

**MINUTES**  
**AUSTIN CITY PLANNING COMMISSION**  
**TUESDAY, MARCH 29**  
**5:30 P.M.**  
**AUSTIN CITY COUNCIL CHAMBERS**

**MEMBERS PRESENT:** Jeff Bednar, Dan Hirst, Steve Kime, Jodi Krueger, Troy Nelson, Lonnie Skalicky, Lynn Spainhower, and Holly Wallace

**MEMBERS ABSENT:** Jim Mino

**OTHERS PRESENT:** Craig Byram, Jon Erichson, Craig Hoium, James Hurm, Steven Lang, and public

The meeting was called to order at 5:30 P.M. by Commissioner Spainhower with no corrections to the agenda.

Commissioner Bednar made a motion to approve the December 14, 2010 Planning Commission Minutes as written, seconded by Commissioner Kime. Motion passed unanimously.

Mr. Hoium welcomed the new Planning Commission members and explained the appointment of a Chairperson and Vice Chairperson of the Planning Commission would take place at this time. Lynn Spainhower was nominated by Commissioner Kime. With that being the only nomination from the floor; this notation passed unanimously and Commissioner Spainhower will continue as Chairperson. Commissioner Spainhower nominated Jim Mino for Vice Chairperson. Following no other nominations Commissioner Mino was nominated unanimously as Vice Chairperson.

**Open Public Hearing:** To consider a request from Joseph Properties LLC, 2003 14<sup>th</sup> St NE, Austin, MN for the rezoning of property located at 2103 14<sup>th</sup> St NE from an "I-3", Business Industrial Park to "B-2" Community Business District. Said action is pursuant to City Code Section 11.02

Mr. Hoium described the location of the property being at the very northeast corner of what is referred to as the Northeast Industrial Park Austin. The property is just south of Todd Park, west of Tech Tool, and north of the other Joseph properties. There is a wide range of uses that would include some commercial retail office, lighter industrial use such as warehousing and light manufacturing or packaging. The request was initially going to be made as an I-1 District. The I-1 and B-2 Districts are very similar for the land use although the decision was made to request as a B-2 District; therefore, giving more flexible to use the property as an adult habilitation center and lighter industrial uses if needed. This building would be redeveloped for a new tenant or occupant at the facility. There will be exterior site improvements done including hard-surfaced parking and driving areas. The floor plan of the building will show a cafeteria/dining room area and various offices scattered throughout the rest of the facility. There was one call received asking questions and clarification, but not objecting and he was in attendance at this meeting.

Commissioner Spainhower questioned the application with the backup material and Craig Hoium noted that the application was misfiled for this open public hearing.

Carter Wagner came forward explaining the building was previously the Packer Engineering building (3,750 square feet) and was purchased by him about seven years ago being vacant for most of that time. The building would be converted to accommodate the Turtle Creek Industries, who are currently located on West Oakland Avenue by Fordtown and Holiday Dodge. This industry is an adult day training habilitation program where they conduct various services throughout the community. Their staff gives instructions for the day but most of the daily activities are outside of the facility. The other east 25-30% of the building may be utilized as a residential structure for living which is proposed to accommodate two individuals that would be supervised by skilled people. This will eventually create fairly good jobs for the community. The total cost for the Turtle Creek to update the facilities will probably be in the range of \$400,000 to \$500,000 which will be significant improvements to the property. With the change of their location there is the prospect of improving their operation. It was noted that the current lease agreement Turtle Creek Industries has at the West Oakland Avenue location is expired.

James Campbell from Turtle Creek Industries approached the podium explaining that Turtle Creek Industries is a prevocational training for people with disabilities and consists of scanning, paper shredding, plastic bag production and the storage of the material that is utilized. The yard work tools and snow blowing equipment must be stored inside. The plastic bags for production come in rolls and are cut on-site. Everything at the facility is recycled and everything we do at our current location will be done at this location.

Commissioner Skalicky motioned to approve rezoning of the property located at 2103 14<sup>th</sup> St NE from an "I-3", Business Industrial Park to "B-2" Community Business District following the guidelines of the staff report and the motion seconded by Commissioner Bednar. The motion passed unanimously.

**Sign Appeal:**

To consider a request from Fairway Outdoor Advertising, 1734 15<sup>th</sup> St NW, Suite 3, Rochester, MN for a sign appeal for the replacement of a non-conforming billboard sign face located at the intersection of 12<sup>th</sup> St SW and 1<sup>st</sup> Ave SW. Said action is pursuant to City Code Section 4.50, Subd.12 and Subd.13, (H)

Mr. Hoium went over the location of the property and explained that the existing sign at this time is classified as a non-conforming sign. Two billboard panels are located on this property with one facing the west toward the Sterling Retail Center and the other facing the south toward a commercial property. The proposal is to remove both panel sides completely and erect a single panel digital billboard that would face to the west. There are limitations for wattage illumination and message changing on the sign. The proposed sign would have to be in compliance with those regulations.

Commissioner Spainhower and Commissioner Skalicky expressed their concerns as this location has various intersections and the safety with the added digital signage. Commissioner Nelson and Commissioner Wallace questioned the lighting and maintenance of the sign. Carl Heins with Fairway Outdoor Advertising explained that the proposed digital sign would be the same size as the existing sign, a standard 12 x 24. Distractions are valid and there will be no flashing lights and no motion. Every 8 to 10 seconds the advertisement will change. The billboard now is about 18 to 19 feet and the new billboard would fall within the minimum overall height requirement that the City Ordinance states. At this time there are no other locations that Fairway chooses to place the new digital sign.

Commissioner Wallace requested guidance regarding if the Commission could actually overturn a denial of the already non-conforming sign.

Craig clarified that because of the location of the billboard being on the corner of a road intersection the minimum clearance between the grade level and the sign would be 10 feet. There is actually a clear zone on corners ranging anywhere from 30 inches to 10 feet. Secondly, he clarified this as being an appeal to our sign process.

Mr. Heins continued on explaining the sign is currently illuminated and the digital sign will not give off additional light. Once every four months the sign would be re-programmed with new messages. There are five of these digital billboards in Rochester and almost every one is near a stop sign. The one in Faribault is on the busiest intersection in a three county area. Commissioner Spainhower pointed out the Amber Alert program being positive for the community.

A motion was made by Commissioner Skalicky to table the approval of the Fairway sign appeal in order for Mr. Heins to bring forth information regarding safety. Commissioner Nelson seconded the motion. The motion passed with eight yeas and one nay from Commissioner Bednar.

**Open Public Hearing:** To consider a request from Burbank Company LLC, 326 Main St N, Austin, MN for a conditional use permit for the placement of fill within a designated floodplain in excess of 1,000 cubic yards. This property is located in the 1500 Block of North Main St with said action pursuant to City Code Sections 12.14 and 12.22

**Open Public Hearing:** To consider a request from City of Austin, 500 4<sup>th</sup> Ave NE, Austin, MN for a conditional use permit for the placement of fill within a designated floodplain in excess of 1,000 cubic yards. This property is located in the 1401 3<sup>rd</sup> St NE with said action pursuant to City Code Sections 12.14 and 12.22

**Open Public Hearing:** To consider a request from City of Austin, 500 4<sup>th</sup> Ave NE, Austin, MN for a conditional use permit for the placement of fill within a designated floodplain in excess of 1,000 cubic yards. This property is located in the 200 Block of 4<sup>th</sup> Ave NE with said action pursuant to City Code Sections 12.14 and 12.22

Mr. Hoium explained that the Flood Mitigation Project involved three separate petitions, but generally speaking the information to be provided will cover all three areas. Separate action will have to be taken for each public hearing. Mr. Hoium explained the two specific areas to be involved are Phases 2 and 12 and he also reviewed the elevations of the flood walls/berms in relation to the floodplain elevation.

Jon Erichson, City Engineer, explained the backup material for the three Open Public Hearings on for the next phases (Phases 2, 9 and 12) of the Flood Mitigation Project. Phase 8 of the Flood Mitigation Project, which is located by Packer Arena, has been completed and has provided flood protection for this area. S.E.H. Engineering has conducted the hydraulic designs and modeling for this Flood Mitigation Project and another firm hired by the Mower County Soil and Water Conservation has also conducted a design. Both of these reports are currently under review. The Cedar River Watershed District is waiting for new information and as it becomes available he will be informed. Mr. Erichson went over maps, locations, charts (steady and unsteady) and photos of the Flood Mitigation Project and the accomplishments to date as well as a timeline of the project's estimated completion in 2012.

He discussed the businesses being adversely affected by the flood and how they will benefit from the Flood Mitigation Project. Mr. Erichson continued explaining the cost of the project and the funding which has been appropriated. Commissioner Skalicky inquired as to what will happen to the water north of I-90 and if there would be a buyout of properties to the Northeast. Mr. Erichson explained the protection is south of I-90 and the Northeast will not be affected. Commissioner Spainhower questioned if there would be properties affected to the south of I-90. Jon explained one parcel will be involved and continued on explaining the make up of the berm wall. The wall will be trenched into the ground; therefore, not to allow the flood water to push and erode underneath causing instability, rather a more stable stance against the water pressure and will be made of material that does not allow water through. Sharon Kamp, living in the Northeast section of I-90, asked how this is going to affect her property. Mr. Erichson referred to the charts, Table 4 of the unsteady state.

Mr. Erichson discussed that based on the Cedar River Watershed Districts findings; they are recommending the following actions be considered:

1. The city modify its model inputs to incorporate the recent LIDAR topographic data and more accurately model ineffective/effective flow.
2. Model the entire reach of river up to the Ramsey Mill Dam and
3. The City and the District collaborately work together to mitigate the impacts caused by the floodwall project.

Phase 12 located by Kuehn Motors (1500 Block North Main Street) and 1401 3<sup>rd</sup> Street NE will consist of adding a raise in the road on Main Street North and the construction of a berm flood mitigation wall from Main Street North to 3<sup>rd</sup> Street NE. Phase 2 will consist of the construction of a berm wall located in the 200 block of 4<sup>th</sup> Avenue NE between the Austin Municipal Pool and the Austin Public Library. Also included in Phase 2 will be an underground wall located on the south side of the Austin Municipal Pool as the pool is set on a sand base. This wall will assist with preventing a rush of flood water from removing the sand base which could cause the pool to collapse. Phase 9 is located on Hormel Drive and will consist of a raise in the road and will not be located within the designated floodplain.

With no further questions, Commissioner Bednar made a motion to approve the Conditional Use Permit request located at the 1500 Block of North Main Street. The motion was seconded by Commissioner Hirst and was passed unanimously.

Commissioner Kime followed with a motion to approve the hearing for the location at 1401 3<sup>rd</sup> Street NE with a seconded made by Commissioner Krueger. The motion passed unanimously.

Commission Bednar made a motion to approve the 200 Block of 4<sup>th</sup> Avenue NE with a seconded by Commissioner Nelson and the motion was passed unanimously. At that time Commissioner Spainhower noted the 15 day appeal process for each one of these actions taken.

**Open Public Hearing:**

To consider various amendments to the 2000 Austin Comprehensive Plan Future Land-Use Map. Said action is pursuant to Minnesota Statutes 462.353 & 462.357

Craig Hoium discussed the Land-Use Map pointing out the six locations to be considered as future Land-Use changes. He explained each area's present land-use and future land-use changes needed as this will give guidance for the future growth of the community in these areas.

1. Lansing annexation area—No classification has been given at this time; therefore, a Low Density Residential Area is recommended along with a small business future land-use.
2. Between Hormel Institute and Northeast Industrial Park—Consideration should be made to move this location from Low Density Residential to Residential/Office Area.
3. Austin Country Club Area—With the construction of homes in this horseshoe shaped section it is recommended to change the classification from Parks/Open Space to Low Density Residential.
4. Area located in the section with Austin Builders Supply, Jones Cabinets and the Palmer Bus Company—This area is considered as a Low Density Residential Area and would be more appropriately considered to be an Industrial Area.
5. Triangular section south of Trimble's Cycle Center along 10<sup>th</sup> Drive SE—This section is listed as Low Density Residential and should be moved to Business and Open Space Area.
6. Location by Primrose—Property in this area should be moved from Low Density Residential to High Density Residential.

With the discussion and proposed changes, each area reviewed was found to be compatible to existing adjacent land-uses with adequate municipal infrastructure to service them.

Discussion was brought up regarding the Primrose location being able to withstand the additional developments and Mr. Erichson explained there is quit a bit of tiling in that area and should be ready for development.

With no other questions, Commissioner Skalicky made a motion to approve all Future Land-Use areas and the motion was seconded by Commissioner Kime. The motion passed unanimously.

Commissioner Spainhower requested a motion to adjourn the meeting. The motion was made by Commissioner Wallace and seconded by Commissioner Krueger passing unanimously.

The Planning commission meeting was adjourned at 7:40 pm