

**MINUTES**  
**AUSTIN CITY PLANNING COMMISSION**  
**TUESDAY, JUNE 15, 2004**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

**MEMBERS PRESENT:** Richard Bergstrom, Norm Hecimovich, Suzanne McCarthy, Glenn Mair, Sue Howard and Gordon Kuehne

**MEMBERS ABSENT:** Sue Grove, Brian D. Johnson and Janet Anderson

**OTHERS PRESENT:** Craig Hoium, Marty Helle, City Council Member Dick Pacholl, media and public

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

Commission Member Hecimovich made a motion to approve the May 11, 2004 minutes as written, seconded by Commission Member Bergstrom. Motion passed unanimously.

**OPEN PUBLIC HEARING:** To consider a request from Hai Nguyen, 903 24<sup>th</sup> Avenue SW for a 541.8 square foot lot area variance from the minimum 6000 square foot lot area for parcels located in a "R-1" Single-Family District. Said action is pursuant to City Code Section 11.30, Subd.5

Craig Hoium reviewed the request. Mailings went out. One person called expressing concerns of this requested variance and Mr. Hoium informed them of the Planning Commission meeting a suggested they attend.

Hai Nguyen, 903 24<sup>th</sup> Ave SW, I would like to thank you for taking the time to listen to me. First I would like to see the drainage problems fixed on the vacant end of my property. Second the north end of my lot is empty and not being used. Third I would like to see a new house built and then drainage problems would be fixed. Again I would like to thank you for your time.

Commission Member Hecimovich asked if the garage would be taken down.

Mrs. Nguyen said it would be moved so it fits nicely on the lot.

Craig Jackel, 1009 24<sup>th</sup> Ave SW, stated he had concerns about what size of house could be built and the setbacks.

Mr. Hoium said the maximum lot coverage is 40%. All setbacks must be met according to City Code.

Mr. Jackel said they would have to get a variance to because the lot is not big enough to meet current setbacks. The road would also have to be torn up to install sewer and water. This road was just finished and I don't think it should be torn up and patched.

Mr. Hoium said that when the municipal utilities were installed here water and sewer laterals were not installed for the western portion of this lot.

Mr. Jackel said I don't see this as keeping in harmony with the other lot sizes in the neighborhood. I do not agree with this and do not think this is a good idea. If drainage is a problem, that could be fixed in other ways.

Commission Member Kuehne asked if the setbacks could be reviewed.

Mr. Hoium said the north setback would be 25' and the south setback 20'. I am not saying that the placement of a building is not possible, but it would be extremely limited as to what could be built on the proposed parcel. A new home would have to meet the 25' setback.

Commission McCarthy said she likes the improvements that have been made to the property. But I am concerned about the setbacks being met if the lot is split.

Commission Member Hecimovich made a motion to recommend approval of this variance with the removal of the garage, seconded by Commission Member Kuehne. Motion failed with 2 ayes and 4 nays. Sue Howard, Rich Bergstrom, Suzanne McCarthy and Glenn Mair opposed.

Commission Member Bergstrom made a motion to recommend the denial of this variance because of lack of space and future variance requests because of setbacks, seconded by Commission Member Howard. Motion passed with 4 ayes and 2 nays. Gordon Kuehne and Norm Hecimovich voting nay.

**OPEN PUBLIC HEARING:** To consider a request from MNH Foods LLC % Mike Hoff, 8601 73<sup>rd</sup> Avenue North, #21, Brooklyn Park, MN for a conditional use permit to erect a freeway oriented sign pursuant to City Code Section 4.50, Schedule No. IV. This proposed sign would include an illuminated sign cabinet with the dimensions of 25 feet by 10 feet and the sign height of 70 feet.

Craig Hoium reviewed the request. The old freeway sign was located on Ankeny's/Mcdonalds property, but has been removed with the redevelopment of the Ankeny property.

Newton Grotzinger spoke representing Mike Hoff. I just want to say that in our business we need to be seen.

Hardees manager said they need that sign. We gave up our other sign and need to replace it to be competitive.

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

**PARKING APPEAL:** To consider the appeal from Earl Gwin, 1917 4<sup>th</sup> Avenue NE, Austin, MN for the placement of an off street parking space in the front yard area of the property located at 707 8<sup>th</sup> Avenue SE. Said action is pursuant to City Code Section 11.70, Subd.1(B) for this property located in this "R-1" Single-Family Residence District.

Craig Hoium reviewed the request. Mailings went out with one response. Mr. Hoium informed them to either send a letter expressing their position regarding this requested appeal or attend the Planning Commission Meeting.

Commission Member Mair said that isn't parking in the front yard against the rules.

Mr. Hoium said yes unless the Planning Commission and City Council approves otherwise. I would also like to say we have had numerous complaints about the parking at this location. The petitioner is trying to provide some parking for his tenants to ease the situation. On the other hand parking could be provided in the rear of the property.

Commission Member Mair asked if all the curb would come out in the front.

Mr. Hoium said the petitioner has spoken with the City Engineer and there would have to be an island between the two driveways.

Commission Member Hecimovich asked if there is room for four stalls.

Mr. Hoium said a minimum parking stall width is 8 ½ feet and that the site plan provided is drawn to scale.

Commission Member Hecimovich said there is enough room to put a driveway on the west side of the property and have parking in the back of the building.

Mr. Hoium said that is correct.

Commission Member Mair asked if approval would be needed for that.

Mr. Hoium said no.

Earl Gwin, 1917 4<sup>th</sup> Ave NE, explained four stalls would be easy to fit in with this being a fifty foot lot. The existing sidewalk would extend out with a 5' separation. Neighbors have shown concern, especially with the snowplowing. I think this would improve the property.

Commission Member Mair said to clarify that the east side would be the same as the west. It seems to me they would be pulling in at a diagonal.

Mr. Gwin said if they pull in straight there is room for two or three cars on each side.

Commission Member Howard asked if there are three apartments and said if there are three cars they have enough parking.

Commission Member Kuehne asked the petitioner if he had considered putting something in the back yard instead of the front.

Mr. Gwin said the backyard has a lawn and some of the tenants have some play things for their children. Snow removal would be hard in the winter.

Commission Member Howard said if you were to put parking in the back could the east side be for play area and the west side for parking. Would four cars fit back there?

Mr. Gwin said they would have to pull in the west driveway and then turn. There is also a fence back there and I think having the parking back there would be a real mess.

Commission Member Howard asked if the parking would be limiting the green space.

Mr. Gwin said he thinks it would create more problems then it would solve.

Commission Member McCarthy said she thinks the space looks quite large and the parking could be out back like when the property was a grocery store and keep the green space out front like the rest of the neighborhood.

Commission Member Bergstrom asked where the petitioner will go with the snow if parking is allowed in the front yard.

Mr. Gwin said the boulevard is there. I can put the snow on the side of the property.

Commission Member Kuehne said if you have a 4' sidewalk and 8 ½ ' stalls that means you have 38' out of 50' taken care of. You have a driveway on the west side and 6' on the east side, I don't see where you are going to put any snow.

Mr. Gwin said there is an eight foot area to the east where the snow could be put.

Commission Member McCarthy asked if the steps to the east are used.

Mr. Gwin said yes.

Commission Member McCarthy said if it is winter and the snow is piled there, obstruction to backing out onto 8<sup>th</sup> Ave SE may be a problem.

Mr. Gwin said there is a sidewalk there and I keep the snow off it.

Commission Member Howard asked about the snow complaints and if the car owners switch sides according to the snow emergencies.

Mr. Gwin said the people do not park close enough to the curb and the road gets more and more narrow every time the snow plow goes by. The neighbors across the street voiced concern about pulling out onto the street and hitting the vehicles.

Commission Member Howard asked how many cars are owned by the tenants of the building.

Mr. Gwin said 3 or 4.

Commission Member Mair asked where they park now.

Mr. Gwin said if you look at the photo they park in the driveway and there is room for two cars right in front, three if they pull close enough together. Then if they have friends over they park along the curb out front.

Commission Member Mair said to the Planning Commission members that this request is for an additional driveway and nothing else. Is that right Craig?

Mr. Hoium said that is correct.

Marty Helle stated that it would also allow the parking spaces to exist, which is a little more detailed than just a driveway.

Mr. Hoium said the stalls on the west half of the lot are already there, plus the additional two parking spaces located in front of the new driveway.

Commission Member McCarthy asked if the stalls on the west have always been designated as parking stalls. When it was a grocery store I do not remember cars parking there.

Mr. Hoium said the problem is that when the previous retail use of this building was converted to a multi-family rental property, those issues were not addressed at that time. There are issues previous to when Mr. Gwin owned this property that have gone to court and failed there. Mr. Gwin's request is to allow front yard parking and if you recommend approval of this request I would suggest that you make it hard surface and that screening also be provided for the waste containers.

Commission Member Mair asked if the two stalls there are against zoning code.

Mr. Hoium said it is hard to define. Most of the homes on this block have driveways that pass through the front yard area and they do park there.

Commission Member Mair said it is not a driveway, it does not lead anywhere. It seems to me that it is against our code the way the cars are parked in the front yard area.

Mr. Gwin said there is a grassy area right in front of the building.

Commission Member McCarthy said what I am looking at is he is proposing for parking stalls that are clearly is defined on the illustration. I think he should use the driveway and put something in the back.

Commission Member Mair asked if the request is for a driveway or also the parking stalls.

Marty Helle said the question that is before you tonight is the use of the front yard of the affected parcel. The issue is what is going to be in the front yard, parking stalls or open space. This is an open area, not necessarily grass. These would be parking stalls, not a driveway. The zoning ordinance does not specify grass or concrete, just that parking in the front yard is against city ordinance. Unless an appeal is submitted and approvals are given by both the Planning Commission and City Council.

Commission Member Mair said so they cannot park in the front yard regardless of the surface.

Marty Helle said if you allow the driveway to be installed, you are allowing the parking stalls also.

Council Member Dick Pacholl, 815 10<sup>th</sup> Ave SW, said he would like to know if diagonal parking is possible.

Commission Member Mair said that we need to take this proposal as it is written.

Elenor Bakke, 711 8<sup>th</sup> Ave SE, there is a lot of room to park in the back and still have room to play for the kids. There should not be parking allowed in the front yard.

Craig Jackel, 1009 24<sup>th</sup> Ave SW, asked how deep the parking stalls will be.

Mr. Hoium said the minimum depth required by City Code is 18.5'.

Mr. Jackel said it looks like the cars could possibly encroach on the sidewalk. Are you going to remove the west driveway? If you allow the petitioner to keep the west driveway you are allowing him room for up to 6 cars to park. This proposal does not seem to be in harmony with the rest of the neighborhood.

Diane Titus, 715 8<sup>th</sup> Ave SE, stated she was against parking in front of the building. It will cause too much congestion in the front yard and street.

Robert Houston, 702 8<sup>th</sup> Ave SE, I have been working with Mr. Hoium since 1998 on this project. I have some pictures that will show what we have to put up with. (A variety of photos were shown) I know this property well I worked in the grocery store from 1947 to 1952. The only car ever allowed to park in the driveway was the person running the store. Any other cars parked in the back or on the street. In the last year we have had problems with loud music and noise. I feel that if the owner cared about this neighborhood he would put a parking lot in the back, not the front.

Commission Member Mair asked Mr. Houston if he had complained about the parking violations.

Mr. Hoium said the reason the owner made this request is because of City staff talking to him.

Mr. Houston said we want this property to match the rest of the neighborhood. If we decided to sell our house next week any prospective buyers would see the cars in the front yard and say "we don't want to look at that."

Commission Member Mair asked for any other questions.

Commission Member Kuehne made a motion to recommend denial of the appeal for front yard parking, seconded by Commission Member Bergstrom. Motion passed unanimously.

#### **OTHER BUSINESS:**

Commission Member Kuehne expressed concerns relating to storm water drainage of Orchard Creek Addition. These concerns were also expressed by Mr. and Mrs. Donald Fox of 1607 28<sup>th</sup> St SW who were present at the meeting.

Commission Member Kuehne stated that he visited this residential development area and found areas that were not draining properly.

Mr. Fox expressed concerns of both the existing drainage problems and the additional problems that may be created from the proposed Meadows Addition to the west.

Mr. Hoium stated that one of the conditions placed by both the Planning Commission and City Council on the approval of the Meadows Addition was that the storm water management plan had to meet the approval of the City Engineer. Staff has since met with the developers and consulting engineer for this project. Mr. Hoium indicated that the preliminary storm water plan for this subdivision is to drain the northerly portion to an existing storm sewer line located in 5<sup>th</sup> Ave NW. The southerly portion would drain to a storm sewer system installed within the R.O.W. of 16<sup>th</sup> Ave SW and drain approximately 4000 feet to the west into an existing creek. With this plan Mr. Hoium stated that there would not be any additional storm drainage through Orchard Creek Addition or the Cotter property to the south.

#### **ADJOURN:**

Commission Member Hechimovich made a motion to adjourn the Planning Commission Meeting, seconded by Commission Member McCarthy. Motion passed unanimously. Meeting adjourned at 6:50 P.M.