

**MINUTES**  
**AUSTIN CITY PLANNING COMMISSION**  
**TUESDAY, SEPTEMBER 13, 2005**  
**5:30 P.M.**  
**AUSTIN CITY COUNCIL CHAMBERS**

**MEMBERS PRESENT:** Suzanne McCarthy, Lynn Spainhower, Sue Grove, Gordon Kuehne, Glen Mair and Janet Anderson

**MEMBERS ABSENT:** Rich Bergstrom, Brian D Johnson and Elizabeth Bankes

**OTHERS PRESENT:** Craig Hoium, Craig Byram, Council Member Dick Pacholl, public and media

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

Commission Member Anderson made a motion to approve the August 9, 2005 minutes as written, seconded by Commission Member Spainhower. Motion passed unanimously.

**OPEN PUBLIC HEARING:** To consider a request from Burton J. Plehal Combined Disclaimer Trust and Burbank Company and Red Cedar Properties/John V. Plehal Trustee, 7150 Soutag Way, VA, Brian and Kathleen Dolan, RR 1 Box 326, Austin, MN, Roger Derrick, 7301 Ohms Lane, #560, Edina, MN and Michael and Jennifer Heise, 5641 Meadow Lane, Elko, MN for a preliminary plat review of property to be known as Plehal/Dolan addition. This 29 acre site located within the 900-1100 blocks of 18<sup>th</sup> Ave NW is the proposed site of the Wal-Mart Supercenter Complex with said action pursuant to Austin City Code Chapter 12.  
**(This public hearing shall be rescheduled to a later date or postponed until further information relating to this action is submitted by the petitioners to the City of Austin)**

Craig Hoium informed the Planning Commission that the petitioner failed to submit additional information relating to this development with the preliminary plat review and requested conditional use permit. Mr. Hoium recommended that the Planning Commission postpone this public hearing to a later date.

Commission Member Anderson made a motion to reschedule this request to a later date following proper notification procedures outlined in Minnesota State Statutes, seconded by Commission Member Mair. Motion passed unanimously.

**OPEN PUBLIC HEARING:** To consider a request from Burton J. Plehal Combined Disclaimer Trust and Burbank Company and Red Cedar Properties/John V. Plehal Trustee, 7150 Soutag Way, VA, Brian and Kathleen Dolan, RR 1 Box 326, Austin, MN, Roger Derrick, 7301 Ohms Lane, #560, Edina, MN and Michael and Jennifer Heise, 5641 Meadow Lane, Elko, MN for a conditional use permit for the proposed 29 acre site development which includes an approximate 207,000 square foot Wal-Mart Supercenter. This proposed large scale retail center would be located on the 900-1100 blocks of 18<sup>th</sup> Ave NW with said action pursuant to City Code Section 11.41, Subd.3.

**(This public hearing shall be rescheduled to a later date or postponed until further information relating to this action is submitted by the petitioners to the City of Austin)**

Commission Member Grove made a motion to reschedule this hearing to a later date following proper notification procedures outlined in Minnesota State Statutes, seconded by Commission Member Mair. Motion passed unanimously.

**OPEN PUBLIC HEARING:** To consider a request from the Hormel Foods Corporation, 1101 North Main Street, Austin, MN for the rezoning of property located at 201 10<sup>th</sup> Ave NW from an “R-0” Multi-Family Office District to a “B-2” Community Business District. This requested action is pursuant to City Code Section 11.02 and would accommodate a proposed 25 stall off-street parking lot.

Craig Hoium reviewed the request. This landscape plan meets the required 20% greenspace for this “B-2” District and proper drainage will be required. Mailings went out with no response speaking for or against this requested rezoning.

Commission Member Spainhower asked about the shrubbery on the property line by the existing house. Is that a requirement?

Mr. Hoium explained the requirements when a parking lot is adjacent to a residential property, there needs to be ten feet of greenspace or a 3-5 foot high vegetative screen or fence.

Commission Member Spainhower asked about lighting.

Mr. Hoium said the lighting in their other lot is a box light style, which directs light downwards, the Hormel representative can answer more questions that you may have.

Arlen Schamber, 200 21<sup>st</sup> St NW, representing Hormel stated that there will be two box light fixtures, one on the east end and one on the west. The light on the west end will be shut off at night, the east light will be left on for security purposes.

City Council Member Dick Pacholl asked if the zoning for the property to the north could be changed at the same time and how would that effect the home.

Mr. Hoium said the property owner should petition for the zoning change. The City of Austin has the legal right to do that but there have not been any discussions with the property owner relating to that. Residential land-use is allowed in a business district. But that change is something that should be

initiated by the current land owner. Also the legal description for the property to the north was not included in the public notice.

Commission Member Mair made a motion to recommend approval of this request as it is in keeping with the comprehensive plan, seconded by Commission Member Anderson. Motion passed unanimously.

**OPEN PUBLIC HEARING:**

To consider a request from the Crane Community Chapel, 1111 9<sup>th</sup> St NE, for the amendment of an existing conditional-use permit to reconstruct their worship center which was completely destroyed by fire this past year. This requested action is pursuant to City Code Section 11.30, Subd. 3.

Mr. Hoium reviewed the request. He pointed out the sections of Section 11.56 for the Planning Commission Members to keep in mind when making a motion. Mailings went out with one response from Joseph H. Matt from Indiana who encourages the approval of this request.

Alan Bush, 2205 14<sup>th</sup> St SW, representing the Crane Chapel Congregation that the exterior finish will be a stucco type with a wood product underneath.

Commission Member Spainhower made a motion to approve this conditional use permit with the reference to Section 11.56, Subd.1, A-H and the five staff recommendations, seconded by Commission Member Grove. Motion passed unanimously. There is a 15 day appeal period.

**SIGN APPEAL:**

To consider the appeal from Gregg Johnson, Austin A & W, 910 4<sup>th</sup> St NW, for the denial of the issuance of a sign permit. This appeal involves the proposed placement of new signage on this commercial property located in a "B-1" Neighborhood District. This action is pursuant to City Code Section 4.50, Schedule No. I and III

Mr. Hoium reviewed the request. The change in the signage is due to corporate schematic changes. He showed the Planning Commission which signs would be removed and where sign additions would be made.

Commission Member Kuehne asked if the reader board would be illuminated.

Mr. Hoium said the reader board would be done at a later date and would be electronic. Mr. Johnson is here if you have more questions for him.

Commission Member McCarthy asked if all signs on the east side are being removed.

Mr. Hoium said yes, but not by choice, this is a corporate action that states if you are using the round A & W logo you must also have the All-American Food words with it.

Gregg Johnson, 805 19<sup>th</sup> St NW, do you have any questions for me.

Commission Member Kuehne, asked if the reader board be would be illuminated.

Mr. Johnson said it would be electronic.

Commission Member Kuehne asked if it would be on 24 hours a day.

Mr. Johnson said no, just during business hours.

Commission Member Grove made a motion to recommend approval of the sign appeal taking into consideration that all sign regulations are followed. The signs would be illuminated during business hours only and the agreement that two existing signs would be removed, seconded by Commission Member McCarthy. Motion passed unanimously.

**OTHER BUSINESS:**      Review of proposed ordinance revisions, which regulate the allowable awning encroachments over public right-of-ways.

Mr. Hoium pointed out the material he gave to the members prior to tonights meeting. With our main street program we would like to consider leniency and some restrictions for signage and awnings in the downtown area. He showed photos of awnings on Main Street encroaching from 12 inches to 8 feet. Faribault, Rochester and Owatonna all have four foot allowable awning encroachments. Albert Lea has the 18 inch awning encroachment like Austin, but are considering extending that to four feet also. What I would like is a recommendation from the Planning Commission what direction they would like me to take with this. I can draft an ordinance or amend an existing one and take that to the City Council for review.

Commission Member Anderson asked about the Brick Furniture awnings.

Mr. Hoium said most of the awning has a three foot encroachment with a center section that is six feet.

Commission Member Anderson asked what Mr. Hoium would like to see.

Mr. Hoium said he would like to see a four foot encroachment adopted.

Commission Member Spainhower said six to eight feet is over kill and twelve inches doesn't serve much of a purpose. The three foot awning looks good and I think an additional foot would not be impeding, yet serve nice cover.

Mr. Hoium said part of the consideration with the main street program is additional utilization of the public sidewalk. At sometime if permitted a restaurant may want to put small tables on the sidewalk. There are a lot of other issues relating to the use of sidewalks and we are working on them.

Commission Member Kuehne said that is not a very big area, would allow maybe two tables.

Mr. Hoium said that the major purpose for the sidewalk is pedestrian travel.

Commission Member Kuehne mentioned how in some towns Main Street might be closed for one night for things such as the farmers markets. The cross streets are still in existence but the street is for pedestrian travel only.

Mr. Hoium said we had a meeting with the downtown merchants and farmers market people and they were looking at closing main street between 3<sup>rd</sup> and 4<sup>th</sup> Avenues. This is a good idea for the farmers market but there were objections by some Main Street merchants. For now the farmers market has been moved to the west side of the street and I will keep you updated on any more changes.

Commission Member Grove made a motion to recommend that Mr. Hoium work with the City Attorney's office to redraft the ordinance and review it with the City Council, seconded by Commission Member Anderson. Motion passed unanimously.

Commission Member Anderson asked about regulations for overnight RV parking in the WalMart parking lot.

Mr. Hoium said there has not been anything included in the plans for RV parking. Jon Erichson and I have met with the residents of the Oaks Condominium and the developer has also scheduled meetings with them to discuss their concerns.

Commission Member Spainhower asked about the wetland study.

Mr. Hoium said he has talked to the consulting engineer and he indicated that he has made contact with the soil and water conservation district. I spoke with the soil and water conservation office this week and to her knowledge there had not been any further contact.

Commission Member Spainhower asked if the wetland study has to be done by a certain time before the vegetation goes dormant?

Mr. Hoium said they have already hired a soil scientist to do the study and the critical part is that the soil and water conservation office has to verify the wetlands while it is in a growth period.

Commission Member Spainhower said we are in that window of opportunity right now.

Mr. Hoium said the time for that is drawing to a close and I will be sending them a letter this week.

Commission Member Mair made a motion to adjourn the Planning Commission Meeting at 6:20 P.M., seconded by Commission Member Spainhower. Motion passed unanimously.