

MINUTES OF THE
AUSTIN CITY PLANNING COMMISSION REGULAR MEETING
TUESDAY AUGUST 28, 2001

MEMBERS PRESENT: Jack Rosenberg, Rich Bergstrom, Lois McConnell, Sue Grove, Janet Anderson, Sue Howard, Gordy Kuehne, Glenn Mair

MEMBERS ABSENT: Brian Johnson

OTHERS PRESENT: Community Development Director Craig Hoiium, Craig Byram from the Hoversten Law Office, and City Council Member Gloria Nordin

Planning Commission Member Sue Grove called the meeting to order at 5:31 p.m., August 28, 2001, in the Austin City Council Chambers located at 500 4th Ave. N.E., Austin, Minnesota.

Motion to approve the minutes of the July 10, 2001 meeting was made by Commission Member Mair. Motion was seconded by Commission Member Anderson. Unanimous Ayes. Motion passed.

Gloria Nordin said a few words of appreciation and encouragement to the Planning Commission from the City Council and the community.

- 1.) **OPEN PUBLIC HEARING: To consider a request from William & Judy Renwick, 409 19th St. N.W., for a 9-foot variance to be issued pursuant to Austin City Code Section 11.30, Subd.5, which specifies the minimum 20-foot rear yard setback for primary structures located in an "R-1" Single-Family Residence District. This requested variance is for the construction of a 16-foot by 22-foot attached garage addition.**

The request was reviewed by Mr. Hoiium. This property is completely surrounded by residential developments and "R-1" Districts. The reason for this request is to construct a 16-foot by 22-foot attached garage addition. The proposed garage would be in the rear yard area. Mailings went out to surrounding property owners and it was published and no calls were received for or against this request. The purpose for this garage is to accommodate a larger sized truck. Building a detached garage was discussed, but the homeowners felt that aesthetically it would look nicer with an attached structure.

Commission Member Howard asked if this attached garage will have the same doors and look of the existing garage. Ms. Renwick said the current garage roof will be extended, and it will have a regular size garage door. Their new truck is too long for the existing garage. Mr. Renwick said this would also be used as a hobby workshop. Mr. Renwick is disabled and feels that an attached garage would be better for him especially in the winter.

Motion was made by Commission Member Mair to recommend to the City Council approval of this variance—that it will not alter the character of the location. Motion was seconded by Commission Member McConnell. Unanimous Ayes. Motion passed.

- 2.) **OPEN PUBLIC HEARING: To consider a request from Gary and Alvina LeTendre, 2409 4th St. N.W., for the rezoning of their commercial property from a non-conforming "R-1" Single-Family Residence District to an "I-1" Limited Industrial District. This action has been requested to reclassify their property as a conforming or permitted land-use.**

Mr. Hoiium reviewed the request. This property was recently annexed into the City of Austin out of Lansing Township. In the Charter there is a requirement that when property is annexed into the city, whether it is used as residential, commercial, or industrial purpose, that it has to be annexed as an "R-1" District. Then if the property owner chooses to re-zone the parcel to accommodate the current land use they may do so. Currently as an "R-1" District this property is a non-conforming land-use. The owner has plans in the future

to expand his business here and would like to petition for this request. The surrounding land uses are the Multi-Family Murphy Creek Development to the north (with a security fence and the plan to plant coniferous trees along the southern boundary of the Murphy Creek Development to provide a buffer). To the south is a combination of residential and commercial land uses with the zoning classification of "R-1" or "I-1". To the east is a rural residential area of Lansing Township. To the west is an isolated parcel similar in size to the petitioner's that is still located in Lansing Township, which is a truck terminal site. The petitioner is requesting to re-zone this property from an "R-1" Single Family Residence District to an "I-1" Limited Industrial District. In doing so, the property would become a conforming land use. Mr. Hoium has asked the Planning Commission to consider that this proposed land use change is consistent with the Comprehensive Plan and Future Land Use Map. Mailings went out to surrounding property owners and was published in the newspaper and Mr. Hoium received no replies.

Commission Member Rosenberg asked about an easement on the property. Mr. Hoium said there is a 66' wide easement along the south edge of the property for a possible road extension or utilities to be located in that area.

Commission Member Kuehne asked about the destruction of trees in the Murphy's Creek Development area. Mr. Hoium said that if any pines are removed along the south property line they are to be replaced. The City of Austin is trying to acquire the Harrington property and if that takes place, the row of Spruce trees along the west side of Harringtons will be transplanted along the west property line of LeTendre's property.

Motion was made by Commission Member Howard to recommend to the City Council approval of the proposed land use changes consistent with the Comprehensive Plan along with the listed findings. Motion was seconded by Commission Member Rosenberg. Unanimous Ayes. Motion passed.

3.) OPEN PUBLIC HEARING: To consider a request from Wallace Orth, 1818 3rd St. N.E., for a 56 sq.ft. variance to be issued pursuant to Austin City Code Section 11.01(1), which limits the total square footage of accessory structures in Residential Districts to 1,000 sq.ft. This requested variance is for the placement of an 8-foot by 12-foot accessory storage building.

Mr. Hoium reviewed the request. This property is located approximately a block west of the Hormel Research and Development property. The petitioner's property is completely surrounded by "R-1" Residential Districts. The property to the north is located in Lansing Township or undeveloped property. The existing garage is 960 sq.ft. The total lot coverage would be 29%- maximum is 40%.

Commission Member Rosenberg asked if there would be adequate room under the lean-to making a variance unnecessary. The petitioner, Wallace Orth, said he would still like the lean-to to put his vehicle or boat under. Commission Member McConnell asked if the lean-to is included in the 960 sq.ft. Mr. Orth said no. Greenspace was discussed. Mr. Orth wants the shed for snowblower and lawnmower storage. He plans to put runners under the shed with a bar attached so the shed will be portable. Mr. Orth said the neighbor doesn't care where he puts this. Commission Member Rosenberg is questioning the 1,000 sq.ft. maximum for storage building. Commission Member McConnell asked the height of the shed. Mr. Orth said a standard utility shed height.

Motion was made by Commission Member Mair to recommend to the City Council approval of the variance with the lean-to not to be considered in the request. Motion was seconded by Commission Member Anderson. 7 Ayes. 1 Nay by Commission Member Kuehne. Motion passed.

4.) OPEN PUBLIC HEARING: To consider an request from LaVerne Kehret, Rt. 4, Box 35, Austin, MN, and Peter Stalland, 9983 North Arcoult, Stillwater, MN, for a conditional use permit for the development of twinhomes in an "R-1" Single-Family Residence District. Said action is pursuant to Austin City Code Section 11.30, Subd.3(F) for this property located in Crestwood Hills 4th Addition.

Mr. Hoium reviewed the request. This twinhome development is located just west of 27th St. S.W. and north of 5th Ave. S.W. Surrounding land uses are residential to the north and south (multi-family to the north and

single-family to the south), recreational district to the east with a park, and to the west is an undeveloped "R-2" District. The petitioner is requesting to amend an existing conditional use permit, which was approved by the Austin Planning Commission on June 5, 2001. The two twinhome structures directly adjacent to 27th St. S.W. have been turned 90 degrees so the front will be to the east and the driveways off 27th St. S.W. The reason for this request is that on the proposed 4th Ave. S.W. extension there are two lines that cross the future public right-of-way of 4th Ave. S.W. With Phase I of this project if the twinhomes were to remain as originally proposed, the developer would have to extend the short section of 4th Ave. S.W. The Austin Utilities has a policy with the municipal water system to not have dead ends in the system, so the developer would have to extend this system through the entire development to 5th Ave. S.W.

Commission Member Kuehne requested that both homes have one common driveway, as 27th St. S.W. is a very important and busy arterial street. Mr. Hoium said the Planning Commission may choose to make this a condition, but with the space allowed for these units, the proposed layout may not accommodate this. Mr. Hoium listed two staff recommendations to the Planning Commission if they choose to approve this request- that the developer provide a landscape plan to meet the approval of the Planning & Zoning Office, and that the developer include a brick exterior facing on a portion of the front of the buildings.

Motion was made by Commission Member Anderson to recommend approval of the amendment to the existing conditional use permit including the two conditions recommended by Mr. Hoium. Motion was seconded by Commission Member Bergstrom. 7 Ayes. 1 Nay by Commission Member Kuehne. Motion passed.

- 5.) SIGN APPEAL: To consider the appeal from the Sterling State Bank, 1426 1st Ave. S.W., and Rochester Sign Service, 3205 East River Road N.E., Rochester, MN, for the denial of the issuance of a sign permit to erect a free-standing ground sign which exceeds the maximum height of 25-feet and sign face area of 100 sq.ft. for ground signs located within a "B-2" Community Business District. Proposed sign will be 40-feet in height and have the sign face area of 345 sq.ft.**

Mr. Hoium reviewed the request. Rochester Sign Service has applied for a zoning permit for erection of a freestanding ground sign with two illuminated cabinets- one 17-foot by 17-foot and another 4-foot 8-inches by 12-foot with a total height of 40-feet. This sign would replace the existing sign on the property located on the north side of their current facility. The total square foot area of the signs being proposed would be 345 sq.ft. (one side of the sign). Mr. Hoium said the existing sign is probably about 15-feet high.

Commission Member Kuehne felt that approving this appeal may make other businesses in the area desire to have a 40-foot high sign also. Commission Member Anderson felt this sign would alter the character of the neighborhood. Commission Member Kuehne felt the illumination would be too great for the area. Commission Member Rosenberg felt a sign that high in that area might be a distraction to drivers. Mr. Hoium said the standard size for a billboard type sign is 320 sq.ft. Commission Member Kuehne said that Useum's sign on the same corner is much more appealing and appropriate and within the ordinances.

Motion was made by Commission Member Kuehne to recommend to the City Council denial of the sign appeal. Motion was seconded by Commission Member Mair. Unanimous Ayes. Motion approved.

- 6.) SIGN APPEAL: To consider the appeal from Mel Saxton Ford, 2701 West Oakland Avenue, and Ace Signs, RR 3, Box 1, Albert Lea, MN, for the denial of the issuance of a sign permit to erect a free-standing ground sign which exceeds the maximum height limit of 25-feet for properties located in a "B-2" Community Business District. The proposed ground sign will have a height of 29-feet, 8 7/8 inches.**

Mr. Hoium stated that the next three sign appeals are related to corporate sign changes. A similar issue was raised with Holiday Cars- specific sign face areas and columns. Mr. Hoium reviewed the petition from Ace Signs. The property is located just off West Oakland Avenue and east of 27th St. S.W. Land use to the north is commercial business, to the south multi-family, to the east a combination of business retail & multi-family, and to the west retail. City Code 4.50 Schedule No. 6 limits freestanding ground signs in "B-2"

Districts to 100 sq.ft. in sign face area and 25-feet in height. The petitioner is proposing to erect a freestanding ground sign with a height of 29' 8 7/8" using the same footing as the existing sign.

Commission Member Howard asked if the Planning Commission and City Council do not approve this and it is a corporate decision, then what happens. Mr. Hoium was not sure if the Ford Motor Company would alter the sign or cabinet to accommodate the ordinance. The existing sign is 29' high. Commission Member Rosenberg asked if this sign would be considered a freeway sign. Mr. Hoium said no. Commission Member McConnell asked if the corporation is trying to dictate what is put in our city- she asked if the existing signs can remain there or do they have to be changed. Mr. Hoium said that the corporation is changing their sign cabinets, the message, the color of the facility, etc.- a corporate image change- a more retro look.

Motion was made by Commission Member Howard to recommend to the City Council approval the sign appeal exceeding the existing height limit of 25' due to a corporate sign replacement. Motion was seconded by Commission Member Bergstrom. 7 Ayes. 1 Nay by Commission Member Kuehne. Motion approved.

- 7.) SIGN APPEAL: To consider the appeal from Plasti-Line Inc., PO Box 59043, Knoxville, TN, for the denial of the issuance of a sign permit to erect canopy wall signage which does not face a public right-of-way. This property in question is for Kraus Amoco Food Store, 1309 4th St. N.W., which is located in a "B-2" Community Business District. City Code Section 4.50, Schedule No. IV,(1)(b) specifies that such signage shall face a public right-of-way.**

Mr. Hoium reviewed the petition. The surrounding land uses are business and residential uses with combinations of "R-2" and "B-2" Districts. There is a public right-of-way of 13th Ave. N.W. to the north of the property and 4th St. N.W. to the east of the property. This matter is reviewing the proposed signage on the south face of the building. Directly south of this property is the Ankeny's store. This is to replace the existing sign with a new color scheme from the corporation.

Motion was made by Commission Member Kuehne to recommend to the City Council approval the sign appeal to allow signage on three of the four sides of the canopy. Motion was seconded by Commission Member McConnell. Unanimous Ayes. Motion approved.

- 8.) SIGN APPEAL: To consider the appeal from Plasti-Line Inc., PO Box 59043, Knoxville, TN, for the denial of the issuance of a sign permit to erect canopy wall signage which does not face a public right-of-way. This property in question is for Kraus Amoco, 3011 West Oakland Avenue, which is located in a "B-2" Community Business District. City Code Section 4.50, Schedule No. IV,(1)(b) specifies that such signage shall face a public right-of-way.**

Mr. Hoium reviewed the petition. West Oakland Avenue is to the south of the property, the Amoco repair shop/car wash/convenience store, and Vet Clinic to the west. They are proposing to put a 30" diameter signage on the east, west, and south side of the gas pump canopy. There are two signs (on the east & west) that do not face the public right-of-way.

Motion was made by Commission Member Kuehne to recommend to the City Council approval the sign appeal to allow signage on three of the four sides of the canopy. Motion was seconded by Commission Member Howard. Unanimous Ayes. Motion approved.

- 9.) SIGN APPEAL: To consider the appeal from the City of Austin for the denial of the issuance of a sign permit to erect a canopy on the property located at 229 North Main Street (old Wold Drug building) that will encroach over the public right-of-way 3 feet. Austin City Code Section 4.50, Schedule VI, Subd.5(B)(1) limits awning/canopy encroachments into adjacent public right-of-way to 18 inches.**

Mr. Hoium reviewed the petition. The previous awning was removed and exterior alterations have been completed- new windows, tuck pointing, new storefront, etc. The proposed awning is green canvas and will be on the front portion of the building. The sign ordinance limits the encroachment of awnings or canopies

18" over the public right-of-way. The proposed awning will encroach or hang over the sidewalk area 3 feet. The height of the awning is 42". The reason for the request is aesthetics and the whole storefront will be glass.

Motion was made by Commission Member Anderson to recommend to the City Council approval the sign appeal for the purpose of sun protection and aesthetics. Motion was seconded by Commission Member Howard. Unanimous Ayes. Motion approved.

OTHER BUSINESS

Mr. Hoium has met with the Planning Commission and the City Council to review the proposed ordinance revisions. In September those items will be on the Ordinance Committee agenda. Their recommendations will then be in front of the Planning Commission and then to the City Council. Mr. Hoium will be giving the draft revisions to the Planning Commission as they come up.

Commission Member Anderson who has been on the Planning Commission since 1992 said that what happened at the last meeting- a non-quorum meeting- has never happened in all the years she has been on the Planning Commission.

ADJOURN

Motion was made to adjourn by Commission Member Bergstrom. Motion was seconded by Commission Member Anderson. Unanimous Ayes. Motion passed. Meeting adjourned at 6:50 p.m.