

MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, MAY 11, 2010
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS

MEMBERS PRESENT: Lonnie Skalicky, Jodi Krueger, Lynn Spainhower, Tony Bennett, Jeff Bednar, and Steve Kime

MEMBERS ABSENT: Kathy Stutzman, Jim Mino, and Shawn Martin

OTHERS PRESENT: Craig Hoium, Craig Byram, public

Commission Member Bennett made a motion to approve the April 13, 2010 Planning Commission Minutes as written, seconded by Commission Member Kime. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Glenn Medgaarden, J.L.M. Properties L.L.C., 1608 12th St SW, for an amendment to an existing conditional use permit for the proposed 10 foot by 24 foot office building addition. This property is located within a "B-2" Community Business District with said action pursuant to City Code Sections 11.41, Subd.3 and 11.56.

Craig Hoium reviewed the request showing a graphic of the location and proposed addition. Initially the proposed office addition was listed to be a 10' x 20' addition which was a miscalculation; it would be a 10' x 24' addition. There are provisions in the state statute when public hearing notices are sent out for minor omissions. This would be an amendment to an existing conditional use permit specifically listed in Section 11.41 Subd.3 which identifies automotive sale properties as conditional land use in the B-2 district. If any action is taken tonight please reference Section 11.56 when making a motion for or against this request. In the staff report close to 92% of the property is hard surfaced. In discussion with the owner they are willing to incorporate additional window sill plantings with some type of greenery. Any automotive parts would have to be enclosed. We received no calls for or against this request. For clarification on the building addition size, Mr. Hoium mentioned that the dimensions given to him and publicized were 10' x 20' which was incorrect.

Commission Member Spainhower asked if the addition will be strictly office space or some other use.

Glenn Medgaarden, 23587 542nd Ave, said it will be strictly office space. We have hired another full time employee and need more space.

Commission Member Bennett made a motion to recommend approval in accordance to City Code Sections 11.41 and 11.56 and Staff Report, seconded by Commission Member Skalicky. Motion passed unanimously.

SIGN APPEAL: To consider a sign appeal from The Meadows Subdivision Twin Home Association for the placement of a sign to be located at the intersection of 29th St SW and 16th Ave SW.

Mr. Hoium reviewed the request showing the proposed sign location. He has received numerous calls from neighbors in this subdivision regarding the difficulties in directing people to their neighborhood. They are proposing to erect the subdivision sign which would be erected on the lot at 3001 15th Ave SW. Mr. Hoium reviewed Section 4.50, Subd.21 regarding temporary subdivision signs. The petitioners would like to leave the sign in place which is why a sign appeal is required. If the planning commission should recommend approval of this sign appeal please state that the sign be twenty-five feet north of the south property line.

Commission Member Spainhower asked about the temporary language in Section 4.50 in regards to the petitioners request that the sign not be temporary. Why are we looking at this code section?

Mr. Hoium said they are appealing that section in regards to square footage and temporary signage. This code section was more applicable to the request.

Commission Member Skalicky asked if other subdivisions will start asking for this type of signage.

Mr. Hoium said it could set a precedence but they would have to come before the Planning Commission.

Commission Member Spainhower asked if the motion should be made in a certain way to avoid further requests.

Mr. Hoium said if a recommendation is made to approve the request the twinhome development to the east could come in and ask for the same request.

Commission Member Skalicky said you could not deny them if this is approved.

Commission Member Bennett said that is why the Planning Commission does not set precedence, we make decisions.

Commission Member Spainhower said if you are only allowing them a temporary sign the petitioner will sometime want a permanent sign.

Mr. Hoium said this request is for a permanent sign. They are appealing for the temporary sign to be a permanent sign.

Commission Member Bednar asked if this is considered one sign as it appears to be a v shaped sign.

Mr. Hoium said it is considered to be one sign even though it is two sided.

Merrill Meier, 1501 29th St SW, said during a homeowner meeting a sign request was brought up. It would be a lighted and landscaped sign to help identify the subdivision.

Commission Member Skalicky asked for the purpose of the sign.

Mr. Meier said to light up the corner and identify the neighborhood.

Commission Member Spainhower asked where the subdivision is in regards to completion.

Mr. Hoium said the development has two phases. The entire Meadows Addition is around 75 acres with 43 lots. There has been development occurring and is not more than 60% developed.

Commission Member Bennett said they are appealing this entire section so that would not matter.

Mr. Hoium said there have been times when reviewing a twin home development, which is a conditional use permit where the signage agreement is included in the approval. Examples of this would be Murphy Creek and Carriage Homes.

Commission Member Skalicky said this is an appeal so does that mean this request was turned down at one time.

Mr. Hoium said no, this request has not been before the Planning Commission before. The permit has been denied because the request does not meet the sign ordinance standards.

Commission Member Bennett recommended approval of the sign appeal including the staff report, seconded by Commission Member Kime. Motion passed with 5 ayes and 1 nay. The nay being Commission Member Bednar.

PARKING APPEAL: To consider a request from Sam Nguyen, 1418 6th Ave NW, for an off-street parking appeal involving the property located at 911 West Oakland Ave. The petitioner would like to remodel this building which is located in a "B-2" Community Business District. Said action is pursuant to City Code Section 11.70, Subd.2(D) and (H), 10 and 12.

Mr. Hoium reviewed the request stating it had been before the Planning Commission during the April 13, 2010 meeting where it was tabled with the request for a more detailed plan on the actual use of the building. Mr. Hoium proceeded to show a graphic of the proposed floor plan and the parking stalls. The petitioner is an over the road truck driver and is unable to make the meetings. He does not have anyone here to represent him.

Commission Member Spainhower said she only sees four tenant spaces, where is the fifth.

Mr. Hoium pointed out the five different spaces with the front office spaces sharing a unisex restroom.

Commission Member Skalicky asked if any of the tenant spaces are filled.

Mr. Hoium said the owner has a nail shop that would go into one space. And the petitioner has said there is a potential for one of the office spaces to be leased out and the restaurant space also.

Commission Member Spainhower asked if it would be a sit down restaurant or more of a fast food restaurant.

Mr. Hoium said it would be a combination of both.

Commission Member Spainhower asked if the parking factor is the same as for example a Quiznos where you can take your food to go or sit down.

Mr. Hoium said yes.

Commission Member Skalicky stated that the parking area looks very narrow.

Mr. Hoium said it is a different layout with a driveover curb on 9th Street.

Commission Member Skalicky asked if this would have to be a one way to accommodate the parking because it seems like an alley.

Mr. Hoium said if you are parking on the west side of the building you would have to approach from the south. There is not enough room for ninety degree or diagonal parking. There would have to be parking along the curb on the west and also the east side of the building. From the edge of the building to the curb line there is only fourteen feet.

Commission Member said his concern is the parking on the west side and the proximity to the entry doors.

Mr. Hoium said the area on the west side of the building has been used for parking in the past.

Commission Member Bednar asked if it would be angled parking on the west side of the building.

Mr. Hoium said no, there is not enough room for angled parking, it would be parallel parking. This is a unique situation because of the drive over curb area. Sometime in the past there must have been an agreement with the city to install this and it is not something we can take away.

Craig Byram said one of the considerations that needs to be looked at is whether there is something unique about the property that wasn't caused by the land owner that makes fitting the property to the ordinance unreasonable. You have an existing property that has a building on it that has been vacant for sometime. If it is to put to any use people will need somewhere to park. The question is, is this a reasonable use for that property.

Commission Member Spainhower said the petitioner is asking three less spaces where parking is already tight. If there were only four tenants maybe there would be less parking needed but it would not change the square footage of the building.

Mr. Byram said theoretically here it would seem to be on the numbers. If the south end were to be used for retail instead of a restaurant it would probably be within the required parking spaces.

Mr. Hoium said these requirements are for off-street parking. There is additional parking available on Oakland Avenue but that is on-street parking.

Commission Member Bednar made a motion to recommend denial of this request with the restaurant, seconded by Commission Member Skalicky. Motion passed with 5 ayes and 1 nay. The nay being Commission Member Bennett.

Mr. Hoium updated the Planning Commission Members on the wind turbine ordinance stating that the city council reviewed the redrafted ordinance at there last meeting. There was a 3-3 vote so the city council will be discussing it further at the next work session.

Commission Member Bennett made a motion to adjourn the Planning Commission meeting at 6:14 P.M., seconded by Commission Member Krueger. Motion passed unanimously.