

**MINUTES**  
**Austin City Planning Commission**  
**Tuesday, March 12<sup>th</sup>, 2019**  
**5:30 PM**

**MEMBERS PRESENT:** Adama Youhn, Rita Srock, Michael Postma, Megan Burroughs, Jay Lutz, Melissa Swenson, Jonathan Caporale

**MEMBERS ABSENT:** Aaron Stewart, Jim Mino

**OTHERS PRESENT:** Holly Wallace, Craig Byram, Public

Commissioner Postma called the meeting to order at 5:30 pm.

Ms. Wallace requested we appoint a new Chair and Vice Chair for the 2019 year.

Commissioner Lutz nominated Commissioner Mike Postma as chair, Commissioner Srock seconded. All were in favor, none opposed. Motion carried.

Commissioner Lutz nominated Commissioner Megan Burroughs as Vice Chair. Commissioner Postma seconded. All in favor, none opposed. Motion carried.

Commissioner Postma asked if all commissioners have had a chance to review the minutes from the November 13<sup>th</sup>, 2018 meeting. Lutz motioned to approve, Burroughs seconded. All in favor, none opposed. Motion carried.

**PARKING APPEAL:** To consider an off-street parking appeal from Nathan Stencil and Burton J Plehal Trust, for approval of 135 parking stalls for a new 82 unit, market rate apartment building on 21<sup>st</sup> Ave NW.

Ms. Wallace provided maps describing the examples provided by Stencil Group. The proposed parking spaces would equal to 1.64 parking spaces per unit. The location of the apartments is North of Runnings. The property is roughly 4 acres. If they needed, adding additional parking in the future would be an option.

Commissioner Burroughs asked if we had an exact figure of how many apartments were 1 bedroom verses 2. Steven Finnegan with Stencil Group stated there are 42 one bedrooms and 40 two bedrooms. Finnegan explained that they try to stay away from excessive parking to avoid excess pavement. There is minimal cost saving on the asphalt.

Commissioner Postma asked if there were any public questions. Commissioner Lutz motioned to recommend to council to approve the request for the parking appeal accepting the 135 spaces. Commissioner Burroughs seconded. Commissioner Youhn requested clarification that there will be 40 two bedroom units. Commissioner Postma requested how the spots are broken down. Finnegan said that the garages are assigned but that the lot is open parking aside from the designated handicap spots. There is no distinction between one and two bedroom units, and parking spaces. All were in favor, none opposed. Motion carried.

**OPEN PUBLIC HEARING:**

To consider a petition from Matt Greibok o/b/o Sanco Equipment for Thompson Sanitation to approve a Conditional Use Permit for occasional storage of solid waste in roll-offs or trucks related to garbage hauling, located at 709 11<sup>th</sup> St NE.

Ms. Wallace explained that waste hauling is allowed in I-2 zone. There may be some solid waste stored in a roll-off or truck, which is where a CUP is required even though it may be minor or temporary. CUP considerations were listed and addressed.

Thompson sanitation is licensed with the city and looking for a local operating area. The area is I-2 industrial district with some residential property to the East.

Commissioner Postma asked if letters were sent to the neighboring public. Ms. Wallace said they were and that no feedback was received.

Commissioner Lutz ask if any fencing was required for the site. Ms. Wallace stated they were just required to follow city code requirements.

Will Harmon, 901 14<sup>th</sup> Ave SE Austin, MN 55912, manager of Thompson Sanitation stated they are planning to add a West fence in addition to the South fence that is currently there, and that customer and employee parking would likely be located closest to the East residential areas. The roll-offs and trucks would be collected near the West half of the lot.

Commissioner Caporale asked if some containers with items in them will be stored on site. They said the intent is not to have any, but anyone at any time could dump illegally on their property. Mr. Harmon stated that they try to empty their trucks on a daily basis, but the transfer station is only open until 3:30, and they work until 5:00 which could cause some carry-over a day or weekend. Commssioner Youhn asked if there was a plan to handle these instances. Mr. Harmon stated he tries to keep everything covered and/or litter down to zero because it creates a bad relationship in neighborhoods.

Commissioner Youhn asked if it was any hazard to neighboring residents? Mr. Harmon said no, especially with a 6 foot fence on West side. They are several hundred yards away from East residences.

Commissioner Postma asked if this was a recommendation to council or a final approval. Ms. Wallace stated this was a final approval, but there's a 15 day period to appeal to council by the requesting party or anyone else. Commissioner Postma asked how long a CUP lasts. Ms. Wallace stated it follows the property. If there is a violation, the can be revoked. Commissioner Burroughs asked if the CUP must comply with all ordinances, nuisance or fence, etc. City Attorney Byram explained that the CUP doesn't waive applicable laws, it only allows them to exist under conditions set by the Planning Commission. He reminded commissioners to include their considerations in the CUP because it is possible that a new waste hauling business could come in and wouldn't make the same promises that Thompson has.

Commissioner Postma asked if anyone else had any questions. Caporale asked for clarification on what the notices stated that were sent out to the public.

Tom Leland – 305 1<sup>st</sup> Ave S Albert Lea, MN, facilitator between Sanco and Thompson Sanitation explained again that there will already be fencing along the South area. He stated that Mr. Thompson is making a large investment in new loaders and containers with intent to cover them. He stated that Thompson is operating without a CUP in another city, and that other sanitation companies are in an area that should have a CUP, but that Thompson is wanting to do things the right way. Commissioner Swenson asked if there was a plan for fencing between them and Palmetto to the North, or any plans of adding one. Mr. Harmon from Thompson explained that there are currently Palmetto trailers parked creating a fence and blocking views to Thompson's West area.

Postma made a motion to approve the CUP with two conditions 1. That waste is not kept on site past the next open day of business of the Transfer Station, not to exceed 7 days. 2. That all waste coming into the property is covered.

Commissioner Postma asked if there were other areas to bring the waste if the Transfer Station was closed. Mr. Harmon explained they can also use Steel County in Bixby, but that the Transfer station is where 90% of their waste is taken.

Commissioner Postma asked City Attorney Byram for clarification on a catastrophe and storing waste for longer in that situation – if they could potentially have their CUP revoked. Byram explained that the City would work with businesses in extreme situations. If there is a reasonable explanation or natural disaster, that wouldn't likely be the grounds the City would use to revoke a CUP. If it's a nuisance, the City would be able to deal with nuisances aside from the CUP.

Commissioner Caporale asked if it would be possible for anything to catch fire being located so close to Dakota Supply, if they were to have a fire. Mr. Harmon stated they wouldn't have any combustibles so the fire risk would remain the same as another business located next to them.

Commissioner Postma noticed the rarity of an I-2 zoned area to be that close to a residential area, but because the comprehensive plan is laid out that way, these situations arise.

Mr. Harmon stated that their goal is to get a building with their name on it to draw in customers and raise their footprint in Austin. But their goal is also to be "invisible" in the storage of roll-offs and trucks to avoid people dumping more waste illegally.

Commissioner Byram explained that it is important to consider a CUP by factoring in another company one day potentially owning the parcel with the CUP, meaning to include conditions and considerations that Thompson has promised the City. For example, representation that employees will only park to the north and roll-offs at the back and trucks in the middle.

Commissioner Postma referenced the staff report requesting to add the consideration to employee parking, equipment and rental items be kept to the West end of the property as shown in the proposed site plan. Byram offered using the West wall of the current building as a dividing line: trucks and roll-offs being kept to the West of that – passenger vehicles to the front.

Commissioner Burroughs requested clarification as to where staff parking would be located.

Commissioner Postma offered clarifying the request to only be referencing the equipment, trucks and rental items - not the employee parking, as proposed on the site plan.

Commissioner Postma asked commissioners if they agreed that would be acceptable. Commissioners agreed with removing the requirement for employee parking.

Commissioner Postma said first condition would be equipment, roll-offs, and trucks be kept on the west end; 2<sup>nd</sup> consideration would be waste be stored on temporary with best effort to remove on the next day of the open transfer station and not to exceed 7 days.

Commissioner Pouhn asked if language could be added to the 7 days requirement for it to only occur during disaster, etc., so they wouldn't normally have 7 days to remove the waste.

Commissioner Postma stated that there are general nuisance laws to apply to, so things left for 4-5 days could be acted upon as a city.

Commissioner Lutz requested a 3<sup>rd</sup> condition be added: Any canisters or trucks entering be covered.

Commissioner Postma made a motion to approve the CUP with three conditions:

1. All equipment, roll-offs and trucks be stored on the West end of the property.
2. Waste to be stored temporarily with best effort to remove on the next business day at the transfer station, not to exceed 7 days.
3. Any containers or trucks containing solid waste be either enclosed or covered.

Commissioner Srock seconded the motion. All in favor, none opposed. Motion carried.

**OPEN PUBLIC HEARING:**

To consider a petition from Cottages Properties of Austin, LLC for approval of a final plat for the property located at 15<sup>th</sup> Ave and 12<sup>th</sup> St NW Austin, MN 55912.

Ms. Wallace explained that this property was formerly owned by the city and never subdivided - half is zoned commercial and half is agricultural A-1 (park). The North half was sold to Cottages Properties but must be subdivided and rezoned keeping the park agricultural. Once the property is subdivided and plat approved, the property will be transferred so the City retains the lower portion and the developer maintains the northern half. The utility easements will be added to the plat before the plat is recorded. This is a recommendation to council and can be recommended with the approval of the easement before going to council.

City Attorney Byram stated that all parties with a vested interest have been consulted and reviewed this and feel it is an appropriate plat and use of the property and use of the property North of what was needed for the park.

Ms. Wallace also stated that Council approved of the sale.

Commissioner Postma asked if any Commissioners had questions.

Commissioner Burroughs recommended final approval subject to the approval of utility easements. Commissioner Swenson seconded. All were in favor. None opposed.

Motion carried.

Commissioner Caporale motioned to adjourn. Commissioner Burroughs seconded.  
Meeting adjourned at 6:43pm.