

**MINUTES**  
**AUSTIN CITY PLANNING COMMISSION**  
**WEDNESDAY, AUGUST 11, 2010**  
**5:30 P.M.**  
**AUSTIN CITY COUNCIL CHAMBERS**

**MEMBERS PRESENT:** Jodi Krueger, Tony Bennett, Jeff Bednar, Steve Kime, Lynn Spainhower, and Jim Mino

**MEMBERS ABSENT:** Lonnie Skalicky, Kathy Stutzman, and Shawn Martin

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

Commission Member Spainhower made a motion to approve the June 15, 2010 Planning Commission Minutes as written, seconded by Commission Member Krueger. Motion passed unanimously.

**Sign Appeal:** To consider a request from Russell Pihlstrom, 3401 11<sup>th</sup> Ave NW, Austin, MN for a sign appeal for the placement of additional freestanding sign panels on the existing pylon sign for the property located at 1300 14<sup>th</sup> St NW. (Gymocha Coffee Restaurant) This proposed signage would exceed the allowable sign face area for properties located in a "B-2" Community Business District. Said action is pursuant to City Code 4.50.

Craig Hoium reviewed the request showing a graphic of the location and the existing sign with an example of the proposed sign. The proposed sign would be a changeable/removable copy sign. The petitioner has expressed that the message cabinet is very time consuming and dangerous for his staff to use. In discussion with the petitioner I suggested the signage not exceed the width of the pylon but he would like to pursue the type of signage shown in the graphic. There is one issue with signage obstruction; there is a required clear zone of 30 inches above grade up to 10 feet above grade. All other existing signage on the property meets our sign ordinance.

Commission Member Spainhower asked for more details about the process of changing letters on the existing signage.

Russell Pihlstrom, 1300 14<sup>th</sup> St NW, said there are two issues going on with the sign. The existing sign is only for letters and we need to get a visual stimulus to go with the words. The reason for the option of vertical or horizontal signage is so we could rotate the sign depending on the pictures; a scone would look best horizontal while a Panini would look best vertical. The number one issue for us is to communicate to the public a visual of our menu.

Commission Member Spainhower asked the petitioner if he has looked into an electronic message board.

Mr. Pihlstrom said yes but the cost is an issue and a real sign would be a better visual.

Commission Member Spainhower said she has a concern that this would be labeled as a temporary sign and also about the visibility for the existing driveway.

Mr. Pihlstrom said he does not believe the sign would block visibility. He then asked what the Planning Commission would like him to address regarding their concerns.

Commission Member Spainhower said the visibility is an issue so she would need proof that the sign will not affect visibility. We also need to be true to the intent of the sign ordinance. There may be some other options such as putting a sign above the existing message board.

Mr. Pihlstrom said that would be a safety issue. If he or his wife were not there he would not want an eighteen year old member of his staff up on a ladder changing that sign. The letters we can change from the ground with a suction cup extension.

Commission Member Bednar asked how far off the ground the horizontal sign would be.

Mr. Pihlstrom said the top of the existing message sign is about 12 feet high. So the bottom of that sign is well over 8 feet high. He said he could get more measurements and details on heights of the proposed signage.

Commission Member Bednar said temporary signage is a concern for the Planning Commission.

Mr. Pihlstrom described his planned construction for the proposed sign.

Commission Member Mino said he feels this is more of a permanent sign and asked Mr. Hoium for the definition of a temporary sign. This would be an easier decision if we had dimensions and heights to look at.

Commission Member Spainhower asked how much window space the business has.

Mr. Pihlstrom said there is a lot of window space but window signage does not catch the customers' eyes.

Commission Member Spainhower asked about putting banners on the outdoor fencing.

Mr. Pihlstrom said that could be done but he would like to have the words from the message board linked to the picture on the proposed signage. Such as a picture of scones to go with the message "Three new scones".

Mr. Hoium read the definition for a "Portable Panel"; a sign not permanently attached to the ground or building allowing it to be moved to various locations.

Commission Member Bennett stated the proposed sign does not seem to be a temporary sign but more of a permanent sign. He suggested the petitioner come back with a request relating to a permanent sign.

Mr. Hoium said the action tonight is to make a recommendation to the council, otherwise you could table the request.

Commission Member Mino made a motion to table this request until a drawing can be provided with dimensions and a corrected application for a changeable copy sign, motion seconded by Commission Member Spainhower. Motion passed unanimously.

**OPEN PUBLIC HEARING:** To consider a request from Jim and Jayna Heimark, 1707 28<sup>th</sup> St NE for the rezoning of their property from an "R-1" Single-Family District to a "PDR" Planned Development Residential District. This requested action would accommodate a new residential subdivision and is pursuant to City Code Sections 11.02 and 11.65.

Mr. Hoium stated that the next two requests are from the same property and he is going to review the information for both requests that will then need separate actions for the rezoning request and a preliminary plat review. He referred to City Code Section 11.65 Subd.1 regarding the purpose of a PDR and also City Code Section 11.65 Subd.5 regarding the concept statement. The roadway leading to the development would be a private roadway as the petitioners would like to preserve the trees along the roadside. There are five lots in the proposed development with one lot that could be a detention pond and one that the petitioner currently resides on. Mr. Byram prepared a document regarding the private roadway and maintenance of that roadway, this should be added to the recommendations of approval as number fourteen. Mr. Hoium pointed out the future planned bike trail system throughout the area. The petitioner would like to have the public utilities installed this fall and possibly one of the lots.

Commission Member Bednar asked where the sanitary connection currently ends.

Mr. Hoium said the lines run east to west and it ends right at the end of the country club driveway. The sanitary sewer lines are planned to be installed using a boring technique to decrease the amount of excavation needed which will minimize negative affects to the trees along the roadway.

Commission Member Bednar asked about existing homes between the City of Austin and the property in question and if they would be allowed access to sewer service.

Mr. Hoium said the properties are not in the city limits, they are in Red Rock Township. If any of the properties need sewer service in the future due to faulty service they would be allowed to connect to the sanitary sewer main once they were annexed into the city.

Commission Member Mino asked if that would be the two inch or the city main.

Mr. Hoium said the city main which will be very similar to the low pressure system in the Lansing area.

Commission Member Bednar asked if the developer is paying for this extension.

Mr. Hoium said they will be paying for their portion of the sewer extension.

Commission Member Bednar asked if there is an approximate cost on that.

Mr. Hoium said approximately \$8-\$13/linear foot.

Commission Member Mino said the city will install the line with the developer paying for a portion and future properties connecting to the service paying.

Mr. Hoium said that is correct. If any easements are needed to run the sanitary sewer line to the development it is up to the petitioner to obtain them.

Commission Member Bednar asked what the estimate is for the cities portion of this extension would be.

Mr. Hoium said no, the original estimate was \$13 /linear foot while the Lansing project came in at \$8/linear foot. The Planning Commissions duties tonight are to make a recommendation to the city council regarding the approval or denial of the concept plan and also the recommendation to the city council to approve the preliminary plat with the staff recommendations.

Commission Member Mino stated the Density of Development is listed as Units/Acre and asked if that should be Acres/Unit.

Mr. Hoium said yes it should be Acres/Unit.

Commission Member Mino made a motion to recommend approval to rezone to a PDR as it meets the requirements of City Code 11.65, seconded by Commission Member Spainhower. Motion passed unanimously.

**OPEN PUBLIC HEARING:** To consider a request from Jim and Jayna Heimark, 1707 28<sup>th</sup> St NE for the review of preliminary plan to be known as Dobbins Creek Estates. This request will accommodate this proposed single family subdivision with said action pursuant to City Code Chapter 13.

Commission Member Spainhower made a motion to recommend approval of the preliminary plat with the staff's thirteen recommendations and the added fourteenth recommendation regarding the roadway, seconded by Commission Member Kime. Motion passed unanimously.

**OTHER BUSINESS:** Review of draft ordinance to provide regulations for the installation of permanent and portable swimming pools within the community.

Mr. Hoium said after receiving many calls from the public regarding inflatable pools we felt we should review the existing swimming pool ordinance. He showed graphics of multiple types of swimming pools both in-ground and portable pools. Multiple communities were contacted to see what type of ordinances they had and he also met with local insurance agencies to see what insurance companies require for swimming pools. He then pointed out the changes to the ordinance.

Commission Member Spainhower asked if there is any liability to the City of Austin.

Mr. Byram said there is no liability to the City of Austin regarding swimming pools or accidents on private property.

Commission Member Bennett asked if there is currently any fencing required for portable pools.

Mr. Hoium said no, but there are setbacks because pools are considered an accessory use.

Commission Member Kime asked about enforceability of this ordinance.

Mr. Hoium said a permit and zoning fee would be required. If a permit is not applied for the homeowner would be liable.

Commission Member Bennett asked if the city will rely on citizens to report issues or if we would be out looking for them.

Mr. Hoium said we do not comb the city looking for zoning violations. Most of the photos I have shown tonight are from citizen complaints.

Commission Member Bennett questioned whether we should be in between insurance companies and the homeowner.

Mr. Hoium said if you look at the language in the proposed ordinance there is some leniency in that the depth is increased from eighteen inches to twenty four inches and fence height would be reduced to four feet from six feet. The big change is that this ordinance would include portable pools.

Commission Member Bennett said a lot of people would not be able to afford to buy a fence.

Commission Member Spainhower said the nature of the neighborhood is going to determine what will work for each neighborhood. She likes the changes to the ordinance and does not feel it is overly onerous.

Commission Member Krueger asked how many communities were contacted about pool ordinances.

Mr. Hoium said five communities and they all had some type of language that regulates permanent and portable pools.

Dick Pacholl, 815 10<sup>th</sup> Ave SW, said as a council member he receives several calls on swimming pools and questions about having an ordinance.

Commission Member Mino said he feels safety is the issue and biggest concern.

Mr. Hoium said this is a recommendation to the council.

Commission Member Spainhower made a motion to recommend this ordinance to the City Council for review, seconded by Commission Member Mino. Motion passed with 5 ayes and 1 nay, the nay being Commission Member Bennett.

Commission Member Kime made a motion to adjourn the Planning Commission meeting at 6:40, seconded by Commission Member Bednar. Motion passed unanimously.