

**MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, JUNE 15, 2010
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS**

MEMBERS PRESENT: Lonnie Skalicky, Jodi Krueger, Tony Bennett, Jeff Bednar, Kathy Stutzman , and Jim Mino

MEMBERS ABSENT: Lynn Spainhower, Steve Kime, and Shawn Martin

OTHERS PRESENT: Craig Hoium, Craig Byram, Council Member Dick Pacholl, Council Member Jeff Austin (arrived at 5:55 P.M.), media, and public

Commission Member Skalicky made a motion to approve the May 11, 2010 Planning Commission Minutes as written, seconded by Commission Member Bednar. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from the Austin Packaging Company and the Austin Port Authority for an amendment to an existing conditional use permit for the property located at 1118 North Main Street. This requested action relates to the proposed 8,870 square foot cooler/office building addition on this property which is located in a "B-2" Community Business District. Said action is pursuant to City Code Sections 11.41, Subd.3 and 11.56.

Craig Hoium reviewed request showing a graphic with the floodway and flood fringe in relation to the Austin Packaging Company. In a floodway, building new structures is prohibited. In a flood fringe area building is allowed with certain standards, one of which is the floor elevation must be one foot above flood plain elevation. Mr. Hoium gave a brief history of the Austin Packaging Company at this location including the flooding history. The City of Austin has been working on a flood mitigation project where there will be a combination of flood walls and berms that will extend from I-90 to the Municipal Pool. The flood wall will protect the Austin Packaging Company and numerous other business and residential properties. The company looked at various options for their future, including relocating outside the flood plain or relocating outside the community. The City of Austin has been working with the owners to come up with a solution to keep this facility in the community. Any action taken by the Planning Commission should refer to Section 11.56 and the staff report. Mr. Hoium showed a graphic of the Austin Packaging Company floor plan. There were no calls for or against this request.

Commission Member Stutzman asked if there would be any additional safety risks and if the company has a safety plan. She also questioned any additional mechanical equipment and

whether there would be additional nitrogen tanks that would be recharging as they are both very noisy.

Mr. Hoium said the safety plan would be regulated by OSHA. There are codes and standards that have already been adopted that address the mechanical equipment. There is a safety report that has to be submitted regarding refrigerants, quantities, shut down devices, evacuation etc... Mr. Hoium did not have any answers regarding the nitrogen tanks. You may be able to place a timeline on the hours of such activity since it is outside the building.

Commission Member Stutzman said the sound of the nitrogen tanks recharging is the same pitch as the emergency sirens. During the daytime hours that is not such an issue but at two o'clock in the morning it often wakes her and her neighbors up.

Commission Member Mino asked if there would be an increase of traffic and trucking.

Mr. Hoium said an increase in business is the reason for the expansion. The packing equipment has also been updated with many robotic machines.

Commission Member Skalicky asked who is responsible for the cost of the addition since Austin Port Authority owns the building.

Mr. Hoium said the leasee would pay for the addition.

Commission Member Bednar asked if the addition is strictly warehouse, shipping and office space.

Mr. Hoium said that is correct.

Walt Baldus, 2000 11th Ave SW, said this company has been a good neighbor. His only request would be to have a vegetative buffer on 11th Ave NE between his business and Austin Packaging Company. The nitrogen recharging is loud.

Mr. Hoium pointed out that there is a noise ordinance in the City of Austin.

Commission Member Mino said if this is a change to the CUP then it would include all the conditions that have been placed on it.

Mr. Hoium said this is an amendment. He also pointed out that the east and south side of Austin Packaging Company will be screened by flood walls and berms.

Craig Byram said it states in Section 11.56 Subd.3 that an amended conditional use permit and all procedures shall apply as if a new permit were being issued. That means you could include any changes to the existing CUP.

Commission Member Bednar asked if the expansion would add any jobs.

Mr. Hoium said not at this point.

Commission Member Mino made a motion to recommend approval of this CUP amendment with reference to the nine staff report conditions and add number ten to state that a landscaped screen shall be added on the north property line from the NE corner of the restaurant to the flood wall, seconded by Commission Member Krueger.

1. Propose addition and site is in compliance to City Code Section 12.14, Subd. 2 (Flood Fringe District Restrictions)
 - a. Lowest floor of facility is at or above the regulatory flood elevation 1199.0 (.6 of one foot above existing floor level)
 - b. The finished fill elevation for the structure shall be no lower than one (1) foot below the regulatory flood elevation of 1199.0' and fill shall be extended at such elevation at least fifteen (15) feet beyond the outside limits of the structure. Also, if you add an excess of 1,000 cubic yards for fill outside the structure of the new structure to the regulatory flood elevation, you would need a conditional user permit approval from the City of Austin which would be included with this action.
 - c. Alternative to the restrictions listed above would be to construct the proposed addition in accordance to the MN State Building Code Flood Proofing Design Regulations.
2. Provide the City of Austin Engineering and Planning Departments with an Elevation Certificate (Federal Emergency Management Agency National Flood Insurance Program) at the completion of project.
3. Off-street parking areas to be in compliance with Section 11.70 of City Code.
 - a. Parking Factors:
 - b. Manufacturing - 1 space/400 sq.ft. or for each 5 employees
 - c. Warehousing - 1 space/400 sq.ft. or for each 5 employees
 - d. Office Use - 1 space/300 sq.ft.
 - e. Parking Stalls Required - 315
 - f. Parking Stall Provided - 345
4. This property under review is an area that will be protected by the structural flood mitigation project scheduled to be this year. This project includes the construction of flood walls, earth berms and removable floodwalls.
5. Traffic flow direction must meet approval of City Engineering and Planning Department, along with fire lane requirements with City of Austin Fire Department.
6. Provide landscape plan to meet the minimum open area (green space) of 20% as specified in City Code Section 11.41, Subd. 5,(D)
 - a. Site Area - 715,046 sq.ft.
 - b. Green Space Provided - 181,600 sq.ft. - 25.3%
 - c. Green Space Required - 143,009 sq.ft. - 20%
7. All additional signage to be included with this building project shall be in compliance to City Code Section 4.50.
8. Building shall be constructed in accordance to the National Flood Insurance Program design standards and Austin City Code Chapter 12 (Flood Plain Ordinance)
9. Project shall be approved by the Austin Port Authority as per lease agreement.
10. Provide a landscaped screen on the north property line from the NE corner of the restaurant to the flood wall.

Motion passed unanimously.

Commission Member Bennett said there will be a 15 day appeal period.

Commission Member Skalicky made a motion to adjourn the Planning Commission meeting at 6:03, seconded by Commission Member Mino. Motion passed unanimously.