

MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, JULY 14, 2009
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS

MEMBERS PRESENT: Lonnie Skalicky, Suzanne McCarthy, Jodi Krueger, Kathy Stutzman and Jeff Bednar

MEMBERS ABSENT: Tony Bennett, Jim Mino, Lynn Spainhower and Shawn Martin

OTHERS PRESENT: Craig Hoium, Craig Byram and public.

Commission Member McCarthy made a motion to approve the June 9, 2009 Planning Commission Minutes, seconded by Commission Member Bednar. Motion passed unanimously.

OFF-STREET

PARKING APPEAL:

To consider a request from Mower County and K.K.E. Architects for an off-street parking appeal pursuant to City Code Section 11.70, Subd.5. This appeal relates to an alternate parking stall design in the stall and aisle width for one of the parking lots for the new Mower County Jail/Judicial Center.

Craig Hoium reviewed the request showing a graphic of the location on 1st St NE which has been vacated. The purpose of vacating 1st St NE is for a parking area which would have one way access from 4th Ave NE going south to 2nd Ave NE. In Austin we typically work with 90° parking stalls and the dimensions for width are very obvious. On the proposed site plan the 9 foot is at 60° angles to the stall borders. But if you were take the dimensions from the curb and gutter to the stall it would be 10 feet. So it is questionable whether the stall width is not in compliance with our ordinance. However the aisle width and stall depth are not in compliance with our ordinance. I did email an off-street parking summary to the Commission Members. There is a raw calculation of 320 stalls to be provided in various locations for the Jail/Judicial Center. There is a provision in our ordinance where you can have a 25% reduction of the required stalls. The raw calculation required is 311 stalls with the 25% reduction there would be 233 stalls. That would include the relocation of Health and Human Services to the downtown location. If you subtract the number of stalls the net number of stalls required is 154. What we have agreed to provide is 320 stalls.

Commission Member McCarthy asked what will be going on the old Robbins block.

Mr. Hoium said he has not been given an answer on that, he believes the majority of the block will be for geothermal use. Mr. Oscarson is here tonight and he may have more information.

Commission Member McCarthy asked if there is enough room on 1st St NE for the public to park.

Craig Oscarson, 201 1st St NE said the Robbins block will be for both geo thermal use and parking. The south end is being reserved for a possible new structure or parking. It is has not yet been decided if a new structure will be built for Health and Human Services or if the court house will be remodeled. The intent for public parking is to use the south end of 1st St NE and also the north end of the Robbins block.

Commission Member Stutzman asked what the requirements are for handicap stalls.

Mr. Hoium said there are two development guides to follow, one by the State of Minnesota and the other is provisions and design requirements by the ADA.

Commission Member Bednar made a motion to recommend approval of this off-street parking appeal as worded, seconded by Commission Member McCarthy. Motion passed unanimously.

Mr. Hoium stated this is a recommendation to the council and it will go before them on Monday July 20, 2009.

OPEN PUBLIC HEARING: To consider a request from Roger Derrick, Derrick Investors, LLC, 7301 Ohms Lane, No. 560, Edina, Minnesota, for an amendment to an existing Planned Unit Development District known as Fox Pointe Addition. This condominium development is located on the 2200 through 2400 blocks of 7th St NW. Said action is pursuant to City Code Sections 11.07, Subd.2 and 11.65, Subd.13.

Mr. Hoium pointed out the additional materials placed in front of the Commission Members regarding this request. These are similar to the back up material but the changes are in bold print. Number 24 is also a change even though it is not in bold print. There is also a memo from Jon Erichson the Public Works Director who is here and would like to speak regarding this request. Mr. Hoium gave a brief background of Fox Pointe Addition which was originally brought before the Commission in 2004-2005 and is to be a 99 unit condominium development with one unit being a club house. It is a Planned Development District which means it is very particular regarding things like exterior finish, building locations, roadways and if there are any changes to the development the review process has to go before the Planning Commission and the City Council. A graphic was shown pointing out finished structures and what structures were originally approved and the proposed changes. Some structures are changing from 4-plex units to 2 or 3-plex units. The developer is also proposing a new access from the development onto 21st Avenue.

Commission Member Bednar asked if that would be a public access or a gated access.

Mr. Hoium said when the original development was approved all roadways were to be public roadways. About nine months ago the developer started discussing making the roadways private. If the developer wishes to change that they would have to vacate the public roadway and the developer would have to repurchase the property.

Commission Member Stutzman said last year the developer was before us with a request and there were a variety of items like landscaping issues that had not been completed. There was also talk about a bond that could be put to use.

Mr. Hoium said when the development was originally approved the developer provided us with x amount of dollars for security. It was around \$90,000. Some of the improvements have been made for temporary driveways and such. Currently there is about \$40,000 remaining that could be used to complete some of the unfinished issues. Most of the unfinished items are relating to the 240 foot right of way extension that was supposed to go west to 7th St NW to provide access to adjacent structures that were to be developed in Phase I. Since that public hearing the developer went before the City Council to have that agreement amended where some of the areas associated with Phase I have been changed or eliminated. The revised agreement is in your packet with the changes italicized and a list of what required security was to be provided.

Commission Member Stutzman asked if there is \$40,000 dollars of work left on the development.

Mr. Hoium said typically when a development like this occurs public right of ways are to be developed on corner lots. The 240 foot extension to the west of 7th St NW requires water, sewer, gas and electric, etc. to be installed. The Utility companies are not in favor of doing only 240 feet; they want to do the entire loop in the development at one time. This was too expensive for the developer.

Commission Member Bednar asked if there is a timetable for when the public right of way has to be developed.

Mr. Hoium said he will let the developer answer that.

Commission Member McCarthy said this has been an ongoing issue for five years now. There are units out there that have not even been sheet rocked yet. She then referred to a print out from the Fox Pointe web site. It says Fox Pointe is 100% owner occupied and my understanding is the units that have been sold are now being rented out. It also refers to the beautification of lawns, weed care, mowing, etc... Nothing is being done and every year it seems we are wasting more time on this.

Commission Member Skalicky said there are a lot of people here and asked if any calls or comments have been received from the public.

Mr. Hoium said only an email today relating to the possibility of 6-plexes in the development which are no longer proposed.

Commission Member Bednar asked if the proposed access drive can be moved farther from the Cooperative Housing drive or does that conflict with the wetlands.

Jon Erichson, Public Works Director, said this development has been ongoing for a long period of time due to the economy or the concept, but it has not moved forward as envisioned. The proximity to the Village Cooperative driveway is a concern. Page three of the Yaggy traffic study states there be an 8 foot separation for traffic counts under 3,000 and a 60 foot separation between driveways for traffic counts from 3,000 to 6,000. An 8 foot separation is typically used in residential areas and we are concerned with an 8 foot driveway separation between two developments. In addition to that we are concerned with the sight distance. On page five of the Yaggy traffic study it states: However, the proposed driveway location would not provide the recommended sight distance for vehicles turning left from the site driveway, assuming a 30 mph design speed. What that means is if someone is taking a left from the development someone coming around that curve if they are going 30 mph would not be adequate. Currently the traffic counts are only about 400 cars per day in this area but we anticipate that 21st Ave is going to be

a major corridor in the future. From a staff standpoint we would recommend the 60 foot separation between driveways. That could possibly impact the wetland area. From an engineering standpoint I would rather have the greater driveway separation and deal with the wetlands. As of today we have still not received the wetland report. We did receive an email from Jones Haugh and Smith stating the report was not done. We are sensitive to wetland issues in Austin and the report is important.

Mr. Hoium said there are 24 items in the Recommended Conditions. If the Planning Commission would choose to act in favor of this request reference should be made to the conditions which are as follows:

- 1) All easements are entered into the plat per the Austin Utilities and City Engineers request.
- 2) Developer must acquire any easements outside the plat which are necessary for the extension of utilities to the plat.
- 3) Provide street lighting to meet the approval of the City of Austin Engineer.
- 4) Obtain approval from the City of Austin Engineering Department for storm water management plan.
- 5) Obtain any necessary sanitary sewer extension permit from the Minnesota Pollution Control Agency.
- 6) Park dedication requirements to be stipulated by the City Council and Director of Park and Recreation
- 7) Enter into Developer's Agreement with the City of Austin addressing all aspects of this proposed development and the responsibilities thereof for this phase of the project.
- 8) Design of all infrastructure within development shall meet the approval of the City of Austin Engineer and Austin Utilities. **See attached e-mail from Todd Jorgenson**
- 9) Developer shall obtain petitions approved by the Austin Utilities relating to the placement of municipal water, gas, and electric utilities and the cost thereof. These identified costs shall be included in Developer's Agreement.
- 10) Extension of all necessary public right-of-ways or private road extension shall meet the design approval of the Austin City Engineer. **If public roads are requested to be changed to private roads, the public right-of-way vacation process listed in the City Charter shall be followed.**
- 11) Developer shall be responsible for obtaining any necessary environmental assessment worksheet and NPDES Permit.
- 12) Developer shall be responsible for submittal of documentation verifying location of adjacent wetlands. **Upon receiving comments from the Mower County Soil & Water Conservation official, City Staff with comment and review.**
- 13) Minimum driveway width shall be 20 feet
- 14) Storm water retention pond and Outlot "A" shall be owned by developer or condo association
- 15) **Proposed driveway access onto 21st Avenue NW shall meet the design standards of MnDOT state aid roadways.**
- 16) Fire hydrant location shall meet the location requirements of the Austin Fire Chief.
- 17) Verify any requirements for approval to J.D. 26 storm water assessment.
- 18) City Engineer's approval of driveway locations adjacent to 7th Street NW and 21st Avenue NW
- 19) **Exterior structure finishes shall be the same as the existing 4-plex units constructed.**
- 20) **Number of units shall be limited to 99 units.**
- 21) **Resolve finished floor elevation issue for 4-plex Unit No. 1 (Lower floor level).**

- 22) **G.F.E. or finished floor elevations for unit numbers 19, 20, 21, 22, and 23 appear to not have proper grade/elevations.**
- 23) **Proposed plan indicates 100 units – development should not exceed 99 units as originally approved.**
- 24) **All structures shall meet the setbacks from adjacent roadways as originally approved.**

Mr. Hoium stated that he has had meetings with the developer and Austin Utilities about the extension of the water service down to 21st Ave but the soil conditions make it very difficult to put the infrastructure into place. A revised utility plan was received today from the developer showing that all the utilities would be installed in the loop of the development and would extend down to the southwest corner of the development but not all the way to 21st Avenue.

Commission Member Skalicky asked where the 24 conditions are in the back-up material.

Mr. Hoium said there is an updated copy placed in front of each of the Commission Members. Craig then read through the conditions.

Roger Derrick, Cottage Homesteads, said they have been working on this development for a long time. They stopped marketing about 2 years ago when he found out that 21st Avenue could not be marketed as a back road to Wal-Mart. We discovered that prospective customers do not like the access we offer so we are trying to solve that issue. The wetlands are another issue. Two years ago the wetlands in our area flooded so the engineers investigated. The natural waterway was interrupted when Wal-Mart was built. The company that did a wetland study for Wal-Mart was hired by us to do a study; they went out of business so Jones, Haugh and Smith are working on the study which is not done yet. The City of Austin Engineering Department said 21st Avenue would cause traffic problems which I do not agree with so we hired Yaggy Colby to do a traffic study. The only issue they had was going 30 mph around the curve was to fast and the speed limit should be 25 mph. In December of 2008 we changed our Plan to put utilities in the loop as the Austin Utilities prefers. We would like to change the loop road from a public road to a private road so we can have buildings closer to the roadway. The reason for that is we would like a row of townhouses that would be closer to the road which would provide bigger back yards. The driveways would still be 22' – 30' long. We would still limit the development to the 99 units.

Commission Member Skalicky asked if the units are being rented or sold.

Mr. Derrick said they have leased some units for one year as to make payments to the bank. The plan is to sell the units when the lease expires. It is not our intent to rent the rest of the units.

Commission Member McCarthy said Cottage Homesteads was the first development in the area and should have been able to get their project completed by now.

Mr. Derrick said they did give a proposal to the city but it was not approved.

Mr. Erichson said Fox Pointe was the first development in the area and it was approved with no access to 21st Avenue because there was no 21st Avenue yet. When Wal-Mart was developed they paid for 100% of 21st Avenue and 8th St NW. Village Cooperative also came around the same time and wanted access to 21st Avenue. That was approved and we encouraged Village Cooperative and Fox Pointe to work together and have the two developments share a driveway. For whatever reasons, that did not work out between the two property owners.

Commission Member McCarthy said unless you have a waiting list of buyers it can be hard to come up with the money. To install utilities and such you have to have money before the work is done.

Mr. Derrick said there is no waiting list. Five years ago we deposited that money with the Austin Utilities for the work to be done.

Mr. Erichson said that money given to the Austin Utilities was refunded back to Fox Pointe and there are no funds at the utilities for the infrastructure costs.

Mr. Derrick said without access to 21st Avenue this is not a feasible project. We did not decide that, the city did not decide that, the customers decided that. When the market was still stable people looking were not happy with the access.

Commission Member Skalicky said if this is approved what is the timetable on the project, what is the plan.

Mr. Derrick said he does not know when things will proceed. We have a bank that has stuck by us but one participant pulled out and we need a new participant. The market will turn around eventually and we would like to be ready to go when it does. It will not be this year, but maybe next year.

Commission Member Stutzman said if marketing was pulled two years ago what were you basing your access information on.

Mr. Derrick said they thought the access to 21st Avenue would work out. When we found out the City of Austin was not in favor of access to 21st Avenue we stopped that marketing.

Commission Member McCarthy said there was no road access to 21st Avenue two years ago, what were you marketing.

Mr. Erichson said in 2005 there was no 21st Avenue. When the other developments came through Mr. Derrick also wanted access to 21st Avenue. We suggested he work with Village Cooperative to have a joint driveway onto 21st Avenue.

Commission Member McCarthy asked if using the Oak Park Village gate would be an option for access.

Commission Member Skalicky said that would not likely be an option. What is going to be done with all the dirt piles left throughout the development?

Mr. Derrick said the goal is to grade the entire site at one time upon completion of the project. We can not do that until we are given permission to do what we want to do. All the buildings that are done are landscaped and the grass mowed.

Commission Member McCarthy asked if there is runoff from the dirt piles going into the wetlands.

Commission Member Stutzman said according to our meeting last year all the landscaping should have been done.

Mr. Derrick said that we have landscaped the units that are completed; we cannot landscape the areas that are not built yet.

Commission Member Skalicky asked what the intent with the dirt piles is. When will something be done with them?

Commission Member McCarthy said the new dirt piles are from the driveways put in to the rental units recently. But the old piles should be graded also.

Mr. Derrick said they would like to grade the entire site and put the road in but cannot do that until we get permission to do something.

Commission Member Bednar said permission was given in the original developer's agreement with that grading plan. If this project never moves forward you could grade Phase I of the development according to the original plan.

Mr. Derrick said the grades are different now with the amended project. You could go grade the whole development and seed it but you would be talking 40-50 thousand dollars.

Commission Member McCarthy said since the project is not complete do occupants still have to pay their maintenance fees.

Mr. Derrick said yes and the maintenance fees cover lawn care, snow removal, insurance fees, water bill and management fees. They have nothing to do with the empty field.

Commission Member Skalicky said everyone here wants to see some kind of improvement to the site. Roger what are you asking approval for and what will be done if it is given.

Mr. Derrick said he would like the new site plan approved. He would like the roads to be private instead of public. I cannot say when the project will be done, it depends on the market.

Commission Member Skalicky said if this request is approved what will be done this year.

Mr. Derrick said the dirt piles could be leveled so it looks better.

Commission Member Stutzman said the email from Jones, Haugh and Smith refers to the wetland boundaries. We need to see testimony and proof on the wetland issues that the wetlands are not going to be effected by this development.

Mr. Derrick said there is only part of one building that is in question. The building can moved within the development if needed, it has nothing to do with the road. Any approval can be subject to not building in the wetlands.

Mr. Erichson said it is important to have a wetland report in front of you versus an email before deciding on this type of request.

Commission Member Stutzman said Mr. Derrick has a history of not complying. 24 conditions is a lot for staff to monitor.

Jon Dewey, representing his in-laws in unit 2201 C 7th St NW, said we were here one year ago and we are at exactly the same point. Getting down to the basics garbage has not been picked up for over two weeks, we called the garbage company and the bill was not paid. The lawn care

workers are not being paid but are still mowing out of kindness too the retired people living there. I urge you to not allow the public roads changed to private roads. Private roads would need to be maintained and how will that happen when the developer cannot even pay the bills. My mother-in-law called Cottage Homes today and the girl said, "There is just not that much money coming in." I am grateful to the Commission Members for what they have done but I am disgusted with the City.

Mr. Erichson said Mr. Dewey's concerns are very valid but the concerns are because the developer failed to execute on what was promised. There is money available that relates to and could be used for the infrastructure. If this request is not approved it would be our recommendation to move forward with the money left being used for infrastructure. As far as garbage and lawn care items that is not something we have money set aside for. That is between the developer and the property owner.

Mr. Dewey said the residents at Oak Park Village have divorced themselves from the issue and will have nothing to do with Fox Pointe residents coming through their gate. He then pointed out on the development graphic which units are labeled as but are not finished.

Jim Wagner, 2201 D 7th St NW, said her would like to reiterate what Mr. Dewey has stated. This is week three without garbage pickup.

Mr. Derrick said he has just found out about the garbage and tomorrow he will make sure the garbage company is paid. The way that works is the management company pays that bill but has to have the money to pay it. In a development where there are only two owners paying association fees, we are running out of money. It has been costing \$15,000-\$16,000 per month for many years.

Commission Member McCarthy said you are taking in \$300 per month from your owners and according to your flier you are supposed to be paying for: grounds maintenance, lighting, beautification, professional management, legal and accounting, fire and liability insurance covering building and grounds, snow removal, lawn care, fertilization, weed control, underground irrigation, trash removal. The owners might be better off arranging there own garbage pick up.

Commission Member Stutzman said these items do not fit into our purview.

Mr. Derrick said there are twelve units that require maintenance.

Mr. Hoium said approximately \$40,000 is earmarked with public improvements only. Things such as; final grading and public extension of 240' west of 7th St NW. Our staff has had numerous meetings with Mr. Derrick, the Austin Utilities, and the consulting firms trying to address the issues with this development.

Commission Member Stutzman asked city staff if this is a request they are happy with.

Mr. Hoium said it is a recommendation to the City Council, not a final action by the Planning Commission. It is typical to have 20-30 conditions on requests such as this. There are some specific issues that have to be done before staff approval can be given. If this development agreement does get approved the developer has to provide a security to get those portions completed. There is specific language in the current agreement with things such grading that are outstanding we can utilize the \$40,000 within a certain process to get these things done. If that is the direction we are given by the City Council that is the direction we will go in.

Kathy Wagner, 2201 D 7th St NW said they live at the intersection of 21st Avenue and 7th St NW and she was wondering if there are any plans for the intersection.

Mr. Erichson said that intersection will remain the same.

Commission Member McCarthy asked if there is a clubhouse in the development.

Mr. Wagner said no there is not.

Commission Member Bednar recommended denial of the proposed site plan based on staff recommendations of the private driveway being to close in proximity to the current driveway for Cooperative Village, Commission Member McCarthy seconded and amended the motion to include using the remaining \$40,000 in security to level the dirt piles and make the site look better. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Steve Sollie for the rezoning of property located at 1400 10th Drive SE from an "R-1" Single-Family Residence District to an "I-1" Limited Industrial District. Said action is pursuant to City Code Section 11.02.

Mr. Hoium reviewed the request showing a graphic of the property location. This property was annexed into the city and all properties have to be annexed as "R-1" Districts. In the Comprehensive Plan there is specific guidance for land use changes and this property is designated as an arterial future commercial land use district. The property is currently being used as an automotive towing service, automotive repair, storage facility and are pursing a used car sales lot, which is a permitted land use in the requested zoning district. Notices were mailed out with no response for or against the request. Any action for or against this request should address permitted land use or the future land use map in the Comprehensive Plan.

Commission Member Skalicky asked what limited industrial includes.

Mr. Hoium said small industry could go out there. There is a provision in that zoning district that states that in an "I-1" district all permitted and conditional land uses in a business district are permitted in an "I-1" district. Limited land-use tends to be more non offensive types of industrial land use like warehousing.

Commission Member Stutzman asked if there are any regulations on lighting.

Mr. Hoium said no action could be taken by the Planning Commission or City Council regarding lighting.

Commission Member McCarthy made a motion to recommend approval of the zoning request as it will bring the property into a permitted land use, seconded by Commission Member Krueger. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Larry Dahlen, 909 6th St NW, for a 5 foot variance to be issued pursuant to Austin City Code Section 11.30, Subd. 5 governing the minimum corner side yard setback of 12.5 feet for properties located in an "R-1" Single-Family Residence District. This request has been

made for the construction of a 24 foot by 28 foot detached garage.

Mr. Hoium reviewed the request showing a graphic of the property which is a small corner lot. The request was made for a 5 foot variance but the petitioner recently realized they made an error on the application. They wanted a 7.5 foot variance to allow for a 5 foot setback. There are provisions in public hearing notices for minor errors and omissions in the notices so the question is legally, does this qualify as a minor error or omission. If you look at the site plan it shows that if there is approval given for the variance with the 7.5' setback from the south and the 5' setback from the west property line the structure could actually fit on the property. Without the additional 2.5 feet that the petitioner intended to request, the structure could actually fit with just a 5 foot variance. There are statutory requirements for granting a variance including undue hardship and any action taken by the Planning Commission should reference these guidelines. Notices were mailed out and one neighbor, Mr. Fawver called with a few questions and he indicated he had no objection to the request.

Commission Member Bednar asked about the required proximity between the house and the proposed garage.

Mr. Hoium said there will be a required firewall and there are limits on window and entry door placement.

Craig Byram said there is a concern about the notices sent out stating the structure would be 7.5' from the alleyway. The intended request was 5' from the alleyway. A neighbor who had no problem with a 7.5' setback may have a different opinion with a 5' setback. The notices are to give people a clear picture of what is being requested. If there is a change in the variance it is my opinion that the notice needs to be redone.

Monica Dahlen, 909 6th St NW, said she apologizes for the misunderstanding in the request form. We did have some neighbors come and ask where we were going to build the garage so we had the contractor spray paint the dimensions of the garage. If we need to send out another notice that is fine, I understand.

Mr. Hoium pointed out that if another mailing was to go out it would require another fee to be paid to cover the cost of the mailings and publications.

Commission Member Skalicky asked if the request should be denied or amended.

Mr. Byram said the most efficient way would be to start from scratch with the correct information, which would unfortunately require additional fees. The alternative is to pass the variance request at the 7.5' as filled out in the application. It is the landowner's decision which way they would like to go.

Commission Member Krueger asked what distance the contractor spray painted the dimensions.

Mrs. Dahlen said it was spray painted at 5 feet.

Commission Member Stutzman said if the request could be passed at the 7.5 foot variance requested another petition could be brought forth if the petitioner wants the additional 2.5 feet.

Commission Member McCarthy said that many other garages in the neighborhood are about 5 feet from the alleyway also.

Commission Member Stutzman asked if the fees could be adjusted.

Mr. Hoium said the fee schedule is set by the City Council specifically by resolution.

Commission Member Bednar made a motion to recommend approval of the request for a 7.5 foot setback variance noting that undue hardship is not shown. Commission Member Bednar amended that motion to state undue hardship is shown in items 1-3, seconded by Commission Member McCarthy amending the items as 1, 2 and a,b,c. Motion passed unanimously.

OPEN PUBLIC HEARING: To review and make recommendations for the adoption of an ordinance revising City Code Section 12.27 addressing allowable improvements to non-conforming structures located in designated flood plain areas.

Mr. Hoium said the City of Austin has restrictions for improvements to buildings located in the flood plain. These are accumulative improvements to the buildings. This was adopted in 1976 so we monitor any improvements made to these structures and if the 50% improvement limit is met no more improvements may be made unless the structure is brought into compliance to flood protection provisions. With the flood events we have had in Austin we have some buildings that are getting close to the 50%. FEMA has a standard addressing the same issue but have a 50% improvement per flood event, whereas our ordinance is an accumulative figure. In the packet of back up material there are two considerations for changes, which Craig read through. Mr. Hoium said he has discussed this with the DNR and the coordinator of the community rating system. However this ordinance is revised they will have to give final approval. He asked the Planning Commission to approve the concept of amending the ordinance to provide relief for some of the structures located in the flood plain. We are looking for comments to take to the City Council, the ISO offices and the DNR.

Commission Member Stutzman asked if the ordinance changes would require public notification.

Mr. Hoium said the adopted ordinance would have to be publicized for he believes 10-15 days for citizens to have the opportunity to voice any objections.

Commission Member Bednar made a recommendation to approve changing the language of the ordinance in City Code Section 12.27 to reflect the opinion stated by the DNR in the email, seconded by Commission Member Krueger. Motion passed unanimously.

Commission Member McCarthy made a motion to adjourn the Planning Commission meeting at 7:28 P.M., seconded by Commission Member Bednar. Motion passed unanimously