

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, JULY 22, 2015**

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<p>Motion by Ms. Lazar Seconded by Mr. Boyle to recommend approval to the City Commission for the Revised Final Site Plan and SLUP Amendment for Forest Grill located at 735 Forest Ave. with the following conditions:</p> <ol style="list-style-type: none"> 1) The applicant comply with the requirements of Article 04, Section 4.41 OD-01 of the Zoning Ordinance as they relate to licensing and insurance requirements for the use of the public right-of-way; 2) The applicant provide street lights and hanging planters required by the Triangle Overlay District and submit for administrative approval or obtain a variance from the Board of Zoning Appeals; 3) A fully executed contract must be signed with the applicant and the City of Birmingham outlining the details of the operation of the bistro; and 4) Prior to appearing before the City Commission the applicant provide artwork or another design element to address the recessed brick panel of the wall in the former window opening on the east elevation; and 5) Applicant verify that the type of glass proposed for the NANA wall will match the existing glazing and conform to the District standards. <p>Motion carried, 5-0.</p>	<p>10</p>

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JULY 22, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on July 22, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce; Student Representative Andrea Laverty

Absent: Board Members Carroll DeWeese, Bryan Williams; Alternate Board Members Stuart Jeffares, Daniel Share; Student Representative Scott Casperson

Administration: Matthew Baka, Senior Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

Also Present: Michael Labadie, Fleis & Vanderbrink, Birmingham Traffic Consultant

07-138-15

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF JULY 8, 2015**

Motion by Ms. Whipple-Boyce

Seconded by Ms. Lazar to approve the Minutes of the Planning Board meeting of July 8, 2015 as presented.

VOICE VOTE

Yeas: Whipple-Boyce, Lazar, Boyle, Clein, Koseck

Nays: None

Absent: DeWeese, Williams

07-139-15

CHAIRPERSON'S COMMENTS (none)

07-140-15

APPROVAL OF THE AGENDA

The chairman noted that Forest Grill submitted new plans yesterday. The board's policy has been that if something is not in the packet it will not be reviewed. Ms. Ecker said she has had adequate time to look at the changes and for the most part they are minor in nature. Therefore, board members were willing to proceed using the new plans.

07-141-15

OLD BUSINESS

Preliminary Site Plan Review 2100 E. Maple Rd. Whole Foods Market

Ms. Ecker advised the subject site currently contains a vacant building that was previously an office building, and then an urgent care medical clinic. At this time, the applicant is proposing a new single-story 46,500 sq. ft. retail building. The subject site is located on the south side of E. Maple Rd., west of the existing LA Fitness facility and east of the railroad tracks. The proposed new building will house a Whole Foods grocery store, selling natural and organic foods. The site occupies a total of 4.62 acres. The applicant proposes to relocate Whole Foods Market from E. Maple Rd. in Troy to this site.

On May 27, 2015, the Planning Board reviewed a detailed proposal from the applicant for the development of the site, including a review of a Community Impact Study and Preliminary Site Plan for the proposed retail facility. In addition, the Planning Board voted to recommend to the City Commission that the property at 2100 E. Maple Rd. be rezoned from O-1 Office to B-2 General Business.

On June 10, 2015, the Planning Board voted to accept the CIS for the proposed Whole Foods development with several conditions.

On June 29, 2015, the City Commission approved the rezoning of the parcel from O-1 to B-2, with the condition that the rezoning be approved, but the use be limited to grocery store uses only.

The plans note that the applicant is proposing to remove two existing street trees and to plant four new trees. The applicant has stated that more trees cannot be provided due to conflicts with easements and utility lines. ***The applicant will be required to obtain a waiver from the arborist, or obtain a variance from the Board of Zoning Appeals, or provide the required total of 14 street trees and revise the landscape to ensure that all notes and drawings are consistent on all of the plan sheets.***

Design Review

The materials proposed are the same as those previously presented to the Planning Board. Material samples and colors will be required at the time of Final Site Plan Review. The applicant has added significantly more glazing to the north elevation along

E. Maple Rd. as requested by the Planning Board. In addition, numerous windows have been added to the east elevation.

The plans do not indicate the percentage of glazing provided; however it does not appear that the building as proposed meets the 70% glazing requirement as listed in section 4.83 of the Zoning Ordinance. The applicant has submitted a variance request to the Board of Zoning Appeals in that regard.

Mr. Boyle noted this is a destination market. However, it strikes him that the market doesn't say anything for Birmingham. He thought there should be a place in front where people could sit and gather. Ms. Ecker explained the applicant proposes a seating area near the rear entrance of the store and a pedestrian plaza along E. Maple Rd.

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., represented Whole Foods. He announced they met with 20 members of the Pembroke Subdivision and received a favorable response. The neighbors' suggestions were incorporated into the preliminary plans. Secondly, with the proposed improvements to the intersection and to the Whole Foods, traffic along E. Maple Rd. will flow better than it does today.

Mr. Joe Marson with Parsons, Traffic Consultants for Whole Foods, came forward to explain their plans to make the intersection of E. Maple Rd. and Eton work better. Signage and markings will indicate where turns can be made onto and out of the Whole Foods site. A deceleration lane will allow east bound traffic to turn right onto the site. Pushbuttons will be installed for pedestrians to cross. The light will be re-timed to allow it to operate in the proper fashion. The present a.m. level of service at this intersection is E. The improvements they are proposing will actually improve it to a level of service D. Therefore the delay getting through the intersection will drop from 78 seconds down to 40 seconds. Every time traffic flow is improved, it improves traffic safety. The p.m. peak hour level of service should drop from about 150 down to 120 seconds. The object is to improve the intersection so people don't have a reason to cut through the neighborhoods.

Mr. Mike Labadie said the picture of putting the by-right office building on the existing traffic would be quite a bit worse. He concluded they could go either way with the deceleration right turn lane. For the most part everything Mr. Marson said was 100% true. Because of the reduced delay and reduced congestion, he thought they would end up with something good. From a traffic operations standpoint it will be better for the neighbors. The store will offset its impacts and then some.

Mr. Mike Fitzgerald with OKW Architects, 600 W. Jackson Blvd., Chicago, talked about the preliminary site plan. He described the modifications they have made to the elevations in accordance with input from the last meeting. On the north elevation they propose an enhanced main entry along E. Maple Rd., a raised front porch with stairs and a ramp, and offices that have views in from the public lining the north wall,. The east elevation will include a couple of full height windows with views into the employee lounge. There will be a cafe along the south elevation with a covered terrace. The west elevation facing the railroad tracks will have clerestory windows and contain the loading area.

Mr. Koseck noted there are some challenges between what the ordinance requires and what the applicant needs to make their business function. The outdoor cafe overlooks the parking lot rather than out onto E. Maple Rd. where there is the opportunity for diners to engage with pedestrians and passing vehicles; and conversely the diners can be seen from the street. In response to Ms. Lazar, Mr. Fitzgerald said Whole Foods buildings meet the requirements of LEED certification but may not go through the process of certification.

At 9:25 p.m. the chairman invited members of the public to provide input.

Ms. Dianne Orly who is moving to Pierce spoke in favor of the project. Whole Foods will spare no expense to keep it pristine. It will do nothing but up the value of property in the area.

Ms. Gwen Berringer who lives on Graefield thought the construction of a Whole Foods store in this high speed traffic area is not in the best interest of the community.

Ms. Michelle Rogers said she lives on Eton. The residential integrity of her neighborhood is absolutely at stake. The pedestrian button will make traffic worse. Perhaps Whole Foods could direct traffic to Doyle or Coolidge, but not through her neighborhood.

Ms. Alicia Verak, 1845 Hazel, spoke in support of the project that she thinks will be a wonderful addition to the community. More importantly, the City traffic expert indicates this will improve the flow of traffic. Also, if the space is leased to an office building, there is no obligation for them to improve the traffic flow at the intersection. Here, Whole Foods is willing to spend a ton of money to make the intersection better and more workable for the residents.

Ms. Georgia Vittic, 667 N. Eton, said when people are leaving from the west driveway only about six cars turning left will fit onto westbound E. Maple Rd. Therefore, cars will head on to N. Eton. The other issue is there will be increased traffic on N. Eton all day and part of the night; whereas with an office building the increase in traffic would only occur in the morning and evening.

Mr. Chris Cuter, 2474 Yorkshire, noted that 84 letters were sent to the City. Of that 14 were in favor of the project and 87% were against it. Putting traffic through Eton literally drives traffic through a neighborhood. People leaving the site to go east will go right down Edinborough onto Yorkshire and then out on Eton. The west entrance is a disaster in addition to the fact that truck traffic that never existed before will go down there. Additionally, noise bouncing off of that large building will migrate into the neighborhood.

Mr. Brandon Orly was supportive of the project. The traffic engineers have stated that it works. With improvements and money being spent by the developer and by the retailer the City will benefit in the long-term rather than the taxpayers having to fix a problem in the future.

Mr. Mike Umbarger who lives on Pembroke said he was incredulous along with his neighbors that the increase in volume would improve traffic flow.

Mr. David McIlroy, a Pembroke Manor resident, noted the use of signage in terms of traffic flow is only as good as it is enforced.

Ms. Dani Torcolacci, a resident on Buckingham, noted the semi deliveries will be limited to certain hours. She was happy to see the small setback because it promotes walking. Traffic is certainly a concern but she trusts the traffic engineers.

Ms. Marty Logue who lives on Buckingham spoke in favor of Whole Foods. She feels the traffic situation will be taken care of.

Ms. Karen Ettier whose home is on Windermere said she looks forward to a bigger Whole Foods in her neighborhood.

Ms. Leslie Adams Kiddo, a resident who lives on Derby, felt there are some things with this plan that aren't workable.

Ms. Lazar said she doesn't care for the offices facing E. Maple Rd. It is an oxymoron to have a grocery store and be looking in at office space.

Mr. Koseck indicated that without some additional information the traffic matter concerns him and he can't support anything tonight. He would be willing to mandate that no one goes north onto N. Eton from the site.

Ms. Whipple-Boyce thought the proposed improvements to the intersection will improve the flow of traffic. It has been explained tonight by two traffic engineers why that will be the case. She wondered whether the light on the west side of the bridge will be timed to the light on the east side of the bridge so it won't create a five or six car backup. She noted the drawings show directional curbs that will force traffic to go where the signs indicate.

Mr. Boyle observed there is no evidence that cars exiting the power center at E. Maple Rd. and Coolidge flood onto Pembroke. They don't; they go on the main roads. He thinks that is exactly what will happen with Whole Foods traffic with the exception of the exit onto N. Eton.

Mr. Koseck suggested having one main entrance for traffic to get into the site. Chairman Clein thought that based on the evidence presented the traffic on E. Maple Rd. will work. However, he is uncertain about the interaction of traffic from the site, specifically up onto N. Eton.

Ms. Lazar spoke in favor of the project. She doesn't think Whole Foods would make this kind of investment in a project that they don't think can function for them. Further, she feels that having a very renowned vendor in a neighborhood enhances property values and it isn't a negative at all.

Ms. Whipple-Boyce asked whether the applicant would consider swapping the front of the building with the back.

Motion by Mr. Boyle

Seconded by Mr. Koseck to postpone the decision on the Preliminary Site Plan Review for 2100 E. Maple Rd., Whole Foods Market, to August 12, 2015.

At 10:24 p.m. there were no comments from the public on the motion.

Motion carried, 5-0.

VOICE VOTE

Yeas: Boyle, Koseck, Clein, Lazar, Whipple-Boyce

Nays: None

Absent: DeWeese, Williams

The board took a brief recess at this time.

07-142-15

**SPECIAL LAND USE PERMIT ("SLUP") REVIEW
FINAL SITE PLAN REVIEW**

243 E. Merrill

La Strada Dolci E Caffee

Application for a SLUP to allow the operation of a new bistro serving alcoholic liquors

Mr. Baka offered background. The subject site is located at 243 Merrill St., between S. Old Woodward Ave. and Pierce. The parcel is zoned B-4 Business-Residential and D-4 in the Downtown Overlay District. The applicant, a new restaurant by the name of "La Strada Caffee", is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. La Strada Caffee has been approved for exterior changes by the Historic District Commission and is currently under construction. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham in order to sell alcoholic liquors. La Strada Caffee will be required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan, SLUP, and for the operation of a Bistro License.

Design Review

The applicant was approved by the Historic District Commission at their meeting held on June 17, 2015 to install one new window in a previously existing opening, a new set of swing-out French doors and the establishment of an outdoor dining area in a non-contributing historic building in the CBD Historic District. The applicant was also recently granted administrative approval to reinstall four of the original copper awnings that had been removed and put in storage at some time in the past.

The French doors are proposed to replace an existing window to allow an open air atmosphere between the sidewalk and the inside of the cafe.

La Strada Caffè proposes to install seating for ten patrons on private property directly adjacent to the building in front of the cafe's proposed French doors and new window. The outdoor dining area as proposed will be enclosed by pots and provides for safe and efficient pedestrian flow.

Based on the plans submitted, the applicant is proposing to provide 71% glazing between 1 ft. and 8 ft. above grade. Accordingly, the proposal meets the Zoning Ordinance requirements for a minimum of 70% glazing.

Signage

The applicant was approved to install a name letter sign on the front. The approved sign will measure a total of 26.7 sq. ft. The proposed size is in accordance with Article 1.0, section 1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area. The wall sign is proposed to be mounted over 8 ft. above grade which meets the requirement of Article 1.0, Table B of the Birmingham Sign Ordinance.

Illumination

No new lighting is proposed for this project.

Ms. Whipple-Boyce pointed out that the furniture layout will not fit into the small space shown on the outdoor seating plan.

Mr. Zharko Palushaj, the restaurateur, said he is the operating partner of Tremonte Restaurant in Troy. His idea for the last four or five years has been to open an Old World Italian Cafe right in the city that is a place to be and to meet. He will share the 5,000 sq. ft. space with his wife, who plans to open a nail salon. The tables and bar at the front will be granite. The prep work will be done at the back where it will be open for people to see. Breakfast and lunch service is planned. At dinner, gourmet meats and cheeses will be served along with an array of crostinis, salads, pizzas, and desserts. They have applied for a Bistro License in order to serve bubbles and wines.

Motion by Mr. Boyle

Seconded by Ms. Whipple-Boyce to extend the meeting 30 minutes to 11:30 p.m.

Motion carried, 5-0.

VOICE VOTE

Yeas: Boyle, Whipple-Boyce, Clein, Koseck, Lazar

Nays: None

Absent: DeWeese, Williams

There were no public comments at 11 p.m.

Motion by Ms. Whipple-Boyce

Seconded by Ms. Lazar to recommend approval of the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for La Strada Caffè at 243 Merrill with the following conditions:

- 1) The applicant will be required to enter into a license agreement with the City, and to provide the required insurance. Liquor liability insurance will also be required for the service of liquor as well as an Outdoor Dining Permit;**
- 2) The applicant provide a trash receptacle within the outdoor dining area as required by the Zoning Ordinance;**
- 3) The applicant must provide specifications and layout of the outdoor dining enclosure.**

No one from the audience wished to discuss the motion at 11:02 p.m.

Motion carried, 5-0.

VOICE VOTE

Yeas: Whipple-Boyce, Lazar, Boyle, Clein, Koseck

Nays: None

Absent: DeWeese, Williams

07-143-15

**SPECIAL LAND USE PERMIT ("SLUP") REVIEW
FINAL SITE PLAN REVIEW**

735 Forest Ave.

Forest Grill

Application for a SLUP Amendment to allow a name change for the restaurant, as well as interior and exterior modifications to an existing bistro serving alcoholic liquors

Ms. Ecker explained the subject site is located on the north side of Forest Ave., west of Elm St. The existing bistro is located on the ground floor of an existing three-story building located on the northwest corner of Forest Ave. and Elm St. The property is currently zoned O-2 Office Commercial and zoned MU-3 on the eastern portion of the property and MU-5 on the western portion of the property in the Triangle Overlay District.

The applicant is now seeking approval for a Revised Final Site Plan and a SLUP Amendment for the existing establishment, Forest Grill. Accordingly, the applicant is required to obtain a recommendation from the Planning Board and then approval from the City Commission for the Final Site Plan and SLUP. The bistro has outdoor seating adjacent to the building and meets the goals of the Triangle District Urban Design Plan. The major changes to the approved site and use are the replacement of windows with a retractable glass wall and the addition of a new owner to the ownership team. The application includes minor design changes to the interior and two new signs.

Design Review

The proposed exterior design change includes replacement of the middle first-floor window/door system with an operable NANA wall. This will provide access to and from the outdoor cafe and the interior of the bistro. The NANA wall will be designed to look exactly like the existing storefront.

Signage

Two new signs are proposed, one wall sign to replace the existing sign and one blade sign on the Elm St. frontage. The existing wall sign above the outdoor dining area is proposed to be removed. A new address acrylic panel with stainless steel edging is proposed to be mounted on the wall at a height of 10.79 ft. above grade. The blade sign is proposed to be double-sided and to be internally illuminated with LED lighting. Both signs meet all of the requirements of the Sign Ordinance.

The applicants are proposing that a new owner, Mr. Sami Eid, be added to the ownership team.

Ms. Ecker advised that the street lights and hanging plants that were proposed on the original plan were never installed, so that should be completed. Also, a recessed panel on the Elm St. elevation where a window was bricked in has never been addressed by the applicant. The City continues to hold money that was posted by the applicant to ensure that the street lights go in and to cover the artwork the applicant was supposed to add on the Elm Street facade.

Mr. Victor Saroki, Architect for the Forest Grill, was present with Mr. John Kelly, the general contractor and part owner; along with Mr. Sami Eid from Phoenicia Restaurant who is part of the new ownership team; and Mr. Nick Janero, Executive Chef. The restaurant will still offer fine dining with a high attention to detail. At this point the owners believe it is time to refresh the restaurant along with creating indoor/outdoor activity. The kitchen will be enclosed in glass and a wine cellar will display wines on the main floor. Along with that, some interior decor changes will be made. The feel of the restaurant will continue to be modern and open.

Regarding the street lights, the underground conduits and electrical service to the lights have been installed. However, at the time the street lights for the Triangle District had not yet been selected. When the building across the street is started it may be the right time to put in the street lights and illuminate the whole street.

The recessed panel on Elm St. is the location of an interior walk-in cooler in the kitchen. If the board feels some type of architectural grill needs to be developed, they are open to that, but his honest opinion is that it is fine. The owners are very excited about the second phase of Forest Grill.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to extend the meeting another ten minutes to 11:40 p.m.

Motion carried, 5-0.

VOICE VOTE

Yeas: Whipple-Boyce, Koseck, Boyle, Clein, Lazar

Nays: None

Absent: DeWeese, Williams

Mr. Lazar felt something should be done to enhance the recessed panel. Mr. Boyle echoed that thought. It could be a place for a piece of interesting art that would draw attention to the space. Mr. Koseck thought maybe a sign would work there. Chairman Clein indicated the wall is not that big an issue for him.

No one from the public wished to join the discussion at 11:31 p.m.

Motion by Ms. Lazar

Seconded by Mr. Boyle to recommend approval to the City Commission for the Revised Final Site Plan and SLUP Amendment for Forest Grill located at 735 Forest Ave. with the following conditions:

- 1) The applicant comply with the requirements of Article 04, Section 4.41 OD-01 of the Zoning Ordinance as they relate to licensing and insurance requirements for the use of the public right-of-way;**
- 2) The applicant provide street lights and hanging planters required by the Triangle Overlay District and submit for administrative approval or obtain a variance from the Board of Zoning Appeals;**
- 3) A fully executed contract must be signed with the applicant and the City of Birmingham outlining the details of the operation of the bistro; and**
- 4) Prior to appearing before the City Commission the applicant provide artwork or another design element to address the recessed brick panel of the wall in the former window opening on the east elevation; and**
- 5) Applicant verify that the type of glass proposed for the NANA wall will match the existing glazing and conform to the District standards.**

Motion carried, 5-0.

VOICE VOTE

Yeas: Lazar, Boyle, Clein, Koseck, Whipple-Boyce

Nays: None

Absent: DeWeese, Williams

07-144-15

STUDY SESSION

Amendment to Article 1, Zoning Map, Section 1.14 of the Zoning Ordinance

Ms. Ecker explained that on June 29, 2015 the City Commission voted to approve the rezoning of the property at 2100 E. Maple Rd. from O-1 Office to B-2 General Business. Shortly thereafter, it was discovered that the ordinance language in Article 1 of the Zoning Code established the official Zoning Map as the map that was dated July 14, 2008, without the "as amended" thereafter.

**Motion by Ms. Whipple-Boyce
Seconded by Ms. Lazar to set a public hearing on August 26 to consider the
Amendment to Article 1, Zoning Map, section 1.14 of the Zoning Ordinance to
provide an update as needed.**

Motion carried, 5-0.

VOICE VOTE

Yeas: Whipple-Boyce, Lazar, Boyle, Clein, Koseck

Nays: None

Absent: DeWeese, Williams

07-145-15

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no public remained)

07-146-15

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approval Correspondence
 - 555 S. Old Woodward Ave., Dumpster enclosure - Currently 555 Commercial has no dumpster, and uses the 555 Residential dumpster on the south side of the building. Dumpster enclosure will have beige Roman brick walls and the new gates will be made from beige composite fencing.
 - 33588 Woodward Ave., Shell/Dunkin Donuts -
 1. Remove Azek from canopy ceiling and columns. Replace w/dark bronze plus paint columns;
 2. Revise monument sign, keep same square footage;
 3. Paint color on brick now Fatigue Green.
 - 304 Hamilton Row - Add one RTU to roof and two fans screened per Ordinance.
- c. Draft Agenda for the Regular Planning Board Meeting on August 12, 2015 (not discussed)
- d. Other Business (not discussed)

07-147-15

PLANNING DIVISION ACTION ITEMS

- a. Staff report on previous requests (none)
- b. Additional items from tonight's meeting (none)

07-148-15

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 11:40 p.m.

Jana Ecker
Planning Director

APPROVED