

**MINUTES OF THE**  
**AUSTIN CITY PLANNING COMMISSION REGULAR MEETING**  
**TUESDAY, JANUARY 9, 2001**

**MEMBERS PRESENT:** Glen Mair, Richard Bergstrom, Lois McConnell, Jack Rosenberg, Brian Johnson, Janet Anderson, and Susan Howard

**MEMBERS ABSENT:** Gordy Kuehne, Sue Grove

**OTHERS PRESENT:** Craig Hoium, Planning & Zoning Administrator and Craig Byrum, Assistant City Attorney

Planning Commission Chair Brian Johnson called the meeting to order at 5:38 p.m., January 9, 2001, in the Austin City Council Chambers located at 500 4<sup>th</sup> Ave. N.E., Austin, Minnesota.

Correction was made to the minutes of the December 12, 2000 meeting; change wording on page two, second paragraph from "variances" to "ordinances", change the word in the same paragraph, fourth line, from "treatment" to "variance", and change motion of Item No. 5 to read "adopt the resolution" instead of it being a recommendation. Motion was made by Commission Member Mair to approve the December 12, 2000 minutes as corrected. Motion was seconded by Commission Member Anderson. Unanimous Ayes. Motion passed.

Appointments were made for the 2001 Planning Commission Chairperson and Vice-Chairperson. Motion was made by Commission Member McConnell to nominate Brian Johnson as 2001 Chairperson. Motion was seconded by Commission Member Anderson. Unanimous ayes. Motion passed.

Motion was made by Commission Member Howard to nominate Sue Grove as 2001 Vice-Chairperson. Motion was seconded by Commission Member Mair. Unanimous ayes. Motion passed.

- 1.) **OPEN PUBLIC HEARING: To review a preliminary plat to be known as Lickteig's 2<sup>nd</sup> Addition. Said plat is located southwest of the intersection of 16<sup>th</sup> St. S.W. and 22<sup>nd</sup> Ave. S.W. This plat consists of approximately 23.55 acres and will include four single-family lots, a 72-unit housing development, and a 15.02 acre outlot.**

Craig Hoium reviewed the petition made by Richard Lickteig. Thares Management is the developer for this multi-family development. Recently the City of Austin annexed in a portion of this property to be included with the Thares Management Development or Lickteig 2<sup>nd</sup> Addition. To pursue the development there are five separate public hearings that are necessary for the developer to proceed with the placement of utilities, streets, construction of buildings, etc. There are three public hearings to establish property lines- one of them being the preliminary plat review being held tonight. The preliminary plat is reviewed by the Planning Commission with a recommendation to the City Council to either approve or deny the preliminary plat with any conditions that may be included with this recommendation. Generally on a preliminary plat review there are a number of conditions that must be resolved before the final plat goes in front of the City Council again for the third public hearing and final approval. In this development there is also a re-zoning of property that must take place. The re-zoning was originally scheduled for tonight's meeting, but there was an error in the legal description that was put in the public notice of the Austin Herald, so that public hearing has been re-scheduled for February 13, 2001. The placement of property lines and public right-of-way extensions will be discussed tonight, but there will be no issues relating to the re-zoning of the property. The legal description placed in the Austin Herald included the entire development area, but the only portion of the plat to be re-zoned is the multi-family development area.

Richard Lickteig has petitioned for a preliminary plat review for 23.5 acres. This site is proposed for a 72-unit rental housing development. 32 of the units will be designated as assisted care units and 40 units as market rate apartments. To the west and south the property is currently used for agricultural purposes. To the north and east are single-family residential developments. In reviewing the preliminary plat, this area is broken down into three specific different areas. Toward the north are four lots proposed to be platted- it consists of approximately 1.4 acres and is legally described as Lots 1, 2, 3, & 4 of Block 1 of Lickteig 2<sup>nd</sup>

Addition. Another portion of the plat is described as Lot 1, Block 2 consisting of approximately 6.4 acres and an area to be included in the multi-family development. This particular area will be in front of the Planning Commission and City Council for re-zoning from an "R-1" District to an "R-2" District. The remainder of the plat which consists of a little over 15 acres described as Lot 2, Block 2 will remain as an "R-1" District. Neither the developer nor the owner has any intention of developing that area at this time. This should actually be changed to an outlot description (one of the conditions of approval). Mr. Hoium would like to recommend to the Planning Commission seventeen conditions to be taken into consideration for the approval of this preliminary plat. They are:

- 1) All easements are entered into the plat per the Austin Utilities request. The final plat will be held until the easement situation outlined in Austin Utilities comments are resolved.
- 2) Developer must acquire all easements outside the plat that are necessary for the extension of utilities to the plat. These must be acquired before any building permits are issued.
- 3) Obtain approval for rezoning of proposed Thares development site from "R-1" Single-Family Residence District to a "R-2" Multi-Family Residence District. (Lot 1, Block 2, Lickteig 2<sup>nd</sup> Addition)
- 4) Provide landscape plan for multi-family development area. Provide screening to adjacent single-family neighborhoods.
- 5) Provide street lighting to meet the approval of the City of Austin Engineer.
- 6) Obtain approval from City of Austin Engineering Department for storm water run-off management plan for development site and surrounding future development area.
- 7) Obtain sanitary sewer extension permit from the Minnesota Pollution Control Agency.
- 8) Park dedication requirements to be stipulated by the City Council and Director of Park and Recreation.
- 9) Enter into Developer's Agreement with the City of Austin addressing all aspects of this proposed development and the responsibilities thereof. If this project is to be broken into stages, each subsequent phase shall require the approval of a new Developer's Agreement.
- 10) Design of all infrastructures within development shall meet the approval of the City of Austin Engineering Department.
- 11) Provide fully developed public road of 22<sup>nd</sup> Avenue SW (approximately 459.00 feet).
- 12) Provide future 66 foot wide public right-of-way of 17<sup>th</sup> Street SW, which will be located in the proposed Lot 3, Block 1, Lickteig 2<sup>nd</sup> Addition.
- 13) Provide conceptual layout of future development which may occur in parcel shown on preliminary plat as Lot 2, Block 2, Lickteig 2<sup>nd</sup> Addition.
- 14) Address necessary future public right-of-way of 18<sup>th</sup> Street SW, west of Lot 1 and 2, Block 2 of Lickteig 2<sup>nd</sup> Addition.
- 15) Address concerns of Austin Utilities in regard to looping of utilities and necessary utility easements to accommodate these infrastructure needs.
- 16) Obtain approval from the Austin Fire Chief for ingress and egress to site for emergency type vehicles and fire hydrant locations and flows.

- 17) Execute agreement accepting financial responsibilities for public infrastructure on undeveloped sides of property.

Mr. Hoium would like the Planning Commission to keep these considerations in mind if there is a motion made on this preliminary plat this evening.

Commission Chair Johnson asked if the use of the property is part of the application for the preliminary plat. Mr. Hoium said that the re-zoning will be for Lot 1, which consists of 6.41 acres. The remainder of the site to the south will remain an "R-1" District. The 1.42 acres, which consists of the four single-family lots, will also remain as an "R-1" District.

Commission Member McConnell asked if the February meeting will be when the re-zoning is discussed, and will it be the regular Planning Commission meeting. Mr. Hoium said yes. Public notices will be mailed out. Mr. Hoium said that if the Planning Commission chooses to make a recommendation to the City Council tonight to approve or deny the plat, and if some of these conditions or additional conditions are included that is fine. If the City Council wishes to proceed then it is up to the petitioner and the consulting engineering firm as to when all these items will be resolved before the final plat is approved.

Commission Member Howard questioned if this development is for seniors. Mr. Hoium said yes.

Commission Member Rosenberg asked about storm water and retention ponds- where is the water to go. Mr. Hoium said the developer has submitted a plan that shows two retention ponds. There are specific calculations to be taken into consideration and the City Engineer will review this along with the other recommended conditions.

Clark Thares, of Thares Management of South Dakota, said Primrose is the name of the company he works for. Mr. Thares started Primrose about eleven years ago in Aberdeen, S.D. The company was created due to the fact that his business partner had a father who was able to care for himself, but could no longer live in his home. Mr. Thares and his partners came up with the idea, after research, to create Primrose. They also have developments in Bismarck, ND, Rapid City, SD, and in Mankato, MN. The facility in Mankato is a 57-unit facility. Primrose serves seniors- they are not low-income housing. Their facilities are quality facilities. Mr. Thares said he had an informational meeting here in Austin at the AmericInn. He mentioned one of the concerns was traffic in the area. He thought about 50% of the residents would drive. There would be a once a week garbage removal and a food service delivery. Mr. Thares said his developments are extensively landscaped. All of their facilities are located in the heart of residential areas. He has invited Austin residents to his Mankato facility.

Commission Member Howard asked if the rent is based on the tenant's income. Mr. Thares said no. The Commons building contains a library, dining room, fireplace, computer room, fitness room, an ice cream parlor, a chapel, and several community areas with many activities for the residents.

Commission Member Mair asked Mr. Thares if he is still doing the day to day management for all four of their locations. Mr. Thares said yes. They start from scratch all the way through to management. They do not build and then turn around and sell it. They use brick and steel siding. They pay the utility costs for the buildings so they use quality windows- for the long term investment. All this will be done in Austin also.

Commission Member Johnson asked why they would build this facility one block from an elementary school. Mr. Thares said that if Mr. Johnson visited the Mankato facility he could observe the amount of traffic from his facility- that it would be considerably less than from a lot of single family homes. The majority of the residents do not drive. Mr. Johnson questioned the number of visitors and employees to the facility. Mr. Thares said the total staff would be about 4-6 people including housekeeping. Mr. Johnson said all the traffic will be coming from the north and the east and the majority of the traffic will be by Southgate School. He said there are many other areas in the city to be used for multi-family development in the Comprehensive Plan. Mr. Thares said their facility in Aberdeen, SD is two blocks away from a school and they have had no problems. He also wanted to clarify the reason for the number of parking spaces at their facility- this is the number mandated by the City of Austin based on the number of units, even though most of the parking lot would be fairly empty most of the time.

Paul Jacobson, of 2302 14<sup>th</sup> St. S.W., attended the December 19, 2000 meeting with Mr. Thares, and complimented the company on the appearance of the facility. Mr. Jacobson said the reasons that Mr. Thares wants to move into the neighborhood are the same reasons Mr. Jacobson chose to live there- to watch the sunset, and the assurance that the surrounding property was zoned "R-1" and that it would probably stay that way. They live one block from Southgate school and there are no sidewalks or no stop signs. People in the neighborhood walk their dogs, ride their bikes, and partake of outdoor activities on the streets of the neighborhood on a daily basis including winter. Mr. Jacobson said that Mr. Thares indicated at the December 19<sup>th</sup> meeting that 60% of the 72 residents would drive and that the average age of the residents would be 75-80 years old. Mr. Jacobson is concerned with the increased traffic. He feels 72 residents are a significant number when you look at the number of homes on 22<sup>nd</sup> Ave. and 16<sup>th</sup> St. S.W.- a tremendous increase in traffic. Mr. Jacobson said that with the age of the residents, Heartland Express will be coming in on a regular basis plus the employee traffic. Clergy and emergency vehicles plus the facility's own van will be going in and out on a constant basis transporting people around the community. UPS and Fed Ex will probably be there for birthdays and holidays with a tremendous increase in traffic just because of the concentration of residents in such a small space. Mr. Jacobson is strongly opposed to this development- this is not the kind of neighborhood he moved into- it's not going to be able to maintain the nature of the neighborhood. 22<sup>nd</sup> Ave. S.W. is basically a dead end now, but he feels his son will have some problems crossing 22<sup>nd</sup> Ave. with the increase in traffic. Mr. Jacobson is also concerned with the property values in the neighborhood. He says when he bought his home he thoroughly checked with the City of Austin that it was zoned "R-1" Residential. There have been a number of discussions regarding the development of the area behind 14<sup>th</sup> St. S.W. with proposed single family development. Mr. Jacobson said that in the Comprehensive Plan it suggests that this type of facility should be adjacent to major arterial collectors, adjacent to areas of employment, and adjacent to areas of commercial activity- none of which this particular property site meets. Mr. Jacobson applauds the City for the foresight of the HRA, but hopes that as a resident, that the City will continue to enforce the designed plans for the community. He would suggest to the Planning Commission to deny this petition. He is concerned about the future of this property if it is to be re-zoned to "R-2."

Commission Member Rosenberg asked what the rent payments would be for assisted living. Mr. Thares replied \$2,000 a month for assisted living and \$1,400 a month for the remainder of the apartments. Mr. Rosenberg asked if there is an age bracket. Mr. Thares said residents 60 years of age and older.

Kim Jacobson, of 2302 14<sup>th</sup> St. S.W., stated her concerns with the amount of traffic this might create. She has a son who plays in the area, and along with other young children, walk to and from Southgate with no sidewalks and no stop signs. She said that the access to this development, on the north side, is the same street where the school buses park before and after school- it's really difficult to get through on this street when the buses are there.

Commission Member Bergstrom asked if the company has considered any other locations. Mr. Thares said yes, but they have not had much success finding parcels with enough acreage to accommodate this facility. He again stated that all of his facilities have been built in residential areas with families that are glad they are there- property values have actually increased because of the fact that the facility is so quiet.

Commission Member McConnell asked Mr. Thares what brought him to Austin. Mr. Thares is a property tax paying entity and they thought there was a need for a quality facility in Austin for seniors. He again stated that the traffic is very limited and the garbage removal is once a week.

Commission Member Rosenberg asked what kind of care is covered under assisted living. Mr. Thares replied that it is three daily meals, housekeeping, laundry, and 24-hour nursing care. This is not home health care- no IV's or intensive nursing.

Commission Chair Johnson, of 2401 13<sup>th</sup> St. S.W., has two daughters who walk to Southgate school and is concerned with the safety of children with a development that has 24 garages and 51 parking stalls. Mr. Johnson asked the people in attendance to have a "show of hands" to show who is opposed to and who are in favor of this development.

Richard Lickteig, owner of the property, said that he talked to a resident living by the facility in Mankato who was leery of the development at first, but now is very positive and says the facility is an excellent neighbor. Mr. Lickteig's mother is 89 years old and after visiting Mankato he was very excited about the possibility of his mother living in a facility like this.

Mr. Jacobson said another concern to be considered is the two retention ponds. He is very concerned about the close proximity of the ponds to the school.

LeRoy Buland, of 2304 14th St. S.W., asked the Planning Commission to be concerned with the needs of this area. Mr. Buland has a sump pump in his basement and it runs most of the time during the summer.

Clark Cipra, of 2201 16<sup>th</sup> St. S.W., is concerned with the traffic and the change of the neighborhood. He said the amount of traffic on 16<sup>th</sup> St. S.W. during the morning is unbelievable.

Mr. Hoium said that if there are concerns about the traffic in that area there could be a recommendation added to suggest the developer conduct a traffic study in regard to a 6.4 acre site and adjacent areas for single family development traffic count versus a 72-unit elderly care development traffic count. Commission Member Anderson asked if that could be placed as a condition on the approval of the plat. Mr. Hoium said yes. Mr. Johnson said he would have a problem with the assumptions used for the traffic count. Commission Member Anderson said that if the area would be used for single family development and does not remain agricultural land, then maybe the impact of a single-family development should be looked into with the traffic of two car families, etc.

Mr. Jacobson is asking that the number of acres in such a study is looked at more comparatively, and that another avenue of access to the facility is considered so that it wouldn't have to go past the school.

Mr. Thares said that he is very open to do the study, in fact, he suggested they do the traffic count in Mankato, as it is almost an identical facility. He said that he lives only two blocks away from one of his facilities and is not worried at all about his daughters. He said that in comparing the traffic of single family houses- his family leaves the house much more frequently than grandparents do.

Kim Jacobson stated her concern that the children walk from all areas of the neighborhood to get to school- they don't meet at one corner for a bus stop and stay there- they are walking in all of the streets.

Commission Chair Johnson stated that all of the facility's traffic will be funneling right by Southgate and into this unit as the city is all to the north and east of this facility.

Commission Member Mair asked if this facility would be that different from regular single family home traffic. Mr. Jacobson said yes, because there is a significant concentration of people on six acres, which you would not have with single family homes. Mr. Jacobson thinks that once this area begins to be developed as "R-2" that it would continue to be developed as "R-2". Commission Member Mair doesn't see that the occupants of these units will be leaving for work every morning, running errands everyday, etc. This facility looks like it will be self-contained to a point. Commission Member Mair questioned how any of the places like St. Marks and Sacred Heart would find a place to build now if this traffic argument was used like it has been. Mr. Mair felt that the traffic issue may be a little overplayed.

Lori Wischnack, an Austin Medical Center family physician living at 1503 24<sup>th</sup> Ave. S.W., agrees with Mr. Jacobson and is concerned with traffic and safety. She does have seniors in her care that are very determined to drive. She would be very concerned with how some of them drive. The Primrose facility in Mankato is by a middle school- students who are older and who may be more aware of situations. Senior citizen reaction time is slower and kids aren't able to plan ahead. She feels that the traffic will be going right past the school and that is a concern.

Commission Member McConnell said that because there is a lot of new information at tonight's meeting, she does not feel prepared to vote. She believes that the traffic issue is a legitimate concern. She also feels that when people consider "R-1" zoning when buying their property, then that is significant.

Commission Member Bergstrom questioned other possible access to the development areas- possible future roads leading into the development. Mr. Hoium said there might be an extension of 18<sup>th</sup> St. S.W. or 19<sup>th</sup> Ave. S.W. in the future.

Commission Member Anderson questioned the retention ponds and the safety of the surrounding children. Mr. Hoium said the type of pond in this development is a dry pond- it is dry until heavy rains or storm water discharges into them. City Engineer Jon Erichson is involved in the design requirements- there are many different ponds in the community. There are ponds that are fenced off, there are wet ponds, dry ponds, etc. Commission Member Anderson asked if it could be included in the developer's agreement. Mr. Hoium said yes.

Commission Member Rosenberg asked when this property was annexed into the City. Mr. Hoium said Mr. Lickteig, the owner of the property, made a petition to annex approximately 25 acres. The City Council approved the Orderly Annexation Agreement and it was also approved by the Austin Township Board and MN Planning Boundaries and Adjustments.

Commission Member Bergstrom asked how far this area is from the County Road. Mr. Charlie Fawver said it is 1/4 mile from the County Road.

Commission Member Anderson asked the time frame for the road construction development for single family homes. Mr. Fawver said in the future- there is not a call for it right now.

Mr. Jacobson asked the Planning Commission to keep two things in mind; is this 72-unit facility in keeping with the current neighborhood- does it belong in this area, and does it meet what the City has designed in the Comprehensive Plan for the City of Austin.

Commission Member Rosenberg felt that there is too much new information for him to vote on it at this time. Commission Member Bergstrom asked if this could be tabled. Commission Chair Johnson asked if this could be tabled without running into a due process time frame. Mr. Hoium said there is a sixty day law if a petition is made to the Planning Commission or City Council that at that time it is required to give an approval or denial of the request, or a letter can be sent to the petitioner extending the sixty day period if there are just reasons and the petitioner is notified of those reasons. Commission Member Rosenberg said he would like to visit the Mankato facility.

Commission Chair Johnson again stated his concern with the proximity to Southgate school, that this project does not comply with the Comprehensive Plan, and the studies can't change this- this is not the place for it.

Motion was made by Commission Member Mair to table this preliminary plat decision to the February 2001 Planning Commission meeting at which time the re-zoning is considered and after the staff has made a recommendation on the compatibility of this project with the Comprehensive Plan. Motion was seconded by Commission Member Rosenberg. Unanimous ayes. Motion passed.

Mr. Hoium and Mr. Thares discussed the business of obtaining a traffic count for the Mankato facility.

#### **OTHER BUSINESS**

Mr. Hoium discussed the distribution of the new Comprehensive Plan. He will be scheduling a workshop with the Planning Commission and the City Council to review the use of the Comprehensive Plan. Commission Member Anderson asked if the Comprehensive Plan would include the new zoning district. Mr. Hoium said it is not related at all to this type of development, but that it will be drafted this year.

#### **ADJOURN**

Motion was made to adjourn by Commission Member Rosenberg. Motion was seconded by Commission Member Bergstrom. Unanimous Ayes. Motion passed. Meeting adjourned at 7:15 p.m.