

**MEETING MINUTES**  
**AUSTIN CITY PLANNING COMMISSION**  
**TUESDAY, OCTOBER 13<sup>TH</sup>, 2020**  
**AUSTIN CITY COUNCIL CHAMBERS**  
**5:30 PM:**

**COMMISSIONERS PRESENT:** Michael Postma, Melissa Swenson, Jim Mino, Jay Lutz, Rita Srock, Megan Burroughs, Aaron Stewart,

**COMMISSIONERS ABSENT:** Karem Salas-Ramirez

**OTHERS PRESENT:** City Attorney Craig Byram, Planning & Zoning Administrator Holly Wallace, Public

Commissioner Postma called the meeting to order at 5:30pm and asked if all commissioners have had a chance to review the minutes from the September 15<sup>th</sup>, 2020 meeting. Commissioner Lutz voted to approve the minutes. Commissioner Swenson seconded. All in favor, none opposed. Roll Call below. Motion carried.

Lutz - Aye  
Burroughs - Aye  
Srock - Aye  
Stewart - Aye  
Swenson - Aye  
Mino - Aye  
Postma – Aye

Ayes – **7** Nays - **0**

**FENCE APPEAL:** To consider an application from Miguel Pedro requesting a fence appeal to place a 6 foot wood privacy fence in the front yard setback area on the property located at 805 5<sup>th</sup> Ave NE in an “R-1” Residential district.

Ms. Wallace presented the materials and located the property on the GIS map for commissioners to view. The petitioner is requesting a variance from the 25 foot front yard setback required in an R-1 Single Family district. The home is setback only 14 feet which is common in that neighborhood. Due to the backyard having no green space, they are looking for a secluded grassy area.

Ms. Wallace explained that there is no driveway in the front – their access is in the back – and it is not a corner lot, so the safety of drivers pulling out wouldn’t be an obstacle. She also stated this would be a recommendation to council.

Commissioner Postma asked if the sidewalk that goes to the front entrance would be inside or outside of the fence. Ms. Wallace stated that it would be inside, but that there are multiple other entrances in the back and side.

Commissioner Stewart asked if the fence would match the current privacy fence on the East side of the house. Ms. Wallace stated he does plan to use 6 foot vinyl privacy fencing to match.

Petitioner Miguel Pedro was present and stated he has lived in the property for 7 years and has noticed there is no private area to congregate outside on the property without walkers passing by and seeing them. This would allow privacy and safety for grandchildren to play.

Commissioner Lutz asked for the reasoning with not being able to comply with a 14 foot setback to match the setback of the house. Mr. Pedro stated he doesn't want to go all the way to the sidewalk, but 2 feet in to allow for a more private safe area.

Commissioner Mino motioned to recommend City Council approve the fence appeal. Commissioner Lutz seconded. Commissioner Stewart requested that the Commissioners quire the fence match in type and height to what is currently on the property. Commissioner Mino amended his motion to recommend to City Council to approve the fence appeal requiring the fence match the current on the property. All in favor. None opposed. Roll call below. Motion carried.

Lutz - Aye  
Burroughs - Aye  
Srock - Aye  
Stewart - Aye  
Swenson - Aye  
Mino - Aye  
Postma – Aye

Ayes – 7 Nays - 0

**OPEN PUBLIC HEARING:** To consider a petition from Socorro Garza for a Conditional Use Permit approving a seamstress business located in her home at 1602 12<sup>th</sup> St SW in an “R-1” Single Family Residential district.

Ms. Wallace presented materials and provided a map of location on GIS. Ms. Garza rents the property from Brian Bustad. Mr. Bustad provided a letter approving this use of the property. Ms. Garza would like to establish a seamstress business at the location, requiring it to comply with the ordinance provisions. The property is in an R-1 Residential District, allowing a home occupation with a Conditional Use Permit. This is a final decision by Planning Commission.

Commissioner Postma asked if neighbors were notified. Ms. Wallace stated they were and no responses were brought forth. Commissioner Postma expressed concerns over the busy street but stated that the driveway allows for multiple space, therefore parking shouldn't be an issue. Commissioner Lutz stated that it was unusual to have a renter apply for a CUP. City Attorney Byram stated that because staff found Bustad's letter in support, it appeared sufficient to move forward.

Commissioner Lutz asked if the CUP still stayed with the property after the tenant left. City Attorney Byram stated it does.

Ms. Wallace stated Ms. Garza is working with the DCA to create her business and being sure to follow all necessary guidelines.

Commissioner Lutz asked what signage would comply. Ms. Wallace stated the petitioner would need to comply with sign regulations in the R-1 district, which are very limited, or request a separate sign appeal.

Commissioner Lutz motioned to approve the CUP. Commissioner Srock seconded. All in favor. None opposed. Roll call below. Motion carried.

Lutz - Aye  
Burroughs - Aye  
Srock - Aye  
Stewart - Aye  
Swenson - Aye  
Mino - Aye  
Postma – Aye

Ayes – 7 Nays - 0

**OPEN PUBLIC HEARING:** To consider a petition from MinnSolar on behalf of Mark Schaefer for a variance from the square footage of detached structures in an “R-1” Residential district, allowing for a ground-mounted solar array located on their property at 2006 11<sup>th</sup> Ave SW.

Ms. Wallace presented the materials and pulled the location up on the GIS map. The solar array is proposed on the southeast part of the property, which is located in a single family R-1 residential district. Accessory structures are normally restricted to a maximum of 2. However, solar arrays do not count toward an accessory structure quantity limit. It does require that the square footage be included in the maximum allotment. They currently have 1,450 square feet in accessory structures already. So including the solar array, their square footage total would be 1875. The property is very close to an acre, so depending on how calculated, it is over by 300-875 sq. ft.

Ms. Wallace stated she does believe that this array would likely create more energy than used by Schaefer and would be sold back to Austin Utilities. This would be a recommendation to City Council to approve or deny.

Paul Kreidermacher, owner of MinnSolar was present virtually and explained the system is a home-sized system. Panels will decrease by about 15% over time, meaning it would only produce roughly what the house would use. With a ground mount system it is installed in the homeowner’s lawn, so it will be on the grass and still have drainage under it.

Commissioner Postma asked why a ground system is being brought forth verses a roof-mount system that could have been automatically approved without a variance request. Mr. Kreidermacher stated both roof structures have high amounts of shading due to tall trees. To make solar viable, you need 90% sun access at minimum.

Ms. Wallace stated that notices were mailed and there were no responses.

Commissioner Postma asked if the city currently has any large ground mounted solar arrays. Ms. Wallace stated there are only two – one at the Humane Society, and one at the Nature Center, but not aware of any in Residential Districts.

Commissioner Postma asked how tall the units are and if they are mowed under to maintain grass/lawn. Mr. Kreidermacher stated the front edge of the panel is lowest and typically sits 30-36" off the ground to maintain the strong winds and snow load.

Commissioner Lutz motioned to recommend council approve the variance request. Commissioner Burroughs seconded. All in favor. None opposed. Roll call below. Motion carried.

Lutz - Aye  
Burroughs - Aye  
Srock - Aye  
Stewart - Aye  
Swenson - Aye  
Mino - Aye  
Postma – Aye

Ayes – 7 Nays - 0

**OPEN PUBLIC HEARING:** To consider a petition from MinnSolar on behalf of Arlo Drees for a variance from the square footage of detached structures in an “R-1” Residential district, allowing for a ground-mounted solar array located on their property at 3806 5<sup>th</sup> Ave NW.

Ms. Wallace presented the materials and provided an aerial view using the GIS map. The property is located R-1 district, bordering the city limits to the North. Both East and West of the property are Residential. The petitioner has proposed 4 arrays for the particular project.

Ms. Wallace stated this section of the city was annexed back in 2015. The petitioner is proposing to install the arrays on the East side of their property. This will be easily visible to the 6 properties to the East on the cul-de-sac. The petitioner is proposing to add 2,500 sq. ft. of solar installation. The entire property is 14 ½ acres and was previously used as a hobby farm. Therefore they already have existing accessory structures of roughly 3,800 sq. ft., twice the maximum allowed for 1+ acre properties, and are proposing another 2500, so 4700 sq. ft. in accessory structure square footage.

Commissioner asked if the array was roof-mounted, would they need a variance. Ms. Wallace explained that they would not because roof mounts aren't added to accessory structure footage and the other buildings are grandfathered in.

Commissioner Lutz asked for the reason for the location, being that there are many other areas it could go on the property that is not so close to the neighbors.

Mr. Kreidermacher stated that the shed on the front of the property has roof slopes facing the wrong way and the house doesn't fit the amount of footage requested. Therefore ground

mount seemed sufficient given the 14 acre property. He also stated solar arrays need to be near the electrical meter, so the very rear location on the property wouldn't be possible.

Commissioner Postma asked why the large size was requested and if, even though he was in city limits, he had an agricultural investment financially. Mr. Kreidermacher stated it was chosen based on the usual agricultural system and that yes, it does have an incentive agriculturally.

Commissioner Lutz asked why the backyard wouldn't be feasible. Mr. Kreidermacher stated you'd need to remove multiple trees to go in that area.

Scott & Sharon Kaplan of 3705 5<sup>th</sup> Ave NW expressed concern over the views of the solar array being visible from the 6 properties on the cul-de-sac located directly east of the property. They stated the grassy area where the arrays are proposed is already currently not being mowed or maintained and that it would be an eyesore and take away from the rural appeal. They wish it would be moved to a different area on the property.

Commissioner Postma asked if screening would suffice. Mr. Kaplan stated trees would take years to create screening and that it is such a large area they can't see it being feasible. They expressed frustration of the property owner not seeing it, but the neighbors.

Commissioner Lutz asked if Mr. Kreidermacher did a solar survey on the entire property. Mr. Kreidermacher stated only the spot the owner requested was reviewed.

Commissioner Postma asked if there was a benefit to completing this in 2020, verses 2021. Mr. Kreidermacher stated that it does provide a federal tax credit that is slowly decreasing over the years and is dropping from 26 to 22 next year.

Commissioner Postma expressed concern approving due to the agricultural request in city limits. Commissioner Srock and Commissioner Swenson both agreed.

Commissioner Lutz agreed it could alter the characteristics of the surrounding area.

City Attorney Byram explained there were 2 options: The applicant could pull the application from consideration and forward to the next meeting with a new plan or could move forward to council this month with a likely recommendation from Planning Commission to deny.

Commissioner Postma asked Mr. Kreidermacher if a decision at the Nov 15<sup>th</sup> Council meeting would allow time to build by Dec 31<sup>st</sup>. Mr. Kreidermacher stated yes, it would likely be the last available time to complete it in 2020. Mr. Kreidermacher requested to table the petition to next meeting so property owner and contractor could discuss with concerned neighbors and come up with a new plan.

Commissioner Mino motioned to table the petition to next month's hearing. Commissioner Lutz seconded. All in favor, none opposed. Roll call below. Motion carried.

Lutz - Aye

Burroughs - Aye

Srock - Aye

Stewart - Aye

Swenson - Aye

Mino - Aye

Postma – Aye

Ayes – 7 Nays - 0

**DISCUSSION:** 2021 Chair & Vice Chair

Brief discussion was brought up regarding commissioners that have left and will be leaving at the end of 2020. Ms. Wallace asked any commissioners if they would take the Chair position that is currently held by Mike Postma as he will be taking a position with the City Council for Ward 2 in January. Commissioner Swenson expressed interested in the position. Ms. Wallace asked any commissioners if they would take the Vice Chair position. Commissioner Lutz expressed interested in the position. Ms. Wallace said she would also take any email requests as well.

Commissioner Lutz motioned to adjourn. Seconded by Commissioner Mino. Meeting adjourned at 6:59 pm.