

**MINUTES**  
**AUSTIN CITY PLANNING COMMISSION**  
**TUESDAY, APRIL 13, 2004**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

**MEMBERS PRESENT:** Richard Bergstrom, Norman Hecimovich, Suzanne McCarthy, Brian D. Johnson, Janet Anderson, Sue Howard and Glen Mair

**MEMBERS ABSENT:** Sue Grove and Gordon Kuehne

**OTHERS PRESENT:** Craig Hoium, Craig Byram, Council Member Dick Pacholl, Media and Public

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

There was discussion relating to the March 9, 2004 minutes pertaining to page 10, paragraph 5 and 10. In both paragraphs there is the phrase flood litigation and it should read flood mitigation.

Motion made to approve March 9, 2004 minutes as corrected by Commission Member Anderson, seconded by Commission Member Hecimovich. Motion passed unanimously.

**OPEN PUBLIC HEARING:** To consider a request from Derrick Investors, L.L.C., Edina, MN, for the preliminary plat review of approximately 20 acres site pursuant to Austin City Code Chapter 13. This proposed subdivision would include a 99-unit condominium development on the property located southwest of the street intersection of 24<sup>th</sup> Avenue NW and 7<sup>th</sup> Street NW.

Craig Hoium reviewed the request. He read through the recommended conditions of approval with the additions of 13 – 18:

- 1) All easements are entered into the plat per the Austin Utilities and City Engineer's request
- 2) Developer must acquire any easements outside the plat which are necessary for the extension of utilities to the plat
- 3) Provide street lighting to meet the approval of the City of Austin Engineer
- 4) Obtain approval from City of Austin Engineering Department for storm water management plan
- 5) Obtain any necessary sanitary sewer extension permit from the Minnesota Pollution Control Agency

- 6) Park dedication requirements to be stipulated by the City Council and Director of Park and Recreation
- 7) Enter into Developer's Agreement with the City of Austin addressing all aspects of this proposed development and the responsibilities thereof
- 8) Design of all infrastructure within development shall meet the approval of the City of Austin Engineer and Austin Utilities
- 9) Developer shall obtain petitions approved by the Austin Utilities relating to the placement of municipal water, gas and electric utilities and the cost thereof. These identified costs shall be included in the Developer's Agreement
- 10) Extension of all necessary public right-of-ways and road extension shall meet the design approval of the Austin City Engineer.
- 11) Developer shall be responsible for obtaining any necessary environmental assessment worksheet and NPDES Permit
- 12) Developer shall be responsible for submittal of documentation verifying location of adjacent wetlands
- 13) Minimum driveway width shall be 20ft
- 14) Storm water retention pond and outlot "A" shall be owned by developer or condo association
- 15) Fire hydrant location shall meet the location requirements of Austin fire chief
- 16) Verify any requirement for approval to J.D. 26 storm water assessment
- 17) City Engineers approval of driveway locations adjacent to 7<sup>th</sup> St NW
- 18) Relocation of building numbers 21 and 25

Commission Member Johnson asked Craig to go over the additional recommendations again.

Mr. Hoium went through numbers 13 through 18.

Commission Member Howard asked if the additional concerns should be included in the recommendation.

Mr. Hoium said yes, that involves units 21 and 25, which are both 4-plexes. And the concern of the driveway lengths. Both units need to be moved away from the public row a minimum of (5) feet.

Council Member Dick Pacholl said there is a playground to the north. But I see there is an open space in the center of the plan, could that hold a playground?

Roger Derrick said the insurance prices go up with the addition of a playground. There is a lot of liability with unsupervised play equipment. The noise is also a factor for those living nearby.

Commission Member Mair made a motion to recommend approval of the preliminary plat as submitted with the petitioner following the 18 conditions, seconded by Commission Member McCarthy. Motion passed unanimously.

**OPEN PUBLIC HEARING:**

To consider a request from Sherman Building Exchange, 219 2<sup>nd</sup> Avenue NE, for a conditional use permit to operate a new and used car automobile dealership for the property located at 703 17<sup>th</sup> Avenue NW. Said action is pursuant to City Code Section 11.41, Subd 3(D)

Craig Hoium reviewed the request. Mailings were sent out with no responses speaking for or against the proposed project.

Commission Member Johnson asked for any questions.

Commission Member Hecimovich made a motion to recommend approval of the conditional use permit in that both conditions were followed, seconded by Commission Member Howard. Motion passed unanimously.

**OPEN PUBLIC HEARING:** To consider a request from Sherman Building Exchange, 219 3<sup>rd</sup> Avenue NE for a conditional use permit to erect a freeway oriented sign pursuant to City Code Section 4.50, Schedule IV. This proposed sign would include 2 sign cabinets, one having the dimension of 15 1/2 feet by 15 1/2 feet and the other consisting of a 24 square foot logo sign.

Craig Hoium reviewed the request.

Commission Member Howard asked how the other freeway signs in the area compare.

Mr. Hoium said they are all higher, ranging in height from approximately 50 to 100 feet.

Commission Member Mair asked if this was for one sign or two.

Mr. Hoium said this appeal if for the 47' sign. The second sign will be next on the agenda item.

Commission Member Howard made a motion to recommend approval of the conditional use permit, seconded by Commission Member Hecimovich. Motion passed unanimously.

**SIGN APPEAL:** To consider the appeal from Sherman Building Exchange, 219 3<sup>rd</sup> Avenue NE, for the denial of the issuance of a sign permit. This appeal involves the placement of wall signs that would not face a public right-of-way pursuant to City Code Section 4.50, Schedule VI and directional signage exceeding the allowable 4 square feet pursuant to City Code Section 4.50, Schedule I(8). This action involves the proposed development of Usem's to be located at 703 17<sup>th</sup> Avenue NW.

Mr. Hoium reviewed the request.

Commission Member Johnson asked for any questions.

Commission Member Hecimovich made a motion to recommend approval of the three signs, seconded by Commission Member Anderson. Motion passed unanimously.

**OPEN PUBLIC HEARING:** To consider a request from Rick Yerhot, 1256 Wicklow Lanes West, Rochester, MN, for a conditional use permit to construct twinhomes on the property located at 606-608 6<sup>th</sup> Avenue NW. Said action is pursuant to City Code Section 11.30, Subd. 3(F).

Craig Hoium reviewed the request. He said condition number two does not apply and should be deleted.

Commission Member Hechimovich made a motion to recommend approval in that the condition was met, seconded by Commission Member Mair. Motion passed unanimously.

**OPEN PUBLIC HEARING:**

To consider a request from Kathleen Gunderson and Steven Bliss, 711 10<sup>th</sup> Avenue NW, for a 3 foot variance from the minimum 5 foot rear yard setback for structure located in a “R-1” Single-Family Residence District. Said action is pursuant to City Code Section 11.30, Subd. 5 and involves the proposed construction of a 26’ x 36’ detached garage.

Craig Hoium reviewed the request.

Commission Member Hechimovich asked if the setback of the new garage is the same as the existing garage.

Mr. Hoium said yes.

Commission Member Howard asked if there is a reason why the garage cannot be placed 3 feet closer to the house.

Steve Bliss, 711 10<sup>th</sup> Ave NW, we would like to save as much of our yard as we can. We have never had any problems with maintenance in the alley with the location of the existing garage.

Commission Member Howard made a motion to recommend approval of the variance as it meets the statutory requirements, seconded by Commission Member Hechimovich. Motion passed unanimously.

**SIGN APPEAL:**

To consider the appeal from Panataleon Matia, 233 North Main Street, and Precision Signs, 207 South Main Street, for a sign permit. This appeal involves the placement of a storefront awning, which would encroach the public right-of-way 36 inches. City Code Section 4.50, Schedule VI, Subd.5(B), (1) limits this encroachment of awning to 18 inches.

Craig Hoium reviewed the request.

Commission Member Anderson asked what the how the action should be worded.

Mr. Hoium said

Commission Member Hechimovich asked if it is one continuous awning.

Mr. Hoium said yes.

Commission Member Anderson made a motion to recommend approval of this appeal as stated to the depth and size of the lettering, seconded by Commission Member McCarthy. Motion passed unanimously.

**OTHER BUSINESS:**

Craig Hoium said a council member asked him about the multi-family parking ordinance. He hopes to have it on the next Planning Commission agenda.

**ADJOURN:**

A motion was made by Commission Member Anderson to adjourn the Planning Commission Meeting, seconded by Commission Member Bergstrom. Motion passed unanimously. Meeting adjourned at 6:35 P.M.

