

MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, MAY 11, 2004
5:30 P.M.
COUNCIL CHAMBERS

MEMBERS PRESENT: Richard Bergstrom, Suzanne McCarthy, Gordon Kuehne, Janet Anderson and Norman Hecimovich

MEMBERS ABSENT: Sue Grove, Brian D Johnson, Sue Howard and Glen Mair

OTHERS PRESENT: Craig Hoium, Craig Byram, Media and Public

The meeting was called to order by Commission Member Gordon Kuehne at 5:30 P.M.

There were two corrections e-mailed to Craig Hoium from Brian D Johnson. On the second and third Open Public Hearing the motion should state, “a motion to approve of the..”, not “to recommend approval”.

Commission Member Anderson made a motion to approve April 13, 2004 minutes as corrected, seconded by Commission Member Hecimovich. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Jerry Fischer and Lance Pogones for the preliminary plat review of an approximate 3 acre site to be known as Sunny’s Run 2nd Addition. This proposed subdivision would include 6 new Single-Family lots.

Craig Hoium reviewed the request. There are 11 conditions for the Commission Members to consider, plus the extension of the 60-day rule:

- 1) All easements are entered into the plat per the Austin Utilities request. The final plat will be held until the easement situation outlined in Austin Utilities comments are resolved.
- 2) Developer must acquire all 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 run off management Planning & Zoning Department.
- 5) Obtain 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.
- 10) Clarify minimum width of the proposed right-of-way for 11th Avenue SW.
- 11) Petitioner shall file a request for the vacation of the west half of the adjacent public right-of-way 24th Street SW.
- 12) Included with this request shall be a letter from the petitioner allowing any approval for this proposed development to extend beyond the 60-day rule as required by Minnesota State Statutes.

Commission Member Kuehne asked if it would be appropriate to extend the 60-day rule and by how much.

Mr. Hoium said an extra 60 days would most likely be needed for a total of 120 days.

Jerry Fischer, 2418 12th Ave SW and Lance Pogones, 4206 12th Ave NW, said the drawings of the homes are only examples of what can fit on the lots.

Commission Member Kuehne asked if the petitioners are willing to extend the vacating to 120 days.

Mr. Fischer said yes.

Commission Member Bergstrom asked what size houses are being looked at

Mr. Pogones it would depend on who bought the lot, but the average would be around 2000 sq. ft.

Patrick Cotter, 182 Goodrich Ave St. Paul, MN 55102, just wanted to point out that state statute allows 120 days to approve a preliminary plat review for subdivisions, for zoning it is 60 days.

Commission Member Kuehne asked for any questions.

Commission Member Anderson made a motion to recommend approval of the preliminary plat as submitted with the petitioner following the 12 conditions, seconded by Commission Member Hecimovich.

OPEN PUBLIC HEARING: To consider a request from Bigelow Enterprises of Byron, Minnesota, for a preliminary plat review of an approximate 2 acre site to be known as Keenan Acres 2nd Addition. This proposed subdivision would include 149 single-family lots and 24 twinhome lots.

Craig Hoium reviewed the request. There are 10 conditions for the Commission Members to consider:

- 1) All easements are entered into the plat per the Austin Utilities request. The final plat will be held until the easement situation outlined in Austin Utilities comments are resolved.
- 2) Developer must acquire all 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 run off management Planning & Zoning Dept.
- 5) Obtain 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.
- 10) Complete final grading and seeding of the storm retention pond located in Keenan Acres

Commission Member Anderson asked Craig to clarify condition number ten.

Mr. Hoium repeated the condition.

Bigelow representative, we agree with all of the conditions.

Commission Member Kuehne asked for any more questions.

Commission Member Hecimovich made a motion to recommend approval of the preliminary plat as submitted with the petitioner following the 10 conditions, seconded by Commission Member Bergstrom. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from David Hillier, 1613 31st St SW, for a preliminary plat review of an approximate 75 acre site to be known as The Meadows Addition. This proposed subdivision would include 149 single-family lots and 24 twinhome lots.

Craig Hoium reviewed the request. He pointed out that the twinhomes will be on the south end, where the two retention ponds will be located. It is possible that two of the culdesacs will be eliminated and extend the right of way. 29th Street is platted as a right of way, but not yet developed. The developer has hired a consultant to locate wetlands on the site. There is a question of how close a farrowing unit can be to a residential area. There are 14 conditions for the Commission Members to consider:

- 1) All easements are entered into the plat per the Austin Utilities request. The final plat will be held until the easement situation outlined in Austin Utilities comments are resolved.

- 2) Developer must acquire all 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 run off management Planning & Zoning Department.
- 5) Obtain 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.
- 10) Wetland delineation shall be conducted to identify any wetlands within this proposed development in accordance to routine on-site determination method.
- 11) Wetland shall be mitigated in accordance to US Army Corps of Engineers, Section 404 of Clean Water Act Standards.
- 12) Conduct any mandated environmental assessments for proposed plat.
- 13) Proposed twinhome portion of plat will require the issuance of a conditional use permit pursuant to City Code Section 11.30, Subd. 3.
- 14) A transportation plan of the proposed development shall meet the approval of the County and City of Austin Engineer.

Commission Member Anderson asked if the road extension is covered under condition number seven.

Mr. Hoium said no we will add a condition. He also said that 31st street is a County State Aid Highway. There is also a question as to whether 31st Street should be redeveloped into a more urban type of road, similar to 16th Avenue.

Dave Hillier, 1613 31st St SW, we realize this project take several years. We will work with the City of Austin on the culdesac issue. The question of the feedlot is that they cannot be within 1000 feet of a residential area. When the homes on the south end are developed within that 1000 feet the feedlot will be shut down. I also wanted to say that since I have been on the property since 1977 we have only had a handful of complaints. Before 16th avenue was updated it was just like 31st street.

Commission Member Hecimovich asked what buildings are on the southwest corner of the property.

Mr. Hillier said an old farm house, the livestock and some storage bins. On the east side of 31st Street is where my home is and my mom is in a mobile home, that has not been annexed into the city.

Commission Member Hecimovich asked if Mr. Hillier farms the land to the North.

Mr. Hillier said not this year, it has been sold to a realtor.

Mr. Hoium the design of 31st Street is not a concern of Austin at this time. We just want to note it for the record whether it is the County and or the City of Austin who would redesign this road in five to ten years.

Mr. Hillier said if 31st Street is regraded the engineers would have to address all of the storm water and snow issues.

Commission Member McCarthy said she approves of the extension of the culdesacs.

Commission Member Bergstrom said it would be a benefit in emergencies, especially fires.

Patrick Cotter, 182 Goodrich Ave St Paul, MN 55102, owner of the property south of 16th Avenue. I have questions on how the storm water will effect my property. I am not trying to hinder the project, but want to make my concerns known.

Mr. Hillier said the storm water pond on the north end will go down a large storm sewer on 6th Avenue. The pond on the south end we have three options and hope to solve some of the current problems with storm water.

Commission Member Anderson asked about the wetlands and what was found.

Mr. Hillier said that Jones, Haugh and Smith have taken shots (elevations) of the field and there are a few laths in the fields marking wear the wetlands are.

Mr. Hoium said the wetlands are relatively small and all the proper steps are being made to protect them.

Commission Member McCarthy asked if one of the three options is to direct the water towards the feedlot.

Mr. Hillier said the three options are: 1) To go straight west 4,000 feet to a drainage way
2) To go up and through an easement and into the large pond at Orchard Creek
3) Involves other subsurface tile that would go across Patrick Cotters field
Our decision is all about cost and being a good neighbor.

Marlene Fox, 1607 28th St SW, we have problems with our ditch filling up. Water comes from the North and the West. Will this development make this worse, or is it going to be fixed?

Commission Member McCarthy said it would probably be best to run the water to the least populated area.

Mr. Houim there will be at three engineers working on that. We are looking to remedy current problems.

Commission Member Hecimovich asked if the storm sewer can handle the north pond run off.

Mr. Hoium said he is not a registered engineer, but this issue is being worked on by the City Engineer, County Engineer and the land surveyor contracted to design the project.

Commission Member Hecimovich asked if the north end will be developed first.

Mr. Hillier said it has not been determined yet, but it would probably be along the east side somewhere.

Patrick Cotter, I want to make sure that any kind of system put in place will work well with future development south of 16th Avenue SW.

Commission Member Kuehne asked for any more questions.

Commission Member Hecimovich made a motion to recommend approval of the preliminary plat as submitted with the petitioner following the 14 conditions and water issues, seconded by Commission Member Anderson. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from the Austin Medical Center, 1000 1st Dr NW, for an amendment to their existing conditional use permit. This request has been made to accommodate the expansion of the petitioners off-street parking area to add 41 parking stalls in the northeast corner of this campus.

Craig Hoium reviewed the request. Access to the parking lot will be from 1st Dr NW or 8th Ave NW. There are 3 conditions for the Commission Members to consider.

Commission Member Hecimovich asked would you enter and exit thru the existing parking lot?

Mr. Hoium said yes.

Commission Member Anderson asked if there are any drainage problems.

Mr. Hoium said the petitioner would have to have a drainage plan.

Commission Member Anderson asked if that should be a condition.

Mr. Hoium said yes.

Rod Nordeng, Austin Medical Center, access would not be onto 10th Ave NW. We expanded five years ago and have added 60 employees. Staff parking is a problem.

Commission Member Anderson asked if he expected any drainage problems.

Mr. Nordeng said he does not foresee any problems.

Commission Member Kuehne asked for any questions.

Commission Member Hecimovich made a motion to approve the conditional use permit amendment, seconded by Commission Member McCarthy. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Job Talamantes, 1000 4th Ave NE, for a conditional use permit to operate an automotive repair business at the property located at the property located at 1003 3rd Ave NE. Said action is pursuant to City Code Section 11.41, Subd. 3(D).

Craig Hoium reviewed the request. There was an auto business on the site that has ceased, it is now Mr. Tint. There should be 20% green space on the property. There are 2 conditions for the Commission Members to consider.

Job Talamantes, 1000 4th Ave NE, I want to get a permit to have the auto repair business.

Commission Member McCarthy asked what the hours of the business would be.

Mr. Talamantes said whatever the renter chooses, now it is 8:00am to 5:00pm.

Mr. Hoium pointed out that the Commission Members can place limitations on this permit.

Commission Member Kuehne suggested the hours of 7:00am to 6:00pm.

Dick Berg, 409 9th St NE, my house is closest to the property. How many cars can they have there. The noise is so loud sometimes that I cannot hear my TV. They park in the alley and it gets very crowded. I agree with the hours of 7:00am to 6:00pm.

Mr. Hoium pointed out that there is an ordinance that vehicles have to be registered. You may want to address storage.

Commission Member McCarthy asked if Mr. Tint will be staying in the building with the auto repair business.

Mr. Talamantes said no, it would be one or the other.

Mr. Hoium said that parking or noise problems should be reported to the police.

Commission Member Hecimovich asked if there is a parking limit.

Mr. Hoium said that is part of the greenspace issues and parking. There should be designated parking areas.

Commission Member Hecimovich said it looks like there is plenty of room for parking.

Tacia Economou, 1008 4th Ave NE, we have to ask them to move their cars so we can get out of our garage. I think this building is a garage and not made to be a repair shop.

Mr. Berg asked who he can go to for no parking signs in the alley.

Mr. Hoium said parking is not allowed in the alley and the police should be notified.

Malla Iten, 921 2nd Ave NE, I am concerned about the increase in traffic. Buses drop kids off on this corner and I am worried about their safety.

Commission Member Anderson asked if the petitioner agreed with the hours of 7:00am to 6:00pm.

Mr. Talamantes said yes.

Commission Member Anderson made a motion to approve the conditional use permit the 2 conditions plus: 1) The hours to be 7:00am to 6:00pm, Monday through Saturday 2) Designated parking stalls shall be indicated 3) Adhere to ordinance, seconded by Commission Member Hecimovich. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Dan Titus, 715 8th Ave SE, for a 3 foot variance from the minimum 25 foot front yard setback located in an “R-1” Single-Family Residence District. Said action is pursuant to City Code Section 11.30, Subd. 5 and involves the construction of a roof over an existing 25’ by 8’ front yard deck.

Craig Hoium reviewed the request. Mailings went out with no response.

Commission Member Hecimovich clarified that the roof would be put over an existing deck.

Mr. Hoium said yes, the house is approximately 30 feet from the front property line.

Diane Titus, 715 8th Ave SE, this will improve our property and will make it easier to get in and out of the house.

Commission Member Hecimovich asked if there would be any other changes.

Mrs. Titus said no.

Commission Member McCarthy asked if the roof would be pitched.

Mrs. Titus said yes.

Commission Member Hecimovich made a motion to recommend approval of this variance, seconded by Commission Member McCarthy. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Edward Vilt, 1008 16th St SW, for a 3’ variance from the minimum 5’ sideyard setback for structures located in an “R-1” Single-Family Residence District. Said action is pursuant to City Code Section 11.30, Subd. 5 and involves a 6’ by 23’6” attached garage addition.

Craig Hoium reviewed the request. The requested action should read a 2’ variance not 3’.

Ed Vilt, 1008 16th St SW, this was a quick move into this house and we liked the house. I would like to get both vehicles in the garage.

Commission Member Anderson asked if the tree will go.

Mr. Vilt said the pine tree will go but the maple tree will stay.

Commission Member Hecimovich made a motion to recommend approval of the variance, seconded by Commission Member McCarthy. Motion passed unanimously.

OTHER BUSINESS: Off-street parking regulations for multi-family residential developments.

Craig Hoium reviewed the ordinance.

Commission Member Kuehne said his concern is with 2 or more bedroom apartments. The apartments east of 14th St NW no longer have street parking available. Where else can they park besides in front of residence homes.

Mr. Hoium said that could be up to 4 stalls per unit and that could be a hardship to owners.

Commission Member Kuehne said he would be happy with 2 stalls for one and two bedrooms and 2.5 stalls for three or more bedrooms.

Mr. Hoium said a three plus bedroom unit could have 2.5 stalls or 2.25 stalls per unit factors.

Commission Member Anderson said it is realistic to have 2.5 stalls for three or more bedrooms. If more were needed, that is what variances are for.

Mr. Hoium said there is an appeal similar to a sign appeal.

Commission Member Anderson said that when the Austin High School Gymnasium was built they applied for a variance because they didn't meet the required amount of parking spots.

Mr. Hoium, I think it should go to council if your are comfortable with the wording I stated.

Commission Member Anderson asked when the ordinance will take effect.

Mr. Hoium said ten days after it is printed in the newspaper.

Commission Member Anderson made a motion to recommend approval of the off-street parking ordinance with the addition of 2.25 stalls per 3 or more bedrooms, seconded by Commission Member Bergstrom. Motion passed unanimously.

ADJOURN:

Commission Member Hecimovich made a motion to adjourn the Planning Commission Meeting, seconded by Commission Member Bergstrom. Motion passed unanimously. Meeting adjourned at 7:36 P.M.