

MINUTES OF THE
AUSTIN CITY PLANNING COMMISSION REGULAR MEETING
TUESDAY, SEPTEMBER 11, 2001

MEMBERS PRESENT: Jack Rosenberg, Rich Bergstrom, Janet Anderson, Sue Howard, Gordy Kuehne, Glenn Mair, & Brian Johnson

MEMBERS ABSENT: Lois McConnell & Sue Grove

OTHERS PRESENT: Community Development Director Craig Hoium & Craig Byram from the Hoversten Law Office

Commission Chair Brian Johnson called the meeting to order at 5:30 p.m., September 11, 2001, in the Austin City Council Chambers located at 500 4th Ave. N.E., Austin, Minnesota.

Commission Member Rosenberg replied to the remarks made by the Austin Herald regarding denial of the Sterling Bank Sign- it was because of height and safety issues, and if it was passed the Council would have a hard time denying other requests. Commission Member Kuehne also stated that Apple Valley and Rochester were the cities being compared to Austin- not a fair comparison when looking as to where the signs were placed being that these sites are adjacent to highways..

Motion to approve the minutes of the August 28, 2001 meeting was made by Commission Member Anderson. Motion was seconded by Commission Member Mair. Unanimous Ayes. Motion passed.

- 1.) **OPEN PUBLIC HEARING: To consider a request from Daniel & Rose Shiemo, 403 3rd Ave. S.W. for a 3 foot variance to be issued pursuant to Austin City Code Section 11.30, Subd.5, which requires a minimum 5 foot side yard setback for structures located in an "R-1" Single-Family Residence District. This requested variance is for the construction of a 24 foot by 24 foot detached garage.**

The request was reviewed by Mr. Hoium. All the surrounding land uses are "R-1" Residential Single Family District. Mr. Hoium said that when the petitioner filled out the application for variance they were under the understanding that the setback would go from the roof edge, but the setback is measured from the foundation of the structure, so this variance should be for a 2 foot variance, not a 3 foot variance. If this variance is approved by the City Council this proposed structure will be 3 feet from the east property line. There is an Agreement to Build form available in the Building Department, which is a form the homeowner can fill out with the neighbor who agrees to a less than 5' setback from the property line. With an Agreement to Build form the public hearing process is not necessary, but the petitioner's neighbor to the east has refused to sign this form so they must apply for a variance. The publication of the notice for this hearing and the mailings to adjacent property owners resulted in no responses.

Commission Member Rosenberg asked if the existing garage is gone. Mr. Hoium said yes.

Rose Shiemo, the petitioner, said her 56x99 lot is small. If the proposed garage has a regular setback there will be quite an angle to get around and behind the house to enter the garage. The garage that was just removed was on the property line.

Mr. Hoium asked the Planning Commission to reference the state statute when making the motion.

Commission Member Kuehne asked the audience if they had any questions.

Motion was made by Commission Member Rosenberg to recommend to the City Council approval of this 2 foot variance. Motion was seconded by Commission Member Anderson. Unanimous Ayes. Motion passed.

2.) **OPEN PUBLIC HEARING: To consider a request from Mark Thompson, 1512 16th St. S.W., for a 104 square foot variance to be issued pursuant to Austin City Code Section 11.01(1), which limits the total square footage of accessory structures in a Residential District to 1,000 square feet in area. This requested variance is for the construction of a 12 foot by 22 foot detached garage addition.**

Mr. Hoium reviewed the request. This property is located, and surrounded by, "R-1" Single-Family Residence District. The lot size of this property is 16,102 sq.ft. With the proposed garage addition the lot coverage of this site would be 15%. 40% is maximum lot coverage. The dwelling is 1,288 sq.ft. and the existing garage is 840 sq.ft. Mr. Hoium asked the Planning Commission to reference the statutes governing the criteria for approving or denying variances. The public notification in the newspaper and mailings to adjacent property owners resulted in no responses.

Commission Member Rosenberg asked if the siding on the proposed structure would be the same material with the dwelling on this property. The petitioner, Mark Thompson, said yes- it will also be re-roofed with a like roofline.

Motion was made by Commission Member Mair to recommend to the City Council approval of the variance in regard to the statutes, that it is in the keeping of the spirit and intent of the ordinance, and that it will not alter the character of the area. Motion was seconded by Commission Member Howard. Unanimous Ayes. Motion passed.

3.) **OPEN PUBLIC HEARING: To consider a request from Ron Fagen, 140 Skyline Dr., Granite Falls, MN, and Clifford Pulsifer, 404 1st St. N.W., Austin, MN, for the rezoning of their property from an "R-O" Residential/Office District to an "I-1" Limited Industrial District. This action has been requested to accommodate future commercial/light industrial development for this parcel.**

Mr. Hoium reviewed the areas pertaining to the next two public hearings. This property is located on East Oakland Avenue directly west of the municipal airport. This property is located just south of East Oakland Avenue and east of Highway 218. The Comprehensive Plan indicated this area to be looked at as future industrial land uses. When Parcel 1 and Parcel 2 were established there was a 33 foot public right-of-way dedicated to the City of Austin by the petitioners for this subdivision and a future public right-of-way of 22nd St. S.E. that will provide access to the properties owned by the petitioners and future access to the property to the south. This property is located at 2200 East Oakland Avenue. Surrounding land use is "I-1" to the south. Section 11.50 Subd.1 lists the limited industrial district as created to be nearby or close to residential areas. The public right-of-way of Highway 218 is approximately 200 feet wide. There is a possibility that an existing business, which is located nearby, will be developing a site out in this area. This business is related to auto repair, which is a permitted land use in an "I-1" Limited Industrial District (it must be at least 50 feet from the residential district). There are access easement issues that need to be resolved with the petitioner and the adjacent property owner. Mailings and the newspaper publication resulted in one response- Jack Dunlop, the owner of the parcel to the north, who had some questions.

Commission Member Rosenberg asked what kind of business is being proposed for this rezoning. Mr. Hoium said the Charter Communication building is in this area with CAS Auto Repair in the same building. Charter Communication is looking to purchase the whole building in which case CAS Auto Repair will need to re-develop- they would like to stay in the same area. Greg Undahl, of CAS Auto Repair said they have been in this area for 2½ years and that they would like to build and stay in this area (just south of where they are now- on Highway 218).

Motion was made by Commission Member Kuehne to recommend to the City Council approval of the rezoning from an "R-O" District to an "I-1" Limited Industrial District. Motion was seconded by Commission Member Bergstrom. Unanimous Ayes. Motion passed.

4.) OPEN PUBLIC HEARING: To consider a request from Ron Fagen, 140 Skyline Dr., Granite Falls, MN, and Clifford Pulsifer, 404 1st St. N.W., Austin, MN, for the rezoning of their property from a “B-2” Community Business District to an “I-1” Limited Industrial District. This action has been requested to accommodate future commercial/light industrial development for this property.

Mr. Hoium said this property is located in the 2200 Block of East Oakland Avenue. Land uses are the municipal airport to the north, “A-1” District (undeveloped) to the south, an “I-1” District to the east (municipal airport), and to the west are an “A-1” District and an office building in an “R-O” District. The two applicable code sections are 11.50 Subd. 1 and 11.50 Subd. 1(F). There is still some uncertainty as to if the auto repair business located in this area will even develop here, but if in the event they do, they would like the security that this will be an appropriate land use for their type of business. Mailings and the newspaper notice resulted in only one response from Jack Dunlop to clarify the issues.

Motion was made by Commission Member Anderson to recommend to the City Council approval of the rezoning from a “B-2” District to an “I-1” Limited Industrial District as the proposed land use is consistent with the Comprehensive Plan, Future Land Use Map, and also consistent with Code Sections 11.50 Subd. 1 & Section 11.50 Subd.1(F). Motion was seconded by Commission Member Howard. Unanimous Ayes. Motion passed.

OTHER BUSINESS

No other business.

ADJOURN

Motion was made to adjourn by Commission Member Bergstrom. Motion was seconded by Commission Member Rosenberg. Unanimous Ayes. Motion passed. Meeting adjourned at 6:05 p.m.