

The following are minutes of the Bettendorf Planning and Zoning Commission and are a synopsis of the discussion that took place at this meeting and as such may not include the entirety of each statement made. The minutes of each meeting do not become official until approved at the next meeting.

**MINUTES  
PLANNING AND ZONING COMMISSION  
APRIL 19, 2017  
5:30 P.M.**

The Planning and Zoning Commission meeting of April 19, 2017, was called to order by Wennlund at 5:30 p.m. in the City Hall Council Chambers, 1609 State Street.

1. Roll Call

MEMBERS PRESENT: Bert, Kappeler, Ormsby, Peters, Rafferty, Stoltenberg, Wennlund

MEMBERS ABSENT: None

STAFF PRESENT: Greg Beck, City Planner; Lisa Fuhrman, Secretary; Bill Connors, Community Development Director; Kristine Stone, City Attorney; Brent Morlok, City Engineer; Steve Knorrek, Fire Marshal

2. Approval of the minutes of the meeting of March 15, 2017.

On motion by Kappeler, seconded by Stoltenberg, that the minutes of the meeting of March 15, 2017 be approved as submitted.

ALL AYES

Motion carried.

3. Review of Commission procedures.

**Land Use Amendment/Rezoning**

4. Case 17-024; Lots 69-74, The Fountains 4<sup>th</sup> Addition, Traditional Residential to Medium-density Residential, submitted by Towne & Country Bettendorf, LLC.

5. Case 17-025; Lots 69-74, The Fountains 4<sup>th</sup> Addition, R-2 Single-family Residence District to R-3 Single- and Two-family Residence District, submitted by Towne & Country Bettendorf, LLC.
6. Case 17-026; Lots 69-74, The Fountains 4<sup>th</sup> Addition, R-3 Single- and Two-family Residence District to PR-3 Overlay District, submitted by Towne & Country Bettendorf, LLC.

Beck reviewed the staff report.

Kappeler asked for clarification of the limits of the density in the proposed overlay district. Beck explained that a developer is allowed to increase the density between one dwelling unit or 15 percent over what would have been allowed under traditional zoning. He indicated that the increase in density in this case is from 6 to 7 lots.

On motion by Rafferty, seconded by Kappeler, that a land use amendment for Lots 69-74 of The Fountains 4<sup>th</sup> Addition, Traditional Residential to Medium-density Residential, be approved subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Rafferty, seconded by Kappeler, that the rezoning of Lots 69-74 of The Fountains 4<sup>th</sup> Addition, R-2 to R-3, be approved subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Rafferty, seconded by Kappeler, that the rezoning of Lots 69-74 of The Fountains 4<sup>th</sup> Addition, R-3 to PR-3, be approved subject to staff recommendations.

ALL AYES

Motion carried.

**Land Use Amendment/Rezoning**

7. Case 17-032; Northwest of intersection of Forest Grove Drive and Middle Road, Office/Research Campus to Commercial, submitted by Build to Suit, Inc./Kevin Koellner.
8. Case 17-033; Northwest of intersection of Forest Grove Drive and Middle Road, A-1 Agricultural District to C-7 Public Gathering and Recreational Activity District, submitted by Build to Suit, Inc./Kevin Koellner.

Beck reviewed the staff reports.

Ormsby asked if the property that is not included in the parcel will still be used as a farm. Beck confirmed this, adding that the property is under separate ownership and will remain zoned as A-1 as it contains the necessary acreage. Wennlund commented that the property is 178 feet by 300 feet and asked if the property meets Code requirements with regard to minimum size. Beck confirmed this.

Ormsby asked if a site layout has been determined. Stone explained that while a concept plan has been presented, no definitive site development plan for the property has been submitted.

Rafferty commented that the Commission must be cognizant of the fact that the adjacent property is undeveloped. He added that any site development plan must include a buffer to be located on the land being rezoned to protect the existing farm from the proposed sports complex. Wennlund concurred, adding that during the review of the new Comprehensive Plan the importance of a proper mixture of uses was stressed.

Kappeler stated that it had been suggested at the recent Zoning Ordinance workshop that discussions also be held with adjoining property owners to talk about the vision for the entire area, not just the property under current consideration. Wennlund commented that there are residential developments on the south side of Forest Grove Drive as well.

Gary Fincher, 8822 Wells Ferry Road, indicated that he is a member of River of Life Church at 4855 Forest Grove Drive and asked if for clarification of the term club as it relates to the proposed use of the property. Beck explained that the proposed uses include a recreational complex with buildings to be located on the southern half of the central portion of the property. He added that commercial uses such as hotels would be located closer to Middle Road. Connors explained that the sports complex will consist

of a building close to Forest Grove Drive that will house indoor sports fields. He added that because of the topography, a series of tiered outdoor sports fields with artificial turf will be located further toward the interstate. Connors stated that the area along Middle Road east of the sports complex is anticipated to be used for strip malls, hotels, restaurants, and service businesses.

Fincher commented that it appears as though the project will provide a great opportunity for the city but expressed concern about proper screening of trash and other things that may impact the neighbors and existing businesses. He indicated that he feels it is very important that the public continue to be allowed to express their concerns regarding the development. Wennlund explained that there would be further opportunities for comment during the site development phase.

Christine Gibney, owner of the adjacent property to the west, expressed her appreciation of the Commission's forethought with regard to the provision of a buffer between her property and the proposed sports complex. She explained that her property is a working farm with animals and crops and that it produces the typical accompanying noises and smells. She indicated that she would like to make any future developers aware of these activities. Wennlund commented that the goal is to hold meetings with developers prior to the Commission meeting to hopefully address many of these issues.

On motion by Kappeler, seconded by Stoltenberg, that the land use amendment for property located northwest of the intersection of Forest Grove Drive and Middle Road, Office/Research Campus to Commercial, be approved subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Kappeler, seconded by Stoltenberg, that the rezoning of property located northwest of the intersection of Forest Grove Drive and Middle Road, A-1 Agricultural District to C-7 Public Gathering and Recreational Activity District, be approved subject to staff recommendations.

ALL AYES

Motion carried.

**Land Use Amendment/Rezoning**

9. Case 17-034; Part of Lot 2, Springs at Bettendorf First Addition, Recreational/Conservation to High-density Residential, submitted by Drive, LLC/David Ryan.
10. Case 17-035; Part of Lot 2, Springs at Bettendorf First Addition, A-1 Agricultural District to R-5 Multi-family Residence District, submitted by Drive, LLC/David Ryan.

Beck reviewed the staff reports.

Kappeler asked for clarification of the location of the sanitary sewer connection. Beck explained that there is a manhole located north of the property but that the Engineering Department staff would have to determine the location of the connection of any new sewer line. He added that the sewer locations are not indicated on the concept plan.

Wennlund asked if the remaining portion of the lot that is not currently being rezoned would be served by the same connection. Beck confirmed this, adding that the issue would be addressed during the platting stage and would likely include an easement along Devils Glen Road.

Kappeler asked why the property is being rezoned before it is platted into separate lots. Beck stated that there is a legal description of the portion of the lot that is currently being rezoned. Kappeler asked if the area to be rezoned would be defined by metes and bounds legal description only since the property has not been platted. Beck confirmed this.

Wennlund asked if there would be a separate curb cut for the remainder of the lot further to the south. Morlok explained that the developer would be limited to one curb cut on Devils Glen Road for both lots and that staff had requested that the driveway be shifted further south to allow room for a proposed right-turn lane onto 53<sup>rd</sup> Avenue.

Wennlund asked if the remnant would remain A-1. Beck confirmed this, adding that the developer plans to rezone it to either C-1 or C-2 in the future.

Wennlund asked if the storm sewer would also be connected from the north. Morlok explained that there are two manholes at the northwest corner of the property, adding that the sewer plan would be reviewed as a part of the site development plan submittal.

Wennlund asked if easements would have to be provided for storm sewer as well. Morlok confirmed this.

Rafferty asked if the electric substation adjacent to the property poses any type of hazard. Connors stated that there should not be a hazard outside the fenced area.

Wennlund asked if space has been provided for a turnaround for fire apparatus. Knorrek explained that one of his questions regarding the plan is the inclusion of a turnaround, adding that it would be addressed at the site development plan stage.

Kappeler commented that while she realizes that only the land use amendment and rezoning are currently under consideration, she questioned whether there is an adequate number of parking spaces on the site. Wennlund stated that he had noted several issues including fire apparatus access, snow storage, parking, garages, and whether the street would be public or private. Connors stated that because only two lots are involved, the street can be private.

Rhonda Calhoun, property manager of The Springs at Bettendorf, asked for clarification of the location of the proposed development as it relates to the apartment complex. Beck explained that the proposed development is located directly west of the Springs at Bettendorf. Connors added that it would be located south of the identification sign for the apartment complex.

Randy Smith, 5069 Brittany Court, stated that he does not believe that the requests should be approved. He expressed concern about the proximity of the new driveway to the intersection at 53<sup>rd</sup> Avenue and the increased traffic that would be generated that would add to the existing congestion. He explained that during the summer there are traffic accidents there on a regular basis. Smith stated that he would prefer that the area be left undeveloped. He expressed concern about what type of commercial businesses might locate on the other portion of the lot given that it is so small. Wennlund commented that it appears as though the property in question is approximately 130 feet wide, adding that any development would be subject to setback requirements. He asked for clarification of the setback requirements that would be imposed. Beck explained that if the property is zoned C-1, the front yard setback requirement would be 25 feet but if it is zoned C-2, it would be 20 feet. He added that no rear yard setback is required, but if one is provided it must be at least 10 feet.

Kappeler stated that the current land use designation is Recreational/Conservation which matches that of the property to the south. She added that the proposed Commercial land use designation matches those of properties to the north and to the east. She indicated that the proposed use could be considered to be a buffer between

the two uses. Kappeler stated that while the Commission's only consideration currently is the proposed residential use, if the remainder is developed commercially it would be immediately adjacent. Wennlund commented that the policies of the new Comprehensive Plan encourage a mixture of uses such as is currently proposed. Kappeler stated that even though it is not currently under consideration, in her opinion the proposed commercial use is the worst fit for the area. Stoltenberg concurred, adding that he is not opposed to acting on the proposed actions facilitating the residential use but that he does not believe that a future commercial use is feasible for the remaining property. Peters concurred, adding that given staff's requirement of a shared access the traffic issues would only be exacerbated.

Wennlund stated that in his opinion the number of driveways that would exist in a short distance is problematic. He reiterated that only the land use amendment and rezoning for the residential use is currently under consideration, adding that the issues that have been raised would be addressed in the future once a site development plan is submitted.

Kappeler asked if the driveway would encroach onto the southern portion of the property if it is required to be moved 100 feet. Morlok confirmed this, adding that an access easement would have to be added. He added that it is unlikely that the proposed residential units and any commercial use would generate much additional traffic. Kappeler commented that requiring the driveway to be located on the southern lot further constrains the potential size of any development.

Bert commented that in his opinion the proposed site is an odd location for housing, adding that he had always believed that the property was a part of Crow Creek Park. Connors explained that when the Ryan family sold their property to The Springs at Bettendorf, they reserved some of it for future development. He indicated that a portion is what is now Pandit Drive and that the remainder is the location of the proposed development. He stated that the applicants always anticipated that condominiums would be built there. Wennlund commented that the buildings would be somewhat obscured from the street given the number of trees on the property. Ormsby stated that property with mature trees is often difficult to find in Bettendorf. Wennlund added that property owners are allowed to develop their property regardless of the challenges.

Peters asked how the purchasers of the residential units would be made aware of the applicant's plans for commercial development adjacent to their homes and how soon the applicant proposes to develop the southern portion of the property. Connors stated that the required shared driveway is not allowed to be located in the front yard setback

which will further constrain and commercial development on the southern lot. He commented that perhaps the owner would not be able to develop it as planned.

Rafferty asked if the size of the R-5 lot would have to be enlarged to accommodate the shared driveway. Connors stated that the driveway would be allowed to be located on the A-1 lot.

On motion by Rafferty, seconded by Peters, that the land use amendment for part of Lot 2, Springs at Bettendorf First Addition, Recreational/Conservation to High-density Residential, be approved subject to staff recommendations.

Rafferty commented that any future site development plan must be thoroughly scrutinized because of the number of challenges present. He stated that he believes that the reason the property's land use designation is Recreational/Conservation is because a portion of the lot is in the designated flood plain. He added that the consequences of building in the flood plain must be studied. Wennlund concurred, adding that while he believes that the proposed multi-family residential use is not dissimilar to other developments in the area, he recognizes the challenges that a future commercial development will pose.

#### ROLL CALL ON MOTION

ALL AYES

Motion carried.

On motion by Rafferty, seconded by Peters, that the rezoning of part of Lot 2, Springs at Bettendorf First Addition, A-1 Agricultural District to R-5 Multi-family Residential District, be approved subject to staff recommendations.

Rafferty stated that the previous comments also apply to his motion to recommend approval of the rezoning request.

#### ROLL CALL ON MOTION

ALL AYES

Motion carried.

**Final Plat/Site Development Plan**

11. Case 17-017; Glenbrook Ridge (replat), submitted by Kevin Koellner.
12. Case 17-018; Lot 2, Creek View Second Addition, submitted by Kevin Koellner.

Beck reviewed the staff reports.

On motion by Kappeler, seconded by Ormsby, that the final plat of Glenbrook Ridge be approved subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Kappeler, seconded by Ormsby, that the site development plan for Lot 2, Creek View Second Addition be approved subject to staff recommendations.

ALL AYES

Motion carried.

**Final Plat**

13. Case 17-031; Coreline Addition, submitted by Coreline Investments, LLC.

Beck reviewed the staff report.

Wennlund asked for clarification of the location of the easement involved and the existing structure that is located west of the proposed subdivision. Beck explained that the existing garage which was constructed near the property line is located on a separate lot which is not a part of the proposed subdivision. He added that the new easement will be located on vacated right-of-way from Mississippi Boulevard which is now a part of the proposed subdivision. Beck explained that the easement will be located just north of the existing garage and will be from 28<sup>th</sup> Street.

Rafferty stated that it appears as though a portion of Lots 20 and 21 of Sunnycrest Addition is being combined with vacated right-of-way to create an additional lot. Beck confirmed this.

Kappeler asked if the proposed Lot 2 is large enough to be buildable. Beck confirmed this, adding that it is 8500 square feet in size. He added that staff has determined that the frontage of Lot 2 will be considered to be from 28<sup>th</sup> Street via the access easement given that 28 ½ Street will not connect to the proposed addition.

On motion by Rafferty, seconded by Kappeler, that the final plat of Coreline Addition be approved subject to staff recommendations.

ALL AYES

Motion carried.

### **Site Development Plan**

14. Case 17-030; 4555 Utica Ridge Road, submitted by ReMax Centre, LLC.

Beck reviewed the staff report.

Kappeler asked there would be a circular flow of traffic around the building after the addition is constructed. Beck confirmed this.

Wennlund asked if the new driveway would be built at the same grade as the sidewalk. Beck confirmed this. Wennlund asked if the new addition would have an exposed basement. Beck confirmed this.

Kappeler asked if the proposed addition will be located where the current detention pond exists. Beck confirmed this. Wennlund asked where the new retention area would be located. Morlok explained that a new system would be placed underneath the new parking lot, adding that there will be 3 to 4 36-inch pipes underneath the driveway which will then outlet to the east. Wennlund asked if the storm water would leave the site through gravity flow. Morlok confirmed this.

Wennlund asked if the number of parking spaces provided are code-compliant given the additional office space that will be added. Beck confirmed this. Rafferty asked if the new parking spaces would require motorists to back into Crow Creek Road or if the new driveway would be used for backing up. Morlok explained that angled parking spaces will be added on the north side of the building and that the circulating traffic will be one-way. Rafferty commented that it appears as though 4 spaces are being added on the north side. Morlok stated that an additional 10 spaces will be added on the east and west sides of the building. Wennlund asked if the handicapped access provided is adequate given that the building is two levels. Connors stated that it is acceptable as

long as access to the site at the garden level is provided. He indicated that he does not believe that the handicapped parking spot is ADA-compliant, adding that that he would speak to the developer about the issue before the parking lot is striped. Morlok explained that the site plan was revised to show an access aisle for the handicapped spot.

On motion by Stoltenberg, seconded by Peters, that the site development plan for 4555 Utica Ridge Road be approved subject to staff recommendations.

ALL AYES

Motion carried.

### **Ordinance Amendment**

#### 15. Case 17-029; Section 11-13-5 Sharing of Spaces.

Connors reviewed the staff report. He explained that the redevelopment of the blighted Twin Bridges property prompted the proposed ordinance change. He indicated that the developer and the city entered into a development agreement prior to submission of a site development plan for two proposed apartment buildings. Connors stated that after the site development plan was submitted, it was discovered that not enough parking spaces were provided. He indicated that the ordinance requires 247 parking spaces but only 170 were provided. He stated that he had suggested that the developer request approval for one building at a time so that the requisite number of parking spaces would be on-site for the first building and then attempt to find a solution for the shortage of required spaces caused by construction of the second building. Connors stated that the developer's financier did not find that solution acceptable. He explained that the proposed ordinance is very similar to the one used for developments in downtown Des Moines. He indicated that in the Downtown Master Plan Overlay District, parking requirements could be reduced by no more than 50 percent for a period of time if the developer submits a plan detailing how compliance will be achieved. He stated that the ordinance has a sunset clause of July 1, 2022 which coincides with the date that the Iowa Department of Transportation (IDoT) will likely deed back to the city the adjacent property which can then be used for parking and after bridge construction is complete.

Bert asked if the property in question would be deeded to the developer after it becomes available. Connors confirmed this, adding that Gilbert Street and 15<sup>th</sup> Street have already been vacated as they are no longer necessary for traffic circulation. He

indicated that because of the vacation of 15<sup>th</sup> Street, the property in question becomes contiguous with the property currently being used as a staging area for the IDoT. He indicated that the IDoT will have no further use for the property after bridge construction is complete. Bert asked if the property involved is owned by the city or the IDoT. Stone explained that prior to the beginning of the street work for the bridge, the IDoT acquired several properties in the downtown area. Morlok added that the edge of the new bridge alignment will be located adjacent to the property remnant in question. Bert stated that it is his understanding that the proposed ordinance is intended to reduce the parking requirements by up to 50 percent for 5 years at which time the remnant will be deeded to the developer to be used for additional parking spaces. Connors confirmed this, adding that the city is in favor of the developer's plan to remove a blighted property which has become a nuisance over the past several years. He stated that the city has a plan to provide more public parking in the downtown area as most of the existing parking is on-street only. Connors indicated that while it would be beneficial to the city to have a nuisance property removed, from a planning perspective a shortage of 77 parking spaces is not a good thing. Bert stated that he feels that the proposed development and ordinance would be a good thing for the city, especially given the condition of the existing building on the property. Stone explained that discussions were held at the staff level regarding whether the parking requirements should be reduced for the entire downtown district given the fact that the Downtown Master Plan does contemplate more urban uses. She added that the Plan indicates that consideration should be given to shared and on-street parking when projects are evaluated. Stone stated that rather than make a blanket reduction, the alternative proposed was the interim relaxation of the standards. She reiterated that once the bridge construction is complete there will be several remnant parcels available which could be used for surface parking or a ramp. She indicated that the intent of the ordinance is to bridge the time period of the construction, adding that the developer will be required to comply with the existing parking standards. Wennlund asked what would happen if the IDoT does not convey the property to the city. Stone stated the hope is that the property will be conveyed, adding that the configuration of the project is still in flux. She added that the number of units has been reduced and that it is possible that there may not be a restaurant on the site which would further reduce the number of required spaces. Morlok explained that discussions have already been held with the IDoT regarding the remnant parcel. He indicated that the District Engineer and Planner are in the process of establishing final right-of-way lines and are beginning the disposal process for the current project. He stated that the IDoT will keep only the properties that are necessary for the project, adding that the remaining property will be conveyed using a system that prioritizes previous and adjacent owners. He stated that it is likely that the final right-of-way lines will have already been determined by next month at the quarterly meeting.

Bert asked if there is any type of written agreement between the city and the developer regarding what would occur if the remnant lot is not conveyed back to the city. Stone stated that there is no such agreement. Bert commented that perhaps the remnant might be a good location for a municipal parking lot, adding that city ownership would require that city staff maintain the property. He indicated that there could be some sort of agreement allowing the residents of the apartment buildings to use it if necessary but that it would not be exclusive to them. Connors commented that a similar situation would occur if a parking ramp is constructed, adding that new business owners would be allowed to count a portion of the spaces in a ramp toward their parking requirement. Stone commented that the proposed urban park with parking spaces will be located directly adjacent to the IDoT-owned parcel. She stated that there could be shared parking arrangements once it is complete, adding that before the 5 year time period expires more than enough parking spaces will likely have been provided.

Ormsby asked for clarification of the developer's time period for completion of the project. Stone explained that the developer plans to close on the property in the next month with demolition to occur shortly thereafter. She indicated that the developer plans to begin construction of the first building during this season. Connors stated that it would be approximately 14 months until the first building is complete. He added that it is likely that the lease-up rate for the first building will determine when construction of the second building would begin.

Kappeler commented that in theory, the buildings could be completed before 2022 and possibly before access to the remnant becomes available.

Wennlund asked how many total units would be available. Connors stated that he is unsure. Wennlund stated that it appears as though there is parking underneath the buildings. Connors confirmed this, adding that those spaces are included in the total number of parking spaces provided. Morlok stated that he believes that there is a total number of 130 units. Wennlund commented that with 170 parking spaces provided, that would be slightly more than one per unit.

Rafferty stated that while the proposed apartment development is the one under discussion, the ordinance change affects the entire downtown area. He indicated that he believes that the Commission has two decisions to make regarding the proposed change. He indicated that the Commission must determine whether the ordinance revision should be recommended for approval, and if so, if the city administrator or his designee is the appropriate person to decide whether any parking requirement reduction is appropriate for a particular project. Rafferty questioned why the decision is not either left to the Commission and ultimately the City Council or to the Mayor as elected officials. He stated the Commission has already spent a great deal of time

discussing the current project, adding that the same amount of time could have been spent deliberating whether the parking requirements should be reduced. He added that the site development plan would eventually come before the Commission. Connors explained that a request for a variance to reduce the required parking was presented to the Board of Adjustment but was withdrawn before a decision was made as it did not appear as though it would be approved.

Connors asked if the Commission or City Council would be overstepping their bounds to consider a reduction in required parking as a part of a site development plan as it would be tantamount to a variance. Stone explained that the Commission must ensure that the parking provided is code-complaint, adding that the ordinance revision would circumvent that requirement. She indicated that the proposed ordinance could be revised to allow the Commission rather than the City Administrator to make the determination to possibly reduce the number of required parking spaces for a project. She added that the model ordinance from Des Moines was drafted in that manner.

Rafferty stated that in his opinion it makes more sense to have an elected official make the determination to reduce parking requirements or not. He suggested that the ordinance be changed to reflect the process that is currently used with the Commission's making a recommendation to the City Council who would then make a final decision. Rafferty stated that such a process would likely forestall any second-guessing by the media as to why certain decisions were made with regard to any particular project. Stone asked if Rafferty would prefer that the consideration of a parking reduction would be concurrent with site development plan approval. Rafferty confirmed this. Wennlund stated that even if the Commission made a negative recommendation, the City Council could still approve a reduction request by a supermajority vote. He indicated that he would not be in favor of the ordinance amendment as written because it seems as though it bypasses the processes that have been put in place, adding that he finds it troublesome that the authority would be given to just one person. Wennlund stated that he believes that the ultimate decision should be the City Council's. Bert commented that if the ordinance is revised as discussed, the public would then have the opportunity to express any objections they may have. He stated that he is also in favor of revising the proposed ordinance to allow the Commission to review and the City Council to approve this type of request. Rafferty stated that he has no objection to any part of the proposed ordinance except giving the authority to approve requests to an unelected official. Connors explained that he had indicated to the City Administrator that he had anticipated that the Commission would be concerned that developers would request that no parking be required for new projects if a precedent is set. He stated that the City Administrator had indicated that his intention had been to attempt to fix a problem with the current project.

Kappeler stated that the ordinance as written would allow developers to circumvent the process. She added that if parking requirements are reduced for several projects there could be a serious shortage of spaces available downtown at the end of the 5 year period.

Stone stated that it seems as though the Commission would recommend approval of the ordinance with the change that the approving body be the Commission at the time of site development plan review. Wennlund asked how this would differ than the current process. Stone explained that the Commission does not have the authority to reduce parking requirements imposed by the zoning ordinance. She indicated that the ordinance gives the Commission the ability to make recommendations regarding parking reductions in the Downtown Master Plan Overlay District.

Kappeler asked how the Board of Adjustment fits into this process. Connors explained that originally it had been determined that the easiest way to fix the problem would be to obtain a variance which would reduce the required number of parking spaces. Stone stated that a variance would have allowed a permanent relaxation of the parking standards, reiterating that the Board did not appear to be in favor of the request.

Ormsby commented that a shortage of available parking is a common problem in most downtown areas. She stated that she would not have been in support of a permanent reduction of the parking standards by means of a variance. Wennlund stated that he would not be in favor of solving one problem by removing the nuisance property but creating another by reducing the number of available parking spaces.

Wennlund asked if the ordinance could still move forward with the proposed change. Stone explained that she would revise the wording of the ordinance and present it to City Council in accordance with the Commission's recommendation.

On motion by Rafferty, seconded by Bert, that the ordinance amendment be approved with the revision that the Planning and Zoning Commission review the requests, make a recommendation, and that the ultimate decision of approval or denial be made by the City Council.

Stoltenberg commented that as long as the sunset date of 2022 remains as a part of the ordinance, it will eventually be moot on July 1, 2022. Wennlund asked if the proposed revision is that the Commission review the requests and make a recommendation to the City Council who would ultimately make the final decision. Stone confirmed this, adding that it would be the same standard as is currently in place for site development plan review.

ROLL CALL ON MOTION

ALL AYES

Motion carried.

**Other**

16. Commission Update.

Connors stated that the City Council followed the recommendation of the Commission for all of the cases since the last meeting.

There being no further business, the meeting adjourned at approximately 7:20 p.m.

These minutes approved \_\_\_\_\_

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Gregory W. Beck, City Planner