

**MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, SEPTEMBER 9TH, 2003
5:30 P.M.
COUNCIL CHAMBERS**

MEMBERS PRESENT: Jack Rosenberg, Sue Grove, Brian Johnson, Janet Anderson, Gordon Kuehne and Glenn Mair

MEMBERS ABSENT: Sue Howard and Richard Bergstrom

OTHERS PRESENT: Council Member Dick Pacholl, Craig Hoium, Marty Helle, Media and Public

The meeting was called to order by Commission Chair Brian Johnson at 5:30 P.M.

There was one correction to the August 12, 2003, Planning Commission Minutes. Commission Member Johnson stated that on Page 5, the statement pertaining to the vote on the Nathan and Shawn Swank requested variance, should have read, "Motion passed with 4 members voting aye and Commission Member Kuehne and Commission Member Johnson voting nay". Commission Member Kuehne made a motion to approve the corrected August 12, 2003 minutes, seconded by Commission Member Rosenberg. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Edward and Peggy Young, 1306 24th Street SW for a 1,036 square foot variance from the maximum aggregate 1,000 square feet of accessory structures for properties located in a "R-1" Single-Family Residence District. This public hearing also includes a variance relating to the exterior finish of this proposed 36 foot by 48 foot accessory structure.

Mr. Hoium stated that he had received a letter from Ed and Peggy Young requesting that their two variance requests be withdrawn. Mr. Hoium stated that Planning Commission action was still needed on this request. Commission Member Kuehne made a motion to accept the letter from Mr. & Mrs. Young to withdraw their variance requests. Commission Member Anderson seconded the motion. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Duane Bolster, 1304 24th Street SW for a 660 square foot variance from the maximum aggregate 1,000 square feet of accessory structures for properties located in a "R-1" Single Family Residence District. This public hearing relates to two separate accessory structures totaling 1,660 square feet in area.

Craig Hoium addressed the Commission and reviewed the request. He explained that Mr. Bolster had made an application to construct a 26 x 38 detached garage on his property on October 24, 2002, which is the maximum size allowed in an "R-1" Single-Family Residential District. At the time, Mr. Bolster had an existing detached garage which he verified by letter, would be removed from his property during the spring of 2003 when the new structure was completed. To date, Mr. Bolster has not removed this garage and now would like to keep this structure along with the new garage that he has built.

Commission Member Kuehne asked for clarification on the old garage. It was established that Mr. Bolster was not in compliance with the 2002 building permit by not removing the old structure.

Duane Bolster, 1304 24th Street SW, then spoke to the Planning Commission. He stated that he did not remove the old structure because he thought that he would leave it on the premises until someone from the City came out and told him to remove it. He stated that he thought this was something that the City did and until someone told him to remove it, he was going to use it. He uses the structure in question as a garage. The new building is being used as a "workshop" for his woodworking hobby. He does not use the new structure as a garage. He said that in order to bring the old structure into compliance with the zoning code, he has thought about attaching the old structure to his existing home, but because of utilities and a large tree root system, he has not done this. Mr. Bolster stated that he had considered requesting a variance at the time he built his new structure to enlarge it where he would have a workshop and garage, but he was told that they were not granting these kinds of variances.

Craig Hoium stated that if the existing structure has a floating slab, there could be building issues that would not allow this to be done without first having frost footings, etc. Mr. Hoium also stated that he does not have the authority to grant or deny variances, but that he has informed persons that have inquired about variances that this ordinance has recently been redrafted and there had not been a petition or approval of this type of variance since.

Commission Member Kuehne and Commission Member Mair both asked for more clarification and questioned Mr. Hoium about Mr. Bolster complying with the original building permit.

Commission Member Johnson asked for a motion. Commission Member Mair made a motion for denial of this request. Commission Member Rosenberg seconded the motion. Commission Member Johnson requested that statutory requirements be included in this motion.

Attorney Helle clarified the statutory requirements for granting a variance of this kind.

Commission Member Mair amended his motion for denial adding in the statutory requirements as reviewed by Mr. Helle of the City Attorney's Office, seconded by Commission Member Rosenberg. Motion carried with 5 ayes and 1 nay. Commission Member Grove voting nay. Commission Member Johnson stated that this would be a recommendation made to the City Council for their September 15th, 2003, meeting.

Mr. Bolster questioned what had to be done to show "undue hardship". Commission Member Johnson stated that this was something that he should talk to his attorney about.

SIGN APPEAL: To consider the appeal from Innovative Sign, 801 19th Street SW, Austin, MN, for the denial of the issuance of a sign permit. This appeal involves the placement of a 30 foot by 14 foot free-standing sign at the Riverland Community College located at 1600 8th Avenue NW. Said action is pursuant to City Code Section 4.50, Schedule No. III which limits signs to 25 square foot in sign face area and 20 feet in height for this property located in a "R-0" Multi-Family Residence/Office District.

Commission Member Grove abstained from this action because of her employment with the College.

Craig Hoium reviewed this request for the Planning Commission. He stated that this sign would be located further north, closer to the new entrance, than what is shown on the drawing that Mr. Hoium presented to the Commission. Because Mr. Hoium had misread the dimension for the height of the sign, this would become a mute point. Mr. Hoium stated that the sign would be illuminated and would have a changeable message area. Mr. Hoium stated that consideration should be taken in the placement and design of this sign so as not to be offensive to the apartment complexes across the street.

Carter Rosenthal, Owner of Innovative Signs, addressed the Planning Commission. He stated that the setback for this sign would be 25 feet from the edge of curb. He also said that the apartment complex would be viewing the ends of the sign and not viewing it straight on. He stated that the new sign would be north of the new entrance. At the location they had marked out, this sign would not cause any visual problems.

Discussion then took place on the setbacks of this sign. Craig Hoium stated that he would like to see this sign setback 20 to 25 feet from the inside of the sidewalk. He stated that this is generally where the property line lies.

Motion was made by Commissioner Anderson to recommend approval with an additional 5 foot clearance. Commission Member Rosenberg seconded the motion. Commissioner Kuehne asked for clarification on this motion and the additional 5 feet.

Carter Rosenthal said that they had some distance to move the sign back, but if they would have to move it back 25 feet from the inside side of the sidewalk, this would move the sign into the tree line area and that it would cost the College more because of the electrical work that would have to be performed. He then informed the Commission about existing area signs and their distances from the curb versus the sidewalks. Mr. Hoium stated that these signs were in a different zoning district than the College and therefore had different requirements to meet.

It was decided that this setback did not involve the Commission as they were to decide about the sign square footage and that the sign would have to be erected according to the zoning codes in the appropriate district where the College was located.

Commissioner Anderson then amended her motion to recommend approval of the proposed square footage of this sign. Commissioner Rosenberg seconded this motion. Motion passed unanimously.

SIGN APPEAL: To consider the appeal from the City of Austin, 500 4th Avenue NE, for the denial of the issuance of a sign permit. This appeal involves the placement of a 12 foot by 18 foot community entrance sign adjacent to the Interstate 90 right-of-way located on the Hormel Nature Center property, 1304 21st Street NE. Said action is pursuant to City Code Section 4.50, Schedule No. II which limits free-standing ground signs to 8 feet in height and 25 square feet in sign face area.

Craig Hoium reviewed this sign appeal for the Planning Commission. He said this sign idea originally started with Gary Rhodes and now that Mr. Rhodes has left Austin, he has taken over. He pointed out where this sign would be erected and that it would adhere to all of the MnDOT requirements. He said that the area of the sign that has "Growing Together" would be replaced with "Welcome to Austin". Mr. Hoium stated that when funds become available, a matching sign would be erected on the west side of town.

Motion was made by Commissioner Kuehne to approve this sign appeal. Second was made by Commissioner Member Mair. Motion passed unanimously.

OTHER BUSINESS:

City Council/Planning Commission Workshop

Mr. Hoium stated that this workshop has been scheduled for October 14th, 2003, right after the regular Planning Commission Meeting. At that time, the Mayor has indicated that she will probably have a replacement for Roger Stratton's position on the Planning Commission.

ADJOURN

Motion was made by Commission Member Rosenberg to adjourn Planning Commission Meeting. Seconded by Commission Member Anderson. Motion passed unanimously. Meeting adjourned at 6:24 P.M.