

MINUTES OF THE
AUSTIN CITY PLANNING COMMISSION REGULAR MEETING
THURSDAY, MARCH 8, 2001

MEMBERS PRESENT: Glen Mair, Sue Howard, Jack Rosenberg, Brian Johnson, Janet Anderson, and Sue Grove

MEMBERS ABSENT: Gordy Kuehne, Lois McConnell, and Richard Bergstrom

OTHERS PRESENT: Craig Hoium, Planning & Zoning Administrator, Jon Erichson, City Engineer, and Craig Byram, Hoversten Law Office

Planning Commission Chair Brian Johnson called the meeting to order at 5:37 p.m., March 8, 2001, in the Austin City Council Chambers located at 500 4th Ave. N.E., Austin, Minnesota.

Corrections were made to the minutes of the February 13, 2001 meeting; change 150.2 to 15.2 page two; change transportation plan on page three; "to make" changed to "consider" page seven; and change obligated to obviated on page 8. Motion was made by Commission Member Rosenberg to approve the February 13, 2001 minutes as corrected. Motion was seconded by Commission Member Anderson. Unanimous Ayes. Motion passed.

- 1.) **OPEN PUBLIC HEARING: To consider a request from the Faith Evangelical Free Church, 1805 12th St. S.W., Austin, MN, for an amendment to an existing conditional use permit for an approximate ten (10) acre church development site. Alterations have been made from the initial site plan, which warrants this conditional use permit amendment.**

Craig Hoium reviewed the request. On February 10, 1998, the City of Austin approved a conditional use permit for the property legally described as Lot 1, Block 1 of South Pointe 2nd Addition. This conditional use permit was used for development of a new church facility for Faith Evangelical Free Church. This property is currently located in an "R-2" Multi-Family Residence District and is surrounded by "R-1" Districts with the exception of "B-1" and "R-2" Districts to the north. Some of the changes to the site plan that warrants this amendment to the conditional use permit are:

1. The original site plan showed access to the development site directly adjacent to 17th Ave. S.W. The access to the development site has been relocated to the south where it will be more southerly from where the church will be constructed.
2. The proposed ultimate size of the church facility would be 70,000 sq.ft.
3. The off-street parking was located on the backside of the church, with access to the off-street parking accessed by both sides. The change in off-street parking would be adjacent to 12th St. S.W.- a plus to the new subdivision to the west.

Mr. Hoium said he was informed by a church representative that the change in relocation to the site of the church was required by MNDot. If the Planning Commission should choose to approve this conditional use permit Mr. Hoium asked that they include the following recommended conditions:

1. Relocation of church site required by MNDot
2. Hard surface off-street parking.
3. Landscaping and open space to meet the minimum 40%.
Landscaping plan to provide necessary screening to adjacent residential property owners to the south of the development.
4. Landscape plan for the remainder of the site.
5. Site drainage to meet the approval of the City Engineer.
6. Site development addressing access for emergency vehicles to meet the approval of the Austin Fire Chief.

Mr. Hoium said that whatever decision is made by the Planning Commission that there is a fifteen day appeals period so if someone should appeal the decision by the Planning Commission this matter will then go in front of the City Council.

Mr. Hoium reviewed the building finishes- a type of stucco type finish on the exterior along with vinyl and/or steel siding. He said that if there is a certain type of color or tone or building finish type desired, that this matter could be listed as a condition in the conditional use permit.

Commission Chair Brian Johnson stated that he is a member of Faith Evangelical Free Church.

Jerry Whithaus, of 2309 9th Ave. S.W., a member of Faith Evangelical Free Church, is a committee member for this development. He discussed condition number four- the landscaping plan. Because of the way the site plan is laid out the church prefers not to expend funds to prepare a landscaping plan for screening purposes. The building is far enough north that it is a significant distance from the homes on the south. There will be a lot of greenspace north of the homes and south of the church. The parking is now proposed to be in the rear of the building. He would like to recommend that condition number four be removed from the recommendations for screening. Commission Chair Johnson said there is existing screening north of the houses on the south side of the development area. Mr. Hoium said these recommendations were on the last approval of the permit in 1998. This is a "recommended" condition and needs to be decided by the Planning Commission. Mr. Fawver said there are plantings along the north side of the residential development on the south end of South Pointe. Commission Chair Johnson said that with the nature and size of the property and the trees to the south, that condition number four of the recommendations list could be omitted. Commission Member Mair asked if condition number four was in the earlier conditional use permit in 1998. Mr. Hoium replied yes.

Motion was made by Commission Member Mair to recommend approval of the conditional use permit amendment request along with all of the recommended conditions including item number four- landscape plan for the remainder of the site. Motion was seconded by Commission Member Grove. 5 Ayes (1 Nay vote made by Commission Chair Johnson). Motion passed.

2.) OPEN PUBLIC HEARING: To consider a request from Richard Lickteig, RR 3, Austin, MN, for an amendment to the Austin Comprehensive Plan pursuant to Minnesota State Statute 462.355 Subd. 2. This requested action would change the future land use of approximately 6.41 acres owned by Mr. Lickteig from a low-density residential area to a high-density residential future land use.

Mr. Hoium reviewed the request. This proposed plat is to be called Lickteig's 2nd Addition and a proposed rental housing development called Primrose which consists of 72 units- 32 units will be designated as assisted living care units and 40 units will be market rate apartments. The developer is trying to attract the community's elderly population for this proposed development. This matter has been in front of the Planning Commission at both the January and February meetings- it was tabled both times. At both meetings there was much discussion related to the development and concerns expressed from adjacent property owners as to what effects this development may have on their properties. Mr. Hoium reviewed the concerns: traffic impact, compatibility of the development and changed land use. There are provisions in the Comprehensive Plan as to what should be encouraged for high-density development. Petitions have been filed and letters have been dropped off at Mr. Hoium's office, which speak both for and against the development. In December 2000 a portion of this development was annexed into the City. At the January and February meeting there have been discussions regarding the Comprehensive Plan- that the recommendations are not consistent with this proposed development. Mr. Hoium reviewed the Future Land Use Plan that is in the Comprehensive Plan. A low-density development is 3-4 units per acre. This is a request for the 6.41 acre site being reviewed to be changed from a low-density development to a higher density development. MN State Statute 462.352 defines a Comprehensive Plan as:

A Comprehensive Municipal Plan means a compilation of policies, statements, goals, standards and maps for guiding the physical, social, and economic developments both private and public of the municipality and its visions including air space and subsurface areas necessary for mined underground space development pursuant to Section 469.135 and 469.141. It may include but is not limited to the following: statements of policies, goals, standards, and land use plan including proposed densities for development and community facility plans, a transportation plan, and

recommendations for planned execution. A Comprehensive Plan represents the planning agency's recommendations for future development of the community.

There is also a Section that states that "a planning agency shall periodically review the Plan and recommend amendments whenever necessary." There are procedures for plan adoption, " the planning agency may, unless otherwise provided by Charter or Ordinance consistent with the Municipal Charter recommend to the governing body the adoption and amendment from time to time of a Comprehensive Plan." "The governing body may propose the Comprehensive Plan and amendments to it by resolution submitted to the planning agency. Before adopting the Comprehensive Municipal Plan or any Section or amendment of the plan the planning commission agency shall hold at least one public meeting thereon." Mr. Hoium said this is the public hearing.

Commission Member Anderson asked what the voting needs to be to make an amendment to the Comprehensive Plan. Mr. Hoium said the statute reads, " adoption of governing body- a proposed Comprehensive Plan or an amendment to it may not be acted on by the governing body unless it has received the recommendation of the planning agency or until 60 days have elapsed from the date an amendment proposed by the governing body has been submitted to the planning agency for its recommendations unless otherwise provided by the Charter the governing body may by resolution by 2/3 vote of all its members adopt an amendment to the Comprehensive Plan or a portion thereof as the official municipal plan upon such notice and hearing as may be prescribed by ordinance." Mr. Byram said a simple majority of tonight's members could make the recommendation. The governing body then considers the recommendation and it would be a 2/3 majority of the City Council to pass it.

Mr. Hoium said that the Comprehensive Plan states "it is not a rigid set of rules by which Austin must make its growth decision over the next ten to twenty years." "It is a framework intended to guide developments- a measuring point from which proposals, opportunities, and discussions can be evaluated." Mr. Hoium listed criteria that are recommended to be encouraged when looking at this type of development:

- 1.) Adjacent to major arterial collectors.
- 2.) Adjacent to areas of employment.
- 3.) Adjacent to areas of commercial activity.
- 4.) To act as a transition from more intensive land use types- commercial, industrial,- to less intensive land use types- single-family residential.

The developer currently owns four sites similar to the proposed Primrose development. The average age span of residents is from 75 to 85 years of age. The traffic analysis justifies the existing roadway system. The landowner and petitioner have agreed to include single family lots on the east side of the development between the existing homeowners and the development. Mr. Hoium said that if a recommendation is made to amend the Comprehensive Plan to re-zone this property and move on with the preliminary plat that this condition should be included.

Commission Chair Johnson is concerned whether this proposed development meets the criteria Mr. Hoium stated earlier including the development being adjacent to major arterial collectors- is 12th St. S.W. the collector. Mr. Hoium said yes. Commission Chair questioned being adjacent to employment and commercial activity- are we looking at this only from the side of this particular property proposing to be "R-2" instead of everything around it. Commission Chair also questioned the examples given of existing "R-2" properties in Austin being transition areas- he feels this proposed development does not meet any of the criteria examples.

Commission Chair Anderson asked if the remaining land is to remain "R-1" in this area- would any other project that was interested in this land have to go through this same procedure. Mr. Hoium said yes.

Mr. Hoium said that if an amendment is made to the Comprehensive Plan and the re-zoning is done, and the plat is approved, but if for an unknown reason Primrose does not happen, the City of Austin can petition to re-zone this property back to an "R-1" District.

Chad Schuman, of Yaggy Colby Associates, reviewed the Traffic Study and the questions posed in the last two meetings regarding the study. The first question was whether the land use used in the report was

actually derived from the ITE book and whether they truly represent the Primrose development. The three land uses used were single-family detached housing, congregate care facility, and elderly housing attached. He also defined a trip as a one directional vehicle movement entering or exiting a site- to the store and back would be two trips. He also said that regarding the use of "elderly housing attached"- this land use is restricted to senior citizens and contains residential units similar to apartments and condominiums and sometimes a self contained village. This may also contain special services such as medical, dining, and limited retail support facilities. This is a very close description to the units of Primrose that are not assisted living. Commission Chair Johnson questioned the word "may" in the description of elderly housing attached- the traffic count may be too low because of the special services that Primrose will offer at this facility. Chad Schuman went to the Mankato facility and did a traffic count- it came out nearly exactly as his report had said- 3.5 trips per day per unit- the report says 3.48. At this time the Mankato facility has only 33 unassisted units. All traffic in and out of the site was counted- 116 trips in a 24-hour period. A congregate care facility typically consists of one or more multi-unit buildings designed for elderly living. They may also contain dining rooms, medical, and recreational facilities. The people in the assisted living units don't have cars, so the trips to those units and back will be visitors and staff- the trip generation rate will be quite low. Commission Chair Johnson questioned the data that states "the sites were surveyed in 1981 in Portland Oregon." Mr. Schuman said that when the studies are done a site or land use is picked out that will be the best match. Mr. Schuman corrected the amount of lots from 32 to 34 in the residential development in the initial traffic count. Mr. Schuman responded to the suggestion at the last Planning Commission meeting that he should only analyze the 6.41 acres and compare that to what it would be if it were developed as single family residential. He agreed that that information could be worked on, but he was not sure of how useful it would be to not include all the information that was available. It is a good assumption that the landowner of this property will have north-south roads to connect from 22nd to 24th Ave. S.W. If that is the case then there will be traffic to use these roads. Commission Chair Johnson wanted to point out that the results from a study like this depend on the assumptions made to go into it. Commission Chair Johnson said that the quality of traffic from something like Primrose is going to be a detriment because of the senior drivers, commercial drivers, the visitors, emergency vehicles, busses, etc., as opposed to this being a single-family development. Mr. Schuman said that in his research he found that older drivers are of less risk to pedestrians than younger drivers- it's ten times more likely that a pedestrian will be hit by a 20-30 year old than by a 70-80 year old. The older drivers are less likely to be involved in accidents than middle aged drivers and are far safer than 20 year old drivers no matter which statistic is chosen. Senior citizens are involved in more accidents than middle-aged drivers are and less than young drivers. The severity of accidents is much different- younger drivers typically drive at very high speeds causing more serious injuries.

Commission Member Mair asked if Mr. Schuman has done any other work in Austin. Mr. Schuman said yes. Commission Member Mair asked Mr. Schuman where he resides. Mr. Schuman replied Rochester. Commission Member Mair asked if this study he just did is as independent as if he went to another city. Mr. Schuman replied yes. Commission Member Mair asked how long Mr. Schuman has done traffic studies. Mr. Schuman replied four years and licensed as a professional engineer for almost two years.

(Commission Member Anderson exited the meeting)

Clark Thares, one of the Primrose developers, reviewed the proposed development. This is a 72 unit facility- 32 units assisted and 40 units independent. Mr. Thares handed out a packet to the Planning Commission that included letters from the Mankato Community Development Director and unsolicited letters from current residents near the proposed Primrose development.

Mr. Thares shared photos and described the exterior finishes of the proposed building. They plant trees and landscape with a sprinkler system. The building exterior is a combination of brick and steel siding. Mr. Thares exhibited the landscaping site plan, the east property line, and the trees to be planted along the line.

Commission Chair Johnson asked Mr. Byram what the required quorum would be. Commission Chair Johnson read that a quorum shall consist of five members. Commission Member Mair said this is an ad hoc group making a recommendation to the City Council and he recommended the meeting continue.

Commission Member Mair asked Mr. Thares if the van/vehicle program is planned for the inception of the facilities and would it be a part of the plan for this facility. Mr. Thares said this facility is larger than the other facilities and this facility will have a van upon opening, although the other facilities did not have a van from project inception. Mankato will be having a van service after the addition is completed.

Commission Member Rosenberg asked the estimated cost of the proposed project. Mr. Thares said 3-4 million dollars, but they do not have an exact amount yet- they have not received bids from the local area yet. Commission Member Rosenberg asked if they would be using local contractors. Mr. Thares said yes.

Colleen Brunton, of 2206 14th St. S.W., asked if this could possibly become an apartment building for people other than senior citizens. Commission Member Mair said it has been stated earlier that this will be for seniors.

Commission Chair Johnson asked if there is a legal restriction to senior housing. Mr. Hoium said there is none. If this was a conditional use permit than you could place that as a condition. If this changed there is no legal tool to say this shall remain a senior housing development.

Colleen Brunton said that in the Comprehensive Plan it says that "R-2" districts should be adjacent to an arterial collector- not four blocks away. If 22nd Ave. S.W. were to become an arterial collector- that would be a long expensive road. She said she knows many people 65-75 years of age who do a lot of shopping, play golf, bowl, etc. They will not be close to employment, of which a lot of 65-year-olds are still working. They will not be close to community activities. She doesn't feel like the character of the neighborhood will stay the same if this development proceeds. She said that 60 people signed the petition and have concerns. She wonders how Mr. Lickteig could guarantee that the other plots would be single family dwellings- the Comprehensive Plan changes whenever something comes up. Colleen Brunton says she is glad the developer is coming to town, but would like them to look at other areas in Austin.

Lori Wischnack-Thorson, of 1503 24th Ave. S.W., is a physician at Austin Medical Center. She stated the proposed development in Austin would be double the size of the Mankato facility. She is concerned about the future of the Lickteig property. She is also concerned with the driving of the elderly despite the traffic report. She works with many senior citizens that are very active and drive. She would like to see Primrose developed somewhere else.

Diane Dammen, of 1505 21st Ave. S.W., would like the Planning Commission to listen to the people of the area and to use the Comprehensive Plan as it was written. She is not against Primrose, but thinks there are other areas to be looked at. She knows people in their 70's and 90's that drive and because she works in the emergency room she sees many people who are in accidents. She is also concerned with the "R-1" area staying residential single family- whether that will be true. She thinks Primrose will affect the property values of the existing homeowners in the area. She is also concerned with the amount of traffic this will generate. She said the Cedars are not filled- wonders if this project is needed and wonders if this might turn into an apartment complex if it doesn't go through.

Commission Member Howard asked what other sites were considered by Primrose Development when looking to build. Mr. Thares of Primrose Development said that seniors are concerned with being in a residential area and close to churches and clinics. It is tough to find a 5-6 acre piece of property that is relatively square. This is not a lot different from their other facilities.

Charlie Fawver, Austin realtor, said that there is one other site on the Land Use map of the Comprehensive Plan that accommodates a square six acres and is high density that is served by or adjacent to city sewer and water- this site is next to Mandolin apartments. Primrose chose not to elect that area. There is a site on 4th St. N.W. north of Maplevue, but not served by city water and sewer and it is in the middle of industry with a goal toward industrial development. There is a place along the freeway that the owner will not sell. There is property south on Hwy 218 on the "Y", but it is not served by city services.

Commission Member Howard asked what, if any, low-density areas were looked at besides the Lickteig property. Mr. Fawver said that all were looked at, but Primrose chose this one. Mr. Thares said that in looking what seniors desire, this fits and the size was appropriate.

Commission Chair Johnson said that Mrs. Jacobson, of 2302 14th St. S.W., who has been present at the last two meetings called him today to explain the reason for her absence at this meeting. Mr. & Mrs. Jacobson are still very much against the project. Commission Chair Johnson read the petition circulated in the neighborhood which received 60 signatures of the 65 persons approached.

Diane Dammen asked Mr. Hoium what area is "R-2" by the Southgate twinhomes. Mr. Hoium said that the twinhomes are in an "R-1" District by a conditional use permit- they went through a public hearing process to gain approval for that development. The closest "R-2" District would be the South Pointe addition west of Casey's. Diane Dammen said that a lot of people in the Southgate area were not asked to sign the petition-including her, which would mean more people would have signed it.

Commission Member Grove said she has received calls and talked to Mrs. Jacobson. Commission Member Grove has received calls in favor of the development, but when asked to attend the meeting they felt too intimidated by the group of sixty to come and speak, but they are thrilled about the proposed development.

Commission Member Mair asked if Commission Member Bergstrom's written note is allowable for a vote. Mr. Byram said no.

Commission Chair Johnson, of 2401 13th St. S.W., said he is in the neighborhood of the proposed development and said that all of Austin is his neighborhood and he would feel the same way about this project if it were a vacant lot next to a school in another part of town. He feels this area is not the place for this project. Although it looks like a good project and Austin welcomes it, he is not sure the need has been demonstrated for senior housing.

Motion was made by Commission Member Mair to recommend approval to the City Council of the amendment to the Comprehensive Plan Land Use Map accordingly with the findings of fact that the Comprehensive Plan is not rigid and can be changed. The fact that it is not adjacent, but close enough to, an arterial collector. The traffic analysis has been done independently and states that traffic will not adversely affect the neighborhood. Employment of these people is probably not full-time, but part-time or volunteer. Needs will be brought to the residents rather than having to leave for the needs. "R-2" Districts are usually adjacent to "R-1" areas and this will create a likable compatible use of this land. The developer will appropriately finish the exterior and landscaping. This will not adversely affect the integrity of the neighborhood, although it may help the neighborhood. This will be an alternative for senior living and will create more open housing in the city as people move into it. The tax base will be increased along with no ties to T.I.F. funding. The State of MN is actively encouraging with different incentives the direction exclusively for alternatives for people such as this. Motion was seconded by Commission Member Rosenberg. 4 Ayes by Commission Members Mair, Rosenberg, Grove, Howard, (1 Nay vote made by Commission Chair Johnson). Motion passed.

There is no more tape recording after this point. The remainder of the much abbreviated minutes are from Mr. Hoium's few handwritten notes.

- 3.) **OPEN PUBLIC HEARING:** To consider a request from Richard Lickteig, RR 3, Austin, MN, for the rezoning of approximately 6.41 acres from an "R-1" Single-Family Residence District to an "R-2" Multi-Family Residence District. This site is the proposed location of a 72-unit multi-family rental housing development.

Motion was made by Commission Member Mair to recommend approval to the City Council to rezone approximately 6.41 acres from an "R-1" Single-Family Residence District to an "R-2" Multi-Family Residence District with the condition that the City of Austin will petition for rezoning back to "R-1" if Primrose does not develop. Motion was seconded by Commission Member Grove. 4 Ayes by Commission Members Mair, Rosenberg, Grove, Howard, (1 Nay vote made by Commission Chair Johnson). Motion passed.

- 4.) **OPEN PUBLIC HEARING:** To review a preliminary plat to be known as Lickteig's 2nd Addition. Said plat is located southwest of the intersection of 16th St. S.W. and 22nd Ave. S.W. The plat consists of approximately 23.55 acres and will include 4 single-

family lots, a 72-unit multi-family housing development, and a 15.02 outlet. (This matter was tabled for further review from the January 9, 2001 Planning Commission Meeting.)

Two conditions were added to plat approval:

18. Platting of Lot 2 shown on preliminary plat as single-family lots.
19. Developed as presented by developer.

Motion was made by Commission Member Mair to recommend approval to the City Council of the preliminary plat to be known as Lickteig's 2nd Addition. Motion was seconded by Commission Member Howard. 4 Ayes by Commission Members Mair, Rosenberg, Grove, Howard, (1 Nay vote made by Commission Chair Johnson). Motion passed.

OTHER BUSINESS

ADJOURN

Motion was made to adjourn by Commission Member Grove. Motion was seconded by Commission Member Howard. Unanimous Ayes. Motion passed. Meeting adjourned at 7:58 p.m.