

City of Austin
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**MEETING MINUTES
AUSTIN CITY PLANNING COMMISSION
June 3rd 2025
AUSTIN CITY COUNCIL CHAMBERS
5:30 PM**

COMMISSIONERS PRESENT: Jay Lutz, Rita Srock, Aaron Stewart, Megan Burroughs, Jana Norman, Peter Bartley, Melissa Swenson, Mark Mayer

COMMISSIONERS ABSENT: Jason Duffy

OTHERS PRESENT: Planning & Zoning Administrator Holly Wallace
Public Works Director Steven Lang
City Clerk Brianne Wolf

Commissioner Lutz called meeting to order at 5:30 pm. Commissioner Swenson made a motion to approve the May 13th, 2025 minutes. Commissioner Norman 2nd. All in favor, none opposed. Motion carried.

Lutz – Aye
Srock – Aye
Stewart – Aye
Burroughs– Aye
Norman – Aye
Bartley – Aye
Swenson – Aye
Mayer – Aye

Ayes – 8 Nays – 0

OPEN PUBLIC HEARING: The petitioner at 1109 Oakland Ave W wishes to remove the existing greenspace (approx. 18% currently) to add parking to accommodate traffic at peak hours and the merger of their current location with this site. They are requesting a variance of from City Code Section 11.023, which requires a 20% greenspace in B-2 zoning districts. Amended from April 2025 meeting.

Holly Wallace went over the amended petition. The original application was approved by planning commission and city council in April 2025. The condition of the addition on the building with a walk-up window did not work out. The amended variance is for greenspace only; reducing it to 11%.

Sam Ewing of Astrup Properties was present.

Commissioner Mayer questioned Oakland Avenue traffic backing up and landscaping.

Ms. Wallace stated no conditions have been set in regards to the landscaping.

Mr. Ewing explained that the entrance on 11th St will be Exit Only. Oakland Ave traffic should not be affected. He presented a new site plan to the Commissioners that showed one extra parking space and overflow parking to the rear of the building. Holly clarified that the greenspace was still 11%. It is.

Commissioner Mayer questioned educating customers on traffic flow.

Mr. Ewing plans to use signs, handouts, and word of mouth to ensure it runs as smoothly as possible.

Commissioner Mayer motioned to recommend to council approval of the variance as presented. Commissioner Bartley 2nd. All in favor, none opposed. Motion Carried.

Lutz – Aye
Srock – Aye
Stewart – Aye
Burroughs– Aye
Norman – Aye
Bartley – Aye
Swenson – Aye
Mayer – Aye

Ayes – 8 Nays – 0

OPEN PUBLIC HEARING: The petitioner appeals from Austin City Code Section 4.70 Subd. 5(C), which limits fences constructed on lot lines to six feet in height. They wish to erect an 8 ft tall privacy fence in their rear yard.

Holly Wallace went over the petition explaining the petitioner wishes to enclose their rear yard with an 8-foot wood privacy fence. There are no easements.

Commissioner Lutz went to the property and was able to speak with the owner. Their back yard neighbor's property sits higher. The neighborhood is generally ramblers with a variety of fences.

Commissioner Burroughs argued the 8-foot request stating her neighbors can see into her back yard from their 2nd story. The petitioner was not present.

Commissioner Mayer suggested 8 feet along the rear property line and 6 feet along the sides.

Ms. Wallace explained that this is a recommendation to council and the planning commission can approve, deny, or approve with conditions. 8-foot privacy fences are not common in the city and require a building permit.

Commissioner Burroughs motioned to recommend to council to decline the petition as presented. Commissioner Norman 2nd. All in favor, none opposed. Motion Carried.

Commissioner Bartley questioned if the petitioner would be able to come back and apply for an amended appeal to have an 8-foot fence at the rear property line.

Ms. Wallace stated she will have to check the ordinance but the petitioner may have to wait a year.

Lutz – Aye
Srock – Aye
Stewart – Aye
Burroughs– Aye
Norman – Aye
Bartley – Aye
Swenson – Aye
Mayer – Aye

Ayes – 8 Nays – 0

OPEN PUBLIC HEARING: To consider at Conditional Use Permit petition from Windy Whistle LLC to operate a retail cannabis business in a “B-3” district at 501 1st St NW Suite B. City Ordinance 5A.03.1.5. Cannabis Retail Business: Cannabis businesses licensed or endorsed for cannabis retail are permitted as a Conditional Use in the following zoning districts:
A. B-2 and B-3 Districts.

Holly Wallace went over the petition. She explained the criteria, conditions, and ordinance requirements. Planning Commission has the final approval for the CUP. They do not go to City Council. There will not be any on site cultivating or manufacturing permitted.

Commissioner Lutz has questions for Byram he was hoping to have answered.

There was a discussion regarding the amount of license per population and the license Requirements. There was confusion about how many licenses the city must approve versus the county.

City clerk Brienne Wolf was present at the meeting and explained that the City of Austin will be granting 3 licenses regardless of what the county is doing. That is the minimum we are required to grant.

Commissioner Srock questioned the products sold at local gas stations in town. The city clerk explained those are low potency products and are not subject to the ordinance.

The conversation began to include all three CUPs on the agenda.

Commissioner Lutz went over the different license types. Each of the petitions before us are micro license which he pointed out includes cultivating and manufacturing. Brienne Wolf stated that these three entities will only be cannabis retail. If that changes, they violate the CUP and it will be revoked.

The property owners are not the applicants or the owners of the LLCs. They have leases with the CUP applicants. The CUP stays with the property though, not the applicant. If any of the three cannabis retail LLCs were to leave the location and new MN state approved and inspected LLC can open there as long as the CUP is not revoked.

Aaron Bushart from Iowa City a consultant for 501 1st St NW was present at the meeting.

Commission Lutz was concerned that each of these entities were owned by the same person or LLC. Two of them have the same mailing address.

Commissioner Lutz still had some concerns about granting three licenses to one owner.

Mr. Bushart stated that the entities used the same Registered Agent Service. The business owner is the true party of interest and makes all the business decisions for the dispensary. None of the applicants/owners are local to the City of Austin. They will be hiring \$15/\$20 hr jobs and assume they will hire locally.

Commissioner Bartley asked if the CUP expires.

No

Mike Sasse from Willow Pet Hospital was present at the meeting. He is concerned about adequate parking. He asked if they are approved and receive final approval with the state if they must open in that location. The city clerk stated Yes, within 18 months or they will have to reapply. He wishes the DEA would remove marijuana from the class 1 drug list. It does have benefits for cats and dogs but he can not prescribe it. We have delta 9 in our gas stations but these entities have to jump through several hoops to open.

Commissioner Burroughs questioned the parking for 501 1st St NW and if there are any minimum requirements. Holly Wallace explained No, there is not. Not for a Suite. There may be a few private owned spots in the public lot to the south of 501 1st St NW but the city will not lease any spots.

City Engineer Steven Lang stated our downtown parking plan is communal and promotes rotational parking. This falls within that.

Notices were sent to surrounds properties on all three CUP applications with no feedback received.

Commissioner Bartley motioned to approve the CUP for Windy Whistle LLC to operate a cannabis retail business in a B-3 district with the condition that they follow all city ordinances and comply with any MN State requirements. Commissioner Srock 2nd. All in Favor, none opposed. Motion Carried.

Lutz – Aye
Srock – Aye
Stewart – Aye
Burroughs– Aye
Norman – Aye
Bartley – Aye
Swenson – Aye
Mayer – Aye

Ayes – 8 Nays – 0

OPEN PUBLIC HEARING: To consider at Conditional Use Permit petition from Bud Cult Prosperity to operate a retail cannabis business in a “B-3” district at 501 1st St NW Suite A. City Ordinance 5A.03.1.5. Cannabis Retail Business: Cannabis businesses licensed or endorsed for cannabis retail are permitted as a Conditional Use in the following zoning districts:
A. B-2 and B-3 Districts.

Commissioner Norman motioned to approve the CUP for Bud Cult Prosperity LLC to operate a cannabis retail business in a B-3 district with the condition that they follow all city ordinances and comply with any MN State requirements. Commissioner Bartley 2nd. Six in Favor, Two opposed. Motion Carried.

Lutz – No
Srock – Aye
Stewart – Aye
Burroughs– Aye
Norman – Aye
Bartley – Aye
Swenson – No
Mayer – Aye

Ayes – 6 Nays – 2

OPEN PUBLIC HEARING: To consider at Conditional Use Permit petition from Casting Coast Light to operate a retail cannabis business in a “B-2” district at 803 18th Ave NW. City Ordinance 5A.03.1.5. Cannabis Retail Business: Cannabis businesses licensed or endorsed for cannabis retail are permitted as a Conditional Use in the following zoning districts:
A. B-2 and B-3 Districts.

Commissioners discussed if lack of parking needed to be addressed or the overflow into the adjacent lot owned by the same person.

Commissioner Bartley had no concern regards to the parking.

Commissioner Bartley motioned to approve the CUP for Casting Coast Light LLC to operate a cannabis retail business in a B-2 district with the condition that they follow all city ordinances, comply with any MN State requirements and address any parking issues. Commissioner Norman 2nd. Six in Favor, Two opposed. Motion Carried.

Lutz – No
Srock – Aye
Stewart – Aye
Burroughs– Aye
Norman – Aye
Bartley – Aye
Swenson – Aye
Mayer – No

Ayes – 6 Nays – 2

Commissioner Norman motioned to adjourn. Commissioner Burroughs 2nd. All in favor, none opposed. Motion Carried.

Lutz – Aye
Srock – Aye
Stewart – Aye
Burroughs– Aye
Norman – Aye
Bartley – Aye
Swenson – Aye
Mayer – Aye

Ayes – 8 Nays – 0

Meeting adjourned at 7:28 pm.

