

Minutes
Austin City Planning Commission
Tuesday, July 10th 2018
5:30 PM

MEMBERS PRESENT: Melissa Swenson, Jay Lutz, Aaron Stewart, Jonathan Caporale, Steve Kime, Michael Postma, and Adama Youhn

MEMBERS ABSENT: Megan Burroughs and Jim Mino

OTHERS PRESENT: Holly Wallace, Craig Byram and petitioners

Commissioner Kime called the meeting to order at 5:30 pm. He noted there are two open hearings and sign appeal on the agenda. He asked if commissioners have had a chance to review the minutes and if there were any changes.

Commissioner Lutz motioned to approve the June 12th, 2018 meeting minutes. Commissioner Stewart seconded the motion. No one opposed – motion carried.

OPEN PUBLIC HEARING: To consider an application from Kirk & Debbie Thorpe, 503 27th Ave NE, Austin, MN for a variance from City Code Section 11.01, Subd. 1, limiting the total aggregate area of all “accessory structures” to 1,584 square feet for properties over one acre located in an R-1 Single Family Residence District. Petitioner is proposing to add a 40’x 60’ storage building.

Ms. Wallace provided maps and an updated plan as to what the Thorpe’s plan to build on their property. They are proposing to add an additional garage to 40’ x 48’ (instead of 40’ x 60’ originally requested), and are now removing one of the current accessory structures. Ms. Wallace presented examples of the building in board packets. They are requested adding the structure to the north line of their property where there is water drainage and closer to the road.

Ms. Wallace stated that in our ordinance over 1 acre, square footage is limited to 1,584 square feet. They currently have a detached garage that is 1,170 square feet, leaving them 400 sq feet. The proposed item is over 1,500 square feet larger than that. Total lot coverage would be 7% of all owned lots, well under the maximum coverage allowed. In order for one acre to apply, there must be a primary structure on the lot before an accessory structure be added. As of now, Thorpe’s lots are not combined, therefore if a variance is approved, there should be a condition that lots 10, 11, 12 & 13 be combined and remove a current shed to comply with only having 2 accessory structures. They would then leave the other two lots separate for future sale availability. There are assessments that would be due if another structure was added to either

property needing sewer/water. This gives the petitioner flexibility in being able to sell that property in the future.

Considerations:

1. The variance is in harmony with the general purposes and intent of the zoning code.
2. The variance is consistent with the comprehensive plan.
3. The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision
 - The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
 - The variance will not alter the essential character of the surrounding area.
4. Economic considerations alone shall not constitute an undue hardship, if a reasonable use of the property exists under the terms of the ordinance.

Ms. Wallace explained that Royal Manor is very rural with many detached structures of various sizes.

Petitioners Debbie & Kirk Thorpe attended the meeting for questions.

Commissioner Kime asked for any questions:

Commissioner Lutz inquired on clarification of the 1.8 acres being all lots (including the two that would not be combined). Ms. Wallace stated that was correct, but that the combined lots would still cover over an acre, and would still be far less than the maximum allowed lot coverage.

Commissioner Postma asked where the driveway to the building would go or if it would match up with the current one. Kirk Thorpe stated he plans to create a new driveway from the road.

Commissioner Caporale asked if there was any variance or exceptions needed from the watershed district in regards to the drainage ditch on the property. Ms. Wallace said there's none that she knows of, but can confirm with watershed district. She confirmed that the property is not in any flood zones.

Commissioner Stewart asked for confirmation that the new proposed structure would be on Lot 12, to which Ms. Wallace and the petitioner replied yes.

Commissioner Lutz motioned to recommend to council to approve request with condition lots 10, 11, 12 be combined, and watershed district approval/clarification. Commissioner Swenson seconded the motion.

All in favor, no one opposed – Motion Passed.

OPEN PUBLIC HEARING: To consider a petitioner from Scott Ohm, 1605 1st Ave NE, Austin, MN to rezone the property from an “A-1” Agricultural district to an “R-1” Residential Single Family District.

Ms. Wallace provided maps of the lot locations and photos for reference.

Ms. Wallace explained what A-1 Agricultural is and examples. A-1 is generally parks: Wescott field and Todd park for example. The only privately owned property zoned A-1 is Stivers due to its specific nature.

Ms. Wallace stated the petitioner was requesting the rezone to better market the property for sale. Ms. Wallace stated residential would be best fit due to neighboring uses. West and North are also zoned agricultural, most owned by Holy Cross Church; East is residential; South is commercial – Harty Mechanical.

Ms. Wallace reviewed uses for R-1

Commissioner Lutz asked if this would stay individual homes and require rezoning to go to R-2 for multi-family. Ms. Wallace stated that is correct.

Considerations

1. Consistency of the proposed zoning with the goals, policies and Future Land Use Map of the Comprehensive Plan.
2. The compatibility of the site with the uses permitted in the proposed zoning district.
3. The compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
4. The capacity of existing infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the “health, safety and welfare” of the residents.
5. Whether the uses permitted in the proposed zoning district will cause detrimental environmental impacts, including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
6. The boundaries of the requested zoning district are sufficient to meet the dimensional regulations for the proposed zoning district.
7. The ability of the applicant to satisfy any requirement (e.g., site plan, etc.) applicable to the specific use imposed pursuant to zoning and land use regulation.

Commissioner Kime asked for any questions from the public or commissioners.

Commissioner Stewart asked if rezoning was comprehensive with the Future Land Use Map. Ms. Wallace stated it is not, however gaining new housing in the city is overall, therefore this would be a recommendation to council to rezone AND amend the Future Land Use Map.

Ms. Wallace did speak with closest neighbor who has had other disputes in past, and they did not express any concern over the rezone.

Commissioner Postma asked if there was a chance that the buyer in the future could come back to request another rezone. Ms. Wallace stated it was possible, but not likely, due to the size of the area in question.

Commissioner Stewart asked how the property ended up being zoned A-1, to which the petitioner's son, Bronson Ohm, stated that the property was originally the city's before it was sold to previous owners, which is why it was zoned A-1.

Commissioner Postma made a motion to recommend to council to approve amending the Future Land Use Map and rezoning the property to "R-1" Residential. Commissioner Caporale seconded the motion.

All in favor, none opposed – motion passed.

SIGN APPEAL: To consider a request for the denial of a sign permit to City of Austin, 710 21st St NE, Austin, MN from Valley Transportation Services, Inc. for the proposed placement of 3 signs on the North, East & West sides of hangar to clearly identify the building.

Ms. Wallace stated the petitioners proposed 3 wall signs on a very large structure. The airport is zoned "A-1", which allows very limited signs. Generally its maximum allowable sign is 1'x 4'. The signs would exceed number allowed by 2 and footage by 260' feet. Signs cannot exceed 15% of front space. The purpose of this was to make standards and avoid confusion.

Considerations

1. The signed request is due to unusual conditions pertaining to sign needs for a specific building or lot.
2. The sign would not create a hazard.
3. The sign would not violate Minnesota Statutes or rules and regulations developed pursuant hereto.
4. The sign would not be objectionable to adjacent property owners.
5. The sign would not adversely affect residential property.
6. The sign would be in keeping with the general character of the surrounding area.

Commissioner Lutz asked if the neighbors were notified. Ms. Wallace stated that the City does not send notices for sign appeals.

Commissioner Kime asked for any questions from Commissioners or the public. No other questions were expressed.

Commissioner Lutz motioned to recommend council approve the sign appeal request. Commissioner Swenson seconded the motion.

All were in favor. None were opposed. Motion passed.

Commissioner Postma motioned to adjourn meeting. Commissioner Youhn seconded.

Meeting adjourned at 6:06pm.