

**MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, FEBRUARY 12, 2007
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS**

MEMBERS PRESENT: Tony Bennett, Lynn Spainhower, Lonnie Skalicky, Suzanne McCarthy, Glen Mair, Jim Mino, Elizabeth Bankes, Shawn Martin and Kathy Stutzman

MEMBERS ABSENT: None

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

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

Commission Member Bennett made a motion to approve the December 11, 2007 Planning Commission Minutes as written, seconded by Commission Member McCarthy. Motion passed unanimously.

Craig Hoium welcomed the new Planning Commission Member Lonnie Skalicky and proceeded to ask for nominations for the 2008 Planning Commission chair and vice-chair.

Commission Member Bennett nominated Commission Member Spainhower for chairperson, seconded by Commission Member McCarthy. No other nominations came forth. Commission Member Mino made a motion to cease nominations, seconded by Commission Member Bankes. Commission Member Spainhower was voted as chairperson unanimously.

Commission Member Spainhower nominated Commission Member Mino for vice-chairperson, seconded by Commission Member Mair. No other nominations came forth. Commission Member Martin made a motion to cease nominations, seconded by Commission Member Bennett. Commission Member Mino was voted as vice-chairperson unanimously.

Mr. Hoium also wanted to thank out going Planning Commission Member Rich Bergstrom for his past ten years of service. He was involved in a lot of important decisions as the community grew during his ten years on the Planning Commission.

OPEN PUBLIC HEARING: To consider a request from the Development Corporation of Austin and the Joseph Company to appeal the number of off-street parking stalls for warehouse use buildings as specified in City Code Section 11.70. This request is for the DCA Spec Building/Smyth Co. facility currently under construction at 1201 27th Avenue NW (Cook Farm Industrial Park)

Mr. Hoium reviewed the request pointing out two letters, one from the Joseph Compnay and the other from Craig Hoium. He also showed a graphic of the racking plan for Smyth Company which is the issue that reduces the number of parking stalls required from 78 to 51.

Commission Member Mair asked if the correct number of stalls required should be 51 stalls.

Mr. Hoium said that is correct if you calculate the net floor area.

Commission Member Spainhower verified the requirement it 51 stalls and the petitioner is asking for 42 stalls.

Mr. Hoium said that is correct.

Commission Member Mino asked if the Planning Commission approves the request can a condition be put into the motion that if there are any future changes in the property the number of stalls would be under consideration again.

Mr. Hoium said there is a section in the ordinance that addresses change of use for buildings. For example if the business left and the building was to be used for an office complex the factors would change. The off-street parking regulations would change if the use of the building changes.

Commission Member Mino made a motion to recommend approval of the requested parking stalls being reduced from 51 to 42, seconded by Commission Member Mair. Motion passed unanimously.

OPEN PUBLIC HEARING:

To consider a request from LaVerne and Virginia Kehret, Flora Hopkins and Gregg Johnson for the rezoning of property located within the 1900-2600 Blocks of 18th Avenue NW from an "R-1" Single-Family Residence District to a "B-2" Community Business District. This requested action is for a proposed Menards Home Improvement Retail Center pursuant to City Code Section 11.02.

Mr. Hoium reviewed the request pointing out the location of the property to be rezoned on a map and the site for the proposed Menard's development. A summary of the proposed development was given with the building being 162,000 sq. ft. There are a number of outlots in the preliminary plat, A, B, C, and E (storm pond within Outlot E) would be for future development while outlot D would be for a storm retention pond. The two ponds would be designed to accommodate all of the run off generated from the entire development. There are some issues with drainage from the wetlands and have had numerous conversations with MnDot and the developer relating to the issues. This entire site would eventually drain through the MnDot right-of-way for Interstate 90 through the ditch. The purpose of the ponds is to collect the run off and discharged into the ditch at a slower rate. There are only two platted lots to be developed at this time if the plat is approved. Lot 1 is where the Menard's development would go and Lot 2. If Outlot A, B, C, or E were to be developed there would be a platting process to obtain approval.

Commission Member Spainhower asked why that is.

Mr. Hoium said one reason is for tax purposes and the other is it gives the city officials a better opportunity to review any future proposed developments. There is a lot of infrastructure to be dealt with in this plat and we have had a number of meetings with the Austin Utilities and the City Engineer. This is the first step to review the project after the meetings which have already taken place with the developer. There are two representatives here from Menards tonight, Scott Nuttleman an attorney and Darcy Winter who is assisting with the land transactions.

Mr. Hoium stated there are two rezoning requests and he proceeded to point out both areas on a graphic. One area is to be rezoned from an "R-1" to an "R-2" district. We felt it necessary to have a transitional land area between the commercial area and the single family area of Seven Springs. The lot depth of that parcel is approximately 200' and in looking at what would be a good fit for that area would be a low density condominium development similar to the Oak Park Village. Prior to any development in the rezoned area there would have to be an approved plat. The second area is to be rezoned from an "R-1" to a "B-2" district. That would include the Menards development and all the outlots except for outlot A and would also include a road connection of a redesigned 18th Ave NW. Mr. Hoium then showed a future land use map from the City of Austin's Comprehensive Plan, both areas requesting to be rezoned area in compliance with our Comprehensive Plan.

Commission Member Mair made a motion to recommend approval to rezone the proposed land from an "R-1" to a "B-2" District, seconded by Commission Member Mino. Motion passed unanimously.

OPEN PUBLIC HEARING:

To consider a request from LaVerne and Virginia Kehret, Flora Hopkins and Gregg Johnson for the rezoning of property located within the 1900-2600 Blocks of 18th Avenue NW from an "R-1" Single-Family Residence District to an "R-2" Multi-Family Residence District. This requested action is to establish a high density residential development area and to also create a transitional land-use change from business to residential pursuant to City Code Section 11.02.

Commission Member Skalicky made a motion to recommend approval to rezone the proposed land from an "R-1" to an "R-2" District, seconded by Commission Member Martin. Motion passed unanimously.

OPEN PUBLIC HEARING:

To consider a request from LaVerne and Virginia Kehret, Flora Hopkins, and Gregg Johnson for the preliminary plat review to be known as the Menards Addition. This proposed subdivision consists of a combination of commercial and residential development site which would be located within the 1900-2600 Blocks of 18th Avenue NW. Said action is pursuant to City Code Section 13.10.

Mr. Hoium showed a graphic of the proposed Menards Addition. Lot 1 and Lot 2 would be the only platted lots on the proposed subdivision. Outlots A-E would not be platted. There were a few additions to the staff report that Mr. Hoium went through. The boundaries of the development will be adjusted so the developer can meet the City of Austin's greenspace requirements of 20%. The future public right-of-way of 19th Dr NW needs to be included in the plat. The public right-of-way extensions for the following roads need to be incorporated into the plat: 24th St NW, 16th PI NW, 17th PI NW and 19th Dr NW. Where 7th PI NW intersects with

CSAH 27 that would be changed to a 90° intersection and MnDot it appears they are in agreement to that change. The developer will have to have a traffic study done to analyze what changes may be needed to accommodate the development.

Commission Member Mino asked who is responsible to connect the streets on the proposed plat to the existing city streets.

Mr. Hoium said the area around the proposed development of Lot 1 and Lot 2 would be the responsibility of the developer or current property owners. The City of Austin will have to enter into a development agreement with them and the improvements and costs would be included. The City of Austin would be provided with some type of security that the roads are developed according to the city standards.

Commission Member Skalicky asked the approval tonight is contingent upon that.

Mr. Hoium said the Planning Commission's responsibility is to recommend to the City Council to approve or deny the preliminary plat. There are 32 conditions in the staff report which is not abnormal for the preliminary review.

Commission Member Stutzman asked if the developer would be redrawing the lot space so there will not be a greenspace variance.

Mr. Hoium said that is correct. After talking to Scott the site may be expanded southwesterly to incorporate a wetland area in order to meet the 20% greenspace.

Commission Member Stutzman asked what happens if they are unable to get the Tower Company right of way.

Mr. Hoium said LaVerne Kehret is the owner of the tower property and there is an existing easement along the south boundary of the leased property. Our right-of-way width is 66 feet and the existing easement is not of that width so there would be an expansion of that. It is essential that there is a ring road around the proposed development and it would be up to the property owner and developer to resolve that issue.

Commission Member Spainhower asked if the 32 staff conditions need to be included in any motion tonight.

Mr. Hoium said that is correct and there is also a memo from Jon Erichson to include. Mr. Hoium proceeded to read through the 32 staff conditions:

- 1) All easements are entered into the plat per the Austin Utilities and Engineering Department's request.
- 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. Decorative street lighting shall be utilized within the road improvement area of 18th Avenue NW and all other newly developed right-of-way
- 4) Obtain approval from City of Austin Engineering Department and Soil/Water Conservation Office for storm water run off and management plan
- 5) Obtain sanitary sewer extension permit from the Minnesota Pollution Control Agency
- 6) Enter into Developer's Agreement with the City of Austin addressing all aspects of this proposed development and the responsibilities thereof

- 7) Design of all infrastructure within development shall meet the approval of the City of Austin Engineer, Austin Utilities, and Mower County Engineer
- 8) Developer shall obtain petitions approved by the Austin Utilities relating to the installation of municipal water, gas, and electric utilities and the cost thereof
- 9) Wetland delineation shall be conducted to identify any wetlands within this proposed development in accordance to routine on-site determination method. Developer shall obtain approval for any applicable regulations from the Mower County Soil/Water Conservation Office
- 10) Wetlands shall be mitigated in accordance to US Army Corps of Engineers, Section 404 of Clean Water Act Standards
- 11) Developer shall conduct traffic analysis of surrounding area, which shall identify necessary roadway redesign work relating to this proposed 78 acre development as specified in attached memo
- 12) All minimum development standards shall be met for this requested zoning change to a "B-2" Community Business District
- 13) Developer shall obtain approval from MnDOT and Mower County Highway Engineer relating to this proposed plat
- 14) Compliance to conditions listed on letters from the attached City and County Engineers
- 15) Conditions recommended by staff during this public hearing included the pedestrian trail extension to be developed within this area to be known as the Menards Addition
- 16) Developer shall be responsible for 100% of the costs to construct the ring road and improvements to 18th Avenue NW
- 17) All curb and gutter within the public right-of-way shall be B624
- 18) Minimum street width of 36 feet
- 19) Street section not identified. Minimum of 8" Class 2 or 5 and 8" asphalt in three lifts. Subgrade corrections will be based upon soil test results.
- 20) Trail alignment to be approved by City Engineer
- 21) Storm sewer design calculations to be submitted for sizing
- 22) Provide documentation for catch basin numbers and location
- 23) All publicly owned storm sewer shall be RCP pipe
- 24) Storm water retention pond to be privately owned and maintained
- 25) Obtain agreement to allow storm water from public right-of-way to drain into private retention pond and MnDOT I-90 ditch
- 26) All structures shall meet the City of Austin's standard specifications
- 27) Sanitary sewer design to be submitted
- 28) Plat does not show new right-of-way of 19th Drive NW adjacent to north side of Menards Building**
- 29) Public right-of-way extensions shall be named as follows:**
 - 1. • 24th Street NW**
 - 2. • 16th Place NW**
 - 3. • 17th Place NW**
 - 4. • 19th Drive NW**
- 30) Obtain lease agreement for tower company for right-of-way extension of 16th Place NW**
- 31) Public right-of-way and infrastructure shall be completed in one phase excluding south end of 24th Street NW**
- 32) Adjust Lot 1, Block 1, site area to obtain 20% greenspace requirements**

Mr. Hoium asked the Planning Commission to refer to the staff conditions, memo from Mr. Erichson and add any additional changes in their motion.

Commission Member Stutzman asked what type of noise and lighting impact the proposed development would have on the Seven Springs Addition.

Mr. Hoium said that will be discussed in the Conditional Use Permit hearing.

Commission Member McCarthy made a motion to recommend approval of the preliminary plat review including the 32 staff conditions and Mr. Erichson's memo, seconded by Commission Member Bankes. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from LaVerne and Virginia Kehret, Flora Hopkins, and Gregg Johnson for a conditional use permit for the proposed construction of an approximate 162,000 sq. ft. Menards Home Improvement Retail Center. This property under review is located within the 1900-2600 Blocks of 18th Avenue NW with said action pursuant to City Code Sections 11.41, Subd.3 and 11.56.

Mr. Hoium reviewed the request showing a colored graphic of the proposed building which is a precast concrete structure with elevations. The city would like to see additional enhancements to the exterior of the building. If there is an action taken to approve the conditional use permit tonight I ask the Planning Commission to give city staff the authority to review those documents and give approval for that change. For a conditional use permit the action taken by the Planning Commission is an action taken and not a recommendation to the City Council. Whether approved or denied there is a 15 day appeal period where the developer or citizens can submit an appeal to our office and then the request would go to the City Council for review. Mr. Hoium showed a graphic of the building footprint including the garden center area which would be surrounded by a 14 foot high fence. There are 467 parking spaces on the site plan and there is another public hearing in relation to that issue later tonight. The site will be expanded in order to obtain the 20% greenspace area. Mr. Hoium pointed out where the border of the Seven Springs Addition and development site are and stated that they are 600 feet apart. There would be some kind of vegetative buffer between the Seven Springs Addition and the high density residential area. There will be a more detailed landscape plan that will be part of the Tree Mitigation Plan which we will be requesting to continue to our March meeting. Any motion taken by the Planning Commission should reference the 12 considerations listed in the staff report. The staff report consists of the following 12 conditions:

- 1) Site development shall be completed in accordance to minimum City Development Standards.
- 2) Solid fencing or coniferous vegetative screening shall be provided around all exterior storage containers, trailers, trash dumpsters, etc.
- 3) All general merchandise shall be displayed from within the interior of this retail center building excluding the designated garden center area
- 4) Minimum 20% greenspace shall be provided within Lot 1, Block 1 of development site in accordance to City Code Section 11.41, Subd. 5.
- 5) Further enhancement options of the exterior of building shall be considered into exterior finish of this retail center. These enhancements should include brick facing in entries and other areas

Reference should also be taken from the attached Commercial Development section of our City Comprehensive Plan (Pages 40 - 46)

- 6) Vegetative screen shall be provided between retail center and the adjacent residential Seven Springs Addition
- 7) Pedestrian means of transportation shall be incorporated into development site design
- 8) Provide site lighting plan with specifics, lighting fixture details and air illumination

- 9) Provide information on business hour operation
- 10) Provide details and specifications on signage to be utilized for site
- 11) **Landscape Plan shall be incorporated with Tree Mitigation Plan and reviewed by Planning Commission during the scheduled March 11, 2008 meeting**
- 12) **C.U.P. shall expire on November, 2009 (construction shall begin by this date)**

Currently at the Highway 218 and Interstate 90 interchange there is a sidewalk that runs along the east side of the bridge and then stops. Mr. Erichson has been working with MnDot and Highway 218 is scheduled to be milled and resurfaced this year. As part of that improvement would be a light controlled intersection at that ramp and Mr. Erichson is trying to work with MnDot to incorporate a pedestrian crossing in that area providing better access to the commercial area on the west side of Highway 218.

Commission Member Martin asked if a stoplight is planned for the eastbound or westbound off ramp.

Mr. Hoium said the plan is to have a stoplight at the ramp on the north side. The entire interchange will be a part of the traffic study.

Mr. Erichson said it is a part of MnDot's 2009 plan to put stoplights at the north side of the intersection. Anything needed on the south side would be included in the traffic study required as part of the Menards development. With traffic signals at the Riverland Community College entrance, on the north ramp and at 18th Ave NW the likely hood of lights at both ramps are questionable. That would be a lot of signal lights in a small area.

Commission Member McCarthy said having lights on the south ramp seems more logical.

Mr. Erichson said the traffic study done as part of the Walmart development identified the north ramps at the lowest level of service.

Commission Member Spainhower asked who would share the cost of the traffic study.

Mr. Erichson said the traffic study will be paid for by Menards. The participation of the north ramp signal lights is yet to be determined. That is based on the legs of traffic contributing from each agency.

Commission Member Spainhower asked why there was not a recommendation in the staff report in regards to the signal lights.

Mr. Erichson said in the staff report we recommended a traffic study including all the intersections.

Mr. Hoium said the pedestrian issue is something that needs to be looked at. We have talked about a trail extension and have some conceptual routes. There needs to be some type of pedestrian means of transportation for the development site. The lighting in the development will be downward facing and an analysis will be done on the lighting. There will be signage on the development site and along I-90.

Commission Member Stutzman asked who regulates the signage along I-90.

Mr. Hoium said MnDot has regulations along the I-90 corridor where minimum spacing for billboards is 500 feet. The City of Austin's minimum spacing requirements is 750 feet and 500

feet away from a residential district. There cannot be an additional billboard placed along I-90 at that location. I believe it is the intention of Menards to replace one of the existing billboards with a sign of their own.

Commission Member Mino asked about condition number three and the display of merchandise.

Mr. Hoium said some box stores put a considerable amount of merchandise on the front sidewalk and it is up to the city to decide if that is desirable land use.

Commission Member Skalicky asked if that was seasonal or certain times of the year.

Mr. Hoium said with previous developments like Walmart that was a condition placed on the development prohibiting merchandise out on the front sidewalk or outside the building.

Commission Member Mino asked what the logic is for condition number five, to further enhance the exterior of the building.

Mr. Hoium said it has been done with other developments in Austin. This is a very substantial development and if we can work out an approval with the developer for the exterior finish I think the city should consider that. For example the Walmart store is not the typical store front, it has nicer architectural finishes.

Commission Member Stutzman asked about truck noise.

Mr. Hoium said that is a good question for Scott to answer.

Scott Nuttelman, Menards Attorney said shoe box light fixtures are the only type used. There allow zero lumens outside the lot line with the exception of the front at the public street. The enclosed yard on the back of the store has lights that are attached to the fencing and angled towards the store. I need to clarify that we are allowed to store material like bricks and roof trusses in the outside yard area.

Commission Member Stutzman asked about the types of trucks and how many.

Mr. Nuttelman said there are 1-3 deliveries a day and we use straight trucks not semis. The trucks will enter on CSAH 27. The fourteen foot fence will also help deaden any truck noise. Our operations hours are mostly from 8:00 AM to 9:00 PM so most deliveries are during the day. We also do not use a loud speaker system; the employees carry walky talkies to communicate. We are mindful of being a good neighbor.

Commission Member Martin made a motion to approve the Conditional Use Permit including the twelve staff conditions clarifying #3 that materials can be stored in the outside yard area and #5 having the staff review the exterior finish enhancements, seconded by Commission Member McCarthy. Motion passed unanimously.

OFF-STREET PARKING

APPEAL:

To consider a request from LaVerne and Virginia Kehret, Flora Hopkins, and Gregg Johnson for an off-street parking appeal for 86 stalls pursuant to City Code Section 11.70. This appeal is for the proposed Menards Retail Center where 467 stalls are being provided

Mr. Hoium reviewed the request showing a site plan which shows 467 parking stalls. The city has requested the developer to incorporate into the landscape plan some islands with shrubbery or trees. More details relating to that will be provided with the landscape plan. There is a summary of other stores in the region and number of parking stalls provided at each of the stores.

Mr. Nuttelman said a parking variance is required at almost every store. The reason being that our customer base is different than that of stores like Target and Walmart. The materials we carry are larger and take up more floor space for storing so the size of the building is not a good indicator for the amount of parking we need. Our traffic is distributed more evenly since the contractors tend to shop during the weekdays while the residents and home improvement folks tend to shop in the evening and weekends. We would like to request a change in the number of parking stalls to 450 stalls in order for us to incorporate landscaped islands.

Mr. Hoium said if the Planning Commission is comfortable with making the change to 450 stalls they can make that change now.

Mr. Nuttelman said 444 stalls is a better estimation. Including landscaped islands will take away about 22 parking stalls from the current site plan.

Commission Member Stutzman asked if fewer stalls would mean less trees lost.

Mr. Nuttelman said fewer stalls always mean more trees and greenspace.

Commission Member Skalicky asked about security lighting.

Mr. Nuttelman said the parking lot can be fully illuminated without shining light outside the property.

Commission Member Skalicky asked if there would be security cameras.

Mr. Nuttelman said in general there would be one camera on the yard and one at the store entrance.

Mr. Hoium said if the Planning Commission is uncertain the parking appeal review could be continued until the landscape plan is provided.

Commission Member Mino made a motion to continue the review of this request to the March 11, 2008 Planning Commission Meeting, seconded by Commission Member Martin. Motion passed unanimously.

TREE MITIGATION: To consider a request from LaVerne and Virginia Kehret, Flora Hopkins and Gregg Johnson for the approval of a tree mitigation plan pursuant to City Code Section 11.71. This proposal is for the Menards Development where they will exceed the 30% tree removal threshold.

Mr. Hoium summarized the specifics of this ordinance. In our tree preservation ordinance Section 11.71 there are limitations for tree removals within developments. The percentages change whether it is a single phase or multi phase development. Part of the challenge with this project is the developer hasn't determined how they want to apply the tree mitigation plan. In a development if they exceed the limitations there has to be a review and approval by the city to

approve the tree mitigation plan. It is not that you cannot exceed the allowed removals but whatever your mitigation plan is has to meet the city approval. Mr. Hoiium showed a graphic of the trees on the development site. Some of the trees on the site may not be what is classified as substantial trees. The Park and Rec department along with the consulting engineer has to make that determination. I think the best direction to take it to have the developer provide an accurate count of the trees within the plat and have the Park and Rec department do their inventory of the trees. Then submit a tree mitigation plan and landscaping plan. We can answer any questions but I recommend continuing this public hearing to the March meeting.

Commission Member Stutzman asked if the allowable tree loss at 47.5% is to be done as part of a multiphase.

Mr. Hoiium said the single phase is strictly the Menards development. Multi phase includes all of the outlots.

Commission Member Bennett made a motion to continue the review of this issue to the March 11, 2008 Planning Commission Meeting, seconded by Commission Member Mino. Motion passed unanimously.

Commission Member Skalicky made a motion to adjourn the Planning Commission Meeting at 7:15 P.M., seconded by Commission Member Bankes. Motion passed unanimously.