLED.
13. SEE SHEET FOR ADDITIONAL EROSION CONTROL MEASURES AND REQUIREMENTS.
14. SEE EROSION PLAN FOR WATER, SEDIMENT, AND HAZARDOUS MATERIAL INFORMATION.
15. SEE SITE PLAN FOR ELEVATIONS AND DIMENSIONS. THESE LOCATIONS.



NOTE:
EXISTING CONDITIONS INFORMATION SHOWN IS
FROM A ALTAIR/SPS LAND TITLE SURVEY PREPARED
BY LOUCKS, DATED JAN, 2021.

CIVIL LEGEND

| SYMBOL | DESCRIPTION |
|--------|--------------------------|
| | PROPOSED ROAD |
| | EXISTING ROAD |
| | PROPOSED DRIVEWAY |
| | EXISTING DRIVEWAY |
| | PROPOSED SIDEWALK |
| | EXISTING SIDEWALK |
| | PROPOSED CURB |
| | EXISTING CURB |
| | PROPOSED GUTTER |
| | EXISTING GUTTER |
| | PROPOSED CATCH BASIN |
| | EXISTING CATCH BASIN |
| | PROPOSED MANHOLE |
| | EXISTING MANHOLE |
| | PROPOSED DITCH |
| | EXISTING DITCH |
| | PROPOSED EROSION CONTROL |
| | EXISTING EROSION CONTROL |
| | PROPOSED TREE |
| | EXISTING TREE |
| | PROPOSED FENCE |
| | EXISTING FENCE |
| | PROPOSED UTILITY |
| | EXISTING UTILITY |

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www.loucks.com

CADD QUALIFICATION

| NAME | DATE |
|-----------------|----------|
| LOUCKS, JEFFREY | 1/1/2021 |

PROFESSIONAL SIGNATURE

Signature of Professional Engineer
Date: 1/1/2021

QUALITY CONTROL

Checked By: JEFFREY LOUCKS
Date: 1/1/2021

SHEET INDEX

| SHEET NO. | SHEET DESCRIPTION |
|-----------|---------------------------------------|
| 1 | GENERAL NOTES |
| 2 | GRADING, DRAINAGE & EROSION CONTROL |
| 3 | EROSION CONTROL |
| 4 | WATER, SEDIMENT, & HAZARDOUS MATERIAL |
| 5 | UTILITY |
| 6 | LANDSCAPE |
| 7 | FINAL |



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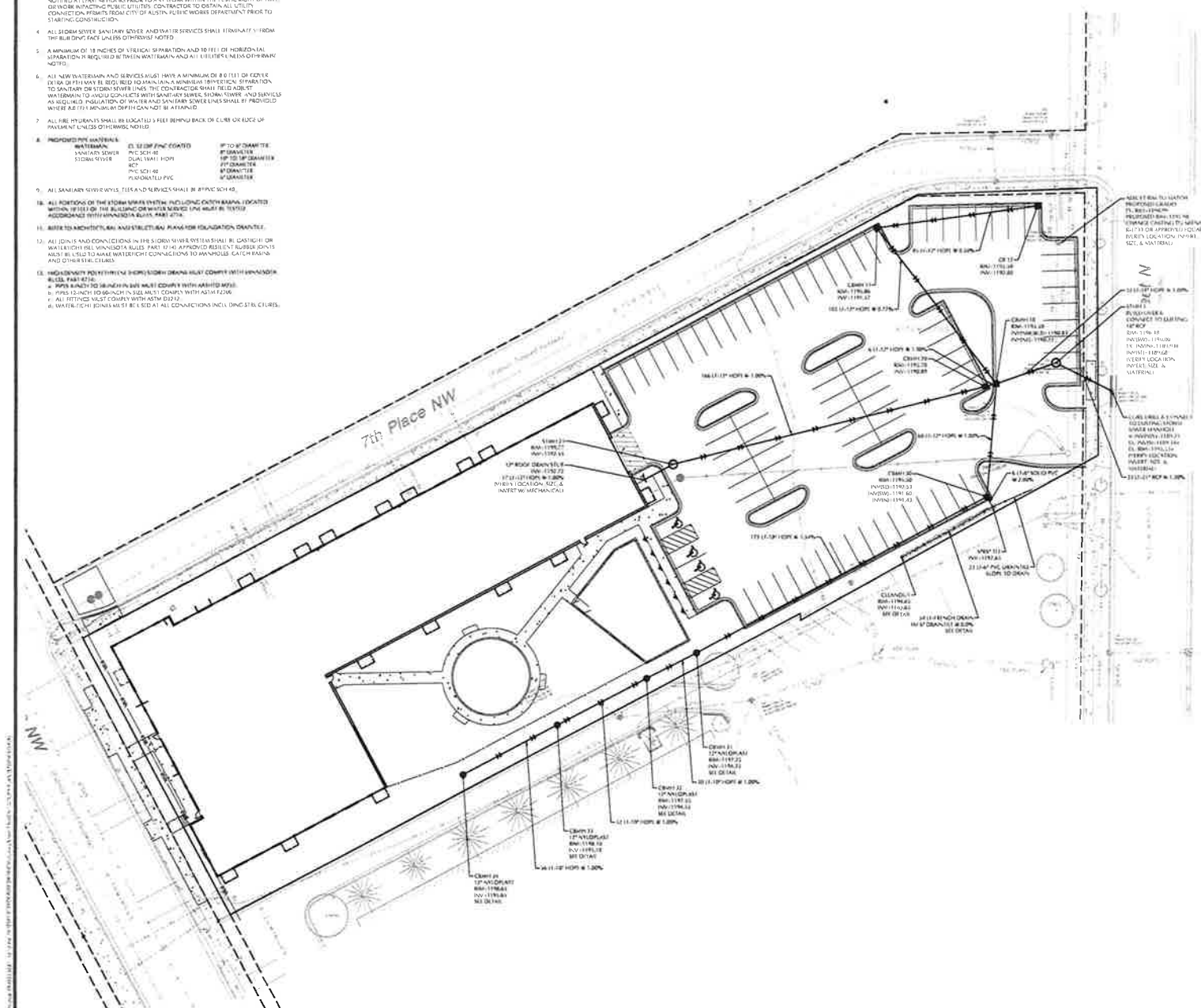
WARNING

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION OF ALL EXISTING UTILITIES.

GRADING &
DRAINAGE
PLAN
C3-1

1. ALL SANITARY SEWER, STORM SEWER AND TRUNK MAIN UTILITY SHALL BE IN ACCORDANCE WITH THE CITY OF MINNEAPOLIS PLUMBING CODE AND THE STANDARD UTILITY SPECIFICATION OF THE CITY INQUIRED AT SUBCOMMITTEE OF MINNEAPOLIS DATE 7/18/12 DATE
2. ALL UTILITY PIPING BEHIND SHALL BE CONJUNCTION AND NOT CONJUNCTION OF THE CLEAN SPECIFICATION AND THE GEOTECHNICAL REPORT
3. ALL CONNECTIONS TO EXISTING UTILITY SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CITY OF MINNEAPOLIS PLUMBING CODE AND THE STANDARD UTILITY SPECIFICATION AND THE CONSTRUCTION ENGINEER SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE UTILITY PIPING AND THE CITY OF MINNEAPOLIS PLUMBING CODE SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE UTILITY PIPING AND THE CITY OF MINNEAPOLIS PLUMBING CODE SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE UTILITY PIPING
4. ALL SANITARY SEWER, STORM SEWER AND TRUNK SERVICES SHALL REMAIN AT THE BUILDING FACE UNLESS OTHERWISE NOTED
5. A MINIMUM OF 12 INCHES OF UTILITY PROTECTION AND 12 FEET 20 HORIZONTAL DISTANCE IS REQUIRED BETWEEN TRUNK MAIN AND ALL UTILITIES IN THE UTILITY RIGHT-OF-WAY
6. ALL NEW WATERMAIN AND SERVICES SHALL HAVE A MINIMUM OF 80 PSI OF EXCESS PRESSURE TO MAINTAIN THE PRESSURE OF THE WATERMAIN AND THE SERVICES TO SANITARY SEWER SERVICES LINES THE CONTRACTOR SHALL FIELD ADJUST WATERMAIN TO MAINTAIN EXCESS PRESSURE OF 80 PSI
7. ALL SANITARY SEWER, STORM SEWER AND SANITARY SEWER LINES SHALL BE PROVIDED WITH 12 INCH MINIMUM DEPTH CAN BE AVOIDED
8. ALL FIELD MEASUREMENTS SHALL BE LOGGED IN FIELD REPORT BACK OF EACH END OF EACH

- [illegible]



NOTE:
EXISTING CONDITIONS INFORMATION SHOWN IS
FROM A ALTA/NSPS I AND TITLE SURVEY PREPARED
BY LOUCKS, DATED JUNE, 2021.

[illegible]

LOUCKS

**PLANNING
ENVIRONMENTAL
LANDSCAPE ARCHITECTURE
(P.L.A.)**

7701 Madison Ave., Suite 300
Northridge, CA 91329
(818) 761-1122

CONTINUATION OF FORM NO. 104-101 (REV. 1-77)

Industry Overview

PROFESSIONAL REGULATION

Neuhaus, C. A. (1991). *How to write a research proposal*. New York: McGraw-Hill.

04/22/2011

2018 01 01 10:00
 2018 01 01 10:00
 2018 01 01 10:00
 2018 01 01 10:00
 2018 01 01 10:00

1997-98

[illegible]

CALL BEFORE YOU DIG
Gopher State One Call

WARNING

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

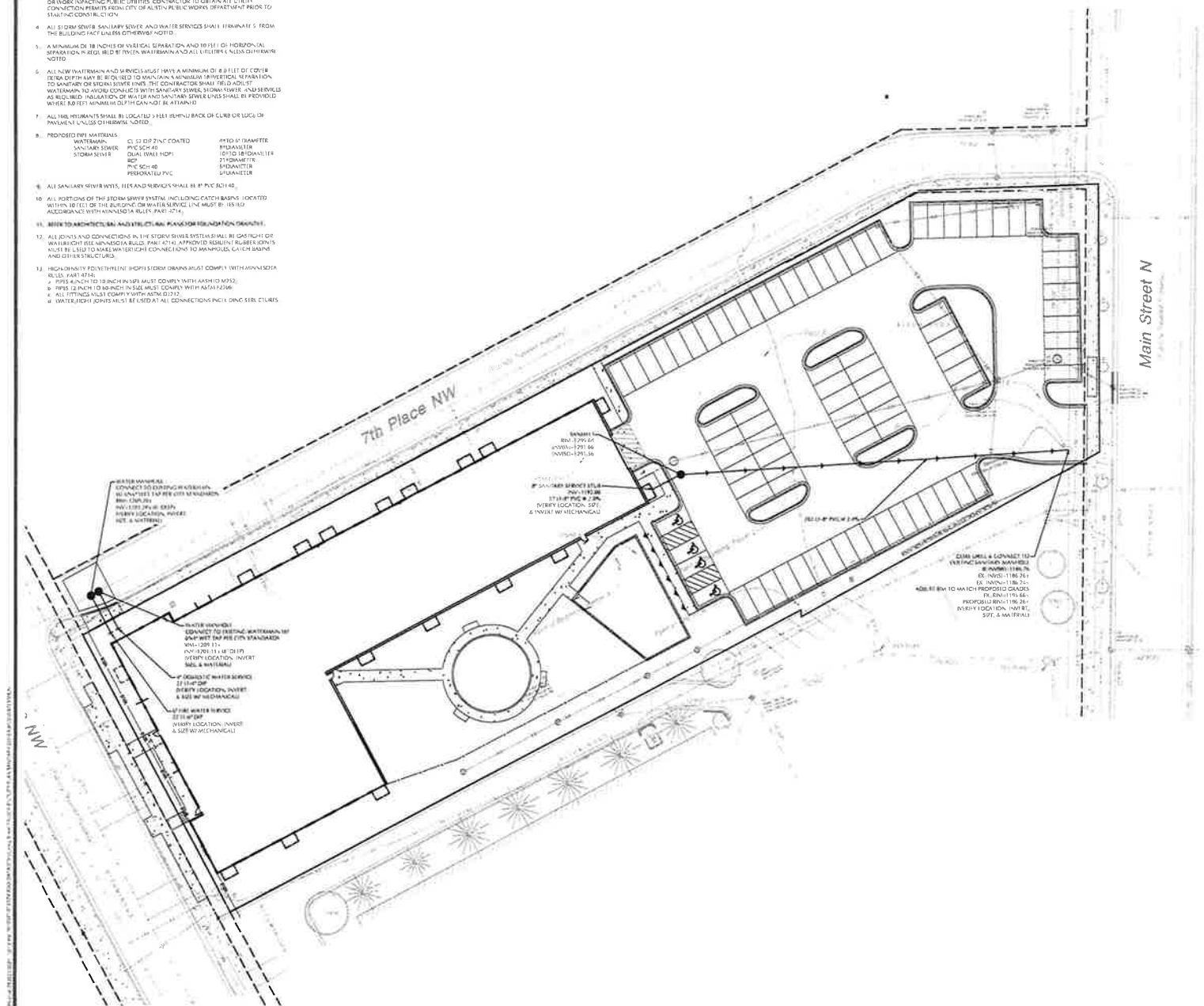
THE CONTRACTOR SHALL CONTACT COMSEC STAFF ONE CALL AT 401-544-2992 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATION OF ALL UNDERGROUND HYDRO CARBON CONDUITS, PIPES, MANHOLES, TANKS OR OTHER BURIED STRUCTURES BEFORE BEGINNING THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

UTILITY PLAN
STORM SEWER

C4-1

ALL SANITARY SEWER, STORM SEWER AND WATERMAIN UTILITIES SHALL BE FURNISHED AND INSTALLED PER THE REQUIREMENTS OF THE SPECIFICATIONS THE MINNESOTA PLUMBING CODE, AND THE STANDARD UTILITIES SPECIFICATION OF THE CITY ENGINEER ASSOCIATION OF MINNESOTA SECOND 2018 EDITION.

- [illegible]



NOTE:
EXISTING CONDITIONS INFORMATION SHOWN IS
FROM A ALTA/NSPS LAND TITL SURVY PREPARED
BY I QUICKS, DATED JUNE, 2021.

[illegible]

**MILL ON MAIN
LUXURY
APARTMENTS**

LOUCKS
PLANNING
CIVIL ENGINEERING
AND SURVEYING
JACOBI & JACOBI
FARMINGTON, CT
TEL: 203-261-1100
FAX: 203-261-1101
WWW.LOUCKS.COM

QAD QUALIFICATION

ACKNOWLEDGMENTS

www.dunlop.co.uk - Tel: 01924 250000

quality products.

SHEET INDEX



CALL BEFORE YOU DRILL
Gopher State One Call
1-800-4-A-Gopher

WILKINSON

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THIS SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT COPPER STATE ONE CALL AT 855-34-0022 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND UTILITY CABLES CONDUITS PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED OR DEGRADED BY THE WORK. REPAIR ALL WORK TO MEET THE ORIGINAL

**UTILITY PLAN
SANITARY
SEWER AND
WATERMAIN**

C4-2



| PLANT SCHEDULE | | | | | | | |
|--------------------|-----|-----------------------|--------------------------------|-------|-----------|---------|--|
| DESCRIPTION | QTY | COMMON NAME | RETAIL NAME | SIZE | CONTAINER | REMARKS | |
| AS | 7 | ALFALFA BAZZ BUNDLE | Alfalfa Hay, Alfalfa Bale | 0.8.0 | 0.8' CW | | |
| AS | 2 | NORTH STAR PIN SPR | Carolina Shearhulk | 0.8.0 | 0.8' CW | | |
| SP | 1 | SPRINKLER BLAZE | Proctor Sprinkler | 0.8.0 | 0.8' CW | | |
| AL | 4 | REDWOOD LINCOLN | Lincoln Redwood | 0.8.0 | 0.8' CW | | |
| BRN | 11 | REDWOOD HILL LOCKST | Electric Redwood Lockst | 0.8.0 | 0.8' CW | | |
| PT IN GREEN TREES | | | | | | | |
| BR | 3 | BLACK HILL SPRUCE | Black Hill Spruce | 0.8.0 | CONTAINER | REMARKS | |
| MANUFACTURED TREES | | | | | | | |
| INC | 4 | PRIME ACET DRUMPILE | Acet + Prime Acet | 0.8.0 | CONTAINER | REMARKS | |
| SHRUBS | | | | | | | |
| ASB | 50 | ANYHOW WATERER SPRINK | Carolina Waterer Sprink | 0.8.0 | CONTAINER | REMARKS | |
| AO | 64 | ANYHOW FIRE DRUMPILE | Carolina Fire Drumpile | 0.8.0 | 0.8' CW | | |
| BLB | 20 | BIRCH/ALF BUNDLE | Carolina Birch/Alf | 0.8.0 | 0.8' CW | | |
| CRK | 10 | CRACKED HILL DRUMPILE | Carolina Cracked Hill Drumpile | 0.8.0 | 0.8' CW | | |
| SP | 10 | SPRINKLER DRUMPILE | Carolina Sprinkler Drumpile | 0.8.0 | 0.8' CW | | |
| SHRUBS | | | | | | | |
| FG | 21 | FEATHER REED SPRUCE | Carolina Feather Reed Spruce | 0.8.0 | CONTAINER | REMARKS | |
| PERSONNEL | | | | | | | |
| ALF | 1 | ALFALFA BUNDLE | Carolina Alfalfa Bundle | 0.8.0 | CONTAINER | REMARKS | |
| CONCRETE SHRUBS | | | | | | | |
| BLB | 10 | BIRCH/ALF BUNDLE | Carolina Birch/Alf | 0.8.0 | CONTAINER | REMARKS | |
| BD | 4 | BELLA GREEN LINCOLN | Carolina Bella Green Lincoln | 0.8.0 | 0.8' CW | | |
| TR | 4 | TRINITY HILL | Carolina Trinity Hill | 0.8.0 | 0.8' CW | | |
| TR | 10 | TRINITY HILL DRUMPILE | Carolina Trinity Hill Drumpile | 0.8.0 | 0.8' CW | | |
| TR | 10 | TRINITY HILL DRUMPILE | Carolina Trinity Hill Drumpile | 0.8.0 | 0.8' CW | | |

NOTE:
EXISTING CONDITIONS INFORMATION SHOWN IS
FROM A ALTA/NSP LAND TITLE SURVEY PREPARED
BY LOUCKS, DATED JUNE, 2021.



CALL BEFORE YOU DIG
Gopher State One Call
Toll Free 1-800-252-1182

TAKESHIKAWA

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATION OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GORNER THREE DAYS IN ADVANCE AT LEAST 48 HOURS IN ADVANCE FOR THE IDEATIONS OF ALL UNDISCOVERED WATER LINES, CONCEALED PIPES, MANHOLES, VAULTS OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHERE DAMAGE OCCURS/COMPLETION IS NOT TO THE OWNER.

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Planning & Zoning Department
507-437-9950
Fax 507-437-7101

Memorandum

To: Mayor and City Council

From: Austin Planning Commission

Re: Recommendation for Variance Requested by:
Nicholas Yerhart
4006 Oakland Ave W
Austin MN 55912

Date: October 14, 2021

At the October 12, 2021 meeting of the Austin Planning Commission, the Commission reviewed a request from Nicholas Yerhart for a variance from the requirements of Austin City Code Section 11.01, subd. 1, regulating square footage of accessory structures.

The allowed square footage for lots over one acre is 1,584 sq. ft. The petitioner has requested an 800 square foot variance from City Code Section 11.01,(1) limiting the total aggregate area of all "accessory structures" to 1584 sq. ft. for parcels exceeding one acre. This variance request is for the construction of a 2400 sq. ft. shed in addition to an existing shed.

The property in question is approximately 3.4 acres, an unusually large parcel. With this proposed 2400 sq. ft. addition, the total lot coverage with structures would be approximately 4% (40% lot coverage is the maximum allowed).

After review, the Planning Commission, with eight members present, recommended approving the variance by the following vote:

Ayes – 8 Nays – 0

The Planning Commission made the following findings regarding this request:

1. The requested variance is in harmony with the general purposes and intent of the zoning ordinance.
2. The variance, if granted, would not alter the essential character of the locality in which the property is situated.
3. There are circumstances unique to the property not created by the landowner.
4. The landowner intends to use the land in a reasonable manner not permitted by the ordinance.

PETITIONER: Nicholas Yerhart
4006 Oakland Ave W
Austin MN 55912

LEGAL DESCRIPTION: See attached application.

CURRENT LAND USE AND ZONING CLASSIFICATION: "R-1" Single-Family Residence District
Single-Family Residence

SURROUNDING ZONING:

| | | | | |
|-------|---|-------------|---|-----------------------------------|
| North | - | Residential | - | "R-1" District (some agriculture) |
| South | - | Industrial | - | "I-1" District (undeveloped) |
| East | - | Residential | - | "R-1" District |
| West | - | Residential | - | "R-1" District |

REQUESTED ACTION: The petitioner has requested an 800 square foot variance from City Code Section 11.01,(1) limiting the total aggregate area of all "accessory structures" to 1584 sq. ft. for parcels exceeding one acre. This variance request is for the construction of a 2400 sq. ft. shed in addition to an existing shed.

The property in question is approximately 3.4 acres, an unusually large parcel. With this proposed 2400 sq. ft. addition, the total lot coverage with structures would be approximately 4% (40% lot coverage is the maximum allowed).

Structures on property being reviewed:

| | | |
|------------------------|---|--------------|
| Dwelling | = | 2337 sq. ft. |
| Existing detached shed | = | 1375 sq. ft. |
| Proposed shed | = | 2400 sq. ft. |
| Total | = | 6112 sq. ft. |

The Planning Commission and City Council must decide if the variance required meets the statutory requirements for granting a variance:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*
2. *The variance is consistent with the comprehensive plan.*
3. *The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision.*
 - *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*
 - *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*
 - *The variance will not alter the essential character of the surrounding area.*

NOTE: Economic considerations alone shall not constitute an undue hardship, if a reasonable use of the property exists under the terms of the ordinance.

STAFF REPORT: In reviewing this requested variance, may I recommend that consideration be taken regarding the following:

- Is this proposed structure in character of this residential neighborhood.
- The property owner would like additional storage space.

Attachment: Aerial of property.



APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

(This form should be filled out in duplicate by typing or printing in ink)

CITY OF AUSTIN

\$275

Street Location of Property: 41006 W Oakland Ave

Legal Description of Property: _____

Owner: Name Nicholas Yerhart Phone 502-440-9361

Address 41006 W Oakland Ave

City _____ State _____ Zip _____

Type of Request: ☒ Variance _____ CUP _____ IUP _____ Rezone _____ Other _____

Applicable to Section _____ of the Austin City Zoning Ordinance, as amended

Description of Request Add a 40x60 shed to property.

Reason for Request to add more space for storage.

Present Zoning Classification R-1

Existing Use of the Property Residential primary home

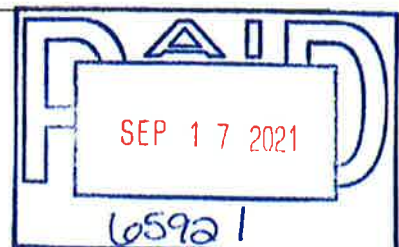
Has a request for a rezoning, variance, or conditional use permit on the subject site or any part thereof been previously sought? NO When? _____

☒ Signature of Applicant [Signature] Date _____

Approved _____ Denied _____ by the Planning Commission on _____ (date)

Approved _____ Denied _____ by the Common Council

Comments _____



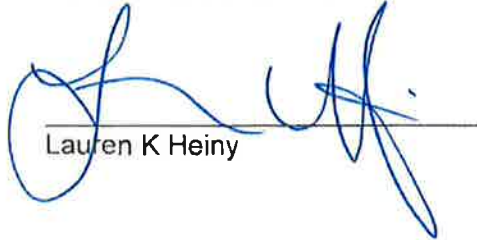
AFFIDAVIT OF MAILING
PUBLIC HEARING VARIANCE NOTICE
STATE OF MINNESOTA
COUNTY OF MOWER

Lauren K Heiny, being first duly sworn, disposes and says: "I am a United states citizen, over 21 years of age, and the engineering clerk of the City of Austin, MN."

On Monday September 27th 2021, acting on behalf of the City Planning Commission, I deposited in the United States Post Office in Austin, Minnesota copies of the attached notice of a hearing, enclosed in sealed envelopes, with postage thereon fully prepaid, address to the following persons at the addresses appearing below their respective names:

Yerhart - Variance
See attached list

There is delivery service by United States mail between the place of mailing and the places so addressed.

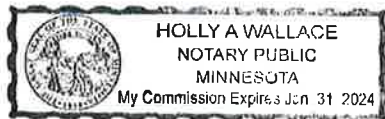


Lauren K Heiny

Subscribed and sworn to before me
This 27th day of September 2021.



Notary Public



Yerhart Variance Affidavit of Mailing List

James Smith – 3916 Oakland Ave W

Ronald and Mary Anderson- 109 40th St NW

Joe and Mary Davidson- 213 40th St NW

Emery and Enid Thompson- 312 40th St NW

City of Austin
Zoning Department



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us

Memorandum

To: Mayor and City Council

Cc: Virgil Eggers
611 13th St NE, Austin MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structure located at 611 13th St NE, Austin MN 55912

Date: October 13, 2021

May I ask the City Council to review and approve this resolution classifying the property located at 611 13th St NE Austin, Minnesota, as hazardous pursuant to Minnesota Statutes 463.15 – 463.261. City staff has been dealing with numerous complaints regarding this property and the owner has failed to repair these structural deficiencies. (See attached)

If you should have any questions regarding this matter, please call me at my office at 507-437-9952.

Thank You!

**City of Austin
Building Department**



**500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us**

August 20th, 2021

Virgil Eggers
611 13th St NE
Austin, MN 55912

RE: Housing Violations at 611 13th St NE, Austin, MN 55912

Dear Virgil:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on August 17th, 2021 at this site, and the following issues need to be resolved:

- 1. Repair/Replace roof decking on garage**
- 2. Windows in sound condition, good repair and weather tight on garage**
- 3. Protective treatment/ weatherproof exterior of garage**

The violation of International Property Maintenance Code Sections 304 were found. These Property Maintenance Code Sections read as follows:

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting material; and maintained weatherproof and properly surfaced coated where required to prevent deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if: a) The protective surface is paint (25%) of the area of any plane or wall or other area including window trim, cornice members, porch railing and other such areas; b) More than (25%) of the finish coat of a stucco wall is worn through or chipped away.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drain- age shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water

shall not be discharged in a manner that creates a public nuisance.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above mentioned Property Maintenance Code violations within the next **30 days**, or the City of Austin will take further action in efforts to resolve these violations. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$100, the amount varies depending on the type of violations. Your cooperation with this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Johnson", with a long horizontal flourish extending to the right.

Brent Johnson
Zoning Inspector



August 17, 2021
11:04 AM

TIME STAMP

TIME STAMP 

6H
October 13, 2021
10:59 AM



TIME STAMP 

October 13, 2021
10:59 AM

481 VKR

RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDING
LOCATED AT 611 13TH ST NE AUSTIN, MINNESOTA
OWNED BY VIRGIL EGGERS.**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 611 13th St NE to be a hazardous building for the following reasons:

- 1. Repair/Replace roof decking on garage**
- 2. Windows in sound condition, good repair and weather tight on garage**
- 3. Protective treatment/ weatherproof exterior of garage**

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on August 20th, 2021 and a copy (or copies) of which is (are) attached to the resolution as Exhibit A.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AUSTIN, MINNESOTA, AS FOLLOWS:

1. Pursuant to the foregoing findings and in accordance with Minnesota Statutes, Sections 463.15 and 463.261, the City Council hereby orders the record owner(s) of the above hazardous buildings to make such buildings safe to the public health, welfare, and safety by taking the following actions:
 - 1. Repair/Replace roof decking on garage**
 - 2. Windows in sound condition, good repair and weather tight on garage**
 - 3. Protective treatment/ weatherproof exterior of garage**
2. The repairs listed above must be made within 30 days after the order is served upon the record owner and in compliance with applicable codes, regulations and permits.
3. The City Council further orders that unless such corrective action is taken, the building(s) is/are ordered to be razed, the foundation(s) filled and the property left free of debris in compliance with all applicable codes, regulations and permits. The structures must be removed within 20 days after the initial 30 day repair period has expired.
4. If corrective action is not taken and an answer is not served within 20 days as specified in Minn. Stat. Section 453.18, a motion for summary enforcement of this order will be made to the District Court of Mower County.
5. In accordance with Minn. Stat. Section 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within 14 days. If the property and/or fixtures are not removed and the city enforces this order, the city may sell personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.
6. The City Council further orders that if the city is compelled to take any corrective action herein, all necessary costs expended by the city will be assessed against the real estate concerned and collected in accordance with Minnesota Statutes, Section 463.22, 463.161 and 463.21.

7. The Mayor, City Recorder, City Attorney and other officers and employees of the City are authorized and directed to take such action, prepare, sign and serve such papers as are necessary to comply with this order and to assess the costs thereof against the real estate described above for collection along with taxes.
8. The city attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. Sections 463.15 and 463.261.

Passed by a vote of Yeas and Nays this _____ day of _____, 2021

YEAS _____ NAYS _____

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
Zoning Department



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us

Memorandum

To: Mayor and City Council

Cc: Abel Rivera
1605 12th St SW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 1605 12th St SW, Rivera Property

Date: October 15, 2021

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of refuse and junk at 1605 12th St SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

Therefore, I am requesting the Mayor and City Council to approve empowering the Planning & Zoning Department to act on the removal of this junk. Such action is permitted by the City Code Section 10.14.

Thank You

City of Austin
Zoning Department



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us

July 21st, 2021

Abel Rivera
1605 12th St SW
Austin, MN 55912

RE: Zoning Violations at 1605 12th St SW Austin, MN 55912

Dear Abel:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on July 21st, 2021 at this site and the following issues need to be resolved:

1. Remove all junk from property- branch pile in rear yard

The violation of Austin City Code Sections 10.14 Subd.1(B) 4 and 10.14 Subd.4-6 were found. These City Code sections read as follows:

City Code Section 10.14, Subd. 1(B):

JUNK. All scrap metal, rags, batteries, paper, trash, rubber tires, debris, waste, wood, and/or construction materials not used in connection with a building or which is carried as inventory in an on-going construction business at a lawful place of business, dismantled vehicles, machinery and appliances or parts thereof and parts of vehicles, glass, tinware, plastic, aluminum and/or steel cans, old or discarded household goods, household furnishings or furniture, hardware or appliances. Neatly stacked firewood located so as to comply with the setback requirements as set forth in Chapter 11 and in accordance with side yard or rear yard setback requirements shall not be considered junk.

City Code Section 10.14, Subd. 4. *Notice and abatement.*

B. *Public nuisances affecting health*

5. Accumulations of manure, refuse or other debris;

D. *Public nuisances affecting peace and safety.*

16. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;

City Code Section 10.14, Subd. 4(E-G)

NOTICE AND ABATEMENT.

E. Whenever a public officer or other person charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the City enforcement officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated.

F. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the

premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days, within which the nuisance is to be abated.

G. If an emergency exists that presents an immediate danger to citizens affecting their safety, the officer shall require immediate abatement of such nuisance. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council and may take such other appropriate action as may be necessary. The Council may, after notice to the owner or occupant, provide for the abating of the nuisance by the City.

City Code Section 10.14, Subd. 5:

RECOVERY OF COST. The owner of the premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Recorder shall prepare a bill for the cost and mail it to the owner. There upon, the amount shall be immediately due and payable at the Office of the City Recorder. Ownership shall be presumed to be the owner as shown on the records of the County Treasurer unless the City Recorder has reason to know that such information is not accurate, in which event, notice shall be given to such other person as the City Recorder has reason to believe is, in fact, the true owner of said premises.

City Code Section 10.14, Subd. 6:

ASSESSMENT. If the cost of abating said nuisance is not paid in full to the City Recorder before September 1, next, then on or before September 1, next, following the abatement of the nuisance, the City Recorder shall list the total unpaid charges along with other such charges, as well as other charges for current services to be assessed under Minnesota Statutes 429.101 against each separate lot or parcel to which charges are attributable. The Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Council may determine in each case.

Please resolve the City Code violations within **10 days** of the date of this letter, or the matter will be referred to the Austin City Council for corrective action. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$100, the amount varies depending on the type of violations.

Your cooperation with this matter will be greatly appreciated, and if you have any questions, please call me at my office at (507)437-9950.

Sincerely,



Brent Johnson
Zoning Inspector

CC: NC REAL ESTATE LLC



October 13, 2021

1:31 PM

1605 12th St SW



TIME STAMP

October 12, 2021
2:44 PM

1605 - Repeat