

**MINUTES OF THE**  
**AUSTIN CITY PLANNING COMMISSION REGULAR MEETING**  
**TUESDAY MAY 15, 2001**

**MEMBERS PRESENT:** Jack Rosenberg, Brian Johnson, Janet Anderson, Sue Grove, Lois McConnell, Gordy Kuehne, and Richard Bergstrom

**MEMBERS ABSENT:** Sue Howard and Glenn Mair

**OTHERS PRESENT:** Community Development Director Craig Hoium, Craig Byram from the Hoversten Law Office, and City Council Member Pete Christopherson

Planning Commission Chair Brian Johnson called the meeting to order at 5:32 p.m., May 15, 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 April 10, 2001 meeting; to correct the language of the question by Commission Member Anderson to include the words "public service uses" of the new Cinemagic 7 sign at Oak Park Mall in "Other Business". Motion was made by Commission Member Rosenberg to approve the April 10, 2001 minutes as corrected. Motion was seconded by Commission Member Kuehne. Unanimous Ayes. Motion passed.

- 1.) **OPEN PUBLIC HEARING: To consider a request from Paul V. Sween, 51770 160<sup>th</sup> Street, for a conditional use permit for the development of twinhomes in an "R-1" Single-Family Residence District. This action is pursuant to Austin City Code Section 11.30, Subd.3(F) with this proposed development to be located on property legally described as Lots 61,63,64,65,66,67, Block 2, and Lots 8,9,10,11,12,13, Block 5, Orchard Creek.**

Craig Hoium reviewed the request. Paul Sween of Orchard Creek properties has made the petition for the conditional use permit. These units are both on the east and west sides of 28<sup>th</sup> St. S.W. directly north of 16<sup>th</sup> Ave. S.W. The surrounding land uses are Austin Township property to the west that is used for agricultural purposes, to the north are platted lots for future residential developments, to the east is a combination of single-family lots in Austin Township and single-family and agricultural properties in the City of Austin. If this conditional use permit is approved it may go through a waiver of subdivision in which Mr. Hoium notifies all the surrounding utility companies and the City Council may approve the minor lot splits. New property boundaries will have to be implemented into the development. Mr. Hoium pointed out that there are two similar developments in the community, one of which is the 2000 block of 16<sup>th</sup> St. S.W., and the other is the 1300 block of 26<sup>th</sup> St. S.W. Other areas are the 1400-1500 of 16<sup>th</sup> Ave. S.W. and the 1500 block of 5<sup>th</sup> Ave. N.W. Mr. Hoium recommended to the Planning Commission that if they choose to approve this application that the petitioner a) provide a landscape plan to meet the approval of the Austin Planning Department, b) the petitioner enter into a developer's agreement identifying all the necessary public improvements and the responsibility for those, and c) lots shall be subdivided to accommodate the twinhome development. The front of the building will include a window above the front entry door with a vaulted ceiling and an exterior finish of brick and steel/vinyl siding, and an attached garage. The units range from 1338 sq.ft. to 1456 sq.ft.

Commission Member Rosenberg asked about firewalls. Mr. Hoium said there is a property line that dissects the units and generally a one inch air space directly above the property line with a 1-hr. firewall on each side of the property line.

Commission Member Kuehne asked if this is slab on grade or is there a basement. Paul Sween said it might be a combination with some units having basements some on slab. The units around the pond will be \$187,000- \$210,000 range depending on amenities, the remainder of the units will be \$141,900- \$157,900. JD Driver will be the builder. There will be vaulted ceilings. The lots will be about 211' deep giving the units 80'-90' rear yards.

Commission Member Anderson asked if they would be built one at a time or the whole complex at once. Mr. Sween said two units at a time will be built and progress from south to north.

Commission Member Rosenberg asked if the utilities are already there. Mr. Sween said no. Mr. Hoium said the placement of the utilities, road, street lighting, etc. are included in the developers agreement.

Commission Chair Johnson asked if Orchard Properties owns the property to the north of this development. Mr. Sween said Orchard Properties owns the whole subdivision. Orchard Properties developed 53 houses just to the north of this subdivision. They bought 80 acres. There are 27-29 completed houses in this subdivision.

Commission Member Kuehne asked if the proposed 28 homes will be grouped into an association for maintenance, etc. Mr. Sween said yes. Member Kuehne asked if any more homes would be added to this development. Mr. Sween said it depends on what happens in the next few years- if this is successful they may run some more further to the north- there are seven more lots there.

Bill Devries who resides in Outlot A of Orchard Properties said that the development is nice. He questioned the large amount of water accumulating on the north edge of his property. Mr. Hoium said if this development occurs there is a loop street off 26<sup>th</sup> St. S.W. and all of this would have storm sewer which will reduce this storm water drainage problem. Mr. Hoium said one of the suggested conditions of the approval of this development is that they enter into a developer's agreement with the City of Austin. In every developer's agreement it states that the developer must provide a storm water management plan that meets the approval of the City Engineer.

Motion was made by Commission Member McConnell to recommend approval of the conditional use permit based on the recommendations that a) the developer provides a landscape plan that meets the approval of the Austin Planning Department, b) the petitioner enters a developers agreement identifying all the necessary public improvements, the placement of said improvements, and the costs, and c) that the lots will be divided to accommodate twinhome development. Motion was seconded by Commission Member Anderson. Unanimous Ayes. Motion passed.

- 2.) **OPEN PUBLIC HEARING: To consider a request from Todd Martin, 1403 17<sup>th</sup> Dr. S.W., Austin, MN, for a conditional use permit for the development of two twinhomes (4 units) in an "R-1" Single-Family Residence District. This action is pursuant to Austin City Code Section 11.30, Subd.3 (F), with this proposed development to be located on the property legally described as Lot 1, Buxton Subdivision, Austin, MN.**

Mr. Hoium reviewed the request which is similar to the request just discussed. This property is located on the northwest corner of the intersection of 16<sup>th</sup> Ave. S.W. and 17<sup>th</sup> St. S.W. The surrounding land uses are mostly single family dwellings and are zoned as "R-1" Single Family Residence Districts. The only exception to this is to the southeast of the development site- the twinhome development west of Casey's which is zoned as "R-2" Multi-Family Residence District. This parcel is approximately 230' wide and 188' deep.

Commission Chair Johnson asked if Outlot 2 (across the street) has been subdivided. Mr. Hoium said yes- lots have been subdivided all the way up to the Rhodes property on the north end of 17<sup>th</sup> St. S.W. (which is scheduled for hard-surfacing this summer).

Mr. Hoium again pointed out the other similar developments in the community that were identified in the previous conditional use permit request. Mr. Hoium pointed out two suggested recommendations to the Planning Commission if they choose to approve this request; a) to provide landscape plan to meet the approval of the Planning Department and b) obtain approval for the subdivision of Lot 1 which should be subdivided into four separate lots ranging from 54' wide to approximately 66'.

Todd Martin said the twinhomes would be approximately 1200-1400 sq.ft. with unfinished basements including daylight windows in the rear. The exterior will be brick and vinyl siding. The cost will be approximately \$135,000- \$140,000 each.

Commission Member Rosenberg asked if there is a landscaping plan. Mr. Martin said not at this time.

Commission Chair Johnson asked if Mr. Martin owned other properties in this area. Mr. Martin said he lives on 17<sup>th</sup> Dr. S.W.

Commission Member McConnell asked if this would be built all at once or one at a time. Mr. Martin said the first one would probably be a spec house and then go from there.

Lisa Baudler, of 1803 14<sup>th</sup> Ave. S.W., asked if approving this conditional use permit would open the door for more units like this closer to her property. Commission Chair Johnson said that the Planning Commission must look at whether the conditional use is compatible with and screened from neighboring uses, whether it would depreciate the value of those uses, whether it meets the needs of the city and existing land uses, etc. Each request is considered on its individual merits. Every property is unique.

Motion was made by Commission Member Grove to recommend approval of the conditional use permit to the City Council provided that the developer provide a landscape plan to meet the approval of the Austin Planning Office staff and obtain final approval from the City Council for subdivision of the property into four separate parcels. Motion was seconded by Commission Member Anderson. Unanimous Ayes. Motion passed.

**3.) OPEN PUBLIC HEARING: To consider a request from David O. Miller, 1008 6<sup>th</sup> Ave. N.E., Austin, MN, for a variance to be issued pursuant to Austin City Code Section 11.30, Subd.5, for a three foot variance from City Code governing the minimum sideyard setback of five feet and also an 8% variance from the maximum lot coverage of 40% in an "R-1" Single-Family Residence District. This requested variance is for the construction of 9.5 foot by 30 foot attached garage which will be located two feet from the west property line of the property located at 1008 6<sup>th</sup> Ave. N.E.**

Mr. Hoium presented the request. This property is located in an "R-1" District and is completely surrounded by "R-1" Districts and single family developments. This is a small lot. There is an existing storage shed and carport that has a two foot overhang that goes right up to the property line. The petitioner is proposing to tear down the carport. Mr. Hoium has recommended a condition that if the Planning Commission chooses to recommend the approval of this request is that this existing storage shed be removed from the property. The petitioner is proposing that once the carport and existing storage shed removed that there would be an attached garage constructed west of the dwelling that will be 2 feet from the west property line. Mr. Hoium said this structure would have a 1 hr. firewall and there would be no openings permitted in that wall- which would be an improvement for the adjacent property to the west for any chance of firespread.

Commission Member Rosenberg asked if there could be an entrance from the house to the garage. Mr. Hoium said yes, but a firedoor would be required between the dwelling and the garage.

Commission Member Grove asked if this property extends back to the alley. Mr. Hoium said no. With this proposed variance and if the garage is constructed the lot coverage will be at 48%. Actual lot coverage would be less if looking at the footprint of the roof.

Mr. Hoium said there are statutory requirements that both the Planning Commission and City Council must take into consideration considering variances.

Commission Member Rosenberg asked if there would be a roof overhang. Mr. Miller said no and the existing door will be moved to the south.

Commission Member McConnell asked if Mr. Miller owns the garage in back. Mr. Miller said no, he has offered to buy the property, but the owner has been unwilling to sell.

Commission Chair Johnson asked about the existing storage shed. Mr. Hoium said there are two different variance issues here, the first would be if approval is given for this project and Mr. Miller comes in for a building permit the lot coverage currently exceeds what is allowed, although a portion of this coverage will be removed or demolished. Commission Member Kuehne asked Mr. Miller if he would be eliminating the storage shed. Mr. Miller said yes. Member Kuehne asked if he is replacing the storage shed and carport with the garage. Mr. Miller said yes.

Motion was made by Commission Member Kuehne to recommend to the City Council approval of the variance for the sideyard setback and maximum lot coverage and that the carport and storage unit will be removed with the building of the new attached garage. Motion was seconded by Commission Member Bergstrom. Unanimous Ayes. Motion passed.

- 4.) OPEN PUBLIC HEARING: To consider a request from Ronald and Lori A. Wieseler, 100 22<sup>nd</sup> St. S.W. for the rezoning of property legally described at Lot 1, Block 1, Pine Manor Addition, Austin, MN, from an "R-2" Multi-Family Residence District to a "B-2" Community Business District. This request is for the development of the conditional use of a used car dealership and is pursuant to City Code Section 11.02 and 11.40.**

Mr. Hoium presented the request. This type of land use is a conditional use in a "B-2" District. If recommendation is made to the City Council to approve this and if it should receive the approval of the Council there would also be a conditional use permit application that would be reviewed by the Planning Commission at a later date. The surrounding land uses to the north and west are "B-2" Districts- Mel Saxton's Ford to the west and the Cheese Factory to the northwest. To the south is a three structure apartment complex with attached garage (the petitioners own this property) and further south is Shirley Thiel park. To the east is an "R-1" Single Family Residence District including one parcel of "R-O" Residential Office District. To the northeast is a planned development of single family residences and "R-1" District to the north. The parcel being reviewed is directly adjacent to West Oakland Avenue. The future land use map has this parcel as a future residential land use. There is a business future land use map showing that the land uses shown are not specific or exact as they are in zoning. For example, the Mel Saxton dealership is shown on this map as a future residential property. The petitioner will be providing screening with trees to the undeveloped residential property to the east and providing plantings along the south edge of the property to provide screening to the multi-family structures to the south. The proposed greenspace will be a little over 32%. The minimum green area for a "B-2" District is 20%. Mr. Hoium reviewed the issues listed in his staff report related to this request- traffic, surrounding land uses, and applicable Comprehensive Plan provisions that address commercial development.

Commission Member Anderson asked if the driveway entrance would be on 25<sup>th</sup> St. S.W. Paul Johnson of Paul Johnson Architects representing the Wieselers, said yes- this would be the only indrive. Mr. Johnson said that this would seem to be a natural progression of the "B-2" District to the west.

Commission Member Anderson asked about lighting. Mr. Johnson said there would be some directional lighting placed around the perimeter with some small downlight fixtures which will not extend past this property. There will be a significant landscape buffer between this and the apartments.

Commission Member Rosenberg asked about security at night. Mr. Johnson said this would probably be taken care of with the lighting. This will be similar to other car lots.

Commission Member Bergstrom said this lighting might improve the security of the apartment parking lot.

Commission Member Grove asked Mr. Wieseler about his obtaining an auto dealer license. Mr. Wieseler said to apply for a license you must have a lease- he will be applying and has no reason to believe it will not be approved.

Commission Member McConnell said that if any construction to the "R-1" District to the east would result in houses across the street from a car dealership. Mr. Johnson said that there is really only one lot that would be adjacent to the car dealership. Member McConnell asked how far the letters of information were mailed for this request. Mr. Hoium said 350 feet which extended to the "R-O" property and to the adjacent "R-1"

undeveloped district. He has not heard anything from the mailings. Member McConnell asked if the oak tree on the property would be saved. Mr. Johnson said yes. The petitioner has indicated that he may want some type of outdoor sitting area for people to discuss or wait for their purchase.

Commission Member Rosenberg asked about the signage. Mr. Hoium said that if re-zoning is approved the sign is an issue to be addressed with the conditional use permit. Mr. Johnson said that the petitioner will use a nice monument type sign and not a big billboard type sign.

Motion was made by Commission Member Kuehne to recommend to the City Council to approve this request of re-zoning from an "R-2" District to a "B-2" District with the proposed plot adhered to in regard to landscaping, etc. Motion was seconded by Commission Member Grove. Unanimous Ayes. Motion passed.

#### **OTHER BUSINESS**

Commission Member Anderson questioned the public service uses of the new Cinemagic 7 sign at Oak Park Mall. Mr. Hoium will check on this and report to the Planning Commission at the next meeting.

Mr. Hoium and Mr. Mundt will meet to discuss ordinance changes.

#### **ADJOURN**

Motion was made to adjourn by Commission Member Rosenberg. Motion was seconded by Commission Member Anderson. Unanimous Ayes. Motion passed. Meeting adjourned at 6:55 p.m.