

MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, MARCH 9, 2004
5:30 P.M.
COUNCIL CHAMBERS

MEMBERS PRESENT: Richard Bergstrom, Norman Hecimovich, Suzanne McCarthy, Sue Grove, Brian D. Johnson, Janet Anderson and Glenn Mair

MEMBERS ABSENT: Sue Howard and Gordon Kuehne

OTHERS PRESENT: Craig Hoium, Jon Erichson, Craig Byram, Council Member Dick Pacholl, Council Member Gloria Nordin, Media and Public

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

There was discussion relating to a correction to the February 3, 2004 minutes pertaining to page two, paragraph three. It should read: Mr. Hoium said the property behind K-mart is designated wetlands. You would have to mitigate this wetland area to extend the public R.O.W. through this area.

Motion made to approve February 3, 2004 minutes as corrected by Commission Member Anderson, seconded by Commission Member Hecimovich. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Ulland Bros. Inc. and the Burbank Company for a conditional use permit to operate a concrete crushing and mining facility for the extraction of material from the property located on the east side of the 300 Block of 4th Street SE. Said action is pursuant to City Code Section 11.32, Subd. 3(D)

Craig Hoium reviewed the request. The concrete deposited on this site is from the reconstruction of E Oakland Avenue done in 1978. This site is in the flood plain and it may provide a benefit from having the material removed. He said 25,000 yards of material are proposed to be removed. The petitioner will be removing the curb, gutter and hard surfacing within the recently vacated portion of 3rd Ave SE and will repair any damage done to roads used for truck travel. Craig then reviewed the staff report:

- 1) The petitioner shall provide a restoration bond of \$10,000 which will be valid through June 30, 2006
- 2) Concrete crushing portion of operation shall be completed by December 31, 2004

3) Permit will expire on December 31, 2005

- 4) Extraction of gravel shall be limited to area shown on map
- 5) Stockpiling of aggregate material shall be at least 40 feet from existing residential property
- 6) The gravel pit sides when completed will have a slope no \pm greater than 6:1 horizontal to vertical
- 7) Petitioners shall provide dust control measures throughout life of permit
- 8) Removal of sidewalk/asphalt/curb & gutter within 3rd Avenue SE shall be conducted by petitioner
- 9) Temporary fencing shall be provided by petitioner around the stockpile of material
- 10) Relocate vehicle parking further east
- 11) Hours of operation shall be Monday-Friday, 7:00 a.m. to 5:00 p.m.
- 12) Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the City a copy of one of the following:
 - a. A "No Loss Determination" (no wetlands on site)
 - b. A "Wetland Exemption" (the act does not apply)
 - c. A "Wetland Replacement Plan" approval
- 13) Owner must provide a copy to the City of an Erosion Control Plan
- 14) All activity related to this conditional land-use shall be in compliance to the City of Austin Floodplain Ordinance
- 15) Provide protection to existing underground utilities
- 16) Completion of agreement with City for material storage site

Mr. Hoium has said he has received some calls from property owners in the area who were mostly concerned about this proposed land-use being a permanent business. The petitioner has hired a geologist if there are any questions for him.

Commission Member Hecimovich asked if all of the homes have been removed from the site.

Jon Erichson, City Engineer said yes there is only one garage left.

Commission Member McCarthy asked about possible damage to Roosevelt Bridge.

Mr. Erichson said the bridge is a ten ton road and would be fine.

Commission Member Grove asked if this will be seeded greenspace when finished.

Mr. Hoium said yes, it will.

Commission Member McCarthy asked if this material is to be used for the runway project and if the timing would work.

Mr. Hoium said yes the work will be done in time.

Commission Member Grove had a caller who asked why the crushing could not be done off-site.

Mr. Hoium said he would let the petitioner answer that.

Dave Beckel, Material Superintendent for Ulland Bros., said the cost to haul it away prior to crushing is too high.

Commission Member Johnson asked how loud the crushing is.

Mr. Beckel said it isn't quiet, but not as bad as people think.

Commission Member McCarthy asked what the material is going to be used for.

Mr. Beckel said we want to use it for the taxiway at the airport. It would reduce costs and help everyone.

Mr. Erichson stated that every time we have a flood we hear from the residents that they felt this displaces the water. We have looked at this for years and wondered how we could restore this area economically. The proposal is basically to remove the material that was placed there and restore the site to its original grade and the material will then be used elsewhere. Whether it is used for the taxiway or for street projects there is a value to it because we do allow recycled concrete in our projects.

Commission Member Mair asked about the air quality and dust.

Mr. Beckel said they would have a meter put on a fire hydrant nearby and run a hose to the crusher to keep the dust down.

Commission Member Johnson asked if there were any other questions.

Vicki Trimble, 303 4th ST SE, this is in my backyard and I want to say thank you. One thing Dave didn't mention is that the crushing is only supposed to take about three weeks. The Ulland Bros. have appeased my questions.

Commission Member Grove questioned the 7:00 A.M. start-up time.

Mr. Beckel said they could change their operation time from 8:00 A.M. to 6:00 P.M.

Commission Member Hecimovich said the quicker it was done the better. If it is only three weeks, you can put up with anything.

Ardel Gorman, 810 10th AVE SW, will this effect the bike path at all? He saw truck tracks on the path.

Mr. Erichson said that is from a drilling operation and they were given permission.

Jean Edge, 209 4th ST SE, this is right next door to me. I wondered if you were going to clean up and fill in where trees have been knocked down, it is a mosquito haven.

Mr. Erichson said that is off the burbank site. The entire area will be graded and it will drain from west to east to the river.

Mrs. Edge said her grandparents told her it used to be a swamp.

Mr. Erichson said we will have to look at that and we could put a condition there. The City of Austin owns the property east of yours and any enhancement would be a benefit.

Mrs. Edge wanted to know where the trucks would be driving in and out from the site.

Mr. Erichson said that would be on the 500 and 600 block of 3rd Avenue SE.

Commission Member McCarthy said, you are going to crush concrete for 3 to 4 weeks and then it could sit there until December of 2005? Are the trucks going to be traveling frequently or in spurts?

Mr. Beckel said our intent is to use it up this summer on the taxiway. It will be about one truck every five minutes for 2 to 3 weeks. We bid the aggregate base on the rug pit on highway 56. This site would be a closer haul for us.

Commission Member Hecimovich said you have a use for the material being crushed and you plan on getting it out of there.

Mr. Beckel said that is correct.

Commission Member Johnson asked for any other questions.

Commission Member Mair made a motion to approve the conditional use permit in that all 16 conditions were followed, seconded by Commission Member Hecimovich. Motion passed unanimously.

OPEN PUBLIC HEARING:

To consider a request from Ulland Bros. Inc. and Gregg Johnson for a conditional use permit to operate a mining facility for the extraction of gravel from the property located east of the road intersection of 10th Drive SE and 8th Avenue SE. Said action is pursuant to City Code Section 11.30, Subd. 3, (H)

Craig reviewed the request. In 1998-1999 when Ellis was reconstructed there was a gravel pit at the proposed site that has since been vacated. The storm ditch in this area sometimes backs up, with this proposed project including a storm water retention pond, this occurrence may be reduced. There will be a burm constructed and willow trees planted for a screen and the remainder of the pit will also have a burm. The truck traffic for this project will be on 8th Avenue SE. Craig then reviewed the staff report:

- 1) The petitioner shall provide a restoration bond of \$20,000 that shall be valid through June 30, 2009.
- 2) Permit will expire on December 31, 2008
- 3) Extraction of gravel shall be limited to area shown on map
- 4) Stockpiling of aggregate material shall be at least 40 feet from existing residential property
- 5) The gravel pit sides when completed will have a slope no greater than 4:1 horizontal to vertical
- 6) Hours of operation shall be Monday – Friday, 6:00 a.m. to 6:00 p.m.

- 7) Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the City a copy of one of the following:
 - d. A "No Loss Determination" (no wetlands on site)
 - e. A "Wetland Exemption" (the act does not apply)
 - f. A "Wetland Replacement Plan" approval
- 8) Owner must provide a copy to the City of an Erosion Control Plan
- 9) Final Grading Plan shall include a buffer between the pit area and Jennings's property as determined by the City of Austin City Engineer and City Planner
- 10) Provide protection to existing underground utilities
- 11) Completion of agreement with City for material storage site
- 12) "No trespassing" signs shall be posted around entire site
- 13) Dust control shall be provided when necessary through the life of permit

Commission Member Anderson asked why such a long permit.

Mr. Hoium said because the large amount of material to be removed, about 180,000 yards of material.

Commission Member Grove asked how long the crushing will be going on.

Dave Beckel said they will only crush the concrete that is already there.

Commission Member Johnson asked about items 1-4 and asked if they were additional conditions.

Mr. Hoium said they are a part of the ordinance which regulated this type of land-use.

Commission Member asked if there would be any temporary fencing on this project.

Mr. Hoium said the petitioner could answer that question.

Dave Beckel said they felt there was not a need for fencing since this is on the edge of town.

Commission Member McCarthy said Ellis is close by and it should be fenced. I heard you say the depth of 18 feet.

Mr. Beckel said that will be the water depth.

Jon Erichson said the final outcome is a pond that will be 15-18 feet deep. The Ellis ditch originally went south behind Jennings property then in the 1950's the ditch was dug and the water was brought back into Austin. We have not been successful in getting this water diverted back around Austin. This is all a part of our flood mitigation as we look at how we can relieve the flooding in Austin. The Ellis ditch will be dumped into this pond where under high flow situations the pond would elevate six feet and the water would then be metered out at a slower rate. That six feet represents 21 million gallons of water, which sounds like more than it is. The final outcome of this plan is to have a pond.

Commission Member Hecimovich asked if the gates would be controlled by the City of Austin.

Mr. Erichson said it would actually be an outlet pipe on the northwest corner that would be sized smaller so it would run out of the pond at a slower rate. There is also an overflow wier in case the pond received too much water for a safety measure. In the future if we could direct the water back to the south we would put an outlet on the southeast corner and plug the northwest outlet. Just so you are clear that the final outcome of this is a pond, standing water.

Mr. Beckel asked if everyone knew what a wier was and proceeded to show the board and public an illustration.

Commission Member McCarthy asked if this gravel extraction is going to be used for the airport.

Mr. Beckel said yes, it is.

Commission Member McCarthy asked when the deadline for the airport expansion is.

Mr. Erichson said the taxiway will be built in 2004. The runway will be bid late summer, 2004.

Mr. Beckel said that with road construction it is best to get your material resource as close to the project as possible. By doing that it saves on trucking cost which in the long term gets passed on to the taxpayers. We are just trying to be competitive.

Commission Member Hecimovich said, so you are projecting that if this passes you will be using most of this material.

Mr. Beckel said half of it will be used on just the one job.

Commission Member Grove said that the bulk of this job is extraction, not crushing.

Mr. Beckel said yes, there is probably 15,000 ton of concrete to be crushed and there is 250,000 ton of sand. So it is about 95% sand extraction.

Mike Gary, 1216 4th Ave SE, why is the length of time so long? I am concerned about this being more like a swamp instead of a pond. And who is responsible for erosion, smell, mosquitos and the excess noise and dust. There are some large trees there, what will happen to them? Can you honestly say this will not affect my property value?

Mr. Beckel said it is the Ulland Bros. responsibility for the duration of the lease and after that it is the property owners responsibility. The water table water will be a 15-18 foot deep pond. We use magnesium chloride on dust and there will be a seven foot high dirt berm around the whole thing. When we get down to the water table 15 feet below I don't think you will see our equipment much, it will almost be in a hole. As far as the large trees, they will all stay.

Mr. Gary asked how long it will be before the hole is dug and the noise factor.

Mr. Beckel said it will take about two weeks to get that far.

Mr. Gary said I didn't hear any answer about the noise aspect.

Mr. Beckel said they are required by OSHA to have back up alarms on all equipment that's federal guidelines.

Mr. Gary said he can understand that, but what about the noise of the diesel trucks going across the field.

Mr. Beckel said they are under federal regulations for noise emission.

Mr. Gary said he wanted to know the noise decibels he would have to listen to and if they are exceeded what recourse would he have.

Mr. Beckel said he did not know the decibels, but all of their trucks are certified every year.

Mr. Gary said he would like to see some numbers instead of promises.

Commission Member Bergstrom asked how much of Jennings do you hear?

Mr. Gary said he hears it and it is a pain in the butt.

Mr. Erichson said they set the hours of 6:00 A.M. to 6:00 P.M. Monday through Friday and eliminated the weekends.

Commission Member McCarthy asked if this would become City property once the project is done.

Mr. Erichson said no, it would remain the property of the owner, who is Gregg Johnson.

Commission Member Johnson asked about the temporary fencing.

Mr. Beckel said he had asked Mr. Erichson about running barbed wire around the whole site but there is a city ordinance against barbed wire fences. Is a high tension wire without barb allowed?

Mr. Erichson said yes it is, but that is a risk if it is not adequately marked. We try to stay away from that. We looked at the size of the area and it would be very difficult to secure an area that large.

Commission Member McCarthy said she works at Ellis Middle School and 6,7 and 8th grade students have very inquiring minds and this could be very dangerous for them. Last meeting we went over an ordinance for swimming pool fences for a pool 18 inches deep. That seemed excessive and now we are talking about an 18 foot deep pond with no fence. Also I wanted to ask about this 500 foot radius on the map, what is that for?

Mr. Beckel said that is just following zoning rules so he included it on the map. It is a boundary line.

Commission Member Anderson thought the fencing was for the stored concrete while the project was in progress.

Mr. Beckel said it was for the Burbank job and that could be done here too.

Commission Member McCarthy said she is more worried about the pond.

Mr. Beckel said they would post no trespassing signs the best they could. We could talk to the Police department and let them know about it and have them patrol the area.

Commission Member Johnson said there had been a question about erosion and that there is an erosion control plan in the conditions.

Mr. Beckel said that it is part of the application and we have taken care of that.

Mr. Erichson said the ditch will not be diverted into the pond until the project is finished. Until then it will be maintained by the city. As far as fencing goes I wanted to mention that this pond will not have an 18 foot drop off, there is a 4:1 slope which is a gradual slope.

Commission Member Anderson asked about the trees that are to be planted.

Mr. Beckel said he talked to Tom Ressler from the Mower County Soil and Conservation District and they had recommended the Willow trees because they are a fast growing tree.

Commission Member Grove asked about the volume of trucks for this project and if it will really take four years.

Mr. Beckel said it really depends on the amount of construction activity in and around Austin.

Commission Member Mair asked if there would be crushing done over the next five years or at one time. Are you stockpiling on this project?

Mr. Beckel said the crushing at one time

Commission Member Johnson asked if the crushing could be done by 12/31/04.

Mr. Beckel said that would be fine.

Commission Member Johnson asked if the crushing operation is the noisiest part of the operation.

Mr. Beckel said yes, that is correct.

Barb Hunter, 1214 4th Ave SE, I was questioning the hours of 6:00 A.M to 6:00 P.M.

Mr. Hoium said that initially when the recommended conditions were drafted the proximity of the residential properties to the crushing operation was a factor.

Mr. Beckel said they could bump the time to 7:00 A.M.

Robert Wood, 1212 4th Ave SE, why does this have to happen when it hasn't been touched for thirty years. I spent \$90,000 on a house and I have to listen to this for the next four years. It is going to be dangerous, noisy and it is going to be a mess. I don't agree with this at all. What good is this going to do for Austin?

Mr. Beckel said they are trying to run their business as economically as they can. Mother nature did not leave aggregate resources in a place where everyone is happy. This will save the City of Austin taxpayers money if we are the successful bidders on projects in town.

Ardell Gorman, 810 10th Ave SW, asked about the fences surrounding other ponds in town.

Mr. Erichson said the fences run from 6-8 feet. There are ponds on 18th Ave NW, and 26th ST SW that are not fenced in.

Mr. Gorman then asked if Mr. Erichson knew what the flow of the ditch is.

Mr. Erichson said no.

Mr. Gorman said the ditch goes to the North up to Supervalue, is there going to be more flow going there, because that area floods as it is.

Mr. Erichson said that is one of the reasons they are looking to direct the water to the south so that it does not come into Austin. This pond will not add more water into Austin, it will slow the flow of water.

Mr. Gorman asked if there would be more water coming off the runways into this ditch.

Mr. Erichson said the water shed goes east of the airport. The water coming into Austin from the runway project is very minimal.

Mr. Gorman said you are taking this land that would normally have water drain into it and putting a new runway to the south and a taxiway on the west side.

Mr. Erichson said the land around the airport project is very intensely farmed and when the project is done they are restoring the land to a hay crop which decreases the run off.

Mr. Gorman said he would still like an answer to the flow where the water is going in by Dobbins creek.

Mr. Erichson said this project is not adding anymore water, we are actually creating a storage reservoir of 21 million gallons that will be metered out at a slower rate in which the water will come into Austin.

Mr. Gorman asked when the water is released on the northwest corner, how many feet up is the pipe.

Mr. Erichson said it would be approximately one and a half feet up from the bottom of the ditch that currently serves that area. In 2000 the velocity of the ditch blew out the railroad track and caused some flooding. The final result of this pond will be taking the ditch into a large pond and the velocities in the pond will be dissipated through there so we think it will provide some protective measures to the railroad and the businesses on the west side of the track.

Doug Gerhardt, 2103 7th Ave NW, I have the property west of this project so it would also be my neighbor. In 2000 we had a flood this area which is a mosquito infested wasteland to begin with. As far as Ellis ditch goes Mr. Erichson is familiar with me because after we got flooded I called

him often trying to do something with the Ellis ditch. The ditch is an engineering nightmare the way it was rerouted. Basically what happened is that the water comes from Ellis ditch, runs south and then west along Jennings right toward my office and then heads back north to the pipe. I was excited to hear about this project and feel it a positive move in the right direction. Living there and with the noise, I have listened to dirt bikes for five years and they are just as noisy as the trucks would be. I ask the Planning Commission to approve this because it a glimmer of hope for me to not have to worry about two feet of water in my business. I am not in the flood plain and cannot get flood insurance, I lost a lot of product and do not want to live through that again.

Mr. Gary said it is true the dirt bikes and four wheelers have been problem even though there are no trespassing signs posted. This looks to me like a magnet for more problems. Mr. Erichson wanted to possibly develop this area for a residential area. Come on over and listen to the junkyard crusher, I don't think anyone is going to want to build there. We don't need anymore noise. Thank you.

Mr. Beckel said he visited with Dick Trimble at Trimble's Cycle and he has no problem with it. His only concern was if the trucks spill sand onto the pavement and having it cleaned up. We agree to have our sweeper clean up any spills.

Commission Member Johnson asked if the C.U.P expiration date could be moved from 2008 to 2006.

Mr. Beckel said that is fine as long as they can bring it to the Planning Commission again to see if we are good neighbors or not, let it be decided then.

Commission Member Bergstrom asked about farther east and on the south side of that road, are you going to be hauling out of there again.

Mr. Beckel said they ran into a wetland issue and we had to close it up. Someday we will litigate that wetland and remove the sand, but not right now.

Commission Member McCarthy said this piece of land is zoned as an "R-1" Residential. You plan to crush concrete and mostly it will be a sandpit for eternity is the way it sounds.

Mr. Beckel said it was a sandpit before and has just been backfilled with concrete and dirt.

Commission Member McCarthy said there is a permit ending date and you said you might come back and extend that. It sounds like you might want to extend that pit. It sounds like the only short term benefit to the city is for the taxiway and a long term benefit for your business and it will be Ulland's gravel pit.

Mr. Beckel said that is our business and we can not build roads economically without aggregate resources close to the projects.

Commission Member McCarthy asked if that would have to be rezoned as a business.

Mr. Hoium said if you look at the zoning ordinance it is designated as an "R-1". There are sections of this chapter that identify permitted land uses and those are generally one or two family dwellings. Also in that chapter is conditional land uses and mining operations is one of

them. Dave's response to the length of the permit was to see if he is a good neighbor, that does not mean that it would automatically be approved. There would be another open public hearing to extend the expiration date by the Planning Commission.

Commission Member Anderson said isn't one of primary purposes for this project for the flood litigation?

Mr. Erichson said this all developed when Ulland's came in and they wanted to apply for a conditional use permit for gravel extraction in this area. We have been working in that area trying to provide some flood mitigation. We hoped role the two projects together and make it successful for both ends. Provide some flood relief for the residents of Austin, and for Ullands to remove gravel and accomplish some of their goals. I think if the time frame is shortened the project might not be finished and they would have to come back and reapply to finish the project. I don't think there is anymore gravel going north. For some reason there is twenty feet of gravel in this area and they would not be expanding. If they did it would have to come back to the Planning Commission.

Mr. Gary said that is not right, I dug a basement about fifteen years ago and it was pure sand. It extends out across that field as far as I know. About fifteen years ago they dug out of the middle of that field without any notice to anyone. I am very skeptical when I hear what a beautiful project this is supposed to be.

Mr. Beckel said fifteen years ago we had all of the permits and they are on file, you can have a copy any time you want.

Mr. Gary asked why he did not receive any copies of that.

Mr. Hoium said state statutes identify what the regulations and rules are for public hearings. If you look at some of the mailings for public hearings it varies from about sixty to one hundred mailings per hearing. We are required to send out mailings to those within 350 feet of the property in question. Obviously this works because people have come in with questions. If there are any questions on what is to be provided, it is in compliance with state law. The City of Austin does not solicit for public hearings. There is a lot of work that goes into these public hearings and our responsibility is to provide the factual statements.

Commission Member Johnson said the request on the application is specific to areas on this map right? So when talking about expansion this permit would only allow what is shown here.

Mr. Beckel said yes, it is shown on the map.

Barb Trimble, 1220 4th Ave Se, I was surprised to learn there is going to be an eighteen foot pond left behind. This is not the same as the Mill Pond, there is not a city street around it or a walking path. It is just a pond in the middle of nowhere. There are a lot of kids that venture from Ellis and it will go unnoticed if anything was to happen.

Mr. Beckel said it is private property, and there should not be tresspassers on it.

Commission Member Johnson said the fences are almost more of a challenge. Any other questions.

Commission Member Mair made motion to decline the request because the calendar is to long. Seconded by Commission Member McCarthy. Motion passed. 4 ayes, 3 nayes. Rich Bergstrom, Janet Anderson and Brian D. Johnson opposed.

OPEN PUBLIC HEARING: To consider a request from Meyer Construction and Richard Lickteig for a conditional use permit to construct twinhomes on the property located within the 1700 Block of 22nd Avenue SW. Said action is pursuant to City Code Section 11.41, Subd. 3,(F)

Mr. Hoium reviewed the request. He had one call asking about the number of units and this proposed development location.

Commission Member Hecimovich asked if this property was directly across from Primrose Mr. Hoium said yes.

Commission Member Grove made a motion to approve the conditional use permit as it is in keeping with the surrounding area and that the petitioner follows these conditions: 1) A landscape plan shall be submitted to Planning Department for approval. 2) The petitioner shall produce revised legal descriptions for parcels in which twin home units shall be developed on and obtain City Council approval for minor subdivision of said property. Seconded by Commission Member Bergstrom. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Patricia and Luis Ortiz for a conditional use permit to operate an auto body and automotive repair business at the property located at 610 7th St NE. Said action is pursuant to City Code Section 11.41, Subd. 3, (D)

Craig Hoium reviewed the request and explained the fencing requirements. One neighbor stopped by with a few questions but had no objections.

Commission Member McCarthy asked if 1) b on the conditions meant the whole car.

Mr. Hoium said yes and any of their parts.

Patricia Ortiz said no parts would be stored outside because of weather damage. The property will accommodate all storage.

Commission Member McCarthy said she did not want to have anything on the street.

Mrs. Ortiz said that would not happen.

Commission Member Anderson made a motion to approve the conditional use permit as it is proper use of the area and the petitioner follow these conditions: 1) Site development shall be completed in accordance to Exhibit "A" which includes: a) Landscaping shall be provided and meet the approval of the Planning and Zoning office. b) All automotive parts, fenders, etc shall be stored within screened area. Screening provided shall be a minimum of a solid wall fence 6-foot in height with storage of auto parts not exceeding that height. c) The minimum 50 foot

distance required from “R-1” Districts must be strictly complied with. Seconded by Commission Member McCarthy. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from John and Tricia Winter for a 4 foot variance from the minimum 5' sideyard setback for structures located in “R-1” Single-Family Residence District. Said action is pursuant to City Code Section 11.30, Subd. 5 and involves the property located at 500 South Main Street.

Craig Hoium reviewed the variance request. He had a call from the neighbor to the north, who had concerns about having room to maintain the south wall of his structure on the adjacent property.

Commission Member Johnson asked if there is six feet between properties.

Mr. Hoium said in referencing the site survey there is three feet between the proposed garage addition and the neighbors structure.

Commission Member Grove asked if it will go further north than the existing driveway.

Mr. Hoium said he will let Mr. Winter answer that question.

Commission Member Mair asked if there will only be three feet between buildings.

Mr. Hoium said yes.

Commission Member Mair said there is supposed to be 10 feet.

Mr. Hoium said by todays standards that is correct, but these houses were built seventy-five to a hundred years ago.

John Winter, 500 South Main Street, had pictures to give a better visual. He said the distance from his building and the neighbors house will be 6'3", plus I will be putting in the required firewall.

Commission Member Grove said in relation to the shed there, will there be more space?

Mr. Winter said yes, and the shed will be removed.

Larry Bushaw, property owner of 410 South Main Street, I oppose this variance because it is too close and it is against city code.

Commission Member Johnson asked how close the house is to property line?

Mr. Bushaw said he did not measure it and did not have a survey done. I also have a chimney that protrudes out a foot farther than the house. I don't think it is five feet.

Mr. Hoium asked if the south exterior wall is straight.

Mr. Bushaw said yes. There are also two bay windows and the garage will be two close to let the sunlight in. John could have built a garage in his backyard but instead he built a pool and deck.

Commission Member Mair said the lot coverage seems high.

Mr. Hoium said in an “R-1” district there are maximum lot coverages and they are exclusive of things such as driveways. If this is approved that would not relieve the petitioner from those lot coverage limitations.

Commission Member Mair said that with the swimming pool and the house it seems like this lot will be covered with a lot of structures. Does the swimming pool count as a structure?

Commission Member Anderson said that the question is what percentage of the lot is covered.

Mr. Hoium read the code and it excluded swimming pools from the lot coverage percentage calculations.

Commission Member Mair said so it does not matter if it is swimming pool or grass.

Commission Member Hecimovich asked if the concrete slab in the picture is already there. Will the garage go beyond that?

Mr. Winter said yes the garage will be where the concrete slab is.

Commission Member McCarthy asked, will you be siding the exterior of the garage with the same material as your house? Will the garage be of normal height?

Mr. Winter said yes, it will match. The garage will have to have an eight foot door because I have a high-top van. But it will blend in with the house.

Commission Member Mair made a motion to recommend denial because of it would alter the character of the localities.

No second, motion dies.

Commission Member Johnson made a motion to recommend approval of the variance as it is in keeping with the spirit and intent of the ordinance. Seconded by Commission Member Anderson. Motion passed with 6 ayes and 1 nay. Commission Member Mair opposed.

OPEN PUBLIC HEARING:

To consider a request from Ken Retterath for a 1,644 square foot variance from the minimum 6,000 square foot lot area for parcels located in a “R-1” Single-Family Residence District. Said action is pursuant to City Code Section 11.30, Subd. 5 and involves the property located at 109 13th Street NE.

Craig Hoium reviewed the request. The reason for this proposed lot split is for the owner to sell Tract “B” as shown on the survey.

Commission Member McCarthy asked if the purpose for selling is to build on the lot.

Ken Retterath said yes.

Commission Member Anderson asked if it will meet minimum lot lines.

Mr. Hoium said no, the lot will be 1,644 sq ft less than, but all other setbacks will have to be met.

Commission Member Hecimovich asked if the garage goes with the big house.

Mr. Retterath said yes.

Commission Member McCarthy made a motion to recommend approval, as it is a hardship to the owner. Seconded by Commission Member Bergstrom. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Derrick Investors, LLC for the preliminary review of the proposed 99-unit condominium Planned Development Residential District to be located in the 2200-2400 Blocks of 7th St NW. Said action is pursuant to City Code Sections 11.02 and 11.65.

Craig Hoium reviewed the request. There will be 0-6 units per acre, which is considered low density. There was a site analysis done. The petitioner has turned in a land use plan. Phase I will be done by 2006. Phase II will start in 2007. There is a landscape plan with many trees and shrubs. One requirement would be documentation of financial backing, which was just received from a local lending institution.

Roger Derrick, since our last meeting we have defined more. In this development everyone will have a double garage with the option of up to half of the units to have a triple garage. There will also be the opportunity to have above garage storage. There will be more landscaping and blooming trees. We are asking for a 20foot front yard setback instead of 30 feet. With a boulevard of 16 feet the units will still be 32 feet between the units and the street. With quads everyone has a corner lot and a private patio. The distance between living areas is 32 to 40 feet. We want to accomplish a cohesive community. We don't want too much greenspace because it does have to be maintained. Buildings will be trimmed with stone and vinyl siding.

Mr. Hoium said if you look at the 20 acres and summarize the property coverage open space is about just over 12 acres of the site. Floor space including garages is 5.24 acres. Public right of way consists of just over 2 acres.

Commission Member Grove said we have had calls about the density and wondered what is the density of the development in St. Paul.

Mr. Derrick said he thinks it is 9.5 units per acre. It is denser than this one.

Tina Laury, 904 24th Ave NW, my first question is what is the size of the units. I am concerned about the increase in traffic and the units facing the backyards of Single-Family homes.

Mr. Derrick said gave the traffic study and ours is even less because it is a senior development. The unit size is 1338 sq ft to 1735 sq ft.

Commission Member Grove said her aunt lives across from the development in St. Paul and they are very well maintained and you hardly ever see anyone.

Commission Member Bergstrom asked if there is going to be a hedge on the west end.

Mr. Derrick said no.

Commission Member McCarthy asked what is the estimated price range of the units.

Mr. Derrick said it is from \$160,000 to \$250,000.

Council Member Gloria Nordin, I feel this is crowded. I think to remove 5 to 7 units would leave more space with the option for expansion.

Commission Member Mair said Craig had said low density was 0-6 units per acre.

Commission Member Bergstrom asked how this development compares with Oak Park village?

Commission Member Grove said Oak Park Village is 4.0 and this one is 4.98.

Mrs. Laury said I would be more comfortable if it was less crowded. I will be looking out my front door at six units.

Mr. Derrick with Single-Family homes it would be more congested than our development.

Mrs. Laury said it would only be one home per lot. There would not be 99 homes there.

Mr. Hoium said a good reference is if you look at the developed lots and Single-Family lots they are comparable.

Commission Member Anderson made a motion to recommend approval of the preliminary plan as submitted, seconded by Commission Member Grove. Motion passed with 6 ayes, 1 nay. Commission Member Bergstrom Opposed.

OTHER BUSINESS:

Commission Member Johnson asked Craig if we have an update on the parking ordinance.

Mr. Hoium said he is still working on it.

ADJOURN:

A motion was made by Commission Member Mair to adjourn the Planning Commission Meeting. Seconded by Commission Member Grove, motion passed unanimously. Meeting adjourned at 9:06 P.M.

