

M I N U T E S
Austin City Planning Commission
Wednesday, August 12th, 2020

MEMBERS PRESENT: Jay Lutz, Melissa Swenson, Karem Salas Ramirez, Megan Burroughs, Jim Mino

MEMBERS ABSENT: Aaron Stewart, Mike Postma, Adama Youhn, Rita Srock

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

Commissioner Burroughs called the meeting to order at 5:35pm.

Minutes from July 14th, 2020 meeting were reviewed. Commissioner Lutz motioned to approve. Commissioner Mino seconded. All in favor, none opposed. Motion carried.

OPEN PUBLIC HEARING: Curtis Sorenson is requesting a rezone of his property at 1500 7th 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. This is a request for approval of the preliminary and final plan.

Ms. Wallace explained the history of previous requests regarding this lot, starting with a rezone. The petitioner then submitted a concept plan to planning commission for a planned unit development and is now requesting approval of a preliminary and final plan. Planning commission can recommend to council to deny, approve, or approve with conditions. The property is currently vacant and is being proposed for a car lot.

Neighbors to the Southwest of the lot that had originally objected are in favor of this less intensive option and are no longer opposed and the Northwest adjacent neighbor has sold their property to new owners who have expressed no concern.

The 24-point PUD plan was reviewed including the parking plan as presented by the petitioner.

Commissioner Mino asked if the PUD was approved, if it could only be a car lot. Ms. Wallace stated that conditions of the PUD would apply to any future plans for the property.

Ms. Wallace explained that this use of a PUD is unique so all 24 points were not applicable due to an existing building with only minor renovations to the property.

Commissioner Mino stated he was favorable to approving the PUD if handicap parking was allotted for and any lighting that was added had a timer that shut off at 9pm for neighbors.

Commissioner Burroughs asked if any exit conditions were brought up to the county or the city for the proposed driving lanes in the car lot. Ms. Wallace stated the City Engineer reviewed and was not in favor or against the proposal stating that it's a difficult lot for parking.

Commissioner Salas Ramirez stated she previously used the lot exit and it does take a length of time to exit on to 14th St but that she felt it was safe. She did express concern of parked cars and the driving vehicles in the lot.

The petitioner stated the lot is 51' deep allowing for an angled parking lane, a driving lane and a lane for parallel parked vehicles. Ms. Wallace stated she did consider requiring the 3 dedicated off-street parking spaces be included in the car sales spots to allow more room.

Petitioner Curtis Sorenson stated the original business model called for 13 vehicles, but with growth he wants the ability to have 16-18 vehicles.

City Attorney Byram stated that a PUD, like a CUP, sets rules for all future owners. A PUD also allows commissioners to add requirements such as traffic flow and parking subject to review if it creates a safety hazard, or something similar.

Commissioner Lutz stated that the last time the concept plan was voted on, he voted against it because he doesn't feel the zoning designation at hand is meant for items such as these – or "spot zoning" as it is referred to. After reviewing the PUD documents his feelings are even stronger. When going through the plan, there are 24 conditions that have to be met, and 11 or 12 are non-applicable to the property therefore showing it does not make sense. Subd. 11 references storing of recreational vehicles for occupants, something that clearly doesn't apply to this car lot. The concept of a PUD is meant for a mixture of uses: ex. having a rec facility with tennis courts and pool, restaurant, all surrounded by a single family or multi-family homes. Commissioner Lutz's other concern is about setting precedent despite that the commissioners are supposed to differentiate each case from the next. How will they be able to turn down another spot zoning request when this exception has been made? Commissioner Lutz stated this is his reason for why he will be voting against it.

Commissioner Mino expressed the concern of how the two lots could ever be developed with residential use due to the size. And because of the possibility that it could remain empty, this would be a less-objective use option and he would be in favor.

Commissioner Mino motioned to recommend council approve the PUD with the conditions of 1. Verifying handicap parking required, 2. Adding no new lights unless they have a timer that shuts off at 9pm, 3. Maintaining/replacing the privacy fence between the lot and adjacent neighbors at all times, and 4. Allowing the review of the traffic plan as needed at any time. Commissioner Swenson seconded the motion. Roll Call below. Motion carried.

Lutz – Nay
Swenson – Aye
Salas Ramirez – Aye
Burroughs – Aye
Mino – Aye

4 - Ayes 1 - Nay

Commissioner Swenson motioned to adjourn. Commissioner Lutz seconded. All in favor, none opposed. Roll Call below. Motion carried. Meeting adjourned at 6:20pm.

Lutz – Aye
Swenson – Aye
Salas Ramirez – Aye
Burroughs – Aye
Mino – Aye

5 - Ayes 0 - Nays