

## CITY OF LEBANON PLANNING COMMISSION MINUTES

DATE: January 17, 2017

TIME: 7:00 p.m.

Members present were Mayor, Amy Brewer, Kevin Glardon, Mike Murphy, Richard Fair, Tom Miller and Pat Clements, City Manager. Also present was Samuel L. Hill, City Planner.

### ELECTION OF OFFICERS

The first order of business was the election of officers for 2017. A motion was made by Mr. Miller and seconded by Mayor Brewer to elect Richard Fair as the chair and Mike Murphy as the vice-chair.

The roll call was as follows: Mayor Brewer, Yes; Mr. Murphy, Yes; Mr. Fair, Yes; Mr. Glardon, Yes; Mr. Miller, Yes.

### CONSIDERATION OF MINUTES

The next order of business was the consideration of the minutes for the meeting of December 20, 2016. Without objection the minutes were approved.

### CERTIFICATE OF APPROPRIATENESS – 46 E. Mulberry Street – Replacement Awning & Exterior Paint

The next item of business was an application submitted by Mr. Michael T. Taylor, on behalf of J. William Duning, for a Certificate of Appropriateness to allow exterior renovations to the storefront and the 2<sup>nd</sup> story at 46 E. Mulberry Street. After staff summarized this agenda item, Mr. Miller asked staff what were the colors of the Village Wine Cellars. Staff replied I'm not quite sure what the color scheme was for that building. Staff will have to go back and review the approval. Mr. Murphy stated I actually believe the colors were going to be similar to what they are now...the peachy color and the beige trim. Mr. Miller replied that's right. Mr. Murphy continued, so they were going to potentially carry through some of the detailing from the façade to the right into the one that is the intrusion...and then keep the color scheme similar as I recall. Mayor Brewer stated, I would just like to make a couple of comments...Really think it will be sharp. Love the color scheme, love the changes that are being made...I think it will look great. Thanks for the investment. As we all know Mulberry is really an up and coming, you can see the energy and the dynamics of the block. Last month we had Housh.com come and some of the other buildings across the street and its really looking great. The property at the corner, that's totally being redone as well, I think it looks great, so thank you. Mr. Fair asked, the 2 means of egress is that one for upstairs and one downstairs or are there 2 separate uses? Staff deferred to the applicant. Mr. Mike Taylor with Pinnacle Architects addressed the board, the 2 means of egress is for flexibility. Right now Mr. Duning has a potential tenant that will occupy the whole space and provided some information to staff about locking one door and using the other door for entry. But, in the case of a live/work tenant Mr. Duning would prefer to have a second means of egress. Following Mr. Taylors response, a motion was made by Mayor Brewer and seconded by Mr. Miller to approve the COA to allow exterior renovations to the storefront and the 2<sup>nd</sup> story at 46 E. Mulberry Street, subject to the following conditions:

1. The colors be approved as submitted; Winter Pine – MB-78-15 (main exterior), Sumac Brown – BM-71-8 (exterior trim) and Tricorn Black – SW 6258 (accent).

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2. The property owner is required to contact the Department of Planning and Development and discuss any future improvements, renovations, and/or refurbishment to the structure prior to beginning any related work to ensure the appropriate review and approval process is followed.
3. All applicable permits shall be issued by the City of Lebanon and the Warren County Building Department prior to beginning work on the structure.
4. Any variation from the approved plans will require additional review and approval by Planning Commission prior to any work being conducted at the site.

The roll call was as follows: Mayor Brewer, Yes; Mr. Murphy, Yes; Mr. Fair, Yes; Mr. Glardon, Yes; Mr. Miller, Yes.

SUBDIVISION – Broadway North Subdivision – 541 N. Broadway

The next item of business was a subdivision plat submitted by Ms. Jillora Summers, on behalf of 1<sup>st</sup> National Bank, to consolidate 2 separate lot of record yielding a 0.4 acre lot at 541 N. Broadway. After staff summarized this agenda item, a motion was made by Mr. Glardon and seconded by Mayor Brewer to recommend approval to the City Council for the Broadway North Subdivision plat, subject to the following conditions:

1. The replat shall be recorded within sixty (60) days from the date of approval by Lebanon City Council, as listed in Section 1117.04 (a)(4) of the Subdivision Regulations.
2. A reproducible Mylar of the recorded plat shall be provided to the City of Lebanon.

The roll call was as follows: Mayor Brewer, Yes; Mr. Murphy, Yes; Mr. Fair, Yes; Mr. Glardon, Yes; Mr. Miller, Yes.

SUBDIVISION – Lebanon Retail (NW Corner of State Route 63 & Neil Armstrong Way) – Preliminary Plan

The next item of business was a subdivision preliminary plan submitted by Mr. Larry Buchanan, on behalf of Lebanon West Main Street Development, LLC, to formally plat three individual tracts of land encompassing 10-acres at the northwest corner of State Route 63 and Neil Armstrong Way for future neighborhood commercial development. After staff summarized this agenda item, Mr. Fair asked if the landscaping plan is required to be submitted with the preliminary plan. Staff replied, providing conceptual locations of landscaping are a requirement outlined in the development review procedures of the Zoning Code and that was one of the comments listed in the staff memo. The applicant is not required to get too detailed at this point but when the applicant reaches the regulating plan phase of the project, the exact location, number of plantings and types of species is required for review and approval by the board. Mr. Miller stated the real question tonight though is going from NC to NC with a PUD Overlay which allows them some flexibility for setbacks. Staff replied that will be the next case, the case

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at hand is for the preliminary plan; a subdivision plat. Mr. Glardon asked if there were any issues with the amount of cars coming in and out on rough way since a couple meetings ago, when the board reviewed the assisted living facility, all the residents were concerned about traffic. Now they are going to see this plan so has there been any consideration for a traffic light or something? Staff replied, the Department of Engineering has reviewed the traffic impact study. At the time the when development in occurring near Rough Way, the traffic impact for the uses would be re-evaluated to determine if additional roadway improvements are needed. Due to the fact the applicant is constructing lot B only, which is further away from the Rough Way intersection, the City Engineer has determined no improvements are needed at this time. Again once the development gets into phase 2 and has more users and a larger volume of traffic going in to the site, which will trigger additional review of the traffic impact study and could potentially require some additional improvements at the intersection of Rough Way and SR 63. Mr. Glardon followed up asking, for the houses behind this development would there be a buffer of trees and maybe some mounding? Staff replied, buffering from adjacent residential uses is required, not necessarily mounding, but it would be advantageous for the applicant to look at mounding as a good form of buffering but again, buffering is not a requirement. The code does regulate the size of the buffer, for instance the 25 – 30 feet buffer area requirement for neighborhood commercial abutting a multi-family use. Following the discussion, a motion was made by Mr. Miller and seconded by Mayor Brewer to recommend approval to the City Council for the preliminary plan for Lebanon Retail, subject to the following conditions:

1. All plan corrections as required in the City Planner's memo dated January 12, 2017, shall be provided on revised plans for final staff approval prior to moving on to Improvement/Construction Plan.
2. Any substantial variation from the approved preliminary plan may require additional review and approval by Planning Commission prior to any work being conducted at the site.
3. All applicable permits shall be issued by the City of Lebanon and the Warren County Building Permit prior to beginning work on the structure.
4. Final plat shall be submitted within one year of approval of the preliminary plan or the approval of the preliminary plan shall expire, unless an extension of time is applied for and granted by the Planning Commission. Upon expiration of the preliminary plan, the property owner shall submit an application and new preliminary plan for consideration pursuant to Subsection 1117.02 of the Subdivision Regulations.

The roll call was as follows: Mayor Brewer, Yes; Mr. Murphy, Yes; Mr. Fair, Yes; Mr. Glardon, Yes; Mr. Miller, Yes.

### MAP AMENDMENT – Lebanon Retail (NW Corner of State Route 63 & Neil Armstrong Way) – PUD Concept Plan

The next item of business was a map amendment application and proposed concept plan submitted by Mr. Larry Buchanan, on behalf of Lebanon West Main Street Development, LLC,

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to rezone 10-acres of Neighborhood Commercial (NC) zoned property at the northwest corner of SR 63 and Neil Armstrong Way to NC with a PUD Overlay. After staff summarized this agenda item, Mr. Murphy asked, so items 1, 2 and 3 which are indicated in the motion are as approved by Planning Commission during the regulatory plan as submitted and approved at that time. Staff replied correct. Mr. Murphy continued, and then item number 4, I believe, and I would like you to clarify, addresses the one concern that I had that the design standards are relatively thin...ambiguous...and I think the intent there is that the zoning code is what is dictating materials, façade orientation and organization and all of that sort of stuff...it's not, there are not supposed to be specific PUD design standards that reverts back to the building code. That is not specifically amended by the PUD Overlay. Staff replied correct. Mr. Murphy stated several of the buildings along SR 63 have what could be considered multiple frontage...frontage within the PUD, frontage to SR 63, frontage to Neil Armstrong Way...I don't believe that is addressed by the PUD Overlay document. How are we or how would the zoning code interpreting that? Staff replied, the zoning code interprets that as anything that is visible from street right-of-way has to be treated as though it is along a frontage. That was one of the main conversations staff had with the applicant as it relates to the gas station use. The way the building is oriented, the user wanted the site oriented to have the gas pumps facing west which includes the main entrance to the convenience store. Since the south wall elevation will face SR 63, it has to look like the front of a building and it's visible from all four sides, so the entire building will have to be treated like the front of the building. Mr. Murphy said yes and I have equal comments to all four buildings across the front but particularly the one directly west of the gas station. It has a fairly long façade that is potentially pretty blank. And, I don't believe that I saw any signage indicated in hear at all, so signage is also subject to the current zoning code and there is no PUD Overlay for it. Staff replied that is correct. Signage was one of the other items discussed with the applicant. At this point Mr. Buchanan did not want to commit or include the signage in the PUD Overlay. Based on the conversation, staff proposed allowing 1 ground-mounted freestanding sign for the entire 10-acres to serve as a multi-tenant signage for identification purposes. Doing so would eliminate all other ground-mounted signage at the site. Only wall mounted signs would be permitted. The applicant did not want to commit to that because each individual user would likely want their own ground mounted sign. Unfortunately, the signage will be per code. Also, with regards to the architectural standards, the building with the fairly long façade is over 10,000 S.F. which will require off-sets and three different components the break up the monotony and this has be treated 360 degrees since it's visible from all 4 sides from the public right-of-way. Mr. Murphy asked has all of that information been discussed and everyone is aware of that from the meeting which is good. Okay thank you. Staff indicated the applicant is marketing the property to uses outright permitted within the NC zone. Mr. Fair stated, staff and I talked about this briefly before the meeting...but to me, this does not look like a PUD. It looks to me like we are trying to put as many buildings and parking lots as we can fit on the 10-acres. For example, the rear property line appears to be within the 25 foot setback, from the property line to the back of the building. I'm sure the back of the building is going to be used for loading and unloading, and you have a 20 foot drive....that leaves 5 feet to put some type of landscaping and some kind of buffer between the residents and the back of the building...to me, doesn't seem to be adequate. According to the zoning code, the PUD should promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures. From the plan it's hard to tell because we just have a general ideal of what the uses

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are. The other thing is landscaping...I'm not sure we can put landscaping in. The site is so tight, where is landscaping going to go. If it's going to go between the drive and the parking lot, if that's required, then I'm sure the landscaping is not going to survive because there is hardly any soil or dirt for it to live in. I just think it's too much...like we are stuffing 10 pounds of potatoes in a 5 pound bag. Other than the corner here with Neil Armstrong Way....and I'm wondering do we have a percentage required for open space. It doesn't look like there is any room for that. Staff replied, just for clarification, the minimum required buffer area from the residential to the north is 15 feet. Per code the buffer area cannot be encroached upon with building or pavement. Mr. Fair stated so this layout will not work. Staff replied, the applicant would have to shift the building to the south. However, based on the PUD Overlay regulations, the board has the authority to approve a plan that did not specifically meet the parking, building and/or landscape location and/or setback. Mr. Fair said yes, if the board is willing to approve it that way. Staff replied correct. Mr. Miller asked, the applicant would have to come be with the actual site/regulating plan. Mr. Fair added I understand they would have to come back but from the very beginning it doesn't look like this design will work. And a PUD should be...the way I understand a PUD, the developer gets some flexibility and the City also gets some flexibility in the design and I don't see where there can be any flexibility at all in this plan. I don't know if the owner could shed some light on this development....what the plans are for this site. Mr. Larry Buchanan approached the podium and addressed the board, that why we went from NC to NC PUD to add some flexibility. So in this process, they asked us to come up with some kind of conceptual plan and that's all this is, is a conceptual plan. If we are going to get into the particular of these different buildings...there's no design to them...this is just a building footprint of what we can do. And when we look at that, we look at what...you are right, we have maxed out the property to see what the worst case/best case scenario is, as to how much building we can get or how many parking spaces and what our minimum setbacks are....so I didn't think that we would be drug into this kind of detail on these buildings that all just speculation. And there's no...like this 16,000 S.F. building you have mentioned, we are just showing a box there. I know to build that building its going to have to have...you know it's not going to be a straight box. If you look across the street at the building that I built over there, at the Main Street Market, it's not just a big box...I don't do that kind of stuff, so if I wind up building every building that's shown there...it may be far removed from what we are showing right now. What's going to guide us in our future development here is the type of tenants we take or that we get to come in here. For example, lot A which is part of phase 1, which, we anticipate that being a restaurant establishment...we are showing it at 8,500 S.F. or whatever....and there again, we are just showing a box....it's not going to look like that. I don't know what you are after but at this point in time this is about all we intend to put forth to try to get this PUD started so that as this thing does develop, landscaping, parking areas, greenspaces and all of that will just kind of fall in place. But, right now I cannot tell you....other than the C store [convenience store], what the others are actually going to be. Mr. Murphy indicated, I believe what Mr. Fair is responding to and kind of pointed out is that the site development total is parking, building, vehicular circulation and landscaping...and what is done conceptually, I think we can wrap our minds around your intent but so far you haven't necessarily left room for all of the different pieces and parts of what would be a comprehensive site plan. If you...we have a PUD Overlay and we understand that each of these individual lots will come back to us for site plan review...and were just wanting to make sure that it's clear that the landscaping and the buffering and the necessary

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quantities to the landscaping will be taken into account at that time. That level of detail is not shown here and there is concern that if you start marketing a 18,000 S.F. building to a tenant, 2 tenants or 3 tenants that you may not be able to achieve that once you take into account all aspects of a successful site plan. Mr. Buchanan responded, but I am not actually marketing building on this, I'm marketing just the lots and that has come...with the access points we've had in our 1<sup>st</sup> phase, we are kind of locked into this kind of a plan for the internal driveways and so forth. My intent is to sell individual lots. So those people when they buy the individual lots they are going to have to submit their own plan. At it may be so far removed from this that it's just become a moot point. However, conceptually, this is what you folks have asked for and this is the best we could come up with and its...you know, we are speculating. If it builds out like this within the limits of the PUD...I mean, that would be fantastic but who knows. I don't think it will be too far removed from this because of the division with the driveways...internal driveways, there won't be much difference in the lot splits, lot size, but even lot A which is 2-acres....that's a large size lot, it's kind of in a triangle shape there but even that might be split. I don't know. If the PUD will allow us to do that, and if somebody comes along and they don't need that big lot, that may be the way it pans out. The little lot down in the corner we show a building there that may be an office building or a daycare center, or something like that. But who knows, that might wind up a restaurant. At this point, this is just as far as we think we can take it, and hopefully that it complies with the PUD. That was the whole objective was to give us as much flexibility as we can. We knew that the way this is played out, from my perspective, is that having sold 1 lot it looks like in order to sale that lot and make it work, I have to put in the internal driveways and streets and all that. So that's kind of divided things up. I don't see much change in that in phase 1. On the other end, down towards Rough Way, that may wind up just being one lot. I show 2 lots but it could be one lot and there would be just one building there. I just don't know yet. Mayor Brewer stated knowing Larry, your developments, the quality developments that you do, you have a history with the City of doing that and everything that has been said would be accomplished in the final end product of what you will do. I know your history and I know that it will be accomplished and thanks. Mr. Buchanan replied thank you. Mr. Fair stated, Larry I wasn't criticizing your quality of work, the plan here just seem to me like it's pretty....it doesn't seem like it will work the way it's laid out. Mr. Buchanan replied that's exactly right...You said it...What's the maximum amount of square footage for building. Any developer is going to look at it that way. And that was the other reason for applying for this PUD, is to...Mr. Fair chimed in, I think a PUD is a great idea. Mr. Buchanan continued, and we were going on staff's advice. I hope it works out similar to this plan because I like the way things flow, there is some openness from our drive way and our main drive way and the center of the property...if you notice...At first, I wasn't real crazy about the way the C store was faced but now it kind of opens things up so an example of...where things sometimes get screwed up for people...if you...over on 48, there is a development at the top of the hill you know where the Kroger's is and there were some beautiful strip buildings there. Then they build these other buildings in the out lots and block everything off...and I don't know how you get back in there, I would think those people, that the tenants back there would be up in arms about what happened to them...I mean, they are already established as a very successful strip center and there is 2 of them. You know where I'm talking about right there on 48...and I don't want something like that to happen here. I like the idea of if there is going to be a retail building in the back it's going to be something that will look nice and the access to it from SR 63...with visibility...its going to

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be nice and it won't be blocked off by any of these other buildings. That's what I was looking for. Trying to keep this....after all, it is a...since I bought the property, it's always been called a gateway. And I kept that in mind, when people come into Lebanon there's going to be a nice looking retail center. It's not mixed with anything else other than possibly office but it's...it will be a retail area; it will be kind of consistent and not have a whole bunch of other things mixed in with it. Mr. Fair stated Mr. Glardon brought up a good point about the access there off of Rough Way. Is that something that you thought about? Mr. Buchanan responded, well Rough Way...we talked about that and that's why it's in phase 2 because...since the new widening of SR 63 in front of us there it didn't go the whole length of the property. I don't know why...Pat Clements should have extended it all the way down there. It would have helped me out a lot. So phase 2, that's part of what we have talked about with having to widen SR 63 and with Rough Way, I'm not exactly sure of what's going to have to happen with it. There has been talk about another traffic light there...I don't know if that's down the road or...Staff interjected, it depends on the use...if the uses are more intense and generate more traffic that will trigger additional review by the Department of Engineering which may require a traffic signal at that intersection of Rough Way and SR 63. Mr. Murphy indicated Rough Way itself is pretty narrow. The actual street is pretty narrow. Dumping too much traffic from this development could be a problem. Mr. Buchanan indicated you can see where it shows the widening of SR 63 all the way down in there. Mr. Fair stated that's a good improvement. Mr. Buchanan continued, that's' in our phase 2...by then, hopefully if...and then phase 2 is like those 3 buildings are a part of our phase 2 development...so when we connect to rough way from the internal part of the development, as well as along SR 63, that just makes sense for the end user...the customer for me or whoever buys that property and whatever retail business they have there....they are going to need that. That's what drives the need is the businesses that move in there. Mr. Murphy stated, the only other comment that I have is...the PUD, what it does for you is it gives you flexibility on things like how you manage stormwater over the entire property, over these multiple buildings, how do you put multiple buildings on a single piece of property and manage big issues that you have to manage on individuals buildings and property if you divided it. So vehicular circulation, access off Rough Way, stormwater...I understand your strategy here, the one component of it here that I am not necessarily sure that you took into account was pedestrian access. The concept of neighborhood commercial implies to me that there is some accessibility to the immediate neighborhood so a person who lives on Rough Way wouldn't necessarily get in a car and drive there, they would be able to walk there. I think that if you gave some thought to...as a total development, how you might be able to encourage that kind of connectivity. You have kind of a good piece of property to the north with a lot of people who might want to interact with your development and considering how you make that a more friendly experience could be beneficial to the success of the development. Mr. Buchanan responded, we haven't really given it that much thought, to be honest, at this point in time. I think that would make sense to have some kind of access....there's 2 sides to that though....there is security on the back side of the building and so forth, you don't want people coming and going. Mr. Murphy added, like I said, I think that it's worth considering because that goes beyond an individual building and the individual development for that building and more of a strategy for the entire development. Again, I think it's worth considering. Mr. Buchanan responded, we have the bike path that comes out on there and hopefully that will bring a lot of people as well. Of course the bike path is going to have to extend along the front and there are sidewalks there so some kind of connection back there to the

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development behind it would make sense, but I'm not sure....I can't tell you exactly how or what that will look like. Staff stated, at this point a 10-foot bike path would have to be extended along SR 63 and maybe sidewalks along Neil Armstrong Way and Rough Way....they are required to do something to connect to the abutting pedestrian connections. Mr. Murphy stated, you've described bikes and people being circulated around and how you bring them down and connect them safely and efficiently to the building is how you make it pedestrian friendly. You increase the walkability of the site to your residential neighborhood to the north which is a valuable asset to have a convenience store or a sit down restaurant or fast casual restaurant, if they can say I have 500 people who are within simple walking distance. And, this development has been considered in such a way that there's a clear path for them to get there that's safe, that's well-lit...however you want to define it, that's really sort of up to you but I think it's another layer that can be placed over you entire development that would add some value and some marketability to your property. Mr. Buchanan stated we will consider that as we move along in the 1<sup>st</sup> phase and the 2<sup>nd</sup> phase. Our 1<sup>st</sup> project to get things going is this convenience store and then getting all of those internal driveways and so forth....I envision that we have lots of green space....I don't like cars just coming right up to the building, then everybody goes past the curb and then you don't have enough room to get around. I like the buildings back, I like my building on Main Street...we have some pavers there some area for people to walk. In a strip center like that, we just broke it up a little bit. It would be a nice place either there or on the side to have a corner restaurant, some outside area...we have to think about things like that to make it more attractive for people to come there. Outside dining areas are great now and I can see something like that but we are just not that far along yet. Mr. Miller stated I think what we are saying though is you can't wait until you are marketing your land or the last 2 lots to figure out the whole plan is. You have to consider lots of these things going forward. Mr. Buchanan replied that's right. Right now as it stands I'm in control so....Mr. Glardon asked are you able to say who the convenience store is? Mr. Buchanan replied its BP. Mr. Glardon stated I was thinking UDF by the way it looked. Mr. Buchanan stated yes, we have all thought about UDF, staff pushed that and nobody can get UDF, they have already gone on the other end of SR 123 so we missed the boat there but we will settle for BP. Mr. Fair thanked Mr. Buchanan for his insight on the project. Following the discussion, a motion was made by Mayor Brewer and seconded by Mr. Glardon to recommend approval to the City Council for the rezone of 10-acres at the northwest corner of SR 63 and Neil Armstrong way from NC to NC with a PUD Overlay and approve the concept plan for Lebanon Retail, subject to the following conditions

1. Building setbacks are as approved by Planning Commission.
2. Off-street parking facilities (location and setback) shall be as approved by Planning Commission.
3. Landscape and Buffering (location and quantity) shall be as approved by Planning Commission.
4. The Zoning Code shall regulate all other items not specifically addressed in the PUD Overlay as stated in conditions 1 – 3 above.



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5. All plan corrections as required in the City Planner's memo dated January 12, 2017, shall be provided on revised plans for final staff approval prior to forwarding onto City Council for final review and approval.
6. Any substantial variation from the approved concept plan will require additional review and approval by the Department of Planning Development, the Planning Commission and the City Council prior to any work being conducted at the site.
7. All required City and County permits shall be approved prior to conducting any work at the site.
8. Regulating plan shall be submitted within one year of approval of the concept plan or the approval of the concept plan shall expire. Upon expiration, the property owner shall submit an application and new concept plan for consideration pursuant to Subsections 1132.05 (D) and (E) or an application for a zoning map amendment.

The roll call was as follows: Mayor Brewer, Yes; Mr. Murphy, Yes; Mr. Fair, Yes; Mr. Glardon, Yes; Mr. Miller, Yes.

OTHER BUSINESS

Staff noted the following application has been submitted for the February 21, 2017 meeting:

1. 319 E. Mulberry Street – Exterior Modifications

There being no further business, the meeting was adjourned.

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SECRETARY – PLANNING COMMISSION

  
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CHAIRMAN – PLANNING COMMISSION