

MINUTES OF THE
AUSTIN CITY PLANNING COMMISSION REGULAR MEETING
TUESDAY JUNE 12, 2001

MEMBERS PRESENT: Jack Rosenberg, Brian Johnson, Sue Howard, Lois McConnell, Gordy Kuehne, and Richard Bergstrom

MEMBERS ABSENT: Sue Howard, Janet Anderson, 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 5:36 p.m., June 12, 2001, in the Austin City Council Chambers located at 500 4th Ave. N.E., Austin, Minnesota.

Correction was made to the minutes of the May 15, 2001 meeting; to recommend "approval of" in the first two hearings to "approve" when the motions were made, and to change the comment about the trees in the first paragraph of the last page from McConnell to Anderson. Motion was made by Commission Member McConnell to approve the May 15, 2001 minutes as corrected. Motion was seconded by Commission Member Rosenberg. Unanimous Ayes. Motion passed.

1.) OPEN PUBLIC HEARING: To consider a request from Scott & Tammy Wilson, 1305 6th St. S.E., for a 720 sq.ft. variance to be issued pursuant to Austin City Code Section 11.01(1) which limits the square footage of accessory structures in Residential Districts to 1,000 sq.ft. This request is for the construction of a 24 foot by 40 foot accessory building.

Craig Hoium reviewed the request. The surrounding land uses are "R-1" Single Family Residence to the east and south, an "R-2" District to the west, and to the north is a combination of residential and industrial property ("R-2" and "I-1"). The undeveloped land to the north is vacated railroad property. The dwelling on the petitioner's property is 1260 sq.ft. and the existing detached garage is 760 sq.ft. The petitioner has acquired part of the previous railroad right-of-way and is requesting to construct the proposed detached garage (960 sq.ft.) on that property. Mailings went out with no response. Mr. Hoium asked the Planning Commission to reference the statutory requirements for granting a variance and include that in any motion that may be made. This 1,000 sq.ft. limit on accessory structures is to try to maintain the residential atmosphere of the area.

Commission Member Howard asked if the location of the proposed structure would be within the perimeter of the fenced-in property. Scott Wilson, the petitioner, said the garage would not be inside the fence. Mr. Wilson purchased the railroad property approximately seven years ago and fenced in the yard for his dog. He would like to use the proposed garage for his woodshop and restored car storage.

Commission Member Howard asked about access to the proposed building. Mr. Wilson said his land is landlocked and he must access it through his neighbor's property. Both of his neighbors have okayed the access from their properties. Commission Member Rosenberg asked Mr. Hoium if this consent should be in writing. Mr. Hoium said the minimum lot frontage for property in an "R-1" District is 60'. If there is an access issue then it is a civil matter- not regulated by the Planning Commission. Mr. Hoium explained to the petitioner that once this structure is built on this parcel of land it cannot be sold to anyone else- it becomes a part of this piece of land. Mr. Wilson said if he puts a garage door on the rear of his present garage he could then access the proposed structure.

Commission Member Kuehne asked if there is any landscaping planned for the perimeter of the proposed building. Mr. Wilson said it will be completely landscaped with washed river rock and the building will have the same steel siding and same style as the petitioner's house.

Motion was made by Commission Member Howard to recommend approval of the variance in keeping with the statutory guidelines and findings that it is within the spirit and intent of the ordinance and other interpretations listed. Motion was seconded by Commission Member Rosenberg. Unanimous Ayes. Motion passed.

- 2.) **OPEN PUBLIC HEARING: To consider a request from Jon Boyer, Precision Sign, 207 South Main St., Austin, MN, for the appeal of the denial of the issuance of a sign permit to erect a fascia wall sign 3 foot by 8 foot (24 sq.ft.). This proposed sign face area exceeds the allowable 2 sq.ft. as specified in Austin City Code Section 4.50, Schedule No. II.**

Commission Chair Johnson abstained from this hearing- because he is an employee of Hormel Foods there is a conflict of interest. Commission Member Kuehne will be in charge of this public hearing. Mr. Hoium reviewed the petition. This property is located along the west side of the Austin Municipal Airport. This is a hangar structure that has just been constructed and is located in an "A-1" District. This district limits any type of wall signage to two sq.ft. in area. The proposed sign is already on the building and when the City of Austin Building Codes Division performed the final inspection of the structure they noticed the sign. The general contractor of the project notified Precision Signs at that time. Mr. Hoium then talked to Mr. Boyer about the process to gain approval of the sign. Because of the distance of the sign from the runway they are requesting the larger sign.

Commission Member Howard asked if the sign is directly on the building. Mr. Hoium said yes- an illuminated cabinet sign similar to the sign on the Hormel plant.

Commission Member Kuehne asked if the aeronautic people have any problems with this sign. Mr. Hoium said no.

Commission Member Rosenberg asked if Precision Signs has a copy of the sign ordinance. Mr. Hoium said that when Mr. Boyer called from Precision Signs he thought that because this was on City property that the regulations for signage would not apply to this building. Mr. Boyer is usually always in communication with the Planning & Zoning Department in regard to previous Precision Signs work.

Commission Member Bergstrom asked if this sign is on the east side of the building. Mr. Hoium said yes- it is not visible from 21st St.- only visible to aircraft and possibly the transfer station.

Motion was made by Commission Member Rosenberg to recommend approval of the petition for the sign to the City Council. Motion was seconded by Commission Member Howard. Unanimous Ayes. (Commission Chair Johnson abstaining from the vote). Motion passed.

- 3.) **OPEN PUBLIC HEARING: To consider an amendment to the Austin Comprehensive Plan pursuant to MN State Statute 462.355, Subd. 1. This action would change the recommended future land-use from a low density residential land-use to a high density residential land-use for the property legally described as:**

The Oaks Condominium Units 100 through 149, 1200 18th Ave. N.W., Austin, MN

Mr. Hoium said that the next four items on the agenda pertain to amending the future land use plan of the Comprehensive Plan. He reviewed all four issues. The Oaks Condominiums property is currently zoned as an "R-2" Zoning District. The isolated area has been shown as a future low-density residential development area. The land use of the Oaks Condominiums and the 1.56 acre site is not compatible with a low-density residential area. This amendment would change this area to a high-density residential district, which is more appropriate than what it is currently classified as. This matter did not originate from any type of land use or re-zoning request.

Motion was made by Commission Member Kuehne to recommend to the City Council to amend the Austin Comprehensive Plan future land use plan to change the Oaks property from low density to high-density land use. Motion was seconded by Commission Member Rosenberg. Unanimous Ayes. Motion passed.

- 4.) OPEN PUBLIC HEARING: To consider an amendment to the Austin Comprehensive Plan pursuant to MN State Statute 462.355, Subd. 1. This action would change the recommended future land-use from a low density residential land-use to a high density residential land-use for the property legally described as:**

W. 294.51 ft., S. 230 ft., NW1/4, NW1/4, Sec. 34, Township 103, Range 18, 1.56 acres, Austin, MN

Motion was made by Commission Member Kuehne to recommend to the City Council to amend the Austin Comprehensive Plan future land use plan to change the property immediately to the south of the Oaks from low density to high density land use. Motion was seconded by Commission Member McConnell. Unanimous Ayes. Motion passed.

- 5.) OPEN PUBLIC HEARING: To consider an amendment to the Austin Comprehensive Plan pursuant to MN State Statute 462.355, Subd. 1. This action would change the recommended future land-use from a low density residential land-use to an arterial commercial land-use for the property legally described as:**

3.41 acres, N1/2, SE1/4, Section 5, Township 102, Range 18, Austin, MN (Mel Saxton's Austin Ford, 2701 West Oakland Avenue)

Mr. Hoium presented the request. This public hearing is an issue of petition that was made by the City of Austin. There has not been any requested land use changes for this property. The 3.41 acre site is currently zoned as a "B-2" District. All along the south edge of West Oakland Avenue is a "B-2" Community Business District and directly south of the area is an "R-2" Multi-Family Development District. The Mel Saxton property on the future land use map is shown as a low-density future residential area. The City of Austin staff feels that it is more appropriate that this arterial commercial district be extended to include the Mel Saxton property. Mr. Hoium asked the Planning Commission to refer to the guidelines included in the Planning Commission packets when making their decision.

Motion was made by Commission Member McConnell to recommend the amendment to the 2000 Comprehensive Plan future land use plan to the City Council to change the Mel Saxton property from low density residential development area to an Arterial Commercial future land use. Motion was seconded by Commission Member Howard. Unanimous Ayes. Motion passed.

- 6.) OPEN PUBLIC HEARING: To consider a request from Ronald J. Wieseler, 100 22nd St. S.W., Austin, MN, for an amendment to the Austin Comprehensive Plan pursuant to MN State Statute 462.355, Subd. 1. This action would change the recommended future land-use from a low density residential land-use to an arterial commercial land-use for the property legally described as:**

Lot 1, Pine Manor Addition, Austin, MN

Mr. Hoium presented the request. This property is located immediately east of the Mel Saxton Ford property, immediately west of 25th St. S.W., and immediately south of West Oakland Avenue. The surrounding land uses for this parcel are Mel Saxon's Ford zoned "B-2", north of West Oakland Avenue are Aegean Cheese, one parcel of land zoned "R-1" with a single family dwelling and planned development for residential properties to the northeast. To the east is a parcel classified as "R-O" Residential Office District and four undeveloped parcels zoned "R-1" District. This request for amendment came about at the last Planning Commission Meeting with Mr. Wieseler's request to re-zone his property from an "R-2" District to a "B-2" District which would conditionally permit the development of this land for a used car lot. After discussion at the Planning Commission it was recommended to the City Council to approve this request with specific findings that were actually presented to the City Council. During the Council meeting, review of this

matter brought about a recommendation to extend the public hearing to the next Council meeting so the issue of reviewing this future land use plan and whether this should be amended to accommodate this zoning classification change. Currently this parcel is shown as a low-density future land use. The request for this parcel has been requested to be re-zoned as a "B-2" District. Mr. Hoium asked the Planning Commission to consider the material enclosed in their packets when making any motions. Mr. Hoium also asked the Planning Commission to consider if the adjacent roadways will accommodate this type of future land use, and to look at the compatibility of the surrounding land uses.

Commission Member McConnell asked if the Planning Commission approved the motion for a conditional use permit at their last meeting. Mr. Hoium said at the last meeting the petition was made to re-zone the property from an "R-2" District to a "B-2" District. That matter was not acted on by the City Council- that issue has been extended to the June 18, 2001 Council meeting. Mr. Hoium said Ron & Lori Wieseler have filed a petition for a conditional use permit for this property.

Commission Member Kuehne asked if the Council acted on this at the last meeting. Mr. Hoium said no. Commission Member McConnell asked if this was extended because the future land use had to be amended. Mr. Hoium said yes, the zoning classifications follow property boundaries and the future land use does not.

Commission Member Kuehne asked if this should be a consideration for the Aegean Cheese property also. Mr. Hoium said in the Comprehensive Plan there are certain steps that make recommendations that the future land uses should be looked at from time to time. This should be a goal of the Planning Commission. Mr. Hoium asked the Planning Commission that in reviewing this request that the goals, guidelines, and policies of the Comprehensive Plan are taken into consideration if making a recommendation to the City Council to approve this and that this request follows those guidelines.

Paul Johnson, architect for the Wieselers, said that this recommendation did go before the Council, but the Council tabled it and it is his understanding that the table was not because they were against it, but that the Comprehensive Plan's future land use map needed to be updated.

Motion was made by Commission Member Bergstrom to recommend the amendment to the 2000 Comprehensive Plan future land use plan to the City Council to change the Wieseler property from a low-density residential land-use to an arterial commercial land-use. Motion was seconded by Commission Member Kuehne. Unanimous Ayes. Motion passed.

7.) OPEN PUBLIC HEARING: To consider a request from Ronald J. Wieseler, 100 22nd St. S.W., Austin, MN, for a conditional use permit for the development of a used car lot on the property legally described as Lot 1, Pine Manor Addition. This action is pursuant to Austin City Code Section 11.41, Subd.3(D)

Commission Member Kuehne questioned if the Planning Commission already made the recommendation to the City Council at the last meeting, why this is before the Planning Commission again. Mr. Hoium said at the last Planning Commission the issue was to re-zone the property from an "R-2" District to a "B-2" District.

Mr. Byram said that the conditional use permit made in this meeting would be entirely contingent on the re-zoning being okayed by the City Council at their next meeting.

Craig Byram said that the conditional use permit decision made at this meeting would be contingent on the re-zoning occurring. The conditional use permit being requested is only applicable if it is a "B-2" District.

Commission Member McConnell asked if this conditional use permit request should be tabled until the re-zoning and the land use plan has been approved. Mr. Hoium said the petition has been filed. If there are conditions placed on the approval (which have been listed by Mr. Hoium), and if it not appropriately zoned the conditional use permit will not even apply.

Commission Member Kuehne stated that extending this request might place an undue hardship upon the landowner.

Mr. Hoium reviewed the land uses. If this request is approved it will be an extension of a "B-2" District that follows along West Oakland Avenue. The land uses are very similar- a "B-2" District is directly south of West Oakland Avenue and an "R-2" District is immediately behind. If this property is approved to be re-zoned it would be a conditional use permit specified in Code Section 11.40 which conditionally permits automotive service, farm implements, the sale of automobiles, etc. In the Code Section it also states that a 6' high fence be provided to adjacent "R" Districts and that the automobiles for sale shall be placed at least 50' from the "R" District. With the proposed plan there will be a 6' high wood privacy fence along the south property line of this parcel and an approximate 20' green buffer between the fence and the hard-surfaced area. The proposed sign design will be recessed into the side of the hill so as not to obstruct traffic at the intersection. The north part of the existing structure on this property will be used for the office of the business. Section 11.56 Subd.1 gives criteria as to what should be taken into consideration when approving conditional uses. Subd. 5 lists other considerations including geographical areas, depreciation of surrounding areas, character of surrounding areas, demonstrated need for such use, whether the proposed use would cause any odors, etc. in the neighborhood. If the Planning Commission should choose to approve this conditional use Mr. Hoium has listed conditions including:

- a. Hard-surfaced material (asphalt or concrete) shall be provided for off-street parking and sales area.
- b. 6' high fence shall be placed adjacent to the south property line.
- c. Landscaping shall be provided and meet the approval of the Planning and Zoning office.
- d. The proposed sign in the northeast corner of the development site shall be recessed into the hillside to minimize traffic vision obstruction.
- e. Office building area shall be limited to auto sales and clean up only. Mechanical repairs shall not be conducted with this building or the proposed development site.
- f. Hours of business shall be limited to 8:00 a.m. to 5:00 p.m. Monday, Tuesday, Wednesday, Friday, & Saturday. 8:00 a.m.- 9:00 p.m. Thursdays.
- g. On-site lighting shall be designed to minimize any adverse effects on adjacent residential properties.
- h. Mr. Hoium recommended that a condition also be placed that the approval of the re-zoning of this property should get the approval to be re-zoned to a "B-2" District before in fact this conditional use permit would become effective.
- i. To limit the car sales to maintain a 50' distance from residential areas.

Commission Member Kuehne asked if that policy is extended to any neighboring dealerships- they have vehicles parked right up against the zoning line. He questioned putting this burden on this petitioner. Mr. Hoium said this ordinance was adopted in 1995 so it is a relatively new ordinance. Commission Chair Johnson suggested leaving items (b)& (i) out of the conditions because they are covered in the ordinances.

Commission Members Kuehne and Rosenberg and Commission Chair Johnson discussed the hours of business. Commission Chair Johnson suggested omitting (f) from the conditions of the conditional use permit. Mr. Hoium said these are recommended conditions to the Planning Commissions. Mr. Byram said that these issues are to be considered when thinking about the possible adverse effects on the surrounding residential property. If the Planning Commission decides that these issues will not cause adverse effects then some of the recommendations can be omitted. Mr. Hoium said that the conditional use permit is issued to the petitioner, but the ownership of the property to the south could change.

Paul Johnson, representing the Wieselers, said the Wieselers have no problems with any of the conditions.

Commissioners discussed omitting (b),(f),&(i) from the list of conditions. Commission Chair Johnson said that the office building area shall be limited to auto sales, clean up, and minor repair to autos for re-sale. Mechanical repairs for hire shall not be conducted. Mr. Hoium said the ordinance states that auto sales and car repair shall not take place within 50' of an "R" District. If a recommendation is made to permit auto sales or repairs within 50' then the guidelines of the ordinance are not being followed. Commission Chair Johnson suggested changing (e) to "this development site will be used for auto sales, clean up and minor repairs to prepare autos for re-sale, but may not be used for mechanical repairs for hire." Mr. Hoium recommended not even addressing auto repairs because it is already addressed in the ordinance.

(tape went dead)

Motion was made by Commission Member Kuehne to approve of a conditional use permit, with conditions (c),(d),(g),(h) listed above, for the development of a used car lot. Motion was seconded by Commission Member Bergstrom. Unanimous Ayes. Motion passed.

OTHER BUSINESS

Mr. Hoiium gave the Planning Commissioners updates on the Oak Park Mall sign ordinance, changes originating from the updated Austin Comprehensive Plan and upcoming review of the Austin Comprehensive Plans, and an update by Mower County of it's Comprehensive Plan.

ADJOURN

Motion was made to adjourn by Commission Member Kuehne. Motion was seconded by Commission Member Bergstrom. Unanimous Ayes. Motion passed. Meeting adjourned at 7:20 p.m.