

MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, MAY 9, 2006
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS

MEMBERS PRESENT: Suzanne McCarthy, Sue Grove, Elizabeth Bankes, Tony Bennett, Glen Mair, and Brian D Johnson

MEMBERS ABSENT: Gordon Kuehne, Lynn Spainhower, and Rich Bergstrom

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

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

Commission Member Johnson stated that an omission was made on Page 11 of the March 14, 2006, Planning Commission Minutes. The "additional conditions" should be added in the next to the last paragraph of that page. Craig Hoium stated what these conditions would include those specified by Jon Erichson, City Engineer, Mike Hanson, Mower County Engineer, and himself.

Commission Member Maier then made a motion to accept the minutes as written with the correction from the March 14, 2006 Planning Commission Meeting, seconded by Commission Member Grove. Motion approved by a 6-0 vote.

Craig Hoium pointed out that the appointments listed on the agenda were in error and that the Commission should disregard.

OPEN PUBLIC HEARING: To consider a request from Eric Jensen, 1902 25th Street SW, Austin, MN, for a 272 square foot variance from City Code Sections 11.01(1) and 11.30, Subd. 5 limiting the total area of accessory structures 988 square and also a variance to exceed the maximum building dimension of 26 ft. x 38 ft. for this property located in a "R-1" Single-Family Residence District. The petitioner is proposing to construct a 35 foot x 36 foot detached garage.

Mr. Hoium reviewed the request and what was being proposed. He stated for the record that the following information is correspondence that was received by his office. Of the 6 pieces of correspondence, all were against this variance request. Craig stated that he had also received a letter from the petitioners who were unable to attend the meeting and he explained to the Commission that according to this correspondence, some of the vehicles that were previously located on his property had already been removed. Craig stated that in the letter, the petitioner also stated the reasoning for these vehicles being on his property.

Craig then stated that Jon Erichson, Public Works Director, also submitted a memo in regards to this variance. In his memo, Mr. Erichson stated that Mr. Jensen would be responsible for maintaining an eight foot green space and a continuous culvert in between the 2 driveways that were being proposed.

Commission Members Banks questioned Mr. Hoium in regards to the petitioner's letter and wanted to know why Mr. Jensen would need a structure this large if some of his vehicles had already been moved to the Cities. Mr. Hoium stated that since Mr. Jensen was not present at the meeting, he was not able to answer this question.

Commission Member McCarthy asked why projects were started prior to action from the Planning Commission. Mr. Hoium stated that he was only aware that Mr. Jensen had removed topsoil on his property. He also stated that Mr. Jensen will go ahead with a new detached garage within the limits of the ordinance if this request is denied.

Commission Member Mair asked for clarification on the front yard setbacks. Mr. Hoium stated that they were 25 feet.

Commission Chair Johnson asked if anyone in the audience wanted to speak to this matter.

Cal Overby, 1804 25th Street SW, questioned the size of the lot coverage. Mr. Hoium stated that Mr. Jensen would have 19% of lot coverage with this structure, the Ordinance allows for 40%. He also questioned the driveway and stated that he was already working on this. Mr. Hoium stated that this was not before the Planning Commission and that approval would have to go through the Engineering Department.

Commission Member McCarthy questioned a statement that read, "just apply for a variance, they usually go through". Mr. Hoium stated that this comment did not come from him or his office.

April Grabau, 1913 25th Street SW, spoke against this request and stated that this size building was not applicable to a residential area and if he wants to construct a building this size, he should do so in a commercial area.

Council Member Pacholl addressed the Commission and stated that if the structure was put on the back of Mr. Jensen's lot, it would be less noticeable.

Cal Overby questioned if Mr. Jensen was taking things for granted. He stated that sod has already been removed on this property.

April Grabau again addressed the Commission and stated that they could not stop him from building a garage, but they could make him follow the rules.

Commission Member Bennett asked if this structure was placed further back on the petitioner's property, if this would satisfy the neighbors. Commission Member Mair stated that it was not the Commission's responsibility to relocate this structure to make it more acceptable to the neighborhood.

Cal Overby then asked if there was a difference between residential and commercial. Mr. Hoium explained the difference of building this structure in a residential area versus a commercial area.

Commission Member Maier wanted to know if Mr. Jensen could still build a garage and what he would have to follow. Mr. Hoium stated that Mr. Jensen could build onto his existing garage and the only requirement he would have to abide by would be the 40% lot coverage. If Mr. Jensen chose to construct a detached garage, he would still have to maintain the 40% lot coverage and the structure could not exceed 1,000 square feet unless he would want to comply with more restrictive building codes.

Commission Member Grove made the motion to deny this request of the variance based on that it would alter the essential character of the neighborhood and that it does not pose a hardship on the homeowner. Motion seconded by Commission Member Maier. Motion carried.

Commission Member Johnson stated that this recommendation will be presented to the Austin City Council for their scheduled meeting on May 15th.

OPEN PUBLIC HEARING: To consider a request from Brian Capretz, 2021 1st Avenue NE, Austin, MN, for a 210 square foot variance from City Code Sections 11.01(1) and 11.30, Subd. 5 limiting the total aggregate area of all accessory structures to 1,000 square feet for properties located within a "R-1" Single-Family Residence District. The petitioner is proposing to construct an 18 ft. by 21 ft. detached carport

Mr. Hoium reviewed the request from Mr. Capretz and explained to the Commission the difference in reference to one structure limits and the 2 structure limits. He explained to the Commission that Mr. Capretz currently has an 832 sq. ft. detached garage in his rear yard which he currently uses for his collector cars. He stated that Mr. Capretz has a 27% lot coverage if the proposed structure was built. Craig received 2 phone calls wanting an explanation of what Mr. Capretz requested and that neither call either spoke for or against the request.

Commission Member McCarthy wanted to know how Mr. Capretz planned to exit this structure since there did not appear to be a driveway leading to or from the existing detached garage. The question was also raised as to if parking in the rear yard was legal or not. Mr. Hoium explained the parking situation and how many vehicles were considered legal. Mr. Capretz would be allowed to have 2 motor vehicles parked in the rear yard and one recreational vehicle. He also stated that the issue of a driveway was the responsibility of the Engineering Department to enforce or to give approvals of additional drive accesses and not before the Planning Commission.

Commission Member invited the petitioner to speak.

Brian Capretz, 2021 1st Avenue NE, addressed the Commission and stated that he uses the existing garage to house his collector cars which currently consist of 2 convertibles and that the other 2 vehicles that are currently parked in his rear yard he would like to have a cover over them to protect them from 90 degree heat or from hail. He stated that he currently is cleaning up his rear yard, especially one area that has become a "catch all". He stated that he currently just drives across his lawn to exit the rear yard and that there is approximately 9 feet between him and his neighbor. He does not come into contact with his neighbor's yard and that he only uses his collector cars maybe once or twice a week or if weather is bad, he will only use them maybe once or twice a month. He said that the vehicles they drive on a regular basis are parked in the front of his home in his driveway which is large enough to allow parking of 2 vehicles.

Craig stated that another issue that should be addressed was if Mr. Capretz would be allowed to add an attached garage onto the rear of his house behind the once attached garage which was converted into habitable space. Because of ventilation requirements in the code, Mr. Capretz would not be allowed to do so. Mr. Capretz stated that he did not plan to do this so it would not be an issue.

Commission Member Grove made a motion to approve this variance request based on keeping in character with the area. Motion seconded by Commission Member Bankes. Motion passed with 4 ayes and Commission Member Mair and McCarthy voting nay.

Commission Member Johnson stated that this recommendation would be presented to the Austin City Council at their scheduled meeting on May 15th.

Before review of Ordinance, Commission Member Grove excused herself from the remainder of the meeting.

ORDINANCE REVIEW: Ordinance to provide regulations for the use of public sidewalks/right-of-ways

Mr. Hoium reviewed this draft Ordinance and stated that this was being proposed in connection with the revitalization of Downtown Austin. It was felt that this would enhance the downtown area. Mr. Hoium stated that this Ordinance was discussed at the May 2nd Council Work Session and it was the feeling of the Council that this Ordinance should be a "City wide" ordinance. The Ordinance originally was proposed for businesses that have 70% of their income derived from food services and non-alcoholic beverages. After Council discussion, it was decided that it should also incorporate alcoholic beverages as written in the ordinance drafted.

It is now being presented to the Planning Commission for their review and recommendation.

Mr. Hoium stated that there were several stipulations associated with this ordinance including permitting through the City Clerk's Office. Some of the other restrictions listed in this Ordinance would include: the area involved, nothing permanent, swept and washed daily, dining tables to be placed adjacent to building, limitations as to how far out alcoholic beverages can go, etc.

Commission Member Johnson questioned if the 4' from end of eating area to pedestrian access area would be sufficient. Mr. Hoium stated that in the accessibility code, 3 feet was required. The model ordinances reviewed for the City of Red Wing and Rochester ranged from 40 inches to 5 feet.

Mr. Hoium stated that if this Ordinance did pass, if a violation would occur, he would recommend zero tolerance.

Commission Member Mair made a motion to approve the draft of this Ordinance, seconded by Commission Member McCarthy. Motion passed unanimously.

REVIEW OF COMMUNITY DEVELOPMENT ANNUAL REPORT:

Mr. Hoium went through this report and stated that both the Planning and Building Departments were extremely busy in the year 2005. He stated that in the past 5 years, zoning complaints had almost doubled going from 300+ in 2001 up to 600+ in 2005. The Building Department also completed 2005 with the 3rd highest totals recorded in the last 8 years and he stated that the totals for 2006 should be even higher. Mr. Hoium then briefly went through some of the commercial projects that were permitted in 2005 and then discussed a few of the many projects that he has been involved with including the work performed on the Justice Center and the land sales that took place in various areas throughout the City of Austin.

OTHER BUSINESS: There being none

Commission Member Banks made a motion to adjourn the Planning Commission Meeting at 6:36 P.M., seconded by Commission Member Bennett. Motion passed unanimously.