

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING
COUNCIL CHAMBERS
SEPTEMBER 21, 2017, 7:30 P.M.**

Chair Rae-O'Donnell called the Planning Commission meeting to order at 7:30 p.m. on September 21, 2017.

Commissioners Present: Brickner, Countegan, McRae, Orr, Rae-O'Donnell, Stimson

Commissioners Absent: Fleischhacker, Mantey, Schwartz

Others Present: City Planner Stec, City Attorneys Schultz and Dovre, Planning Consultants Arroyo and Tangari

APPROVAL OF AGENDA

MOTION by Orr, support by Brickner, to approve the agenda as published.

MOTION carried unanimously.

PUBLIC HEARING

A. SPECIAL APPROVAL 62-8-2017

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| LOCATION: | 24800 N. Industrial Dr. |
| PARCEL I.D.: | 22-23-19-451-050 |
| PROPOSAL: | Indoor commercial recreation facility over 5,000 square feet in an LI-1, Light Industrial District |
| ACTION REQUESTED: | Special Land Use approval by Planning Commission |
| APPLICANT: | Eric Doroan |
| OWNER: | Carrollton Arms |

Eric Doroan, Red Line Athletics, 24800 N. Industrial Drive, was present on behalf of this application for Special Land Use Approval for an indoor commercial recreation facility over 5,000 square feet in an LI-1, Light Industrial District.

Mr. Doroan said that Red Line Athletics was a new franchise; they had about 12 locations open in several states. They were seeking to open two franchises in Michigan. Red Line was a youth athletic training center for clients aged 8-18, with a membership program where members could come as often as they wanted and stay as long as they wanted.

Utilizing overhead slides, Planning Consultant Tangari gave the review for this project, which was subject to standards found in Section 4.52 of the Zoning Ordinance. The only outstanding issue was the need for further clarification of the expected use profile of the site, in order to determine whether the current parking was likely to be adequate for this use. The use profile should include the number of employees and patrons when the facility was fully occupied, the estimated percent of patrons dropped off compared to the number that would have a parent staying during the training, the schedule and timing of training classes, and similar information.

Mr. Tangari said that an approving motion, should one be made, should include an affirmation of the existing site plan.

Mr. Doroan said there would be 6-10 employees. He had sent a response letter to City Planner Stec that addressed occupancy levels at various levels of membership. With peak membership of 600 clients, they would expect at the maximum 40.2 athletes per hour. Past experience had shown that parents dropped off their children for the 60-90 minute sessions. Because the age range was ages 8-18, families with multiple users could train together at the same time. Hours of operation would be 2-9 p.m.

City Planner Stec said the site had been well maintained and the original site plan reflected the site as it was today.

Commissioner Brickner gave some history of this site, including its prior use by Simplot, Tri-Turf, Stanley Steamer, etc. Mr. Doroan said he was aware of that past history.

Chair Rae-O'Donnell opened the public hearing. Seeing that no one came forward to speak, Chair Rae-O'Donnell closed the public hearing.

MOTION by Orr, support by McRae, that Special Approval No. 62-8-2017 submitted by Eric Doroan, be approved, along with the existing site plan, subject to all applicable provisions of the Zoning Chapter, for the following reasons:

- 1. The use will not be injurious to the district and environs.**
- 2. The effects of the use will not be contrary to the spirit and intent of the Zoning Chapter.**
- 3. The use will be compatible with existing uses in the area.**
- 4. The use will not interfere with orderly development of the area.**
- 5. The use will not be detrimental to the safety or convenience of vehicular or pedestrian traffic.**
- 6. The hours of operation will be 2-9 p.m.**
- 7. The use is fully indoors.**
- 8. The parking appears to be sufficient for the use.**

Motion carried unanimously.

B. ZONING TEXT AMENDMENT 1, 2017

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| REQUEST: | Amend The City of Farmington Hills Code of Ordinances Chapter 34 "Zoning" to amend the standards and regulations, and add procedures relating to wireless communications facilities |
| ACTION REQUESTED: | Recommend to City Council |
| CHAPTER OF CODE: | Chapter 34, "Zoning" |
| SECTIONS: | Article 2, "Definitions" Section 34-2.2 "Definitions"; Article 3, "Zoning Districts" Section 34-3.26 "General Exceptions", to add new subsection 34-3.26.16 Article 4 "Use Standards", Section 34-4.24 "Cellular Tower and Cellular Antennae" Article 6, "Development Procedures", to add new Section 34-6.6 "Wireless Facility Procedures" |

City Planner Stec gave the background for this request. He noted that the City and the Planning Commission had been working on this Zoning Text Amendment for some time, including a study session held August 17,

2017. The final version was being presented this evening, and reflected the Commission's previous decision that they did not want to limit the placement of Distributed Antenna Systems (DAS) to major or minor thoroughfares, in order to allow the DAS to penetrate into neighborhoods by placing them upon existing utility poles in the rights-of-way. If a provider wanted to install a new pole, they would first have to remove one. There were also height maximums that prohibited installing very large poles, and some changes to the regulations and processing of actual cellular towers and collocations.

City Attorney Dovre explained that zoning text amendments required a public hearing. Most of the changes proposed in this text amendment were prompted by changes in state and federal law. He was comfortable with the revisions made since the August 17 meeting.

Commissioner McRae asked about the provision that in order to put a new pole in, an old one would have to be removed. City Attorney Dovre said that was a provision found in the proposed amendment to Section 29.5 of the Code, dealing with the right-of-way. One of the major changes in the zoning text amendment was to remove wireless towers, poles, etc from regulation under the zoning ordinance. Those would now be exclusively regulated under new language in chapter 29.5.

Chair Rae-O'Donnell opened the public hearing.

Karen Pothof, resident, spoke to a situation where a cable/internet box had been placed on her property without her permission and she felt she had been deprived of procedural due process of law.

City Planner Stec said that Ms. Pothof's situation was actually not covered under tonight's discussion. He gave Ms. Pothof his contact information and invited her to contact him during the day. City Attorney Dovre also pointed out that the Planning Commission was not the entity to offer relief to her situation, and he strongly encouraged her to seek counsel from an attorney.

Seeing that no one else came forward to speak, Chair Rae-O'Donnell closed the public hearing.

MOTION by Countegan, support by Orr, that the Planning Commission recommend approval to City Council of Zoning Text Amendment 1, 2017, which proposes to amend the following articles of Chapter 34 "Zoning": Article 2, "Definitions", Section 34-2.2 "Definitions"; Article 3, "Zoning Districts", Section 34-3.26 "General Exceptions" to add new subsection 34-3.26.16; Article 4 "Use Standards", Section 34-4.24 "Cellular Tower and Cellular Antennae"; and Article 6, "Development Procedures", to add new Section 34-6.6 "Wireless Facility Procedures"; petitioned by the Planning Commission.

Motion carried unanimously.

C. CITY CODE AMENDMENT 1, 2017

REQUEST:

Amend the Farmington Hills Municipal Code to amend and add regulations to provide notice of necessary construction documents and site plan information and to establish conditions to be included in permits and certificates issued for towers and wireless communications structures, equipment and facilities; amend and add definitions and requirements for placement and permitting of wireless communications structures, equipment, facilities and other installations within public right-of-way; and to establish requirements, standards, and regulations for access to and use of

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| | public right-of-way for wireless facilities that are not telecommunication facilities under Article III of Chapter 29.5 “Telecommunications” |
| ACTION REQUESTED: | Recommend to City Council |
| CHAPTER OF CODE: | Chapter 7 “Buildings and Building Regulations”, Chapter 26 “Streets, Sidewalks and Other Public Places”, and Chapter 29.5 “Telecommunications” |
| SECTIONS: | Chapter 7, Article II “State Construction Codes”, to add a new Section 7-32 “Wireless Communications Support Structures, Equipment, and Facilities” Chapter 26, Article II “Streets”, Section 26-26 “Definitions” Chapter 29.5, to add new Article IV “Wireless Facilities in Right-of-Way” |

Chair Rae-O’Donnell opened the public hearing. Seeing that no one came forward to speak, Chair Rae-O’Donnell closed the public hearing.

City Planner Stec gave the background for this agenda item, which was the counterpart in the Code to Agenda Item B. A public hearing for changes in the Code was not required by statute, but since Agenda Items A and B were related, this had been placed on tonight’s agenda.

This request covered the placement of antennae in rights-of-way and also reflected changes in the Code in response to new State and Federal regulations.

City Attorney Dovre commented that changes in the State Zoning Law said certain wireless facility requests could not go through zoning site plan approval. The change to Chapter 7 Building Code Regulations was intended to ensure that when issuing permits, the Building Department considered criteria under the Zoning Law.

The most significant change was adding Article IV to Chapter 29.5, dealing with wireless facilities in the right-of-way. A City Council-approved license was required for an installation in the right-of-way, and there were standards that had to be complied with. Article IV recognized different nuances in the state and federal laws.

There was also a change in Chapter 26, requiring the approval of new utility poles to be subject to the process of the installer getting a license from City Council.

MOTION by Orr, support by Countegan, that the Planning Commission recommend approval to City Council of City Code Text Amendment 1, 2017, which proposed to amend Chapter 7 “Buildings and Building Regulations”, Article II “State Construction Codes”, to add a new Section 7-32 “Wireless Communications Support Structures, Equipment, and Facilities”; Chapter 26 “Streets, Sidewalks and Other Public Places,” Article II “Streets”, Section 26-26 “Definitions”; and Chapter 29.5 “Telecommunications” to add new Article IV “Wireless Facilities in Right-of-Way”; petitioned by the Planning Commission.

Motion carried unanimously.

D. ZONING TEXT AMENDMENT 2, 2017

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| REQUEST: | Amend sign ordinances to clarify regulations relating to prohibited signs, certain free-standing signs, freeway signs, and temporary signs |
| ACTION REQUESTED: | Recommend to City Council |
| CHAPTER OF CODE: | Chapter 34 "Zoning" |
| SECTIONS: | Article 5, "Site Standards", Section 34-5.5 "Signs" |

Chair Rae-O'Donnell opened the public hearing. Seeing no one came forward to speak, she invited City Planner Stec to make his presentation.

City Planner Stec said that the City had recently rewritten its sign ordinance, based on a US Supreme Court decision regarding how cities could regulate signs. As enforcement personnel administered the new ordinance, they discovered the need for a few clarifications in order to maintain the intent of the ordinance.

City Planner Stec reviewed the proposed changes, which related to signs that moved or fluttered, vehicle signs, location of signs in LI-1 Districts, length of time temporary free-standing signs could be displayed, and the addition of a section that prohibited temporary signs from being attached to trees, bushes, etc.

Commissioner Countegan asked if those changes were characterized as a clarification of the ordinance, or the further restricting of signs in the City. City Planner Stec said the changes were primarily clarifications of the intent of the ordinance.

Commissioner Countegan asked if the City had received feedback regarding the overall changes from the Chamber of Commerce or anyone else. City Planner Stec said no feedback had been received, and the Chamber had been notified of the changes.

Commissioner Orr noted that on page 4, under i., in *a-frame* the "a" needed to be capitalized.

For the sake of the public hearing Commissioner Brickner noted that there had been lengthy discussions regarding the sign ordinance at past meetings.

Seeing that discussion ended, Chair Rae-O'Donnell closed the public hearing.

MOTION by Stimson, support by McRae, that the Planning Commission recommend approval to City Council of Zoning Text Amendment 2, 2017 which proposes to amend Chapter 34 "Zoning", Article 5 "Site Standards", Section 34-5.5 "Signs", to clarify regulations relating to prohibited signs, certain free-standing signs, freeway signs, and temporary signs petitioned by the Planning Commission.

Motion carried unanimously.

At 7:45 p.m. Chair Rae-O'Donnell called a brief recess. At 7:51 Chair Rae-O'Donnell reconvened the meeting.

REGULAR MEETING

A. ZONING TEXT AMENDMENT 3, 2017

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| REQUEST: | Amend the Zoning Ordinance to add a new section transferring One-Family Dwelling compatibility standards for new One- |
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| | Family home construction with surrounding homes into the Zoning Ordinance |
| ACTION REQUESTED: | Set for Public Hearing |
| CHAPTER OF CODE: | Chapter 34 “Zoning” |
| SECTIONS: | Article 4 “Use Standards”, to add new Section 4.59 “One Family Dwelling Standards” |
| | Article 3 “Zoning Districts” |

City Planner Stec explained that the City Council had reviewed all the Boards and Commissions required by ordinance, and found there were some Boards that were not necessary. One of these was the *One Family Design Review Board*, which was written into the Building Code section of the Code that regulated *similar/dissimilar* standards. Under the Code, builders had to provide certain information to the Building Official, who would review the information and make sure it met certain criteria listed in the Code. If the criteria weren't met and the permit was denied, the builder could seek relief from the One Family Design Review Board. This Board had never met, and what was being suggested this evening was to move the standards from the Building Code to the Zoning Ordinance; therefore if anyone wanted relief they would seek it from the Zoning Board of Appeals.

Staff was also seeking feedback from the Commission regarding including some additional design standards in the Zoning Ordinance.

Planning Consultant Arroyo said one of their goals was to make the interpretation of design standards less subjective. Right now the language referred to similar/dissimilar building situations – that new homes could not be substantially dissimilar from or too similar to other nearby homes. This left a lot of room for interpretation and they were trying to remove that subjectivity. They had met with the Building Official to come up with some examples of design elements that might be addressed in the ordinance. Homes that used certain design elements or were significantly dissimilar to nearby homes could lower property values. The new language regarding objective standards was included in proposed Section 34-4.59.7.

Utilizing overhead slides, Planning Consultant Arroyo showed some examples of homes that might not meet preferred design standards, including a home on Middlebelt with a blank wall (no windows) on the Middlebelt side. A situation like this could be resolved by including a requirement that any façade facing a street had to include a window.

Commissioner McRae said that he himself might not want windows along Middlebelt, which was a noisy thoroughfare. He didn't understand why the City would force someone to put a window where they didn't want one.

Planning Consultant Arroyo showed an example of a “snout” house, where the forward-facing garage became the “nose” and most prominent feature of the home. He also showed a photograph of a subdivision in a different city where all the homes on a subdivision street had front facing garages, and the houses themselves seemed to face away from the street, against the planning ideal of having neighbors interact with each other at the front of their homes. Many communities instituted regulations that prohibited dominant front facing garages. They were bringing this to the Commission's attention to get feedback as to what the Commission thought was appropriate for Farmington Hills.

Referring to the draft document that was in the Commissioners' packets regarding proposed Section 34-4.59, *One-Family Dwelling Standards*, Planning Consultant Arroyo went through the standards as presented. Paragraphs 1-6 were similar to existing language found in the Code, and dealt mainly with

mobile or prefabricated homes, which by law were allowed in traditional single-family subdivisions. Paragraph 8 was also similar to existing language in the Code.

Paragraph 7 was all new language, and included new standards in place of the previous similar/dissimilar language. Paragraph 7 read, in full:

7. *In addition to the above, the following shall apply to all dwellings:*
 - a. *Any proposed dwelling shall include exterior features reflecting the character of other dwellings in the City. Dwellings shall include a minimum of three of the following exterior features along the front façade of the building:*
 - 1) *dormers*
 - 2) *gables*
 - 3) *recessed entries, a minimum of three feet deep*
 - 4) *unenclosed front porches with a minimum area of 50 square feet and a roof covering the porch*
 - 5) *decorative pillars or posts that are an integral component of the architectural design of the building*
 - 6) *bay window with a minimum projection of 24 inches from the façade.*
 - b. *All dwellings shall not have fewer than two (2) exterior doors, and the second required door shall be placed on a different side of the dwelling from the first required door. Access to all doors shall be by means of exterior steps or porches, where a difference in elevation requires the same.*
 - c. *All dwellings shall have a minimum horizontal dimension on the shortest side of at least twenty-four (24) feet for at least 75 percent of the length of the dwelling unit.*
 - d. *Any façade facing a street shall have at least one window facing the street.*
 - e. *If any garage door faces a street, no portion of the garage façade containing a visible garage door shall project more than five feet towards the street from the nearest portion of the principal dwelling façade.*

Planning Consultant Arroyo said that one thing paragraph 7 did was address the use of shipping containers as homes. It would be impossible for a container home to meet the standards listed without creative use of several containers stacked on each other, with windows, doors, floor space, etc., all having to meet one-family dwelling standards.

Regarding subparagraph e., which addressed “snout” homes, Commissioner McRae spoke to the difficulty of constructing a home with an attached garage on a narrow 40-50 foot wide lot. Planning Consultant Arroyo said the simplest solution was to turn the garage and have a courtyard entry, so that the garage was not facing the front.

City Planner Stec acknowledged that this regulation would be most onerous for smaller lots. Traditionally garages on those lots were in the rear.

Commissioner McRae said that in Farmington Hills new construction often occurred on in-fill properties. He felt this was a sledgehammer solution to a minor problem.

Commissioner Brickner said he didn’t want Farmington Hills to be like other cities that went overboard and tried to force people to conform to their idea of good design. Subdivisions often had their own deed restrictions. For those areas that didn’t have deed restrictions, the lots were often uneven and nonconforming. If the owner of a narrow lot wanted to have an attached garage where would he put it? If

the City said the front facing garage couldn't be predominant, basically the City was saying the homeowner couldn't have a garage. Commissioner Brickner didn't want to tell people what they could or couldn't build.

Commissioner Countegan reviewed the discussion thus far. This proposed change came from wanting to move the one-family design standards from the Code to the Ordinance, in order to eliminate the One Family Design Review Board, and shift that responsibility to the Zoning Board of Appeals. This prompted the question of whether the design standard of similar/dissimilar was too subjective, and there was a desire to put objective standards in place. This was an interesting exercise, but Commissioner Countegan did not feel the proposed changes were ready to go to Public Hearing. For example, the River Pines subdivision all had front-facing garages. The proposed changes would send a signal that the City was looking at things differently than it had for the last 30-40 years. This needed more discussion before it was ready to move forward.

Commissioner Orr said if the standards in paragraph 7 were included, there should be an exclusion for narrow lots. He didn't want to set people up for having to seek relief from the ZBA.

Commissioner Orr addressed the photograph of the subdivision with all front-facing garages. As a development he did not see a problem with that. As a singular home in an existing neighborhood, he might have more of a problem. Commissioner Orr continued with examples of dissimilar homes that were built in the area of 9 Mile and Halsted Road which were an improvement over the homes that were there. He also mentioned the historic modernist home on Pillsbury. He didn't want to deny someone the right to build a modernist home in an existing neighborhood, for instance. He also didn't want to create situations where people had to go the ZBA in order to build their homes.

Commissioner Orr continued that while he liked standards, sometimes standards discouraged innovation.

Planning Consultant Arroyo pointed out that the current Code already had a dissimilar/similar standard. The intent was to make this criterion less subjective so it could more easily be reviewed and enforced.

Planning Consultant Arroyo asked if the consensus of the Commission was to include the requirement that new construction be not less than 75% of the average area of homes in the neighborhood.

Commissioner McRae asked if new construction met the requirements of the zoning district, but not the 75% requirement, would it be denied a permit?

City Attorney Schultz said he was not aware of any recorded case having to do with that particular standard. It did seem to meet the requirement of a reasonable government regulation. However, this was purely a policy question.

Commissioner McRae said he would remove paragraph 7.a. in its entirety.

Planning Consultant Arroyo asked the Commission for direction regarding paragraph 7 generally.

In response to a question from Commissioner Countegan, Planning Consultant Arroyo said that almost all the language in paragraph 7 was new. The intent was to define what could be determined objectively in terms of one-family structures.

City Planner Stec suggested removing paragraph 7 and moving ahead with paragraphs 1-6 and 8. If the Commission so desired, it could take up paragraph 7 in the future and devote more time to it.

City Attorney Schultz reiterated that paragraph 7 was an attempt to remove similar/dissimilar language and replace it with more objective standards.

Commissioner Orr said while he was in favor of having standards, this was not ready for public hearing.

Commissioner McRae said that he thought the consensus at the last meeting was to regulate similar/dissimilar based on the size of the home only, and he was surprised to see this language this evening. He would not vote for this proposed language.

After further discussion, Commissioner Countegan suggested moving ahead with shifting the language from the City Code to the Zoning Ordinance, with paragraph 7 deleted.

Commissioner Stimson said he would support that action. He also understood that the One Family Design Review Board had already been eliminated, so it was important to get this language into the Zoning Ordinance so that there was a mechanism for relief.

Commissioner McRae said he would support moving ahead with paragraphs 1-6 and 8.

It came out in further discussion that if paragraph 7 was deleted, the ordinance would no longer have any language regarding similar/dissimilar standards. Was that the Commission's intent?

City Attorney Schultz read the language from the Code:

... that the architectural appeal and functionalism of the proposed one-family dwelling will not, when erected, be substantially dissimilar to the architectural appeal and functionalism of the one-family dwellings within the surrounding area and will not cause a substantial depreciation to the property values in the surrounding area.

City Planner Stec said that recent building officials weren't aware of this provision in the Code, and were evaluating new construction on the 75% requirement alone. Development in the City had been mostly self-regulated via the market. In general, developers didn't want to build the exact same house right next to another one, for instance.

Commissioner Brickner summarized what he felt the Commission was trying to do. It was not good to have a 3000 square foot home next to a 750 square foot home. You also didn't want to have subdivisions that didn't restrict lot splits, allowing someone to buy a big lot and split it in order to put 2 small homes next to very large ones. On the other hand, Commissioner Brickner didn't want the City telling someone what their house had to look like. The 75% area requirement was reasonable; he wasn't sure about the other proposed standards.

Commissioner Stimson said subdivisions should be taking care of similarity standards, not the City. Requiring 2 doors seemed redundant, as the fire code would require 2 doors. He was in favor of moving ahead without paragraph 7.

City Planner Stec clarified that the City didn't discourage larger homes, which raised property values.

City Attorney Schultz asked the Commission's direction on including language regarding similar/dissimilar standards as was currently in the code.

Commissioner Countegan said he liked moving the building standards to the Zoning Ordinance, and making the ZBA the board that granted relief. The other changes discussed this evening needed more than a half-hour discussion. He suggested transferring everything to the Zoning Ordinance the way it currently existed in the Code, even though that meant leaving in some subjectivity.

After further discussion regarding the number of new homes being built, and whether a home had ever been rejected for not meeting single family standards (not in known memory), Chair Rae-O'Donnell indicated she was ready for a motion.

MOTION by Countegan, support by Stimson, to move the existing relevant language regarding one-family construction standards in Section 21, Article IV of the Code to the Zoning Ordinance, thus allowing the Zoning Board of Appeals to become the new board of appeals for building issues, and set that change for public hearing on October 19, 2017.

City Attorney Schultz asked to have license to move things around a bit. He understood the motion honored the idea of moving the language as it was to the Zoning Ordinance, but they might need to shift and organize things a little differently.

Commissioner McRae was opposed to moving something forward that the Commission had not seen in writing. Commissioner Orr agreed.

Chair Rae-O'Donnell called the question

Motion carried 4-2 (McRae, Orr opposed.)

B. CITY CODE AMENDMENT 2, 2017

REQUEST: Amend the Farmington Hills City Code to delete Article IV, of Chapter 21 "Planning" and transfer the One-Family Dwelling compatibility standards into the Zoning Ordinance

ACTION REQUESTED: Set for Public Hearing
CHAPTER OF CODE: Chapter 21 "Planning"
SECTIONS: Article IV "One-Family Construction Review"

City Attorney Schultz advised that this agenda item was addressed in the previous motion.

APPROVAL OF MINUTES August 17, 2017

The August 17, 2017 minutes were corrected as follows:

- p. 9, Sign Ordinance revision motion, 1st line: . . . ~~to get (get this — is it zoning text amendment 4, 2017?) that Zoning Text Amendment 2, 2107 . . .~~
- p. 5, 7th paragraph: Commissioner Countegan said he was more concerned ~~with aesthetics than the actual structural support~~ *with the actual structural support than with aesthetics* . . .
- p. 10, 5th paragraph: ~~Planning Consultant~~ *Commissioner* Countegan . . .

MOTION by McRae, support by Countegan. to approve the August 17, 2017 minutes as amended.

Motion carried unanimously.

PUBLIC COMMENT

None.

COMMISSIONER'S COMMENTS

Commissioner Brickner wished everyone a Happy New Year.

The next meeting was set for October 19, 2017.

ADJOURNMENT

Seeing that there was no further comment, Chair Rae-O'Donnell adjourned the meeting at 9:16 p.m.

Respectfully Submitted,
Steven Stimson
Planning Commission Secretary

/cem