

MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, JUNE 9, 2009
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS

MEMBERS PRESENT: Lonnie Skalicky, Suzanne McCarthy, Jodi Krueger, Tony Bennett, Jim Mino, Lynn Spainhower and Jeff Bednar

MEMBERS ABSENT: Kathy Stutzman and Shawn Martin

OTHERS PRESENT: Craig Hoium, Craig Byram and public.

Commission Member Skalicky made a motion to approve the May 12, 2009 Planning Commission Minutes, seconded by Commission Member Mino. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Lee and Joni Hansen, 1602 11th Dr NE, for a conditional use permit to operate a concrete crushing facility on their property located at 1602 11th Dr NE. This property is located in an "I-3" Industrial Park Business District with said action being pursuant to City Code Sections 11.52, Subd.4 and 11.56.

Craig Hoium reviewed the request stating the property consists of 4 acres, is located in the NE Industrial Park and is surrounded on all sides by "I-3" Districts. Mr. Hoium reviewed the code sections and staff report regarding the request:

Section 11.52, Subd. 4 A. Mining. The extraction of sand, gravel, rock, soil or other material from the land in the amount of 1,000 cubic yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.

Section 11.56 Subd.1. States that before granting a conditional use permit, the Planning Commission shall consider the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding land, including land values, as well as the preservation of natural features. Among other things, the Planning Commission shall make the following finds where applicable:

- 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

- C. homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- D. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
- E. 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.
- F. 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.
- G. The use will not cause traffic hazard or congestion.
- H. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.
- I. 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.

Section 11.56 Subd.5, Other Considerations. The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon, but not limited to, the following factors:

- Geographical area involved
- Whether such use will depreciate the surrounding area
- Character of surrounding area
- Demonstrated need for such use
- Whether proposed use will cause odors, dust, flies, vermin, smoke, gas, noise, vibrations or would impose hazards to life or property in the neighborhood

Section 11.56 Subd. 2, states that the Planning Commission may impose additional conditions necessary to protect the best interests of the surrounding area or the City as a whole.

Staff Report: If the Planning Commission should elect to approve this requested conditional use permit, may I suggest that the following conditions be considered with this action:

- 1) A restoration bond of \$10,000 shall be provided and valid through life of conditional land-use.
- 2) Concrete crushing operation shall be limited to 20 days throughout a calendar year.
- 3) Stockpiling of aggregate material shall be at least 40 feet from the east property line and 20 feet from the north and south adjacent property lines.
- 4) Petitioners shall provide dust control measures throughout life of permit when operation is occurring.
- 5) Temporary fencing shall be provided by petitioner around stockpile.
- 6) Hour of operation shall be Monday-Friday, 7:00 a.m. to 7:00 p.m.
- 7) Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the City a copy of one of the following:
 - (a) A "No Loss Determination" (no wetlands on site)
 - (b) A "Wetland Exemption" (the act does not apply)
 - (c) A "Wetland Replacement Plan" approval
- 8) Owner must provide a copy of the Erosion Control Plan to the City of Austin.

- 9) Provide protection to existing underground utilities.
- 10) No disposal or transfer of municipal solid waste will be allowed on this site, excluding concrete and bituminous stored for crushing and metal for recycling.
- 11) Demolition material is limited as specified in any Minnesota Pollution Control Agency (MPCA) Rules.
- 12) Tipping must be on an impervious concrete pad with bunkers on at least three sides or as specified by city staff.
- 13) No more than 10,000 cubic yards of material can be at this site at any one time including concrete and bituminous material stored for crushing and metal for recycling.
- 14) A certified operator must be present at the site when facility is operating.
- 15) Final disposal site for demolition material (excluding concrete and asphalt) transferred from this site must be Federal/State licensed and approved demolition landfill
- 16) Petitioner must secure or make application for all applicable MPCA permits by to operation.
- 17) Monthly inspection, or more often as needed, shall be conducted by City of Austin staff to guarantee compliance.
- 18) The petitioner shall notify City of Austin staff prior to commencing with crushing operations.

Mailings went out with no response for or against the request. There are 18 staff conditions and a memo from the city engineer to consider if any action is taken to approve or deny the request. Drainage calculations and patterns need to be turned in as requested from Jon Erichson. The following are the comments offered in a memo by Jon Erichson, Public Works Director:

- 1) Provide schematic drawing of area showing the following to confirm feasibility:
 - a) Raw material stockpile
 - b) Crushing equipment configuration
 - c) Processed material locations
- 2) Need drainage calculations showing existing runoff, proposed runoff, and pond size calculations
- 3) Drainage swale should be located along the east property line to facilitate runoff from adjacent property owner (McFarland Trucking)
- 4) Site plan showing drainage patterns
- 5) All indrives from the road to the property line need to be hard surfaced
- 6) Developer/Contractor is required to acquire a NPDES Construction Permit
- 7) Provide a minimum of 25 feet vegetative buffer around storm water pond

Commission Member Skalicky asked what is on the Mork property.

Mr. Hoium said in the past the north end of the building was a bulk oil business and the south end is set up for painting trucks. However the building is currently empty and the property is for sale.

Mr. Skalicky asked if the crushing operation would affect salability.

Mr. Hoium said the owner was notified by the hearing notice and has not responded.

Commission Member McCarthy said twenty-five conditions is a lot and wanted to know who will be enforcing them.

Mr. Hoium said himself and Mr. Erichson would be responsible.

Commission Member Skalicky asked if there was any kind of time limit.

Mr. Hoium said in this case all conditions must be met before crushing can begin. There is also a bond required that is held until all conditions have been met.

Commission Member Mino said there is not time limit for the crushing operation.

Mr. Hoium said the bond will expire when the crushing begins. No restoration is required. There is no mining being done on the property, only recycling.

Lee Hansen, 1602 11th Dr NE, asked about item #6 in Mr. Erichson's memo requiring a NPDES Construction Permit. There should be no runoff from an aggregate stockpile and does not believe there is a permit required. Condition #12 in the staff conditions states that the crushing must be done on a hard surface. I am not sure how to comply with that because of the size of equipment being used. Why do I need to pour a concrete slab to put concrete on it?

Commission Member Spainhower asked if the city would negotiate with Mr. Hansen on these items or if the Commission deals with this.

Mr. Hoium said any changes can be added into the motion or we can come back next month.

Mr. Hansen said he had a couple other questions regarding #14 which states a certified operator must be present when the facility is open. He wanted to verify that to mean only when actual crushing is being done. Also #15 states final disposal site for demolition material (concrete and asphalt) transferred from the site must be licensed and approved demolition landfill. The only material we are working with is concrete, he was unsure why this is required.

Mr. Hoium stated that should read, "Excluding concrete and asphalt".

Commission Member McCarthy asked if the concrete is coming from city projects.

Mr. Hansen said some of it may. We will be crushing and then reusing the concrete as a base.

Commission Member Bednar asked how often the crushing will occur.

Mr. Hansen said once per year.

Commission Member Bednar asked what will be used for dust control.

Mr. Hansen said water.

Geoff Baker, 1304 16th Ave NE, Mcfarland Truck Lines questioned the noise levels during crushing and if it would affect the office area.

Mr. Hansen said the crushing would occur on the south end of his property so should not be a problem. It should just sound like any other truck or equipment noise.

Commission Member Mino made a motion to recommend approval with the 18 staff conditions with amendments to #14 that a certified operator is present when crushing, #15 should read

(Excluding concrete and asphalt) and #12 the tipping pad must meet staff requirements, also include Mr. Erichson's 7 items amending #6 to read if a permit is required, motion seconded by Commission Member Bennett. Motion passed unanimously.

Commission Member Skalicky made a motion to adjourn the Planning Commission meeting at 5:55 P.M., seconded by Commission Member Krueger. Motion passed unanimously