

**MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, APRIL 10, 2007
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS**

MEMBERS PRESENT: Tony Bennett, Shawn Martin, Glen Mair, Lynn Spainhower, Jim Mino, Suzanne McCarthy, Rich Bergstrom and Elizabeth Bankes

MEMBERS ABSENT: Kathy Stutzman

OTHERS PRESENT: Craig Hoium, Craig Byram, Council Member Dick Pacholl, Council Member Jeff Austin and public

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

Commission Member Spainhower made a motion to approve the March 13, 2007 Planning Commission minutes as written, seconded by Commission Member Mino. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Muskie Realty/Midwest, 315 4th Ave SE, Austin, MN, for a conditional use permit to develop an 18 unit twin home within an "R-1" Single-Family Residence District. This proposed development would be located within the 1100 and 1200 blocks of 24th Avenue NW. Said action is pursuant to City Code Section 11.30 Subd.3F and 11.56

Craig Hoium reviewed the request showing a graphic with the location of the proposed twinhomes. There would be an extension of the bike trail included with this development which would connect with the trail being done by the Village Cooperative. The property is currently platted into single-family lots, this property would have to be replatted to accommodate the development and there would have to be an extension of the public right of way at 24th Ave NW. It would be the responsibility of the developer to put needed infrastructure into place. Mr. Hoium showed a graphic of the proposed structures. If a motion is taken to approve the request by the Planning Commission, please include the Code Sections and staff recommendations to be considered when approving a conditional use permit for twinhomes in an "R-1" District. Items 1-7 in Section 11.30 Subd.3(F) are not optional items but can be included in any motion. Mr. Hoium read through all of the considerations pointing out item number two in Section 11.30 Subd.3(F), which states that each lot shall contain no less than one half the minimum land area requirements for a two family dwelling and shall be shown on a registered survey. There would have to be a minimum of a 4,000 square foot lot platted for each unit. That would have to be implemented into the plat and the developer is aware of that requirement. This public hearing

was published in the local newspaper and mailings went out to adjacent property owners and no calls have been received speaking for or against the request.

Commission Member Mair asked if 24th Ave NW would be extended over to Highway 218.

Mr. Hoium said due to the restrictions of the wetlands there could be a slight extension of 24th Ave NW with a cul-de-sac at the end of it. MnDot would not allow access to Highway 218 so you would have to extend a road along the east side of 218 or the west side of the designated wetland which would be very difficult to accomplish. The Cooperative Housing project will have its main access from a road extension in the proposed Walmart development, so there would be a secondary access to this area for emergency vehicles. But for general traffic purposes the 24th Ave NW would be the public right of way access for this development.

Commission Member Mair asked if traffic would have to go through Murphy Creek to get to the proposed development.

Mr. Hoium said that is correct. The access through the Cooperative Housing project would be for emergency vehicles only since it would be a gated access.

Commission Member Mino asked where the location of the gate would be.

Mr. Hoium showed on the graphic the location of the gate which would be just south of the end of the 10th St NW public right of way.

Commission Member McCarthy said she has not seen any proof that there is a need for this housing.

Mr. Hoium stated that the petitioner who is present could review their market analysis.

Tom Wobbrock, 901 13th Ave SE representing Muskie Realty/Midwest said there was research done by Maxwell Research in Freeborn County and the surrounding area. They found that there is a need for homes in the \$100,000 - \$150,000 range which is the proposed cost of the twinhomes. A lot of the new single-family homes are \$180,000 dollars and higher. Nothing is being developed that is not subsidized by the county or city. I am not asking for any assistance to develop properties for first time home buyers, single parents, young professionals or retired individuals who could all have new homes in this price range. This is a design that I have used in Albert Lea, Lake Mills, Glenville and they have been very receptive in those communities for new homes in this price range. With the added features of snow removal and lawn care it is enticing to many people who do not have the time or ability to take care of such things. This site is close to many amenities and shopping areas. The walking trail provides a separation from the single-family homes and is also a nice addition to the development.

Commission Member Spainhower asked if all the units would be 1064 square feet.

Mr. Wobbrock said yes, they will all be identical with tan exterior, black roof, trim and shutters, asphalt driveways. With maintenance being done by us everything will be neat and clean.

Commission Member McCarthy asked if there would be sprinklers

Mr. Wobbrock said no, we are trying to keep the costs down. The homeowners association fee would be about \$25-\$30 per month. It would be a covenant control community by the developer

but would be controlled by the homeowners association once it is full ownership. There would also be a management agreement with the city which would be part of the contract.

Commission Member McCarthy asked if the units were limited to senior citizens and how many bedrooms would be in each unit.

Mr. Wobbrock said the units are open for anybody. The buyer designs their own floor plan with no additional cost.

Commission Member Spainhower said buyers would have to stay within the 1064 square footage but otherwise able to choose their own floor plan.

Mr. Wobbrock said that is right and the only thing that we would have to designate would be where the stairway to the basement would go. If we can do a walk-out we would if the ground permits. The appliances are all included, including a washer and dryer and central air conditioning.

Commission Member Spainhower said it is very interesting that buyers get to design their own floor plans, you usually do not see that kind of flexibility.

Mr. Wobbrock stated he may have to design a few in order to complete a twinhome. We cannot build half of a unit. I will try to design what is most desired, two bedrooms and one bath.

Mr. Hoium said if approval is given to the proposed development the by-laws for the association would have to be reviewed during the platting process.

Commission Member Mair asked if there is a park in Murphy Creek area.

Mr. Hoium said there is a fully equipped public park between the single family homes and the proposed development.

Commission Member Mair asked if in the Cooperative Housing, Fox Pointe and the proposed development were there any other parks.

Mr. Hoium said the Murphy Creek Park is there and any additional parks would be determined in the platting process. There is a park dedication section in our ordinance to be determined by the City Council or the Park and Recreation Director to either provide a park or a dollar figure to further enhance an existing park.

Corey Haugen, 1006 24th Ave NW asked about the bike trail and how far the setback would be to his property from the bike trail.

Mr. Hoium said a typical pedestrian/bike trail is ten feet in width. If and when the plat is reviewed I would assume the trail would be in the center of the thirty foot wide area. I would ask the developer when a landscape plan is submitted to provide some kind of buffer adjacent to the pedestrian trail on both sides.

Mr. Haugen said they are all for the bike trail but this is the first time he had seen it next to his property.

Mr. Hoium said the trail is not part of a regional bike trail but is more to provide a means of travel for pedestrian traffic to get to the NW retail area.

Commission Member Mair asked for a motion.

Commission Member Spainhower made a motion to approve the conditional use permit with the following conditions, City Code Section 11.30 Subd.3(F):

1. Each of the lots created in subdividing lands on which a two-family structure is located shall be equal in area or as is reasonably possible.
2. Each lot so created shall contain no less than one half the minimum land area requirements for a two-family dwelling, and shall be shown on a registered survey.
3. Except for setbacks along the common property line, all other setback and yard requirements shall be met.
4. Separate services shall be provided to each residential unit for sanitary sewer, water, electricity, natural gas, telephone and other utilities.
5. The two family units, either existing or proposed, must be constructed in a side-by-side manner.
6. To protect the safety and property of the owner and occupants of each individual unit, no existing duplex structures may be split into two separate ownerships unless and until the common party wall fire rating is brought up to new construction standards contained in the Uniform Building Code (UBC) which currently required two walls with each wall having a one hour rating for the party wall and no openings shall be allowed in the party wall. Party walls must provide sound transmission control ratings as per appendix STC50, Chapter 35 or UBC.
7. The authority to divide a single structure containing two dwelling units shall be subject to Chapter 13 of the City Code relating to park dedication and other subdivision requirements and the Council may impose other reasonable conditions.
City Code Section 11.56 Subd.1:
 - A. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
 - B. The use will be sufficiently compatible or separated by distances or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
 - C. The use, in the opinion of the Planning Commission, is reasonably related to the overall needs of the City and to the existing land use.
 - D. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
 - E. The use is consistent with the purposes of the Zoning Chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 - F. The use will not cause traffic hazard or congestion.
 - G. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.
 - H. The use will not result in unnecessary destruction of natural features such as tree, unusual rock formations, water courses or sites with historical or aesthetic significance.

The staff recommendations:

- 1) Detailed landscape plan shall be submitted to Planning and Zoning office for approval
- 2) The petitioner shall submit an application for the replatting of this property to a twinhome development
- 3) See attached conditions for approval of sale of property
- 4) Development density for this project would be 3 units per acre. The maximum requirements listed in our Comprehensive Plan for this property under review is low density residential which is 4 units per acre.

The addendum to the purchase agreement:

- 1) Buyer shall be responsible for all costs associated to any replatting of Lots 1-8, Block 3, Lots 1-6, Block 4 and the Outlot "A" Murphy Creek Addition
- 2) Sale of property shall be contingent to final platting approval of the subdivision of land and the conditional-use permit approval
- 3) Buyer shall enter into a contract for private redevelopment with the Austin Housing and Redevelopment Authority
- 4) Buyer shall be responsible for costs associated to the installation of public improvements for this development. These costs shall be identified in the Development Agreement which the Buyer, City of Austin and Austin Utilities shall be binded to
- 5) Seller shall be responsible in providing Phase I geological analysis of development property
- 6) Real estate involved shall be development as shown on the attached Exhibit "A" and the private phases of development shall start no later than October 1st, 2007
- 7) In the event the transaction of the sale of this property does not become finalized, the buyer shall be reimbursed the earnest money paid.

, seconded by Commission Member Bergstrom. Motion passed unanimously.

Mr. Hoium said there is a 15 day appeal period on this action. For example if any of the adjacent property owners would choose to appeal they would submit the form that went out in their mailing within fifteen days and then the request would go before the City Council. If there are no appeals in the fifteen days it would be a final action and the platting process could proceed. The developer should not proceed with any further tasks until the appeals period has expired.

OTHER BUSINESS:

Mr. Hoium said he has a copy of the City of Austin's Comprehensive Plan for the new Planning Commission Members.

Commission Member Mino made a motion to adjourn the Planning Commission Meeting at 6:02 P.M., seconded by Commission Member Bergstrom. Motion passed unanimously.