

FINAL MINUTES

Planning Commission Minutes

August 23, 2018

STEAMBOAT SPRINGS PLANNING COMMISSION

PUBLIC HEARING MINUTES

August 23, 2018

The regularly scheduled public hearing of the Steamboat Springs Planning Commission was called to order at approximately 5:00p.m. on Thursday, August 23, 2018, in the Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Planning Commission members in attendance were:

Chair Rich Levy, Vice-Chair Brian Adams, George Eck, Michael Buccino, Martyn Kingston, Tom Ptach and Lee Calihan.

Absent: Weese

Staff members present were staff planners Bob Keenan and Kelly Douglas and Planning Director Tyler Gibbs.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

#1: DPV-18-03, CU-18-06: 655 Yampa Street

STAFF PRESENTATION

Bob Keenan:

Tonight before you is an application for a development plan and conditional use with a major variance for a mixed-use project that consists of proposed office, retail or restaurant on the ground floor with four residential units above. The application includes variances to allow residential garages in the pedestrian active building frontage and also front setback variances and a glazing requirement variance.

The project is located on Yampa Street perpendicular to 7th Street right across from where 7th comes down and meets Yampa. The applicant started with a conceptual development plan early on in the process and switched gears wanting to move the process on a little bit quicker. We've been working with them on the variances and the conditional use.

There's a requirement in the CY zone district that any residential use that's along the pedestrian building frontage be set back at least 25 feet from that front façade. One of the proposed parking garages that services the residential units is within that 25 feet of frontage area, but it is tucked in behind a stairwell. The point of the pedestrian active building frontage is to have active uses along the pedestrian frontage, so you'd have a restaurant, storefront, retail windows to provide activity along that frontage. Given that there's a stairwell that's necessary for the building that's going to be located somewhere in that frontage, it seemed appropriate to allow that residential use to locate within that 25 feet. That's a conditional use, not a variance. It encroaches into that 25-foot setback by 5-6 feet.

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There's two variances that are dependent on each other. The CY zone district has a 10-foot setback from the front property line, and the applicant is proposing a 0-foot setback. There's also a 25-foot setback for portions of the building that are over 28 feet in height. The applicant is proposing a 12-foot, 4-inch setback. That seems to be a massing standard where taller portions of the building get set back further behind the front façade. It's important to note that the 12 foot, 4 inches is to the roof overhang, but the front façade is actually at 15. So it seems appropriate in the Planning staff's view that a 0-foot setback for the buildings that are less than 28 feet in height that an adjustment also be made to that step-back of the upper portion above 28 feet to 15 feet. It would be a 15-foot step-back to get to that 25 foot for the requirement of the principal structure over 28 feet.

Staff finds that both of those variances meet the criteria for approval.

The other variance is to the glazing/transparency requirement. The CY zone district has minimum side setbacks of 0 on one side and 7.5 feet on the other. It doesn't say which side. It was intended to have at least one side of the property allow views down to the river. So on the side that they have the 0-foot setback, because of Building Code they can't put windows or openings for fire reasons. So that variance is also acceptable and meets the variance criteria.

We worked with the applicant extensively to better meet the design standards for massing and having building modules every 40 feet. We think that's been achieved as well. Planning staff is recommending approval with the attached conditions. I do have a revised fifth condition that I just handed out to Planning staff. That's due to a legal nonconforming registration that was applied for by the applicant about 3-4 weeks ago for a deck that encroaches into the rear setback; it's basically built over the high watermark of the Yampa River. It's a deck that's been there for quite some time. Planning staff had denied that request, and the applicant has appealed that denial. We hadn't received an appeal when that fifth condition was written, so the condition was reworded to recognize that there's a pending appeal. These will be scheduled sometime late September for Planning Commission and October for City Council. This development can carry through the process independently of that appeal with this condition of approval.

APPLICANT PRESENTATION

Johan Munson, SwedProperty, LLC, Applicant Representative:

655 Yampa will be our fifth property in Steamboat; we close on it at the end of this month.

Munson recounted the story of how he came to be in Steamboat and reviewed his portfolio of properties:
13th Street industrial lot with a small garage building;
Elk River Plaza (Storm Peak Brewery and soon-to-open restaurant);
Ironhorse (put a lot of heart, effort and money into it);
902 Lincoln (opening tomorrow.)

Munson: We're here long term. We've been here since 2013. Ski towns and other destination communities have to evolve by building new ski runs, ski lifts, roads, hotels, restaurants, because if they don't, someone else will.

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We're buying 655 because it's very unique. I think it's going to add something to Yampa Street. Personally, I want to live down there. I want my partner to own another of the four residential units.

John Sanders, 117 12th Street:

This is a property I've worked on for 7+ years. As president of Main Street I've worked on the longer-term health of our retail. I've done a lot of retail leasing in this town. This property kept my attention. I worked with the Urban Land Institute when the city brought them to town on a panel for recommendations for long-term visioning. One of those was this property in particular and how it could fit with the future and preserving the future opportunity to potentially put a bridge or something of that sort. But it's more about how you mix residential and retail in the downtown core. We think we found a really good solution with this product. It's going to be a great project – not for full-on resale but to maintain as an investment property and also for the primary principals to own half of the condos.

Michael Olson, Architect, Applicant Representative:

This building is going to be right in the middle as you look down from 7th and Lincoln, so it does have a pretty high-profile position. The Planning code talks a lot about the eclecticism of Yampa Street. The first thing out of the gate besides meeting what we call the restrictive dimensional requirements was how do we create something that fits into this landscape with the river, the floodway and the floodplain. That kind of pushes the building as far toward the street as you can. Bob was talking about the roofline on the left side that comes forward. The reason for that is that in the back corner, the floodway forces us to move that portion of the building forward.

All the buildings like E3, 609 Sake2u and the Real estate office are all pushed forward, so this front setback we're requesting isn't anything unusual. One thing that dawned on me as we did this is that you've got these big expanses of concrete at the intersection. We wanted to soften the front of this building instead of just making more concrete. That's why right off the street we wanted to create a soft space with some trees and landscaping that could be used for snow storage for the city as well. Doing that, we're playing up the sidewalk along there and stopping that big expanse of concrete. Olson showed how the applicant tried to minimize the residential use on the active pedestrian frontage and how it was tucked behind the staircase.

Olson: We tried to draw the public into the back. That's why we shifted the building all the way to the south. We have that 0 lot line on that side so you can make it a little wider on the other. That gave the opportunity for a potential future easement for the city if they ever got to the point where they wanted to create a connection across the river. But that allows some engagement where people can come in and it brings them out towards the river.

Peter Patten, Patten Associates, Applicant Representative:

We've worked long and hard with staff for about a year through a number of iterations with the project design. I think this is our third or fourth at least – to get in line with the dimensional standards and the interpretation of the building heights. We meet the dimensional standards for CY1, which is a challenging proposition. We meet the FAR. So it fits in with that zone.

CY1 is a zone district that's written just for the river side of Yampa. This is reduced density and height versus what's across the street.

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This project is consistent with the character of this side of Yampa Street and the other buildings. Patten showed other buildings in the area with 0 or 5-7-foot setbacks from the right-of-way.

Patten: It's not the entire building frontage that is pushed up; there's depth to this building. It would be illogical to move this building back 10 feet to conform with the front setback. The whole idea starting with the Urban Land Institute study many years ago and a lot of the master plans that we have today that are adopted revolves around engaging the pedestrian as they walk along the street; you do that by bringing the building up to where the pedestrians are. This gets people into that pedestrian active zone back and forth to the restaurant, retail or office.

There's different setbacks for under 28 feet versus over 28 feet. The important thing here is that it's a relationship: If you have a 10-foot setback and you're moving it to 0; the 25-foot setback for the part of the building above 28 feet logically moves to 15. So we meet that.

The garage conditional use is just this 13-foot portion of the 25 feet. We've done the best we can to move it back, but to be able to get in and out we needed to have that partially in. That really does not impact the pedestrian active zone.

We have to comply with Building Code, so we can't have glazing on that wall.

We're agreeing to all the conditions of approval including the revision.

In conclusion, we're meeting all the criteria and are requesting approval of our development plan with the variances and conditional use.

QUESTIONS FROM COMMISSIONERS

Commissioner Eck:

Did we find out the setback for Sake2U?

Keenan: I took a look at that as well as some of the other setbacks on that side of the street. Sake2U is a 10-foot setback.

Eck: What's the distance from the property line to the edge of the pavement of Yampa?

Keenan: It looks like its 25 feet at the minimum; where it bumps out it's a little more than 30 feet from property line to edge of pavement.

Eck confirmed that the side setbacks are unique to the CY1 zone district.

Commissioner Kingston:

If your appeal succeeds and the deck is left in place, is the applicant contributing to riparian restoration or improvement? Or is it only if the deck is removed that you're asked about riparian improvements? Can you speak to what that might involve?

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Sanders: The quick answer is yes. There are some old trees that need to be removed, and those trees have pushed out separate areas not just the deck. There's trees all along there that are dangerous that need to be removed. We hope to start that very quickly. In that process, we're working with Kelly Culfer [ph]. I believe he flagged that today for us to repair the wall on the back. We also have some drainage that flows through there, and we have to work with the Army Corps of Engineers for that. So there will be some work on the riverbank with or without the deck.

Kingston: As far as your contribution to increasing or replacing shading, is that part of the restoration plan?

Sanders: There will be additional landscaping added in that back yard along the river. I don't know the details of it. That step is really to be determined based on what Kelly figures out with the Army Corps of Engineers.

Kingston: That's part of the final process that you will be undertaking.

Sanders: Correct.

Eck: The brown deck that was shown in your illustrations, is that the potentially legal nonconforming deck or is that something you're going to be including with the building?

Sanders: It is nonconforming. We wouldn't be able to build that today. The question is: Is it legal nonconforming?

Eck: Is the 30-foot high watermark a hard setback that you've not encroached on?

Keenan: They could propose a variance.

Commissioner Adams confirmed with Keenan that residential on the pedestrian active frontage would be a conditional use on the other side of the street; upstairs would be a limited use for multi-family.

Adams: The glazing variance seems like a silly variance for them to have to ask for because it's a code requirement through the Building Code. Is there a way we can prevent applicants from having to jump through these hoops?

Keenan: I think this really brought it to our attention. We haven't had many new developments since we implemented the 0 and 7.5 side setbacks. But yes, we'd like to make that change as well.

Kingston: People walking along that side of Yampa certainly aren't used to or expecting to see vehicles coming in or out of that particular location. I'm less concerned with the movement of the garages; I understand that it's still set back. But certainly we've got vehicle traffic now coming across what is currently a walkway with no vehicle traffic crossing.

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Keenan: That's a good point. It will be something that those motorists are going to have to be aware of. I believe the way it's being designed it's clearly delineated as a pedestrian way first and not a driveway. It's going to cause motorists to recognize that they're driving over a sidewalk.

Olson: Public Works wanted us to play up a pedestrian through-way, so we switched it around. What we could do is textures on the concrete to set that apart but keep the same flow through there. But you raise a good point, and I think we should keep that on the radar and maybe change it up a little bit.

Adams confirmed that the applicant worked with Public Works on sight lines so cars coming out of the garage will not hit a pedestrian before they can see the sidewalk.

Gibbs: Driveways are not unprecedented on that side of Yampa Street; I can think of five others for service at E3 and Aurum, the parking lot next to Back Door Sports, the city has two.

Commissioner Levy:

On the 0-foot setback, the applicant mentioned how for an active pedestrian frontage, the desire is to move the building closer to the sidewalk, and Yampa Street is considered an active pedestrian area. Do you feel that the 10-foot setback is actually in conflict with that goal and that's something we should be reconsidering? Or are there ways to do it without encroaching on the 10-foot setback and still maintaining an active storefront?

Keenan: I think it's something we need to look at. I think you could potentially argue that having a setback with an activated plaza or a seating area may achieve that activity you're looking for. But generally speaking, having the storefront windows at a 0-foot setback creates that pedestrian orientation that most communities are looking for.

Gibbs: I think in this kind of district the default would be to have a 0-foot setback, and if somebody wanted to create an active plaza, that would be a variance.

Keenan: Hopefully we'll have some direction from the Downtown Plan.

Levy: Apparently, they're not responsible for creating snow storage space for the sidewalk. How do we deal with that? If they're at a 0-foot setback, where's the snow from the sidewalk going to go?

Gibbs: Similar to the way it's done on Lincoln; it's pulled out to the curb and then hauled away.

Levy: Would the BID be responsible for that?

Gibbs: That's to be determined; right now the city takes care of it. If it's taken over by another contract, we would contribute what it's costing the city right now for snow removal.

Keenan: The design of the streetscape is consistent with our Streetscape Design Standards, which don't include significant areas of snow storage.

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Kingston: The biggest concern from the public is going to be losing visual access to the river. Could the applicant or staff explain this right-hand side of the building, which is where there's still some access and some visual access to the river?

Keenan: The intent of the side setback standards is to provide a view corridor down one of the sides. Looking down 7th Street you'll have somewhat of a view to the river; it's a small corridor.

Kingston: On the restaurant side.

Keenan: And it's a view corridor; it's not a public access easement, so it won't be open to the public beyond the extent they're there to patronize one of the businesses there.

Gibbs: This building is set back more than twice what the code would require from the right side. So they have been more generous than required with that setback.

PUBLIC COMMENT

Kevin McAvoy, Eastern Border Property Owner:

There's an 8-inch offset to the side of our existing building that's been there since '80-something. It is a house that's got utilities on that side, most of which were just recently installed as a result of the city's project to put the power lines under the street. So we have a lot of stuff on the side of the house there. Eight inches is not enough to even do anything back there. We painted the building this summer. Obviously, there would be no room for any kind of maintenance or anything. So I'm just wondering what can be done about that. I don't know if there's enough time for me to figure that out by September 4. Who do I need to get with to go through those options? I'd sure like to understand that a lot better.

Keenan said McAvoy could meet with him.

Michelle Avery, Adjacent Property Manager:

John has talked to me about what he wants to do with the parking. I am the one person who parks in that spot. Your concern was great. When you pull in and out of that spot, it is super dangerous with the pedestrians and bikers on that sidewalk. They're talking about parking closest to the building that we occupy. I park there every day, and it's a dangerous situation. When you're taking away the frontage, it's going to be even more dangerous because you're taking away the public right-of-way of that whole sidewalk that gets used a lot.

Some of those trees in the back are well over a hundred years old; they're in great shape; they're beautiful. What they've proposed is to take down a lot of them with the parking garage on that side going all the way back. Taking us to a 0 lot line on that side and having the parking garage offset on that side could be dangerous.

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The city is the one that moved our utilities and decided to put their master box right there. So there's some issues there with asking us to move all that stuff. I think it could be done a little bit different with more thought.

Kingston asked staff to respond to those public comments in terms of how the Commission should interpret them given what they've heard from the applicant and staff.

Keenan: I'm hopeful that the two parties can get together and try and work through some of the issues with the utilities and access to those utilities. This is the first I've heard of it, so I don't have an answer to the dilemma with the maintenance on the side of that building with the 8-inch setback. I think it's best that we talk outside of this meeting and work with the city attorney's office.

Kingston was surprised that there was not an internal conversation at the city about the change in the placement of the utilities.

Buccino and Keenan were curious about the setback with the building to the east.

Sanders: Technically, in order to walk to the front of the utility box you have to encroach on the other neighbor's property. I don't know how that happened to that level. We'll find a solution, whether it's moving it around the corner or something along those lines. There's also a lot of watering landscape for the neighbors that are inside of this property by about 12 feet. So there are some items that need to be figured out; our team has already budgeted to pay for those items in order to get the building in. There's approximately 14 inches on the other side. So there needs to be some access in order for the building to occur.

Levy confirmed that Engineering has looked at the 0 setback and how it would affect the safety on the sidewalk.

Keenan: I think there's some concern, but it has been designed as safe as possible to allow that access to occur.

Buccino attempted to clarify how much space there would be between the two buildings according to the drawing done by Landmark Consultants.

Commissioners thought there would be around 22 inches.

Levy: Landowners are responsible for their own access to utilities. We can't impair the current applicant to ensure other peoples' access.

Keenan: It seems like there was a mistake made by the utility company that installed them that made the property owner trespass to access the front panel.

Olson: Regarding the trees, the idea is to keep most of those trees along the bank unless they're dead. There's only a couple trees that are going to be impacted. Any trees that are within the foundation are obviously not going to live anymore, but we want to stabilize the bank so the shade trees will stay.

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Adams confirmed with Olson that more than half a dozen trees will be removed.

Avery: The city made us give them that variance. When they were doing the Yampa Street thing, they moved the utilities and required us to give them a variance. That's how they were allowed access.

Avery asked why the lot width of 140 feet was allowed.

Keenan said that the lot had already been subdivided into a legal nonconforming lot. If the developer was proposing to subdivide, that standard would apply.

Olson: When they did all this work, the utilities were put on this subject parcel.

Adams: There's a 10x10-foot utility easement in the corner. I feel like more traditionally you see strips like the entire front 10 feet or side 10 feet of a lot are usually utility easements; this one just has that pocket easement. Does that hold true for most lots on Yampa?

Keenan: I'm not entirely familiar with all the easements along Yampa. I think this is somewhat unique, though. There's typically a blanket easement.

Adams: If a utility came in and did that incorrect, that may be somebody to point fingers at. But it is not the applicant's responsibility on how the neighbors are getting their electric from this property. Is that fair?

Keenan: I would agree with that.

Kevin McAvoy:

There's a box on the eastern side of our property as well. I think the reason those boxes were put there is because when they carried the power from the other side of the street from the poles that they were trying to get rid of, they got rid of the transformers, put the power lines underneath the street and then in each lot they had to put these transformers in order to distribute power. On the other side of Yampa, they get power in the alley. I think there was already a transformer on the west side of 655 that they were able to reconfigure and use.

On the properties being right on the lot line, the slab for Sake2u is right on our property line on the eastern side of our lot; it encroaches several inches. The western edge of our building is right on the property line. How that came to be allowed, I haven't a clue, but I think over time there's been changes to the rules. It is pretty common in commercial real estate to have 0 offset; you've got no space between buildings. We're in a transition from what used to be some residential, some not to entirely mixed use or commercial. I get it, but we've got a transition issue to deal with for something that was already there under different rules. We'll get together and try and figure it out.

COMMISSIONER DELIBERATION/MOTION

Commissioner Ptach moved to approve DPV-18-03 and CU-18-06 with conditions 1-4 and the revised condition 5. Commissioner Eck seconded the motion.

DISCUSSION ON MOTION

Eck: I think with the front setback here, they're not asking for any size variance; they're asking for a location of the building variance. I think it's better for pedestrians to have it up by the street. The other stuff all extends from this, and then there's the glazing rule. So I think it meets the conditions.

Adams: This utility issue is an issue, and I feel for the neighboring owner. It seems as though that's more of a utility coordination issue, and I don't think the onus is on the applicant tonight.

Eck: The neighbor did make an excellent point that this is a transition period for this area, so there is going to be some conflicts.

Kingston: It's also going to be a maintenance issue, but I think it's beyond our purview. I would invite staff and Council to look at this and work with the neighbor and the applicant to see what kind of creative solutions we can come up with to be sure that the utility question is addressed satisfactorily to both and also the maintenance issue is moved in that direction.

Levy: I agree with the comments. The current situation has me wondering if the 0 setback really has potential to create a hardship on the property in the middle. If both properties on either side of that property take 0 setbacks, does that impact the middle property's ability to develop?

Adams: I think on Lincoln it's a 0-foot max, so both owners need to build up to that point so that you don't cause a maintenance issue. In this kind of transitional time when people are allowed to do it but aren't required to, now you're creating this possibility. You almost have to say 0 max or move it far enough away to be able to maintain or access the side of your building. That doesn't speak to my support of the project.

Levy: The difference being Old Town has an alleyway that can serve it and it's designed to have all its utilities in the rear of the building. Whereas, if you have to have side access in the CY zone district, you can't have 0 minimum side setbacks.

VOTE

The motion carried unanimously.

#2: DPP-18-12, Howelsen Ice Arena

STAFF PRESENTATION

Kelly Douglas:

This is a development plan application to amend the plans that were approved in DPF-17-06 which you saw earlier this summer. The amendment includes modular bathrooms and locker rooms as part of a phasing plan. They want to improve the Howelsen Parkway driveway that leads to the Parks and Rec Maintenance Building. They're also requesting 10-year extended vesting.

This is located off of Howelsen parkway between the Rodeo and the Parks and Rec building. The property is zoned OR. Their amendment meets all standards; no variances are requested. Staff is recommending approval.

APPLICANT PRESENTATION

Alan Lind, City of Steamboat Springs Director of General Services:

The changes from our original submittal are:

The Agate Street exit/entrance;

Modular bathroom and locker rooms that would go on the site.

Our plan is to have locker rooms and bathrooms in the connection area. Due to where our funding is at today, we are looking at putting in modular facilities on the front end. Those will be temporary dependent upon the funding for the facility. They do meet the code. We previously had access on Agate Street that was requested. We have gone with a revised entrance that will be updated next year to support traffic for the Parks and Rec staff. The Agate Street exit will be used as it is today.

There's usually about 15 semi-trucks a year that go through there, and that will remain.

QUESTIONS FROM COMMISSIONERS

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Adams: You're also requesting a 10-year vesting period. I feel like I got a pretty good understanding at Monday's work session of why we're asking for that, but could you just speak to the intent or the plan on when you'd like to be getting this going?

Lind: Because this is a public-private partnership, it is dependent on the funding. The initial thought is to do the work of the second sheet plus the modular on the front end; as we get more funding, the connectors would be the next phase. The full build-out would be with the lobby on the front of the building which would include youth programs and so forth. This project is multi-phased, and that's why the ten-year request.

Adams: These pods are going to be fully built out per code and everything. Is there an option where we get enough funding and success moving forward that we can skip that phase and just build to the original approved design, or has that ship sailed?

Lind: I don't think that ship has sailed, but I think the gap between our funding and getting there is probably significant enough that it wouldn't happen in this initial phase. We would love it to go that way for efficiency of construction and the operation of that facility.

Kingston confirmed that the Agate Street residents were notified of these changes and that there was no comment received from those residents.
He thanked the applicant for making these changes related to the Agate Street entrance/exit.

Kingston: Can you describe what these modulares would look like should they remain for a considerable amount of time?

Douglas: They are in your packet, but we can look at the rendering together.
A lot of care has been taken to make them cohesive with the design of existing structures.

Levy: And this meets all our design standards for the OR zone district?

Douglas: There are no design standards for the OR zone district, but we've worked together to make this cohesive and look nice.

Levy clarified that the engineering variance of the original project is not dependent on the completion of the coverage between the two buildings or the additional locker room.

Douglas: The conditions of approval from the original project remain with this.

Levy: Is there going to be a gate installed at the Agate Street intersection? How is that going to be utilized?

Douglas: There is one there now, I believe.

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Lind: It's closed; it's utilized a handful of times during the year.

Douglas: The gate referred to in condition 3 is the road you would take to access the igloo today. That does not have a gate today; it will have a gate; and it will be closed. It's kind of a service entrance with a walkway; it's also beneficial to Fire.

PUBLIC COMMENT

None.

COMMISSIONER DELIBERATION/MOTION

Commissioner Eck moved to approve DPP-18-12 with staff's recommended conditions.

Commissioner Buccino seconded the motion.

DISCUSSION ON MOTION

Buccino: The ten-year vesting period comes up a lot when we're dealing with public and private sectors. Are we being fair to the private sector being held to the same standard as the public? That came up in my mind. But truly, this is a public-private venture. I would give it a little special treatment. Ten-year vesting seems appropriate when we're trying to raise money for a public entity. If the city was going to pay for all this itself, it would make a lot of sense to hold them to the same standard as the private sector. But when we're trying to build something with public and private funds, we know it's going to take a while to do that. We hope it doesn't. In this case, I'm fine with the ten-year vesting period, but normally I would not be. I think this is a perfect example of when we would extend the vesting period.

Kingston agreed.

VOTE

The motion carried unanimously.

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#3: Approval of Minutes: July 23 Public Work Session

Commissioner Adams moved to approve the July 23, 2018 meeting minutes.

Commissioner Ptach seconded the motion.

The motion carried unanimously.

#4: Approval of Minutes: July 26 Public Hearing

Commissioner Buccino moved to approve the July 26 meeting minutes.

Commissioner Ptach seconded the motion.

The motion carried unanimously.

Director's Report

Gibbs: I will be with you one more time on September 6. After that you will have the benefit of Rebecca's expertise in this chair for every meeting.

Adjournment

Commissioner Eck moved to adjourn the meeting at 6:27 p.m.

Commissioner Buccino seconded the motion.

The motion carried unanimously.