

MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, JANUARY 12, 2010
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS

MEMBERS PRESENT: Jodi Krueger, Jim Mino, Tony Bennett, Jeff Bednar, Kathy Stutzman, and Steve Kime

MEMBERS ABSENT: Lonnie Skalicky, Lynn Spainhower, and Shawn Martin

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

Commission Member Mino made a motion to approve the November 10, 2009 Planning Commission Minutes as written, seconded by Commission Member Stutzman. Motion passed unanimously.

Craig Hoium introduced Steve Kime as the newest member of the Planning Commission. Steve was appointed by Mayor Tom Steim and we welcome him to the Planning Commission.

Craig asked for nominations for the Planning Commission Chairperson. Commission Member Mino nominated Lynn Spainhower. There were no other nominations. Commission Member Stutzman made a motion to approve Lynn Spainhower as Planning Commission Chairperson for 2010, seconded by Commission Member Mino. Motion passed unanimously.

Craig asked for nominations for the Planning Commission Vice-Chairperson. Commission Member Stutzman nominated Tony Bennett. There were no other nominations. Commission Member Mino made a motion to approve Tony Bennett as Planning Commission Vice-Chairperson, seconded by Commission Member Bednar. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Hetal Patel, 805 21st St NE, Austin, Minnesota, for a conditional use permit to erect a 75 foot high freeway oriented sign pursuant to City Code Section 4.50, Schedule No.VI, Subd.5(A). This proposed sign will have a two-faced 20 foot by 10 foot illuminated cabinet along the north boundary of this property adjacent to the Interstate 90 right-of-way.

Craig Hoium reviewed the request showing a graphic of current sign and the requested sign locations. The desired location of the requested sign is in the NE corner of the property but there are utility obstacles. If they cannot be resolved the sign may go in the NW corner of the property. The current sign is not tall enough for west bound traffic on I-90 to see it until they have passed the exit ramp. The motel is now a Rodeway Inn and the franchise requires a taller sign. The request was publicized and mailings went out to adjacent property owners with no calls for or against the request. Any action taken by the Commission Members tonight should refer to Section 11.56 in the City of Austin ordinance as to any findings.

Commission Member Bednar asked if the existing signage would remain the same.

Mr. Hoium said yes it is.

Commission Member Mino made a motion to approve the requested conditional use permit as it meets all codes listed in Section 11.56, seconded by Commission Member Stutzman. Motion passed unanimously.

Draft Ordinance: To revisit the re-drafted ordinance which would provide regulations for the erection of wind energy conversion systems within the Community.

Mr. Hoium gave a brief history of the process of this ordinance drafting. In July of 2009 a moratorium was put into place by the City Council to allow staff time to develop an ordinance addressing wind energy. In November 2009 the Planning Commission made a motion recommend adoption of the ordinance with the addition of a 350' setback to residential districts. The City Council reviewed the request at the November 16, 2009 meeting and tabled any action after expressing some concerns. Some changes were made to the ordinance which the city council members have seen and they would like the Planning Commission to review the ordinance and make any recommendations. Mr. Hoium used a property in town, Super Fresh Produce, which has interest in a wind tower as an example. There is a letter from the Oak Park Village residents with their concerns regarding wind towers in front of each Planning Commission member. Mr. Hoium went through decibel calculations of an example wind tower. Then changes were reviewed as highlighted on the draft ordinance.

Commission Member Stutzman asked if the decibel level is measured at the property line because of different districts.

Mr. Hoium said no, decibel levels are always measured at the property line as you should not exceed noise levels past your own property line.

Commission Member Stutzman asked if residential needs to be added to Subd. 5 with the changes.

Mr. Hoium said Subd.5,A,3 covers residential properties.

Commission Member Stutzman asked who is responsible to inspect and monitor maintenance of wind towers that may be installed.

Mr. Hoium said Subd.9,C states maintenance requirements and Subd.9,C,1,c states the city may give written notice to remove a WECS that is not generating electricity for twelve months.

Mr. Hoium said there are many, many articles regarding wind energy and pointed out an article out of the Minneapolis Star Tribune that shows the many challenges with wind energy. Mr. Mino also mailed out some information that was very helpful.

Commission Member Bennett asked if there are any complaints in other locations with these types of wind turbines.

Craig said there are articles with pros and cons on both sides. Mr. Byram checked with the Department of Health and at this time there are no health concerns regarding wind turbines.

Commission Member Stutzman said some of the concerns seem to be the huge wind turbines versus the more personal wind systems.

Bob Clark, 2003 C Burr Oak Dr, wanted to know what happened to the 350' setback on the original draft. How tall would the Super Fresh tower be and where would it be on the property?

Mr. Hoium said after going over the decibel analysis, the proposed tower for the Super Fresh would be around 80' the decibel levels meet state statutes. In adopting this ordinance any tower has to be 1.1 times the height from any property line. If you have a 100' tower the minimum distance from the property line would be 110'.

Mr. Clark said it looks like this ordinance is going to pass and he wants to state that he disagrees with wind towers in residential areas and there are going to be a lot of people upset about this.

Commission Member Mino said he is disappointed to see the towers being allowed in residential areas. He believes the noise levels should be stiffer. There is also a shadow flicker that I am concerned about, for example, a 100' tower casts a 300' shadow. I propose further changes be made to this ordinance draft.

Commission Member Stutzman stated that each individual unit would still require a conditional use permit and would come before the Planning Commission. There is a very rigid criteria to meet and this public process to go through before a conditional use permit would be issued.

Brian Beckstrand, 1901 A Burr Oak Dr stated there are 79 residents in Oak Park Village and he believes a wind tower to close to their property will decrease property values and aesthetics. If we allow this ordinance how many others will want a wind turbine, John Deere or Cedar Valley?

Commission Member Stutzman made a motion to recommend approval of the ordinance as written, seconded by Commission Member Bednar.

Commission Member Mino asked about order if he wanted changes made to the motion.

Mr. Byram said since the motion was seconded there would have to be a vote and if it fails there could be a new motion.

Motion passed with four ayes and two nays. The nays being Commission Members Bennett and Mino.

Mr. Hoium said the ordinance will go to the City Council next Tuesday for review. The CUP for tonight will have a 15 day appeal period.

OTHER BUSINESS:

Mr. Hoium reviewed the 2009 Community Development Annual Report with the Planning Commission.

Commission Member Bednar asked about the fire site on Main Street. What is going to happen with the two remaining exposed walls?

Mr. Hoium said that is the responsibility of the property owners.

Commission Member Mino made a motion to adjourn the Planning Commission meeting at 6:32 P.M., seconded by Commission Member Krueger. Motion passed unanimously.

