

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, MARCH 22, 2017**

Item	Page
<b>SPECIAL LAND USE PERMIT ("SLUP") FINAL SITE PLAN REVIEW</b>	
<b>1. 225 E. Maple Rd. Social Kitchen</b> Request for SLUP Amendment to allow construction of a glass enclosure system around the existing outdoor dining in the via, and to allow a new canopy on the rooftop.	<b>2</b>
<b>Motion by Mr. Share</b> <b>Seconded by Mr. Williams to postpone the SLUP and Final Site Plan Review for 225 E. Maple Rd., Social Kitchen, to May 10, 2017.</b>	<b>3</b>
<b>Motion carried, 6-0.</b>	<b>3</b>
<b>2. 250 N. Old Woodward Ave. Emagine Palladium Theatre and Four Story Burger</b> Request for Final Site Plan Review and SLUP Amendment for a name change from Emagine Palladium Theatre - Ironwood Grill to Emagine Palladium Theatre - Four Story Burger	<b>3</b>
<b>Motion by Mr. Williams</b> <b>Seconded by Ms. Whipple-Boyce that the Planning Board recommends approval of the applicant's request for a Final Site Plan and a SLUP Amendment to permit Emagine Palladium - Four Story Burger to operate at 250 N. Old Woodward Ave. with the following condition:</b>	<b>5</b>
<b>1. The applicant will be required to execute an amended contract with the City outlining the details of the proposed theatre and restaurant operations that must be fully executed upon approval of the SLUP Amendment.</b>	
<b>Motion carried, 6-0.</b>	<b>5</b>
<b>3. 35975 Woodward Ave. August, LLC New commercial building (currently vacant)</b> Request for Final Site Plan Review to allow construction of a new two-story commercial building with surface parking	<b>6</b>

Item	Page
<p><b>Motion by Ms. Whipple-Boyce</b>  <b>Seconded by Mr. Share that the Planning Board approves of the Final Site Plan and Design Review for 35975 Woodward Ave. including the use of in grade upward illuminating fixtures as shown on the Final Site Plan, with the following two conditions:</b></p> <ol style="list-style-type: none"> <li><b>1. The applicant will be required to enter into a Streetscape Agreement with the City for improvements in the right-of-way; and</b></li> <li><b>2. The applicant must comply with the requirements of all City Departments.</b></li> </ol>	7
<p><b>Motion carried, 6-0.</b></p>	8
<p><b>PRELIMINARY SITE PLAN REVIEW</b></p>	
<ol style="list-style-type: none"> <li><b>1. 412-420 E. Frank St.</b>  <b>New residential building</b> (currently Petrazellas and Frank Street Bakery)  Review to allow construction of a three-story residential building with five (5) units and enclosed parking</li> </ol>	8
<p><b>Motion by Mr. Koseck</b>  <b>Seconded by Ms. Whipple-Boyce to approve the Preliminary Site Plan Review for 412 and 420 E. Frank St. with the following conditions:</b></p> <ol style="list-style-type: none"> <li><b>1. The applicant will be required to provide the height of the chimneys at Final Site Plan Review to determine compliance with the Zoning Ordinance;</b></li> <li><b>2. The applicant will be required to provide the required number of trees on-site;</b></li> <li><b>3. The applicant will be required to provide the dimensions of the sidewalks to verify that they meet the ordinance requirements;</b></li> <li><b>4. The applicant will be required to provide three additional street trees or obtain a waiver from the Staff Arborist;</b></li> <li><b>5. The applicant must provide the required bike racks or obtain a variance from the BZA;</b></li> <li><b>6. The applicant provides the required 6 ft. masonry screenwall or meets the ordinance requirements; and</b></li> <li><b>7. The applicant complies with requests from City Departments.</b></li> </ol>	9
<p><b>Motion carried, 6-0.</b></p>	9

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 22, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on March 22, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Daniel Share, Bryan Williams; Student Representative Bella Niskar

**Absent:** Board Members Robin Boyle, Vice-Chairperson Gillian Lazar; Alternate Board Member Lisa Prasad; Student Representative Ariana Afrakhteh

**Administration:** Matthew Baka, Sr. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**03-54-17**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF MARCH 8, 2017**

Page 1 – Mr. Share noted that the February 22, 2017 Minutes should reflect that both he and Ms. Lazar voted in favor of the last motion on Page 4.

**Motion by Mr. Share**

**Seconded by Ms. Whipple-Boyce to approve the Planning Board Minutes of March 8, 2017 as amended.**

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Share, Whipple-Boyce, Clein, Jeffares

Nays: None

Abstain: Koseck, Williams

Absent: Boyle, Lazar

**03-55-17**

**CHAIRMAN'S COMMENTS**

Chairman Clein welcomed the Planning Board's second student representative, Ms. Bella Niskar. He also welcomed back Mr. Koseck and Ms. Whipple-Boyce who were re-appointed by the City Commission for another three years.

**03-56-17**

**APPROVAL OF THE AGENDA** (no change)

**03-57-17**

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

**1. 225 E. Maple Rd.**

**Social Kitchen**

Request for SLUP Amendment to allow construction of a glass enclosure system around the existing outdoor dining in the via, and to allow a new canopy on the rooftop.

Chairman Clein advised that after the agenda was published a memo has been received with comments from the Building Official.

**Motion by Mr. Williams**

**Seconded by Mr. Koseck to receive and file the letter dated March 21, 2017 from the City of Birmingham Building Dept. re: Final Site Plan and SLUP Amendment Review Comments, 225 E. Maple Rd., Social Kitchen.**

**Motion carried, 6-0.**

**VOICE VOTE**

Yeas: Share, Whipple-Boyce, Clein, Jeffares, Koseck, Williams

Nays: None

Absent: Boyle, Lazar

Chairman Clein summarized the correspondence as saying it is the Building Official's determination that under the Building Code this current proposal would cease to be an outdoor space and would actually be an interior addition to the building. This raises the issue that bistros are limited to 65 inside seats. The second point is that the space in question is in fact City public right-of-way. At this point there have not been any discussions with the City Attorney or City Manager regarding a lease amendment for the use of the via.

Further, Chairman Clein had serious concerns that the board has done zero planning related to expansion of bistros, permanent outdoor spaces in public right-of-ways, and whether this is a permanent structure. One could argue this is doubling the size of a bistro and flaunting the ordinance. Mr. Koseck said a lot of things have changed over the years and he suggested this would be a great time to add a study of bistros back onto the Priority List.

Mr. Williams concluded that the Building Official has decided the issue. This is not close to being outdoor dining and in his view the Planning Board cannot even consider it at this time. He suggested that the applicant meet with the Building Official to see if there are modifications that can be made. Other members concurred.

Ms. Ecker advised that if the final interpretation is that those would count as indoor seats, then the only way for the applicant to get around that would be to get a variance from the Board of Zoning Appeals ("BZA") to have more than 65 indoor seats. However, the City Commission would still have to make the final decision on the SLUP.

Chairman Clein said he is hearing support to postpone this matter until the applicant speaks with the Building Official and there is an official written interpretation on this matter. Then the applicant would have the opportunity to appeal the interpretation to the BZA and/or appeal for a variance from the 65 + 54 indoor seats.

Mr. Roman Bonislowski, Ron and Roman Architects, said they are at the point where it is time to replace the canvas and replace all the items associated with the outdoor patio that Social has had for years. A trend they are finding is that people are skipping over the suburbs and going to Detroit to dine. They are able to take the existing structure without the addition of any foundations and replace the canvas on top with a light polycarbonate translucent material. They decided to replace the Eisenglass with a system similar to what they have done at the Griffin Claw Brewery with a semi-rigid acrylic product. It is supported no differently than the Eisenglass with no foundations required. Further, some decorative elements will be added. So, all of the Building Dept.'s comments totally took them by surprise.

**Motion by Mr. Share**

**Seconded by Mr. Williams to postpone the SLUP and Final Site Plan Review for 225 E. Maple Rd., Social Kitchen, to May 10, 2017.**

There were no public comments on the motion at 7:55 p.m.

**Motion carried, 6-0.**

**VOICE VOTE**

Yeas: Share, Williams, Clein, Jeffares, Koseck, Whipple-Boyce

Nays: None

Absent: Boyle, Lazar

**03-58-17**

**2. 250 N. Old Woodward Ave.**

**Emagine Palladium Theatre and Four Story Burger**

Request for Final Site Plan Review and SLUP Amendment for a name change from Emagine Palladium Theatre - Ironwood Grill to Emagine Palladium Theatre - Four Story Burger

Ms. Ecker noted the subject site is located at 250 N. Old Woodward Ave., on the south side of the existing Palladium Building in a portion of the former Palladium Theatre

space. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District.

On March 13, 2017, the City Commission set a public hearing for March 27, 2013 to consider renewal of the Liquor License. They also set a public hearing for April 13, 2017 to consider the SLUP agreement and the name change violation and whether they should terminate the SLUP or not.

In the meantime the applicant and SLUP holder, Emagine Palladium Theatre and Ironwood Grill, is now seeking a SLUP Amendment to grant approval to change the name of their establishment to Emagine Palladium Theatre and Four Story Burger. Ironwood Grill was closed at the end of 2016, and the new concept Four Story Burger restaurant was opened. Chapter 10 and Chapter 126 of the City Code require that the applicant obtain a SLUP Amendment approval from the City Commission to change the name of an existing liquor establishment operating under a SLUP Amendment.

Emagine Palladium Theatre and Ironwood Grill will be required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP Amendment based on the interior changes only, and then obtain approval from the City Commission for the Final Site Plan and SLUP Amendment to change the name of the establishment to Emagine Palladium Theatre and Four Story Burger.

The new Four Story Burger is currently open to the public (with no membership requirement), as was Ironwood Grill. The new restaurant is located in the space that Ironwood Grill previously occupied, however many interior changes now provide a casual dining experience and offer 145 dining seats (Ironwood Grill was previously 196 seats). There are 18 seats at the bar, with an exhibition style brick pizza oven kitchen and an open air dining experience overlooking Hamilton above the theatre marquis. Four Story Burger will offer unique sandwiches, salads and sides with locally sourced ingredients and baked goods, as well as an assortment of local craft beers and creative cocktails. A private banquet room is also proposed with a private bar that will be available for rental for birthday parties, meetings, bridal showers and similar functions. Emagine Palladium Theatre members will be entitled to priority reserved seating at the Four Story Burger during busy periods and be entitled to call ahead food service.

#### *Design Review*

The large bar for Ironwood Grill has been maintained, and booths have been added in the bar area. The main seating area that lines the large windows has been converted from a 98 seat booth seating area into a more casual 72 seat area with moveable bistro tables and chairs. The former secondary dining area closer to the theatres has been converted from a 56 seat dining area with booths and freestanding tables to a 41 seat lounge area with couches and club chair seating. The existing pizza oven and bar seating surrounding it is proposed to remain. The new Four Story Burger theme is movie and entertainment based with movie posters, movie reels and other film-related design elements scattered throughout the restaurant.

The applicant intends to continue to offer open air dining in good weather by opening

the operable Nanawall window system. However, the applicant is proposing that the Nanawall window system will only be open during the regular hours of business for Four Story Burger and therefore no open air dining will be offered past midnight.

### *Signage*

At this time, no exterior signage is proposed on the building.

Mr. Roman Bonislowski, Ron and Roman Architects, said the owner came to them to say he had a restaurant that was failing. Their suggestion to him was to appeal to the common denominator that will most utilize the facility. Reduce the number of seats, make it friendly, make it cheap, make it accessible. They are challenged enough being on the fourth floor. As such, the project is already doing better than it was before.

Mr. John Goldstein, one of the partners of Imagine Palladium, said when Ironwood Grill was not working he was asked to fix it. He handed it over to Ron and Roman and trusted they would come up with something better. He said he was sorry that they didn't go through the correct process.

Mr. Bonislowski noted they are working with the Jonnas to present an appropriate master signage package, and to re-introduce the lighting that used to be on the building. That will be the subject of a separate application. Essentially they changed the concept, put in new furniture, reduced the number of tables, and raised the seating to enable customers to view the outside.

Ms. Whipple-Boyce indicated that she believes there is a disconnect between the way the public sees the space and what the applicant is trying to do with it. The stigma of the former movie membership idea and whether the public is even invited to be in the restaurant may still hurt them. Mr. Goldstein replied they now have an extensive loyalty program with a lot of tiers. They are also doing outreach and trying to ease back into a more traditional theatre model and restaurant open to the public. They are trying to make sure that the community knows it is a welcoming place.

### **Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce that the Planning Board recommends approval of the applicant's request for a Final Site Plan and a SLUP Amendment to permit Emagine Palladium - Four Story Burger to operate at 250 N. Old Woodward Ave. with the following condition:**

- 2. The applicant will be required to execute an amended contract with the City outlining the details of the proposed theatre and restaurant operations that must be fully executed upon approval of the SLUP Amendment.**

At 8:14 p.m. there were no public comments on the motion.

**Motion carried, 6-0.**

### VOICE VOTE

Yeas: Williams, Whipple-Boyce, Clein, Jeffares, Koseck, Share

Nays: None

Absent: Boyle, Lazar

**3. 35975 Woodward Ave.**

**August, LLC**

**New commercial building** (currently vacant)

Request for Final Site Plan Review to allow construction of a new two-story commercial building with surface parking

Ms. Ecker noted the parcel located at 35975 Woodward Ave., the former site of a gasoline service station, is currently vacant. In 2005, the gas station closed its operations and the remaining structure was later demolished in 2013. Construction of the existing parking lot was completed without site plan approval roughly one year ago.

The site is zoned B-2B and D-2 in the Downtown Overlay. They are proposing a new two-story building with a basement that is not habitable space and will be used for storage purposes.

On January 25, 2017, the Planning Board reviewed the Preliminary Site Plan for 35975 Woodward Ave., and voted to approve the Preliminary Site Plan with several conditions. The only main issue was in regard to the rear setback. On March 14, 2017 the applicant obtained a rear setback variance from the Board of Zoning Appeals ("BZA") to allow the 47 ft. rear setback.

It is proposed that the first floor of the building will contain a lobby, office space, and a two-car private parking garage. The second floor will be primarily office space. Since the site is located outside of the Downtown Parking Assessment District, on-site parking has been planned behind the building. The applicant is proposing a 5,500 sq. ft. floor plate for each of the two stories above grade, plus the basement, for a total of 16,500 sq. ft. of gross space.

There are three ways in and out of the site, with one curb cut on each of Woodward Ave., Oak, and N. Old Woodward Ave. Two existing curb cuts will be removed.

The parking lot is lit with cut-off fixtures and the applicant now meets the maximum/minimum standards for parking lot lighting.

*Design Review*

The applicant has submitted elevation drawings, color renderings and specific details on the materials. Sample materials have been provided.

The applicant has met all of the design requirements in the Downtown Overlay, as more than 90% of the building is constructed of brick, glass and stone, there are no blank walls facing a public street, the proposed colors of the building are compatible with adjacent buildings, storefronts have mullion systems, façade openings are vertical in proportion, and all glazing requirements have been met.

In accordance with Article 3, Section 3.04 of the Zoning Ordinance, screenwalls may

have openings of no more than 25 ft. in width. The applicant is proposing three openings in the screenwalls along N. Old Woodward Ave., Oak, and Woodward Ave., and none of them exceed 25 ft. The applicant has provided the required continuous screenwall where there is no building façade on the frontage line along each street, and all screenwalls are in line with the building along the frontage line.

Mr. Victor Saroki, Architect for this proposal, was present with Ms. Yvonne Yaldao, Project Architect from his office; Ms. Jamie Rae Turnbull, representing the owner; Mr. Michael Dul, Landscape Architect; PEA is the civil engineer; and SME is their environmental and geotechnical consultant. Mr. Saroki explained the site has some complications because of the geometry, environmental and fill issues, and cross-access easements for Douglas Cleaners. They think this will be a very handsome building that uses a rich palate of materials. As he told the board last time, it will be a building for Mr. Art Van's Foundation.

The elegance of the building is the simplicity of the design and the quality of the materials. All of the elements of the building in terms of the materials are dark. With such a dark palate, your eye goes into the building. They have provided all of the necessary screenwalls and they even made improvements to the intersection so that it will come around and tie in nicely to The Pearl. If the owner of Douglas Cleaners is amenable, they will put the remainder of the screenwall at their expense across the front of his property where his parking is.

Mr. Saroki disagrees with the Building Department comments as he thinks that according to the Building Code they do not need a second means of egress from the basement because it is just mechanical storage. Further, they will make sure that the asphalt pavement will support a fire truck.

There are two sign locations and they will return to the Planning Board for the signage at a later date.

Mr. Williams commented that it is unfortunate there is no crossing at Oak to enable pedestrians to get across Woodward Ave. He felt the City Commission should take this up with the State.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Share that the Planning Board approves of the Final Site Plan and Design Review for 35975 Woodward Ave. including the use of in grade upward illuminating fixtures as shown on the Final Site Plan, with the following two conditions:**

- 1. The applicant will be required to enter into a Streetscape Agreement with the City for improvements in the right-of-way; and**
- 2. The applicant must comply with the requirements of all City Departments.**

There were no comments on the motion from members of the public at 8:39 p.m.

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Whipple-Boyce, Share, Clein, Jeffares, Koseck, Williams  
Nays: None  
Absent: Boyle, Lazar

03-60-17

## PRELIMINARY SITE PLAN REVIEW

### 412-420 E. Frank St.

**New residential building** (currently Petrazellas and Frank Street Bakery)

Review to allow construction of a three-story residential building with five (5) units and enclosed parking

Mr. Baka advised the subject site is composed of three parcels, 412 & 420 E. Frank St. as well as the small strip of parking that abuts on the east. 412 E. Frank St. was most recently occupied by Frank Street Bakery, while 420 E. Frank has been used as an interior design office space for the past several years. The combined parcels are 15,200 sq. ft. in size and are located on the southeast corner of E. Frank St. and Ann St. The applicant is proposing to demolish the existing buildings to construct a five (5) unit multi-family structure. The site was recently rezoned to TZ-1, Transition Zoning. The proposed residential units are permitted principal uses in the TZ-1 Zone.

Article 04 section 4.20 LA-01 (E) requires that one (1) deciduous tree and one evergreen tree be provided per unit. The applicant is proposing five (5) units. Accordingly, they are required to provide five (5) of each type of tree. **Therefore, the applicant will be required to provide the required number of trees or obtain a variance from the Board of Zoning Appeals ("BZA").**

The cumulative frontage of E. Frank St. and Ann St. is 252 ft., requiring six (6) street trees. The applicant is proposing to plant two (2) new street trees and retain one (1) existing tree. **Accordingly the applicant will be required to provide three additional street trees or obtain a waiver from the Staff Arborist.**

The applicant is proposing a 19,141 sq. ft. building requiring six (6) bike racks. Currently, no bike racks are proposed. **Accordingly, the applicant must provide the required bike racks or obtain a variance from the BZA.**

### *Design Review*

A full design review will be performed at Final Site Plan Review.

Mr. John Serkesian, Architect, represented the applicant. He advised they are proposing to remove two metered parking spots. Currently there are three curb cuts on the property and they will be eliminating two of those. The remaining curb cut is as far from the neighborhood as they could get it. They are required to have 10 parking spots and they have 15 under roof and screened with direct access into the building. That should address some of the parking issues in the neighborhood. They will meet with the Staff Arborist as required and plan to meet all landscape requirements. He hopes to only be required to do a 5 ft. sidewalk and match what is along Ann St. The units will be for sale and they average 3,000 sq. ft. in size. The building will be brick and stone.

They have shared everything with the neighbors. The peaks of the roof are a little higher than the residences along Ann St.

**Motion by Mr. Koseck**

**Seconded by Ms. Whipple-Boyce to approve the Preliminary Site Plan Review for 412 and 420 E. Frank St. with the following conditions:**

- 1. The applicant will be required to provide the height of the chimneys at Final Site Plan Review to determine compliance with the Zoning Ordinance;**
- 2. The applicant will be required to provide the required number of trees on-site;**
- 3. The applicant will be required to provide the dimensions of the sidewalks to verify that they meet the ordinance requirements;**
- 4. The applicant will be required to provide three additional street trees or obtain a waiver from the Staff Arborist;**
- 5. The applicant must provide the required bike racks or obtain a variance from the BZA;**
- 6. The applicant provides the required 6 ft. masonry screenwall or meets the ordinance requirements; and**
- 7. The applicant complies with requests from City Departments.**

Discussion concluded that the width of the sidewalks will be determined by how they relate to the other sidewalks.

No one from the public had comments on the motion at 9:05 p.m.

**Motion carried, 6-0.**

**VOICE VOTE**

Yeas: Koseck, Whipple-Boyce, Clein, Jeffares, Share, Williams

Nays: None

Absent: Boyle, Lazar

**03-61-17**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (none)**

**03-62-17**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

a. Communications

b. Administrative Approval Correspondence

- Ms. Ecker noted a request from 856 N. Old Woodward Ave. They propose to change the approved limestone façade to another material such as stucco or cast stone on the sides and rear of the building, keeping limestone on the front elevation. Mr. Jason Krieger with Krieger Klatt Architects said that as the project advanced, bids came in much higher than originally budgeted. It is heavily

wooded along the back and no one will see that façade. So their thought was that stucco could be colored to match the limestone on the front.

Mr. Koseck thought the back of the building could be seen from Woodward Ave. and it should be pretty from there as well. His office is not using cast stone anymore because there have been lots of problems with cracking and discoloring. Further, he doesn't love stucco. Therefore, he would be open to evaluating other 50 year materials. The building doesn't have to be limestone.

Ms. Whipple-Boyce commented that the board is just seeing this for the first time tonight. Elevations would be really helpful. Maybe the lower floor could be a 50 year material and some of the upper floors could change to another material such as stucco. Mr. Share said he is sensitive to the board's not creating a precedent of allowing applicants to downsize the quality of their building. Additionally, it is not the board's job to protect someone's profit margin. Mr. Jeffares agreed with Ms. Whipple-Boyce that the second and third floor setbacks would be the logical flow for changing materials. Further discussion brought out that Krieger Klatt inherited the project and now they are trying to make it work. They will come back to the board with options.

- Mr. Baka introduced Mr. Charles Ghesquire, owner of the Mercedes Benz storage facility. Mr. Ghesquire indicated that he wants to leave the building with no signage. It makes security less difficult. It was agreed that Mr. Ghesquire could submit for administrative approval to remove the signs from the plans.
- Mr. Baka advised that Polpetta wants to put outdoor dining in front of their establishment. The board was okay with allowing them to place it in a different configuration than Subway had. It was thought that four tables rather than six would fit.

c. Draft Agenda for the Regular Planning Board Meeting on March 29, 2017

Study sessions regarding:

- Window tinting;
- TZ-2;
- Shared parking regulations;
- Definition of retail; and
- Consideration of parking standards.

Draft Agenda for the Regular Planning Board Meeting on April 26, 2017

- 160 W. Maple Rd., Dick O'Dows - SLUP and Final Site Plan Review to open up the rear of the restaurant for outdoor seating;
- 298 S. Old Woodward Ave., Hotel – CIS and Preliminary Site Plan Review;
- 2010 Cole, three-story mixed-use building – CIS and Preliminary Site Plan Review.

d. Other Business

Ms. Niskar said she learned a lot by observing this evening and thanked the board.

**03-63-17**

**PLANNING DIVISION ACTION ITEMS**

a. Staff report on previous requests (none)

b. Additional items from tonight's meeting (none)

**03-64-17**

**ADJOURNMENT**

No further business being evident, the Chairman adjourned the meeting at 9:45 p.m.

Jana Ecker  
Planning Director