

City of Austin  
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**MEETING MINUTES  
AUSTIN CITY PLANNING COMMISSION  
WEDNESDAY AUGUST 14<sup>TH</sup>, 2024  
AUSTIN CITY COUNCIL CHAMBERS  
5:30 PM**

**COMMISSIONERS PRESENT:** Jay Lutz, Brad Lindberg, Melissa Swenson, Peter Bartley, Jason Duffy, Megan Burroughs

**COMMISSIONERS ABSENT:** Jana Norman, Rita Srock, Aaron Stewart

**OTHERS PRESENT:** Planning & Zoning Administrator Holly Wallace  
City Attorney Craig Byram  
City Engineer Steven Lang

Commissioner Lutz called meeting to order at 5:30 pm. Commissioner Lindberg made a motion to approve the July minutes. Commissioner Swenson 2nd. All in favor, none opposed. Motion carried.

Lutz – Aye  
Lindberg – Aye  
Swenson – Aye  
Burroughs – Aye  
Bartley – Aye  
Duffy – Aye

Ayes – 6 Nays – 0

**OPEN PUBLIC HEARING:** The petitioner at 1300 28<sup>th</sup> St SW appeals from Austin City Code Section 4.70 Subd. 5. A solid or opaque fence may be constructed, but must be setback 25 feet in a front yard and 12.5 feet in a corner side yard in an “R-1” Residential District. The Petitioner wishes to install a 6-foot privacy fence on the property line of his side yard, which will not comply with the 12.5 ft setback.

Holly Wallace went over the petition.

The petitioners are looking to move their existing privacy 6ft privacy fence closer to their property line in the rear side yard. The homeowners were present and spoke regarding their plans.

Commissioner Lutz questioned the space between the neighbor's fence.

The petitioners have always maintained that area and will continue to do so.

Craig Byram explained that there could eventually be a sidewalk added to the ROW.

Steven Lang questioned if the petitioners knew exactly where the property lines are.

The petitioners found the property pins.

Steven also explained that there could be a 10 ft utility easement along the side yard.

He later found out there is not one on the side yard. There is a backyard easement that the petitioners must avoid when installing the fence.

The petitioners have called Gopher One and the underground utilities have been located.

Commissioner Bartley motioned to recommend approval to council with condition that the homeowners avoid the utility easement. Commissioner Swenson 2<sup>nd</sup>. All in favor, none opposed. Motion Carried.

Lutz – Aye

Lindberg – Aye

Swenson – Aye

Burroughs – Aye

Bartley – Aye

Duffy- Aye

Ayes – 6 Nays – 0

**OPEN PUBLIC HEARING:** Matt Rahlf has applied for a conditional use permit pursuant to City Code Sections 11.091 & 11.088 as well as a preliminary plat pursuant to City Code Section 11.071 for a proposed 12 lot, planned unit development project encompassing parcels 34.916.0340, 34.916.0310, 34.916.0300, 34.916.0260, 34.916.0250, & 34.916.0220.

Holly Wallace went over the application as well at ordinance 11.091 Planned Unit Development. she pointed out several items that the petitioners were missing. The proposed plan does fit within the cities future land use plan showing 2.4 units per acre on this 5-acre area. There was no financial information provided and still several questions regarding sewer, water, roads, curb & gutter.

Commissioner Lutz questioned approval of a final plat and if the petition is complete.

The final plat goes before the City Council only. Holly is not satisfied with everything that is missing, the initial application came in May.

Les Conway of WSE is the engineer working on the project.

Mr. Conway explained the reason for the PUD is to have private land that will attract buyers. Have an HOA which allows them to maintain the area, raise property values, fenced in, increase development. They would like to start demo and well testing this winter. Construction would start next year. Les believes they would need 4 wells, does have a plan for an alternate water system. The water plan will be provided with the final plat.

They plan to have modular or (slab on grade) homes. The intention is that each lot would be sold not leased and the buyer would build their home. He believes this is affordable housing in rural development. Each house would cost around \$200-\$250k. The HOA fees will be about \$175-\$275 a month and the homeowner will be responsible for insurance. They will pave the new road and could pave 28<sup>th</sup>.

Commissioner Bartley questioned if they would be connected to city sewer and that the other homeowners would be assessed.

-They would like too. Assess the HOA?

Austin Utilities is requiring a 15 ft easement on both sides of the road.

Les believes that the whole private road is an easement and not a ROW.

There was a long discussion regarding HOA and CIC. City attorney Craig Byram asked if the developer has counsel.

Commissioner Swenson asked about curb and gutter.

Les does not want to do that currently due to storm water issues. There are no sidewalks in the area.

Craig explained to the commissioners that their job today is to determine if there are any problems present and if the PUD seems viable.

Water

Wells, city water, alternate water plan. Will need to be reviewed/permited by the state. The city will work with Austin Utilities regarding connection. The fire chief will need to be contacted as well. Is a hydrant required? Will this be a private easement or maintenance agreement?

David Krachmer at 1302 30<sup>th</sup> Ave NE expressed his concerns regarding storm water, lot size, price, well depth, sand point, flooding.

Steven Lang questioned Mr. Conway regarding a wet land delineate.

Les has not had one done but went over the storm water management plan included in his packet. He did not find anything to delineate other than the poor culverts.

Steven explained that Austin Acres is dealing with issues regarding walkers, dust, and other urban development issues. He is concerned with using wells and water would be available to connect on 11<sup>th</sup> St. Sewer would tie into 28<sup>th</sup> Ave.

There was discussion regarding hook up fees and assessments.

Les believes if the developer provides 670 ft of water main for the city, they should not be charged a WAC fee.

The commissioners questioned annexed properties and sewer.

The area was annexed in 2010 and everyone connected to city sewer to prevent dealing with failing septic systems. Due to cost, they did not hook up to city water. The gravel roads were permitted prior to being annexed into the city and residents get upset when they are assessed to repair them.

To avoid a denial today, Les agreed to a 60-day extension.

There was a lot of discussion/misunderstanding regarding CIC, HOA, & PUD.

The commissioners agree we need more information and conditions from Fire Dept and Austin Utilities.

Steven explained that water is going to be a huge hang up. Could the commissioners give some direction regarding requiring municipal water or leaving the wells?

Commissioner Bartley questioned if there is municipal water there, Will the neighbors be required to hook up?

That is up to AU.

There were more questions regarding storm water.

Les believes that the pond and discharge plan will be better then what is in place now. This would reduce flow rate.

Steven said the pond was unique and a discharge pond in a developed area would be connected to the city's storm water.

What would the costs be for water connection?

Items to work on Fire Dept requirements, water, storm water plan, sewer, paving road or not, curb and gutter, assessments.

Commissioner Lindberg motions to continue this matter to September 10<sup>th</sup> with the understanding that the engineer will work with the city to provide the required information to the commissioners. Commission Burroughs 2<sup>nd</sup>. All Aye. None opposed. Motion Carried.

Lutz – Aye

Lindberg – Aye

Swenson – Aye

Burroughs– Aye

Bartley – Aye

Duffy- Aye

Ayes – 6 Nays – 0

Holly is working on the comprehensive plan update and will be sending surveys to the commissioners.

Commissioner Swenson motioned to adjourn. Commissioner Burroughs 2<sup>nd</sup>. All in favor, none opposed. Motion Carried.

Lutz – Aye

Lindberg – Aye

Swenson – Aye

Burroughs– Aye

Bartley – Aye

Duffy- Aye

Ayes – 6 Nays – 0

Meeting adjourned at 7:48 pm.