

**MINUTES OF THE**  
**AUSTIN CITY PLANNING COMMISSION REGULAR MEETING**  
**TUESDAY, OCTOBER 15, 2002**

**MEMBERS PRESENT:** Rich Bergstrom, Jack Rosenberg, Brian Johnson, Sue Howard, Gordy Kuehne, Glenn Mair, and Roger Stratton

**MEMBERS ABSENT:** Sue Grove & Janet Anderson

**OTHERS PRESENT:** Community Development Director Craig Hoium and City Attorney Craig Byram

Commission Chair Johnson called the meeting to order at 5:31 p.m., October 15, 2002, in the Austin City Council Chambers located at 500 4<sup>th</sup> Ave. N.E., Austin, Minnesota.

Motion to approve the September 10, 2002 minutes was made by Commission Member Kuehne. Motion was seconded by Commission Member Rosenberg. Unanimous Ayes. Motion carried.

- 1.) **SIGN APPEAL: To consider the appeal from Tammy Nelson, 405 4<sup>th</sup> Avenue N.W., Austin, MN, for the denial of the issuance of a sign permit to erect a 29-foot by 4-foot by 5-foot awning. This proposed awning would encroach the public right-of-way 48-inches and will also include 12-inch high letters across the front. Austin City Code Section 4.50, Schedule VI, Subd. 5(B)(1) and (F) limits the encroachment of awnings to 30-inches over public right-of-ways and restrictions in awning lettering size to 9-inches in height and 8 square feet in area.**

Mr. Hoium reviewed the request. This business is located in a "B-3" Central Business District and north of the Mower County Government Center. There is currently a projecting Schmidt Beer sign and an awning on the front of the building. If this sign appeal is approved the existing sign and awning will be removed from the front of the structure. The awnings on the two adjacent properties extend out approximately 4-feet to 8-feet over the sidewalk. The petitioner is trying to aesthetically improve the exterior appearance of the establishment. The adjacent business of Margaritaville currently has a 4-foot awning and is not owned by Ms. Nelson.

Commission Chair Johnson asked if the ordinance would require the removal of the existing signage if the proposed awning were approved. Mr. Hoium said the existing sign is non-conforming and suggested that if the Planning Commission recommends the approval to the sign appeal that they may wish to include as a condition that the existing sign and awning will be removed prior to the issuance of the sign permit.

Commission Chair Johnson asked if the City's new Adult Business Ordinance is implicated in this appeal. Mr. Hoium said his own interpretation of this business being a conditional use is that the use of the establishment is not expanding. The square footage area of the proposed awning is less than the existing signage. Commission Member Kuehne said the aesthetics of the building are better with the awning than without it. Mr. Hoium said the proposed awning would not be a bright offensive color, but that the awning will be backlit from inside the awning. The petitioner is also considering a stucco finish and new paint to the exterior front of the building.

Motion was made by Commission Member Kuehne to recommend to the City Council approval of the sign appeal for Tammy Nelson's awning signage with the condition that the existing sign and awning be removed prior to sign permit issuance. Motion was seconded by Commission Member Rosenberg. Unanimous Ayes. Motion carried.

- 2.) **OPEN PUBLIC HEARING: To consider a request for A.A. Austin LLC, 3544 Independence Highway, Birmingham, Alabama, for a 5.6% variance pursuant to Austin City Code Section 11.41, Subd. 5, from the minimum 20% green space area to be provided for properties developed within "B-2" Community business Districts.**

**This requested variance would accommodate the proposed auto parts retail center to be located at 309 West Oakland Avenue, Austin, MN.**

Mr. Hoium reviewed the request. This property is located between West Oakland Avenue and 1<sup>st</sup> Avenue S.W. It is the property of the existing Taco Bell restaurant, located east of Papa Murphy's, and south of Kenny's Oak Grill and Hardee's. The development area consists of a parcel of 26,780 square feet. The proposed building footprint would be 6,590 square feet. If this request is approved, the actual green space area will be 14.4%. The off-street parking stalls required for this development are 27 spaces and actual stalls to be provided will be 29. The landscape area required is 5356 sq.ft. and the proposed greenspace area is 3858 sq.ft. The petitioner has included the landscape plan with the site plan. The proposed plantings are:

1. Two 2½" Skyline Honeylocust trees
2. Three 1½" Pinkspires Crabapple trees
3. Four 5-gallon Burning Bush shrubs
4. Thirty-three 2½ gallon Anthony Waterer Spirea Shrubs
5. Thirty-one 2½ gallon Sea Green Juniper Shrubs
6. Sixty-five 1gallon Stell De Oro Daylilies

Mr. Hoium recommended that should the Planning Commission choose to recommend this requested variance that it would be subject to the plantings identified. Mr. Hoium said there was one phone call resulting from the mailings to surrounding property owners and notification in the newspaper. The phone call related to the construction easement proposed directly east of the proposed structure and there were questions regarding the existing fence and the responsibility of possible damage to the fence during construction. The owners of the fence and the project broker have come to an agreement and that issue has been resolved.

Commission Member Kuehne asked if there would now be more greenspace with this proposed plan than what was originally there with Taco Bell. Mr. Hoium was not sure, but he agreed.

Commission Member Rosenberg asked if the access to the property would be off Oakland Avenue and off 1<sup>st</sup> Ave. S.W. Mr. Hoium said the City Engineer will have to review and approve the access to the business.

Chris Yates, of Birmingham Alabama and a developer of Advanced Auto Parts, said Advanced Auto Parts operates 2500 locations nationally with 60 stores planned for Minnesota with the Austin store being the first and the flagship location with a store shortly thereafter in Albert Lea and throughout Southern Minnesota. Their engineers and landscape architect have been working closely with Mr. Hoium to comply with all the Codes and Ordinances. There is the ability to access from both streets with 9,000 cars moving each way each day. The site has been designed so that there is an offset of the ingress and egress with the building to avoid a "short cut". Mr. Yates also said that if the neighboring fence were damaged in any way it would be replaced.

Commission Member Kuehne asked if the existing drive-up area on the west side of the building would revert to greenspace. Mr. Hoium said that will be part of the new off-street parking area. Mr. Yates said the typical site plan that Advanced Auto Parts will approve for a store of this size requires, from their standpoint, 35 parking spaces. Advanced Auto Parts would like to receive a building permit as soon as possible and proceed.

Commission Chair Johnson asked if the driveway from 1<sup>st</sup> Ave. S.W. would be right across from the building. Mr. Hoium explained on the overhead the layout of the site plan. Commission Member Rosenberg asked about the lighting of the property. Mr. Yates said the lighting plan has not yet been submitted.

Ken Knutson, of Kenny's Oak Grill, said he has not yet talked to anyone from Advanced Auto Parts, but he has received a request for a 10-foot construction variance along the west side of his building that would actually enter into his building about 1-foot. Mr. Knutson said he will not be able to sign the requested variance. Mr. Knutson presently has an 18-foot variance to use his west driveway. When Taco Bell built they gave Mr. Knutson the variance on the condition the Oak Grill would maintain it. Mr. Yates said the construction easements are not always needed, but they are blanket easements that are typical to their

engineer- that request can be modified. Advanced Auto Parts entrusted Larry Bunker to speak with the surrounding property owners and either sign-off the variance or to object and to return that information to Advanced Auto Parts. The plan is designed with the access of Oakland Avenue.

Commission Member Mair asked if the greenspace is the only issue for Advanced Auto Parts tonight. Commission Chair Johnson said yes, but Mr. Hoium has suggested that it be subject to his recommendations.

Motion was made by Commission Member Kuehne to recommend approval of this variance to the City Council including that the petitioner adhere to the submitted landscaping plan. Motion was seconded by Commission Member Bergstrom. Unanimous Ayes. Motion carried.

#### **OTHER BUSINESS**

Mr. Hoium said that during the Comprehensive Plan Update there had been meetings relating to the Downtown Historic Preservation District and that it is a priority for the City Council to re-visit this plan. Mr. Hoium would like to schedule meetings with the downtown business owners to review this plan and to bring a representative from the MN Historical Society to review the issues. Mr. Hoium asked the Planning Commission to consider attending these meetings, and what time might work with their schedules. The Planning Commission suggested evening meetings.

#### **ADJOURN**

Motion was made to adjourn by Commission Member Mair. Motion was seconded by Commission Member Bergstrom. Unanimous Ayes. Motion passed. Meeting adjourned at 6:01 p.m.