

**MINUTES**  
**AUSTIN CITY PLANNING COMMISSION**  
**TUESDAY, OCTOBER 14, 2008**  
**5:30 P.M.**  
**AUSTIN CITY COUNCIL CHAMBERS**

**MEMBERS PRESENT:** Tony Bennett, Suzanne McCarthy, Lonnie Skalicky, Glenn Mair, Lynn Spainhower, and Kathy Stutzman

**MEMBERS ABSENT:** Jim Mino, Elizabeth Bankes and Shawn Martin

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

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

Commission Member Mair made a motion to approve the July 15, 2008 Planning Commission Minutes as written, seconded by Commission Member Skalicky. Motion passed unanimously.

**OPEN PUBLIC HEARING:** To consider a request from Chris and Sarah Iverson, 1106 4<sup>th</sup> St SE for a conditional use permit for the operation of a home occupation (photography studio) pursuant to City Code Section 11.30, Subd. 3, D. Said property is located in an "R-1" Single-Family Residence District.

Craig Hoium reviewed the request showing a graphic of the property location. One of the requirements for a home occupation is to provide off street parking. The property has a large driveway to accommodate parking needs. A graphic of the lower level floor plan was shown where the photo studio would be located. The photo studio does not occupy more than one third of the floor space as required by the home occupation ordinance.

Commission Member Spainhower asked where entry to the studio would be.

Mr. Hoium said the entry is down the stairs. Mr. Hoium pointed out Section 11.30, Subd.3(D) which lists eight specific conditions for home occupations. There are also various conditions that can be considered and applied by the Planning Commission for conditional permitted uses. There are seven items in the staff report for the Planning Commission to consider also. One of the items I would like to address is advertising. If approval of the request is given there is a specific restriction for signage in residential areas. Any signage must be wall mounted on the front of the structure and cannot exceed two square feet in area. An on site inspection of the proposed property should be done to make sure there are no code violations. The petitioner can specify the hours the business would be open. Mailings went out to adjacent properties and

also publication of the requested action. No calls were taken speaking for or against this request.

Commission Member Stutzman asked what the definition of one customer is. Does that include a family, group or only one person?

Mr. Hoium said he would interpret that definition to mean a family photo which would be more than one individual or a single individual.

Commission Member Stutzman asked if number five under the staff recommendations which states that only the resident is permitted to be employed. Could that be changed to residents if more than one of them will be involved in the home occupation?

Mr. Hoium said only individuals within the residence may be employed. Individuals living off site may not be employed at this home occupation.

Commission Member Stutzman asked if that item could be changed to residents to include more than one person.

Mr. Hoium said yes.

Commission Member Skalicky asked how far it is from the property in question to Viking Glass and Lock and storage units.

Mr. Hoium said lot frontages in the area run anywhere from forty three feet to one hundred twenty feet. Craig pointed out on a graphic the location of Viking Glass and Lock in relation to the property in question. It is approximately a block north of Viking Glass and Lock. This property is located in an "R-1" District but there are some areas close by that are limited industrial that actually have residential properties on them which are non-conforming land uses and were developed years ago.

Commission Member Spainhower asked if the properties next door to the property in question are all residential.

Mr. Hoium said that is correct and letters went to all of the neighbors with no response. One concern for home occupations is accessibility. There are times when a handicap ramp has to be provided. There are also exceptions to that rule if the service can be provided at another location that is permissible.

Commission Member Spainhower asked if there is anything in the building code that says the business has to be handicap accessible.

Mr. Hoium said with existing structures there are exceptions if that service can be provided elsewhere.

Commission Member Stutzman asked about the developing process and what kind of waste products there will be.

Mr. Hoium said with developing film there are at times flammable liquids and that is one of the reasons for the on site building inspection listed in the staff recommendations. If they are going

utilize that type of flammable liquid there are rated storage cabinets or fire separations that have to be provided.

Commission Member Stutzman she is more concerned with the disposal of the products.

Chris Iverson, 1106 4<sup>th</sup> St SE said that everything is done digitally and there are no waste products or processing. Prints are sent digitally to a processing lab in Maryland.

Commission Member Spainhower asked if any processing will be done at all.

Mr. Iverson said the only thing offered are retouches and softening but all is done electronically. In regards to the handicap accessibility we have customers who have asked and we can go to them at there home or we can go to a public location outdoors, all of our equipment is portable.

Commission Member Stutzman asked about the hours stated in the back up material of Monday – Friday 5:30pm-9:00pm and Saturday-Sunday from 10:00am to 6:00pm.

Mr. Iverson said they may not have customers all of the time but need to be open for picking up of proofs. Most of the shooting is done outdoors and on the weekend.

Commission Member Spainhower said that brings up a question because we have done this before with other photographers. When it comes to people picking up proofs will you have seven customers showing up to pick up at one time.

Mr. Iverson said no we try to give people separate days.

Commission Member Spainhower said this is for indoor use and asked if there is any outdoor use of props on the property.

Mr. Iverson said only what is already existing, the river and foliage. There will be some traditional landscaping done around the house.

Commission Member Skalicky made a motion to approve this request, seconded by Commission Member Mair. Motion passed unanimously.

Mr. Hoium asked if there would be any conditions in that motion.

Commission Member Skalicky said the motion should include the seven conditions in the staff report and the eight conditions from Section 11.30, Subd.3(D). Seconded by Commission Member Mair. Motion passed unanimously.

Mr. Hoium stated there is a 15 day appeal period before business may start.

**SIGN APPEAL:**

To consider a sign appeal from Innovative Signs and the Austin Public School District for the placement of a wall sign on the stadium of the Larry Gilbertson Track located at 301 12<sup>th</sup> St NW. Said action is pursuant to City Code Section 4.50, Schedule No.I & II, Subd.13, 5 (H) for this property located in an “A-1” District.

Mr. Hoiium reviewed the request. He was out of the office when the permit was applied for. There was concern with the timing of the permit as a dedication was scheduled for September 20, 2008. Permission was given to temporarily place the sign but if the sign appeal was denied the sign would have to be removed. An effort was made by the contractor. This sign is sixty square feet in size and is over the allowable square footage by thirty six square feet. It is a non-illuminated sign.

Commission Member Skalicky asked if this would have any negative effect on traffic.

Mr. Hoiium said it is his opinion that the sign would not be offensive at all.

Commission Member Mair made a motion to recommend approval of the sign appeal, seconded by Commission Member McCarthy. Motion passed unanimously.

**SIGN APPEAL:** To consider a sign appeal request from George's Pizza and the Main Street Project for the placement of an illuminated projecting sign which would encroach the public-right-of-way 7 feet, 2 inches. Said action is pursuant to City Code Section 4.50, Schedule VI, and Subd.5,D,2, for this property located in a "B-3" District.

Mr. Hoiium reviewed the request. A graphic was shown of the proposed site. The current location of the sign is on 1<sup>st</sup> St NE. George's Pizza is involved in the Mower County Justice Center acquisitions and the property has been sold and the business will be relocating to Main Street. If there is a direction made to recommend approval of this sign appeal I would like the Planning Commission to include the structural engineering requirements. The Main Street Project is working with George's Pizza on this project. One of the goals of the project is to maintain the character of the downtown area. Kathy Stutzman had a question about the Flaherty Paint projecting sign. That is an existing non-conforming sign that was enhanced with neon lighting. The other question was for the B & J bar sign. There was a sign appeal granted for that sign.

Commission Member Spainhower asked if there is any information on how the sign will look.

Paul Martell, 27685 570<sup>th</sup> Ave, Austin. Said the goal is to keep the atmosphere of the restaurant as close to what it is now. We would like to redesign the new store front to look like the existing one. I have talked to Theissen sign and how they will be professionally removing the sign and refurbishing it. They will help us make sure the sign is installed and structurally sound in the new location. I am not certain how the sign will look but would like it to be centrally located on the building. The sign will not be neon, it should look the same only appear new.

Commission Member Stutzman asked about the window in the center of the new location. I have concerns about the structural engineering. Who will be installing the sign.

Mr. Martell said the sign company will be doing the installing.

Mr. Hoiium said the structural connection will have to be done by a licensed design professional. They will calculate the load of the sign itself and the connection points and make sure the fasteners are correct and in doing the design they take any responsibility for any structural failure.

Mr. Martell said a similar process was done for the B & J bar signage.

Belita Schindler, 211 2<sup>nd</sup> St NW, is currently the chair of the Main Street Project. We are thrilled to have George's Pizza move to Main Street. That is exactly the type of business we are looking for.

Commission Member McCarthy made a motion to recommend approval of the request after a structural design is approved, seconded by Commission Member Bennett. Motion passed unanimously.

#### **OTHER BUSINESS:**

Mr. Hoium said he has been working for six months on property acquisition for Mower County Justice Center in the downtown area and gave the Planning Commission members an update regarding the properties.

Commission Member McCarthy expressed concerns regarding the landscaping and hard surfacing which are not complete within the east side development railroad area. Mr. Hoium reviewed the status of these developments.

Commission Member Mair made a motion to adjourn the Planning Commission Meeting at 6:23 P.M., seconded by Commission Member Bennett. Motion passed unanimously.