

**MINUTES**  
**AUSTIN CITY PLANNING COMMISSION**  
**TUESDAY, JULY 12, 2016**  
**5:30 P.M.**  
**AUSTIN CITY COUNCIL CHAMBERS**

**MEMBERS PRESENT:** Rick Bremner, Laura Helle, Jay Lutz, Troy Nelson, Greg Siems, Lynn Spainhower, and Aaron Stewart

**MEMBERS ABSENT:** Steve Kime and Jim Mino

**OTHERS PRESENT:** Craig Byram, Holly Wallace and public

Commissioner Helle called the meeting to order at 5:30 pm. Commissioner Nelson made a motion to approve the June 14, 2016 Planning Commission Meeting minutes as written. Commissioner Lutz seconded the motion and the motion was carried.

**OPEN PUBLIC HEARING:** The petitioner has requested a rezone of their property located at 3303 11<sup>th</sup> Street NE from an "R-1" Single-Family Residence District to an "I-1" Limited Industrial District bringing a current non-conforming use into conformance and to further develop the property.

K Properties Management, LLC is requesting this rezone for the purpose of constructing storage, mini-storage on the property and to become compliant with the use to date. This property was annexed into the city in 2010 and per ordinance, properties annexed into the city are zoned as "R-1" Single-Family Residence District. Jason Korfage, 3306 11<sup>th</sup> Street NE, indicated he would like to develop the property, pointing out he lives in the area and there are other storage units in the vicinity.

Commissioner Spainhower made a motion to recommend approval to the city council to rezone as the Considerations one thru seven have been met and further the "I-1" District allows uses that are more compatible. Commissioner Bremner seconded the motion and the motion was carried.

**OPEN PUBLIC HEARING:** The petitioner(s) have requested a rezone of their property located at 303 5<sup>th</sup> Place NW, 300 4<sup>th</sup> Avenue NW and 308 4<sup>th</sup> Avenue NW from an "R-O" Multi-Family Office District to a "B-2" Community Business District for redevelopment of the commercial property and to remove a residential building on the property.

Petitioners, Jeffrey Sellers, Mark Reeve, and James Schaffer are in support of rezoning the entire block. Mr. Sellers' property is non-conforming and he would like to remove a residential building to expand his business. The Schaffer residence is a historic landmark.

Jeffrey Sellers, 1708 16<sup>th</sup> Street SW, has owned the property just over a year. He would like to remove the residential rental housing unit and build a new shop. The old shop would become the garage for the business.

Commissioner Spainhower made a motion to recommend approval to the city council to rezone as the Considerations one thru seven have been met and further the "B-2" District allows uses that are more compatible. It is also compatible with our comprehensive plan and the future land use map. Commissioner Bremner seconded the motion and the motion passed unanimously.

**PARKING APPEAL:** To consider a request from Jeffry Sellers, Sellers Lock and Key for an appeal to the off-street parking design standards pursuant to Austin City Code Section 11.70, Subd. 5.

Sellers Lock and Key is requesting an appeal from the 16 required parking stalls to 12 stalls. He has eight parking stalls, would add an additional four stalls and on street parking is available. Mr. Sellers indicated his perception to be that the laundromat traffic is half foot and half vehicle. The laundromat parking lot is used for overflow since his business hours are Monday thru Friday and the laundromat traffic is heavier during weekend hours. His customer contact is approximately 10 minutes per customer and there is usually less than three to four customers in the business at one time as 80% of his business is mobile.

Commissioner Spainhower made a motion to recommend approval to the city council to allow the 12 parking stalls from the 16 required stalls. The variance from the 16 stalls does not seem to significantly impact the surrounding use. There is sufficient parking in other areas that is adequately close enough to the business, does not seem to make a hardship and it is compatible with the area. Commissioner Nelson seconded the motion and the motion was carried.

**FENCE APPEAL:** To consider an appeal by Austin Utilities o/b/o Northern Natural Gas from the six foot fence height restriction in Austin City Code Section 4.70, Subd. 5. The petitioner wishes to have an eight foot high fence around the perimeter of their natural gas infrastructure to add security.

Austin Utilities o/b/o Northern Natural Gas is requesting an eight foot fence appeal from the six foot allowed adding security to the natural gas infrastructure. If the property were zoned industrial, the fence could be higher.

Commissioner Spainhower made a motion to recommend approval to the city council the eight foot fence appeal from the six foot allowance. The increased security is recommended for the natural gas facility and it appears to be necessary to provide additional security. Commissioner Bremner seconded the motion and the motion passed.

**FENCE APPEAL:** To consider an appeal by Daniel Slowinski, for a fence appeal based on the 12.5 foot setback required for side yards on corner lots. Said action is pursuant to Austin City Code Section 4.70, Subd. 5.

The petitioner, Daniel Slowinski, is requesting this fence appeal to contain his dogs within his property and give them an area to exercise while not bothering or being bothered by neighbors and pedestrians. The fence is wood panels, six feet in height and will obstruct driveway view although the setback can be changed or corner can be angled. Part of the fence has already

been installed as Mr. Slowinski, 501 9<sup>th</sup> Street NW, indicated he was unaware he needed a permit to replace an existing four foot high chain link fence.

Mr. Byram addressed the group indicating the standard for granting a variance requires that they consider practical difficulties including public policy and safety concerns. There are options to consider either enforcing the 12.5 foot setback, allowing something in between or cutting the corner while still allowing the landowner to do something reasonable with his property.

Casey Anderson, 1006 4<sup>th</sup> Avenue NW, explained the fence to be about ten feet from his driveway with his driveway about 12 feet long. He does not feel there have been any concerns with the portion of fence that is in place at this time.

Commissioner Bremner made a motion to recommend approval to the city council allowing a six foot high opaque fence with the east and west corners scaled back to the 12.5 foot setback for visibility. Commissioner Lutz seconded the motion. The motion was passed with four yays with two nays from Commissioner Nelson and Commissioner Spainhower.

**OTHER BUSINESS:**                   Temporary Family Health Care Dwelling

Ms. Wallace informed the commissioners the State has passed a new law for temporary housing placed on home owner's property of 300 square feet maximum requiring a doctor's approval for the resident. The temporary housing could be placed on a home owner's property for up to a year and would be hooked to their utilities. The law does let the city opt-out at this time and the majority of cities on the League of Minnesota Cities listserve have chosen to opt-out. Commissioner Stewart made a motion to recommend opt-out of the temporary family health care dwelling to city council. Commissioner Bremner seconded the motion and the motion was carried.

**ADJOURN**

Commissioner Bremner made a motion to adjourn the meeting and Commissioner Lutz seconded the motion. The motion passed and the meeting was adjourn at 7:05 pm.