

**M I N U T E S**  
Austin City Planning Commission  
Tuesday, May 12<sup>th</sup>, 2020

**MEMBERS PRESENT:** Mike Postma, Jay Lutz, Megan Burroughs, Jonathan Caporale, Rita Srock

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

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

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

Minutes from March 10<sup>th</sup>, 2020 meeting were reviewed. Commissioner Srock motioned to approved. Commissioner Swenson seconded. All in favor, none opposed. Motion carried.

**FENCE APPEAL:** Commissioner Postma read through the description of the request made by Joaquin Olivares for a fence appeal to allow a 6 foot privacy fence up to the sidewalk in a residential neighborhood at 1011 6<sup>th</sup> Ave SW.

Ms. Wallace explained that privacy fences on corner lots must abide by a 12 ½ foot side yard setback and a 25 foot front yard setback due to the visibility and public safety of drivers and pedestrians. In this case there is no driveway or entrances.

Commissioner Lutz asked if the petitioner was planning to replace the existing picket fence seen in photos with a privacy fence. Ms. Wallace stated she believed that was the request. The petitioner stated that moving the fence in could alter their irrigation system which adds a cost.

Commissioner Burroughs asked if there was a specific hardship to which Ms. Wallace stated it doesn't appear that there is one geographically. Commissioner Burroughs also asked if they would then need to irrigate both side, so it is more of an inconvenience than a hardship. Ms. Wallace stated the hardship could be the cost of the irrigation system changes.

Commissioner Postma asked if this was a fence appeal for the height or the setback. Ms. Wallace stated this was due to needing a 50% opaque fence up to the right of way line due to obstructions of traffic and pedestrians.

Commissioner Swenson expressed concern about the possible traffic and pedestrians being near the fairgrounds.

Commissioner Srock asked if the fence would be going all the way to the corner around the front of the house. Ms. Wallace said it was. Commissioner Burroughs expressed concern over the front yard because the setback is even greater than the side yard.

Commissioner Burroughs motioned to recommend council deny the fence appeal. Motion died for lack of second.

Commissioner Lutz motioned to approve to council the fence appeal, not to extend past the North face of the house. Commissioner Srock seconded.

Commissioner Burroughs asked if approving this would be opening up a precedence for other fences that do not comply with the zoning ordinance. City Attorney Byram stated that all applications should be dealt with on an individual basis and that a key factor in deciding these is public safety. With a garage north facing garage not on the side yard, the public safety factor could be considered lower-risk.

Commissioner Postma stated that he makes an attempt to never approve heights over what is allowed in an overall residential neighborhood and that he considers visibility and public safety concerns. Because this does not have an effect on public safety and is not over the maximum allowed height in a residential area, he said he would agree with Commissioner Lutz.

Commissioners voted: 5 Ayes, 1 Nays. Motion carried.

**OPEN PUBLIC HEARING:** Curtis Sorenson is requesting a rezone of his property at 1500 7<sup>th</sup> Ave NW (Parcels 34.820.0220 & 34.820.0130) be rezoned from "R-1" Single Family District to a "PD-R" Planned Unit Development/Planned Development – Residential.

Ms. Wallace presented the petitioner's materials. The property located at 1500 7<sup>th</sup> Ave NW is surround primarily by residential. The non-conforming use previously expired after sitting vacant for over 1 year. A rezone request to B-2 was previously denied by Planning Commission and a PUD was suggested by City Council.

Ms. Wallace stated that notices were sent to surrounding neighbors and she received one call from the Thaisen's at 1502 7<sup>th</sup> Ave NW expressing concerns but that Ms. Wallace also stated the PUD would be very specific in what it allows, and that new buyers would either need to abide by the PUD or request any changes the same way it was created.

Ms. Wallace explained that the process begins with this concept plan. If approved by council, the petitioner would then be allowed to create a very specific 24-step checklist of items and plans put in place. He would then bring back a preliminary plan that would go to Planning Commission, then City Council and the same for a final plan before it could be approved.

City Attorney Byram explained that the PUD was brought up because the rezone request of B-2 allowed too many broad opportunities in a residential area, but that the lot size limited the development opportunities. The question to commissioners is whether or not the petitioner should be allowed to move forward to a preliminary plan – could they see a car lot there as proposed.

Commissioner Postma asked the Petitioner, Mr. Sorenson, if he owned the property. Curtis Sorenson, 303 27<sup>th</sup> Dr SW, stated that he purchased the property from Glen Medgarden last year and is waiting on this to move forward.

Commissioner Lutz asked for clarification on why approve this change from residential to a car lot would be a PD-R when it is a business. The petitioner stated that there were businesses nearby – Kwik Trip, Ankeny's and Riverland and that the property couldn't be residential aesthetically when it is a lot entirely filled with asphalt.

Commissioner Lutz asked for clarification on the requested for a PD-R when it was a business. City Attorney Byram explained that the type is based on the underlying code, and if the PUD failed it would stay/revert back to residential.

Robert Helmers, 1011 Oakland Pl SE, stated that he has a lot on the North side of the petitioner and will ask whatever Curtis gets be applied to his property as well to allow display cars on the lot.

Commissioner Postma re-iterated that only the subject property would be considered for this PUD on its own and any other requests would be made separately through the same steps.

Commissioner Postma stated he struggles with previous PUD's at least somewhat conforming to the underlying zoning code. Going to a Commercial from Residential isn't the goal or purpose of the zoning code.

Commissioner Burroughs asked what the Comprehensive Plan and Future Land Use Map stated. Ms. Wallace stated there would be no amendments needed.

Commissioner Swenson asked what happens if the petitioner sells or changes his business down the road. City Attorney Byram stated the property stays with the stipulations of the PUD and if any changes occurred it would need to come back to the Planning Commission Board.

Commissioner Caporale motioned to recommend council approve the concept plan present. Commissioner Srock Seconded.

Commissioners voted. 5 – Ayes. 1 – Nays. Motion carried.

Commissioner Lutz motioned to adjourn. Commissioner Caporale Seconded. Meeting adjourned at 6:52pm.