

MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, AUGUST 13, 2013
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS

MEMBERS PRESENT: Laura Helle, Dan Hirst, Steve Kime, Jim Mino, Lynn Spainhower, and Holly Wallace

MEMBERS ABSENT: Jeff Bednar, Troy Nelson and Lonnie Skalicky

OTHERS PRESENT: Craig Byram, Craig Hoium, Steven Lang, and public

Commissioner Mino called the Planning Meeting to order at 5:30 pm. Commissioner Hirst made a motion to approve the July 9, 2013 meeting minutes as written and Commissioner Spainhower seconded. The motion was carried.

PUBLIC HEARING: To consider a request from the Austin Port Authority, 500 4th Ave NE, Austin, MN and Belliso Foods, 1118 North Main Street, Austin, MN for a conditional use permit for the construction of an approximate 2250 square foot facility addition for this property located in a "B-2" Community Business District. This property is located at 1118 North Main Street with said action pursuant to City Code Sections 11.56.

The petitioners for the requested Conditional Use Permit located at 1118 North Main Street are Austin Port Authority and Belliso Foods. The property is located in a "B-2" Community Business District. The addition would be located on the northwest corner of the existing plant which is currently a parking lot and would house a spiral freezer/cooler area and new packaging line. The exterior of the construction would consist of the same exterior finishes as the north side cooler addition of the building. This addition would have the dimensions of 47 feet north to south and 43 feet east to west. The minimum setbacks are 7 feet from the front and 0 feet from the sides and rear. The height would be 27 feet 2 inches and the maximum allowed is 45 feet. There would be no relocation of the freezer equipment. Traffic flows were completed in the past and there should not be additional changes to these totals due to this addition. The site area is 715,046 square feet with green space of 181,600 square feet (25.3%) provided, which meets the requirement of 143,009 square feet (20%) of green space.

Raymond Vigil, 215 10th Avenue, Minneapolis, MN, Plant Manager and Jon Vietor, 1902 15th Avenue SW, Austin, Maintenance Manager of Belliso Foods indicated there should be no noise from the addition and the refrigerator units would be located on the interior of the building. There should not be additional exterior lighting added. The traffic increase would be slight from the past year due to the circumstances of the business. The only entrance into the new addition would be from inside the factory, there will be no exterior openings on the proposed building expansion.

Walt Baldus, 200 11th Avenue SW, Austin, owns the property to the north which is office and other business entities. He would like to see the visual appearance for those areas to improve as well as bring the asphalt up to code by maintaining the hard surface area of the parking lot.

Commissioner Spainhower made a motion to approve the Conditional Use Permit referring to Section 11.56, Subd. 1 to incorporate wording stating that A thru H have to attest and Section 11.56, Subd. 5 are met; incorporating that the recommendations made by the Staff Report numbers 1 thru 9 be included as part of this Conditional Use Permit adding in numbers 10 and 11, which address the necessary landscaping and hard surfacing maintenance. Commissioner Hirst seconded the motion and the motion was carried.

Section 11.56, Subd. 1, of the code states that, before granting a conditional use permit, the Planning Commission shall consider the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding land, including land values. Among other things, Planning Commission shall make the following findings where applicable:

- 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
- 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
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- D. 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.
- E. The use is consistent with the purposes of the zoning chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- F. Traffic Control. The traffic generated by a use shall be channeled and controlled in a manner that will avoid congestion on public streets, safety hazards or excessive traffic through residential areas. The traffic generated shall not raise traffic volumes beyond the capacity of the surrounding streets. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements and shall be subject to the approval of the City Engineer. Vehicular drive up ingress lanes shall be large enough to accommodate peak auto use on the same lot without requiring the stopping or waiting of vehicles on public right-of-way. Ingress lanes shall be from the least heavily traveled street wherever possible.
- 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.
- H. The use will not result in the unnecessary destruction of historical or aesthetic significance.

Section 11.56, Subd. 5, Other Considerations, states the Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects: It's judgment shall be based upon, but not limited to, the following factors:

- Geographical area involved
- Whether such use will depreciate the surrounding area
- Character of surrounding area
- Demonstrated need for such use
- Whether proposed use will cause odors, dust, flies, vermin, smoke, gas, noise, vibrations or would impose hazards to life or property in the neighborhood

Section 11.56, Subd. 2, states that the Planning Commission may impose additional conditions considered necessary to protect the best interests of the surrounding area or the City as a whole.

STAFF REPORT: The petitioner is requesting an amendment to an existing conditional use permit for an approximate 2,250 sq. ft. expansion to accommodate a needed production line and freezer warehouse addition. This proposed expansion would be constructed adjacent to the northwest corner of the main building.

City staff recommends the following conditions be placed on any approval of this conditional use permit requested:

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 use 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.
Parking Factors:

Manufacturing	- 1 space/400 sq. ft. or for each 5 employees
Warehousing	- 1 space/400 sq. ft. or for each 5 employees
Office Use	- 1 space/300 sq. ft.
Parking Stalls Required	- 315
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)

Site Area	- 715,046 sq. ft.
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Green Space Provided	-	181,600 sq. ft. - 25.3%
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. (Approved August 7, 2013)		
10. Conversations regarding hard surface areas, updating asphalt so it falls within City Code is undertaken.		
11. Upgrade of screening material conversations also be undertaken and be determined ultimately by the City.		

ORDINANCE REVIEW: The City of Austin has been notified by the Minnesota Department of Natural Resources regarding the necessary updates of our current Flood Plain Zoning Ordinance, Austin City Code Chapter 12.

FLOOD MAP ADOPTION: They City of Austin has been notified by the Minnesota Department of Natural Resources regarding the necessary adoption of the new official Flood Plain Zoning map which includes the flood insurance rate map and flood insurance study/flood boundary floodway map prepared by the Federal Emergency Management Agency.

Mr. Hoium noted the Ordinance Review and Flood Map Adoption are separate agenda items, but the discussion would be done at the same time. The Flood Plain Zoning Ordinance currently defines two areas; one being the flood way which is where water is rushing and the other being the flood fringe which is where water is not moving aggressively. The current ordinance was adopted in 1980 and FEMA and the DNR are encouraging an updated to this ordinance.

There were approximately 300 properties that have been acquired from the floodplain and cannot be redeveloped due to recorded deed restrictions. Our Flood Rating System allows for a 25% discount on Flood insurance premiums. In updating the ordinance this year the elevations are the same as the flood map date 1988. The reason for the change is weather conditions and elevation accuracies. There will be 44 parcels now added to the flood plain, which includes approximately 12-14 of which are structures. Of these 44 parcels the properties may have water located within the property boundaries, but the structures will not be in the flood plain. The ordinance will require language regarding NFIP eligibility per FEMA and clarifies overlay district status of floodplain districts. Mr. Hoium covered the first three sections of the ordinance; Statutory Authorization, Findings of Fact and Purpose; Findings of Fact; and Purpose.

Reviewing the new Flood Plain Zoning map will include flood way, flood fringe and general flood plain. This map will be utilized in a similar way to our Zoning Ordinance Map. Replacement of fill would be recommended to be reduced to 250 cubic yards, keeping consistent with the Mower County Soil and Water Conservation regulations. There is also a complex calculation that can be used or build to the flood protection elevation of 1 foot.

Continuing with the new Flood Plain Zoning map, it was indicated that the City of Austin website had particular areas separated into maps with a link added to the main page. If there are questions regarding any inconsistencies in the map or elevations, the City will check into them upon request and the section can be reevaluated. If there is an appeal to the map, LOMA (Letter of Map Amendment) will need to be calculated to verify the appeal if done individually.

The Flood Plain Zoning Ordinance and Flood Plain Zoning Map will be on the Monday, August 19, 2013 City Council meeting agenda. If these items are approved, it could be enforceable by September 2013.

Mapping is redone by topography flood elevations that do not change, but can be more accurately defined. The changes to the map are initiated because of nature or due to errors in the previous mapping. The previous map was within a 5 foot spacing area and the new map is within a 2 foot spacing area for view of the flood plain.

Mr. Hoium and Mr. Lang indicated on the map various location changes to properties. Public requests were heard regarding individual property changes, if any, relating to the new mapping. Flood insurance is required, if FEMA financial aid would be needed during the time of a disaster. After the flood map has been approved and if levels for the Flood Plain Zoning Map change, the property can be removed from the Flood Plain, if proven.

Commissioner Helle made a motion to recommend to the Council to approve the adoption of the new Flood Plain Zoning Ordinance as written indicating that City staff will proof and leave the 250 cubic yards of fill and only one foot elevation within the ordinance. Commissioner Hirst seconded the motion and the motion passed unanimously.

Commissioner Kime made a motion to adopt the Flood Plain Zoning Map as designed and Commissioner Wallace seconded the motion. The motion was carried.

SIGN APPEAL: To consider a request for the denial of a sign permit to RPE & R Investments LLC, 1200 Eastgate Dr. SE, Rochester, MN and Vision 2020 for the placement of temporary banners on the property located at 111 3rd Ave NE which is located in a "B-3" Central Business District. Said action is pursuant to City Code Section 4.50, Schedule No. I, 20, (b)

The petitioners are RPE & R Investments LLC and Vision 2020 requesting temporary banners be located at 111 3rd Avenue NE from spring into the fall season. The five banners are 5 feet by 20 feet and made of vinyl and ink that is designed for outdoor long term use but not for winter elements. Two of the five banners would need to be replaced next year as they indicated set dates of events.

Commissioner Hirst made a motion to approve the sign appeal at 111 3rd Avenue NE. Commissioner Wallace seconded the motion and the motion was carried.

Commissioner Kime made a motion to adjourn the meeting and Commissioner Helle seconded the motion. The motion was carried and the meeting was adjourned at 7:12 pm.