

MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, OCTOBER 9, 2012
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS

MEMBERS PRESENT: Jeff Bednar, Dan Hirst, Steve Kime, Jodi Krueger, Jim Mino, Lonnie Skalicky, Lynn Spainhower and Holly Wallace

MEMBERS ABSENT: Troy Nelson

OTHERS PRESENT: Craig Byram, Craig Hoium, and public

The meeting was called to order at 5:30 pm by Commissioner Mino. Commissioner Spainhower made a motion to approve the August 14, 2012 Planning Commission Minutes as written and Commissioner Wallace seconded the motion. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Peter D. Plunkett, 309 21st St SW, Austin, Minnesota for a conditional use permit for this property located in an "R-1" Single-Family Residence District. This petition is pursuant to City Code Section 11.30, Subd.3(I) for the proposed operation of a bed and breakfast business.

Mr. Hoium explained the conditional use permit as a Bed & Breakfast located in an R-1 Single Family District at the Peter Plunkett residence, 309 21st Street SW. Per Section 11.56 Sub 1 and 5 this request has been made. Notices went out to about 24 properties located within 350 feet of the property boundaries and the public hearing was published. Craig received one letter in support of the requested action. He advised the commissioners to take into consideration the five factor items listed in City Code 11.56, the number of customers, parking and signage in regards to the adjacent property owners.

Peter Plunkett presented his power point on the Elam Guest House construction by Frank Lloyd Wright. This is one of four homes located in Southern Minnesota. He stated the anticipated guest house limitations will be as follows:

1. No signs
2. Maximum of 2 guest cars
3. No on street parking
4. No children under age 12
5. No pets
6. No parties or special events
7. No food or liquor sales
8. No gift sales
9. No smoking

He continued with the anticipated procedures listed below for the Bed & Breakfast.

1. \$250 per night
2. Check in at 4-6 pm with check out before noon
3. Not handicapped accessible

4. Fire inspection completed with corrections in progress
5. No remodeling needed, only minor repairs
6. Greatest usage is anticipated between June to October on the weekends
7. Payment must be made in advance and in full with credit card or cash. Checks will not be accepted.

If an overflow would be needed for a third person, the guest quarters could be used. Local restaurant listings and their menu, stores listings, and attractions will be made available to each guest. The guest will receive a tour of the entire home and a pocket door can be shut in a hallway for only access to the guest area. Part time help for cleaning and administrative services may be needed at a future date. Zoning will not be changed.

The following were explained by Mr. Plunkett to be in compliance:

- A. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.—This does not create a burden.
- B. The use will be sufficiently compatible or separated by distances or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.—There is a 4 or 5 foot hedge that exists and should not depreciate values of area homes.
- C. The use, in the opinion of the Planning Commission, is reasonably related to the overall needs of the City and to the existing land use.—Tourism needs will be instilled.
- D. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.—No alterations will be done. The house will stay the same.
- E. The use is consistent with the purpose of the Zoning Chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.—The use will be consistent.
- F. The use will not cause traffic hazard or congestion.—There will be no on street parking. Only two stalls for guest vehicles will be allowed in the driveway.
- G. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.—Existing businesses will be positively impacted by the tourism.
- H. The use will not result in unnecessary destruction of natural features such as tree, unusual rock formations, water courses or sites with historical or aesthetic significance.—There will be no alterations.

Peter received an additional letter of support from Austin Convention and Visitors Bureau. Commissioners questioned the number of guests, if a tour of the entire home will be given, and what happens in his absence. Mr. Plunkett again stated there will be only two guests at a time and they will get a tour of the entire home. If he is unavailable, his sister, Diane will be available to assist the guest in the home. It was stated that if the home is ever sold, the CUP stays with the home, but conditions can be put on the CUP to make it stricter. Mr. Plunkett has considered renting the area out, if the CUP does not pass and Mr. Hoium confirmed that he can do that with the necessary inspections and code compliance is verified.

Donna Robbins of 310 21st Street SW did not receive a notice from the City. Mr. Hoium verified the mailing list and her notice had been mailed to the legal property owner which is a Naples, Florida address. She read a letter which she had taken around to the neighbors regarding rezoning the Plunkett property with 31 of the neighbors signing the rezoning opposition.

Jan Gravelle, 313 21st Street SW, remarked on the street being quiet and she would like it to stay that way.

Jill Goltz, 102 20th Street SW, requested answers to a few questions regarding where the cigarette butts will go, renting and liquor usage, look of the outside property, and background checks. Mr. Plunkett responded stating that there will be no smoking allowed neither in or outside the home, renting can be done without the CUP, the outside will stay the same but will hopefully look better next year, and the people staying and interested in FLW homes are usually retired and wealthy.

Patricia Dahl of 311 21st Street SW, commented that the guest will be staying in the small area of the home, the yard needs work, young architectural students maybe interested in staying and the boat needs to be stored in the garage.

Dr. Dahl also of 311 21st Street SW had called and spoke with Lonnie Skalicky as a realtor. Lonnie remarked that all the neighbors have valid issue. Robert Dahl also commented that people stop and take pictures of the home all the time.

Frank Brown, 305 22nd Street SW worked on the construction of the Elam house and stated it was built magnificently.

Mr. Plunkett remarked that he has been thinking about this for years and regarding his boat, it is in Beaver Lake on the boat lift or at the fairgrounds for storage. He knows of various neighbors that did not sign the rezoning opposition letter. Dan Hirst commented that the petition states a request for rezoning and that is not what the request is for. The request is for a CUP.

Commissioner Spainhower commented on if she felt the guests truly would be experiencing the FLW home, the mixed variety of people and if the home is sold could this be an issue at a later time. She also included that many of the neighbors have stated they do not want a business in their neighborhood.

Attorney Byram explained CUPs as expressions of land uses (ex. Church, Bed & Breakfast) used for residential areas. In some cases, you can give restrictions and it can be rented out on their owner without a CUP. He stated Mr. Plunkett is attending this meeting regarding a CUP that the commissioners can put conditions on any approval. In this case he would have to request a change of the conditions, if he wants it changed.

Commissioner Skalicky recommended a denial based on Section 11.56 Subd. 1, C. Commissioner Hirst seconded the motion. The motion failed with a no decision consisting of four yays and four nays from Commissioners Mino, Bednar, Wallace and Kime; therefore, the CUP discussion was continued.

Commissioner Spainhower made a motion to approve the CUP with the following conditions:

1. No signs
2. Maximum of 2 guest cars
3. No on street parking
4. No children under age 12
5. No pets
6. No parties or special events

7. No food or liquor sales
8. No gift sales
9. No smoking
10. Only side apartment to be occupied by two people with one person overflow in the maids quarters

Commissioner Bednar seconded the motion and the motion passed with five yays and three nays from Commissioners Hirst, Krueger, and Skalicky.

OPEN PUBLIC HEARING: To consider a request from Matira Balsley & David Champlin, 501 1st St SW, Austin, Minnesota for a variance to be issued pursuant to Austin City Zoning Code 11.30, Subd. 5, governing the minimum frontage of 60 feet for lots located with an "R-1" Single-Family Residence District. This variance is for the proposed minor subdivision of property located at 501 1st St SW.

Mr. Hoiu explained the lot frontage as a minimum of 60 feet per lot and this request being made under Section 11.30, Sub. 5. The property owners would like to build a new garage and the lending company is requesting a split of the land for funding. The five items need to be taken into consideration. Notices were mailed and information was published in the paper with no calls received.

Mr. Champlin, 501 1st Street SW, informed the commissioners of both homes being occupied at this time. He lives in the home located on Site A.

Commissioner Skalicky made a motion to approve the variance taking into consideration the five statutory conditional items when considering a requested variance. Commissioner Kime seconded the motion and the motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from the Mower County Humane Society, PO Box 877, Austin, Minnesota for the preliminary plat review of the subdivision to be known as Wunderlich Addition, said action is pursuant to City Code Chapter 13 for this future commercial development area.

Craig explained the proposed commercial development for the preliminary plat consisting of two lots. An easement is included in the plat with storm water management and a future public right of way extension of 22nd Street SE. The City of Austin owns the property to the east of this site. Commissioner Spainhower made a motion to approve the preliminary plat changes taking the ten staff conditions into consideration and feels this will be a good use of this property. Commissioner Wallace seconded the motion and the motion passed unanimously.

SIGN APPEAL: To consider the request for the denial of a sign permit to Simplified Technology Solutions, 313 3rd Ave NE, Austin, Minnesota for the proposed placement of signage on an exterior

wall that does not face a public right-of-way in a "B-2" Community Business District. Said action is pursuant to City Code Section 4.50.

Mr. Hoiium went over the request for a sign permit located at 313 3rd Avenue NE. The sign would be 4 by 8 feet and be located on the north and west sides of the building. There would be no illumination to the sign and no notifications were needed. Commissioner Skalicky made a motion to approve the sign permit and Commissioner Hirst seconded the motion. The motion passed unanimously.

Commissioner Spainhower made a motion to adjourn the meeting and Commissioner Hirst seconded the motion. Motion passed unanimously. Meeting was adjourned at 7:17 pm.