

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, March 29, 2018 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Eckman, Edgerton, Fredson, Ochs, and Reveal  
EXCUSED: Baker, DeJoy, and Lindeke,  
STAFF: Anton Jerve, Samantha Langer, and Allan Torstenson

The meeting was chaired by Commissioner Edgerton.

**Baker East Partners - 18-036-955 - Rezone from B2 community business and VP vehicular parking to T3 traditional neighborhood at 821 Raymond Ave., and 2421 Territorial Road, NW corner of Raymond and Territorial Road.**

Anton Jerve presented the staff report with a recommendation of approval for the rezoning. He stated District 12 made no recommendation, and there were no letters in support or opposition.

The representative, Brian Alton, 951 Grand Ave., with McClay-Alton PLLP said that Baker East bought Baker Court from the City and rehabilitated it for office use. He said the applicant would like to rezone to make it consistent with the plan for the area.

No one spoke in favor or opposition and the public hearing was closed.

Commissioner Reveal moved approval of the rezoning. Commissioner Fredson seconded the motion.

The motion passed by a vote of 5-0-0.

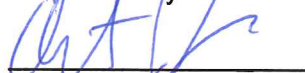
Adopted                      Yeas - 5              Nays - 0              Abstained - 0

Drafted by:



Cherie Englund  
Recording Secretary

Submitted by:



Anton Jerve  
City Planner

Approved by:



Dan Edgerton  
Chair

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PRESENT: Baker, Eckman, Edgerton, Fredson, Ochs, and Reveal  
EXCUSED: DeJoy, and Lindeke,  
STAFF: Kady Dadlez, Samantha Langer, and Allan Torstenson

The meeting was chaired by Commissioner Edgerton.

**Transition Homes - 18-033-224 - Conditional use permit for a supportive housing facility for up to 10 program residents and 1 resident manager, variance of the 1320 foot minimum separation from other congregate living facilities (698 and 936 feet proposed), and variance of the 6-resident maximum in the RT1 district at 1947 Roblyn Ave., NE corner at Prior.**

Kady Dadlez presented the staff report with a recommendation of approval for the conditional use permit and variance. She stated District 13 recommended approval, and there were 2 letters in support, and no letters in opposition.

Chair Edgerton asked what the difference is between a sober house and a supportive housing facility. Ms. Dadlez said it is a licensing change from the State of Minnesota.

In response to a question by Chair Edgerton, Ms. Dadlez said the applicant is requesting two variances and a conditional use permit. One of the variances is to allow the facility to have more than six residents, and if that variance is granted it will trigger the need for a conditional use permit in order to have a transitional housing facility with seven or more residents. The second variance relates to a separation requirement from other congregate living facilities.

In response to a question by Commissioner Eckman, Ms. Dadlez said the minimum separation requirement is a condition of the use.

Commissioner Ochs said Zoning Code § 65.161 states that in an RTI district a supportive housing facility shall serve 6 or fewer residents, and asked where that number comes from. Mr. Dermody said there is a guarantee in state law that any residential district that allows single family residential uses must allow this type of use up to 6 residents as a matter of right, and this is in our zoning code to comply with the state law.

Commissioner Ochs asked if the floor plan accommodates 10 people. Ms. Dadlez said the facility residents will be sharing rooms, so they are not isolated for the purposes of treatment.

In response to a question by Commissioner Reveal, Ms. Dadlez said there are 10 facility residents and 1 resident manager currently residing in the sober house.

In response to a question by Commissioner Eckman, Ms. Dadlez said that the applicant will serve a similar clientele, but by changing the license they are able to offer their services to residents that don't have the ability to pay. Commissioner Reveal confirmed that funding from the Minnesota Department of Human Services does not apply to residents in the sober house.

The applicant, Michael Mugaas, 1450 Willow Dr., Medina, MN said that Transition Homes has been providing housing and services for 15 years, and they work with the Minnesota Department of Human Services and the Ramsey County Chemical Health Unit. He said that this facility has been a traditional women's sober house for the past three years, designed for

congregate living. There are two rooms with 4 beds and two rooms with 2 beds, intentionally not isolating residents. They completely renovated the house, which had been in bad shape. He said that a sober house provides services for people that have family support, but many who get out of primary treatment cannot afford to move into a sober house. This is next door to their outpatient clinic. The Ramsey County Chemical Unit asked him to open a women's supportive housing facility for women who cannot afford housing and they will receive funding through the state.

In response to a question by Commissioner Eckman, Mr. Mugaas, said the majority of people coming out of primary treatment do not have vehicles; they have an asset limit of \$1,000.00 and need to contribute to their housing, a state requirement. Their referral process requires a Rule 25 Assessment, including a psychiatric evaluation and family history to determine the right level of care and to make sure they are not endangering other residents or the surrounding neighborhood.

Commissioner Ochs asked why a women's sober house is limited to 11 residents and supportive housing is limited to 6 residents. Mr. Muggas said there is no limit for sober housing, and that is just a designation for the building size. As a supportive housing facility they will be regulated by the Minnesota Department of Health, and in their inspection they required another hand washing sink in the kitchen. The building was designed for 11 residents but if they exceed 10 program residents they would be required to have a commercial kitchen, which is unaffordable.

In response to a question by Chair Edgerton, Mr. Mugaas said the Facility will be run the same as it is now and they are staffed 24 hours per day. In order to receive funding from the state they need to be licensed for supportive housing.

Chair Edgerton asked why the change from sober house to supportive housing triggered the need for variances and a conditional use permit. Mr. Torstenson said they are separate uses in our code. Supportive housing offers services where a sober house allows people to live basically on their own.

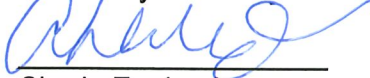
No one spoke in favor or opposition and the public hearing was closed.

Commissioner Reveal moved approval of the conditional use permit and variances.  
Commissioner Eckman seconded the motion.

The motion passed by a vote of 6-0-0.

Adopted                      Yeas - 6                      Nays - 0                      Abstained - 0

Drafted by:



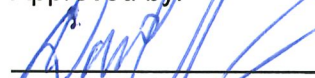
Cherie Englund  
Recording Secretary

Submitted by:



Kady Dadlez  
City Planner

Approved by:



Dan Edgerton  
Chair

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The meeting was chaired by Commissioner Edgerton.

**Paster Properties - 18-037-056 - Conditional use permit for a 23,000 sq. ft. grocery store, outdoor commercial uses and drive-thru sales at 1150 Prosperity Ave., 1365 - 1371 Phalen Blvd., NE corner at Clarence.**

Bill Dermody presented the staff report with a recommendation of approval for the conditional use permit with conditions. He stated there were no letters in support or opposition.

In response to a question by Chair Edgerton, Mr. Dermody said the applicant would like to acquire the northwest corner of this site, but there is work to be done on the right of way before they can begin construction.

Commissioner Reveal asked about the type of outdoor commercial sales. Mr. Dermody said it is not tied to the grocery store, and would be for temporary special events.

In response to questions by Commissioner Baker, Mr. Dermody said conditions 2 and 4 deal with operations. He said condition 2 addresses speaker box sounds for unreasonable volume and condition 4 requires the applicant to keep the outdoor sales area free of litter. These are in the code already, but emphasize the enforcement issues. Chair Edgerton added that these conditions are a good idea.

In response to a question by Commissioner Ochs, Mr. Dermody said a site of this size would require a storm water analysis via site plan review through the Department of Safety and Inspections (DSI).

In response to a question by Chair Edgerton, Mr. Dermody said it will be up to DSI to determine which side is the front of the building. He said there is an entrance to the grocery store on Clarence and an entrance facing Phalen. He added that the drive thru location is required by code to be located on the side or rear and should not be located between the principal building and the street.

The applicant, John Kohler, 2227 University Ave., said they are in the process of purchasing this property, which is owned by the St. Paul Housing and Redevelopment Authority (HRA). Their goal is to complete the small area plan for Phalen Village. They have had numerous meetings with DSI and the District Council 2 and have updated the plans, to eliminate the need for variances. In response to previous questions, he said the conditional use permit for outdoor sales would be in place for events such as festivals, food trucks, or art fairs. The speaker box is located as far as possible from residential. The front of the grocery store is adjacent to Clarence, there are front doors adjacent to Phalen, and there is a community building that will have doors on all sides. Events in the plaza area may include festivals, theatre, etc., and the community center will be run by the District 2 Community Council for community gatherings.

Commissioner Ochs said he applauds the promotion of pedestrian activity, but the drive thru does not promote pedestrian activity or safety. He asked why there is a strong desire for the drive thru. Mr. Kohler said one of the uses is for a coffee house. The plaza would be located away from the drive thru. Pedestrian access to the site is from the sides, and not through the middle near the drive thru.

In response to an earlier question by Commissioner Ochs, Mr. Kohler pointed out where storm water management areas will be located on the property.

Commissioner Ochs asked how traffic will flow for the drive thru. Mr. Kohler said there is a clock-wise loop, with cars coming in from either side, allowing for plenty of stacking for cars.

Chair Edgerton said it is a small site for a grocery store and asked who the tenant will be. Mr. Kohler said they do not have a signed lease, but this will allow for a 22,000+ sq. ft. store.

In response to another question by Chair Edgerton, Mr. Kohler said the community plaza came about during conversations with District Council 2 and meetings with the neighborhood. He added that they received funding from Metropolitan Council to help with modifications to the street and relocating utilities.

Chuck Repke, 1321 White Bear Ave., co-applicant, North East Neighborhoods Development Corporation (NENDC) and also with the District 2 Community Council, said there are 32,000 people in District 2 and no drive thru coffee shops. He said this shopping center near Ames Lake is in the middle of the highest concentration of poverty in this City, with 5,000 people below the poverty line, and they need services. He said he would like to see the community come together through festivals and gatherings, and the community center will be run by the District 2 Community Council.

Commissioner Reveal asked if District Council 2 will do programming for the plaza. Mr. Repke said yes.

In response to questions by Commissioner Eckman, Mr. Repke said that along with Cub Foods and Hmong Village, this will provide options and competitive prices to the community.

Commissioner Fredson asked if housing was considered in this development. Mr. Repke said they would like to have senior housing to the north. In order to do this he said he needs subsidies from the City of St. Paul to build affordable housing, but they rank very low to get the this subsidy because they already have 5,000 units of affordable housing. He noted that the District 2 Community Council is in support of this application.

Chong Thor, owner of 1405 E. Rose and 1399 Rose, spoke in opposition. He said he does not want a grocery store in front of his property. He said he is concerned about the increased traffic and parking. He said he purchased 1399 Rose in 1991, purchased 1405 Rose 7 years ago, and rents to 8 residents. He asked how his tenants would get in if Rose is closed.

Commissioner Baker asked if he had an opportunity to talk to Paster Properties. Mr. Chong said no and he has not heard of any meetings.

In response to questions by Chair Edgerton, Mr. Chong said he owns a 4-plex and his tenants could park on Rose but rarely do because of the number of cars already parked there.

Commissioner Fredson asked if there was a fast food restaurant to the west of his property when he purchased it in 1991. Mr. Chong said yes, to the east of his property is a HealthEast Clinic that raised the elevation creating water runoff onto his property. He said he is also concerned about snow plowing and trash. Mr. Fredson asked if his property is surrounded by non-residential property. Mr. Chong said there are 2 single family homes next to his apartments.

Jen Beckman, 1358 Phalen Blvd., on the south side of Phalen Blvd. across from Clarence, said she already has a lot of litter and shopping carts left in her front yard and adding another drive thru sounds awful because the traffic is already heavy.

In response to a question by Commissioner Eckman, Ms. Beckman said cars do not stop for pedestrians trying to cross Phalen Blvd. at Clarence, and there is a lot of hollering from pedestrians trying to get cars to stop. She said traffic is worse in the morning as traffic travels down Prosperity and Phalen Boulevard, as it is access to I94.

Mr. Repke said they are not closing Rose Ave. in front of Mr. Thor's apartment building and his tenants will have the same access to the Phalen corridor in either direction. The private drive between Wells Fargo and this proposed development will remain open. is working to get a better light at the intersection of Clarence and Phalen Blvd., changing the lane alignment, and better access to Hmong Village. He said parked cars are primarily of employees from the Bureau of Criminal Apprehension (BCA), who do not want to pay for parking in their lot, and if this should continue to be a problem it could be changed to 2 hour parking. He said there were lots of neighborhood meetings, meeting notices, and articles in the East Side Review, and a distribution of flyers in the neighborhood.

The public hearing was closed.

In response to a question by Chair Edgerton, Mr. Dermody, said the question of whether any portion of Rose is closed is not a part of this conditional use permit. It is a process through Public Works, with a thorough review. He said he would have to review what easements are in place on the private drive between Wells Fargo and this proposed development to know whether it can be legally accessed by the public.

Commissioner Baker said he is a board member of NENDC, but has no conflict of interest for voting purposes. He said he understands the concerns of Mr. Thor with the commercial buildings going up near his property.

In response to a question by Commissioner Baker, Mr. Dermody noted that the site will have to meet the minimum parking requirement according to code.

In response to a question by Commissioner Eckman, Mr. Dermody said a public hearing notice was sent to all property owners within 350 feet of the property.

In response to a question by Commissioner Eckman, Commissioner Baker said he is a voting member of NENDC. Chair Edgerton said that if Commissioner Baker voted on this application at the District Council meeting, he would need to recuse himself from this vote. Commissioner Baker said he is a part of NENDC board of Directors and not on the District 2 Community Council.

Commissioner Fredson asked if Cub Foods was notified of the public hearing. Mr. Dermody said the property owner would have been notified.

Commissioner Fredson said that parking in this area needs to be addressed. Commissioner Ochs agreed and added that Public Works may need to address traffic patterns along Phalen Blvd.

Commissioner Fredson moved approval of the conditional use permit with conditions. Commissioner Reveal seconded the motion.

Commissioner Eckman asked for a friendly amendment to discuss traffic concerns on Phalen Blvd. between Clarence and Johnson Pkwy., with Public Works. Mr. Dermody said this could be a direction to staff. Chair Edgerton said he thinks direction to staff would be better. Commissioner Eckman withdrew the amendment.

The motion passed by a vote of 6-0-0.

Adopted                      Yeas - 6                      Nays - 0                      Abstained - 0

Drafted by:



Cherie Englund  
Recording Secretary

Submitted by:



Bill Dermody  
City Planner

Approved by:



Dan Edgerton  
Chair

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The meeting was chaired by Commissioner Edgerton.

**Dearing Mansion Bed and Breakfast - 18-035-742 - Revocation of a conditional use permit for a bed and breakfast due to noncompliance with conditions of the permit at 241 George St. W., between Ohio Ave. and Waseca Street.**

Kady Dadlez presented the staff report with a recommendation for revocation of the conditional use permit due to noncompliance with the permit and its conditions. She stated that there were 3 letters of support for the B & B (against revocation of the permit), no letters in favor of revoking the permit, and no recommendation from District 3.

The permit holder, Scott Kramer, 241 George St. W., said he is here is because of the apparent violation of the fourth condition of the conditional use permit, which prohibits any use or advertising for use of the bed and breakfast residence as a reception house for parties. He said he has been following the conditions of the modified conditional use permit to the letter, and the issue over his New Year's Eve party is a misunderstanding. He said the New Year's Eve party invitation did not include his name and makes it unclear that this was his party. He has had New Year's Eve parties since 2006. This year he teamed up with two friends in the music business to co-host the party, in which he provided the house and they planned the event and got invitations out through Facebook. They came up with the idea of selling of tickets for \$35.00 to cover expenses and added another dance floor. It went viral through Event Brite and reached capacity right away. He said he has never done a party like this before, and if he were to do it again he wouldn't charge, but rather ask for donations. He said it is his house and his party and he made sure there wasn't an impact on the neighborhood by doing a sound check of the audio equipment and locating a smoking lounge in the attic to limit people being outside.

In response to a question by Commissioner Baker, Mr. Kramer said the first misunderstanding is whether or not this was his party, because his name was not on the invitation as it had been in the past. He said the selling of tickets made it look like a commercial operation, but it was just promoted through his Facebook friends and not open to the general public.

Commissioner Ochs asked if Dark Energy Minneapolis is an event coordinator. Mr. Kramer said he is a D.J., and does coordinate events.

Commissioner Eckman said there are specific login requirements to set up an account with Event Brite connected to PayPal to collect fees, and that has to be intentionally set up because they charge processing fees. She clarified that Event Brite did not randomly pick up this event and that this was an intentional posting.

In response to a question by Commissioner Eckman, Mr. Kramer said he was not confused by condition 4 of the conditional use permit. It didn't occur to him that he could not have a private party co-hosted by his friends in his own home. He knew he could not rent the home to a third party for receptions or parties. He said that Dark Energy Minneapolis set up an account to accept money through PayPal using Event Brite, but it wasn't a commercial event even though



they regularly coordinate events at other venues. He said they charged admission to pay for overhead costs.

In response to another question by Commissioner Eckman, Mr. Kramer said that Caswell Kramer Enterprises LLC owns the property.

Commissioner Eckman asked about the rules for events at a bed and breakfast. Ms. Dadlez said a requirement is that the bed and breakfast only be open to registered guests.

In response to a question by Commissioner Fredson about the possibility for a variance to allow his New Year's Eve party, Mr. Torstenson said state law generally doesn't allow a use variance for a commercial use in a residential zoning district.

Commissioner Reveal said there was no ambiguity about the decision made by the Zoning Committee and Planning Commission in not allowing social events.

Commissioner Ochs asked Mr. Kramer if the bed and breakfast has been operating successfully since the March 2017 modifications to the conditional use permit to increase the number of guest rooms from 4 to 6, and how he advertises the bed and breakfast.

Mr. Kramer said last March they had discussed whether it would be a hardship not to rent the house for receptions, and at the time he said it would not be a hardship if he could not have outdoor events. He said in 2014 - 2016 his average net income for the B & B was \$27,000.00, and in 2017 it was \$1,570.00. He is unsure how much of the change is due to increased competition from Airbnb rentals. Mr. Kramer said he offers a room and continental breakfast through Airbnb and VRBO. Being able to rent out 6 guest rooms allows him to rent out the whole house, but a lot of people want to rent a house like this to stay at and have an event. He added that it has become difficult to manage this house on a single income.

No one spoke in favor of revoking the conditional use permit. Eight people spoke in support of the B & B (against revocation of the permit).

Sol Garling-Squire, 610 Woodduck Tr., Woodbury, said Mr. Kramer tends to rely on others to help with internet things, and he has helped Mr. Kramer. As a personal friend to Mr. Kramer, he understands that during the time of this party Mr. Kramer had a lot of stress in his life, and that he had no intention of creating a problem.

Jim Sazevich, 454 N. Smith Ave., a St. Paul historian, said the restoration of this fine home was carefully done by Mr. Kramer. He said he was at this upscale and contained New Year's Eve gathering, which was a private party and the ticket cost went to help fund clean up.

Collette Peterson, 2 E. George St., said her parents bought the Dearing Mansion in 1976 and renovated it into a nice family home. She sold it to Mr. Kramer in 2005, and he has been an asset to the neighborhood by making the house beautiful. She said they have dealt with many slum properties on the West Side, with no help from the City. She said that Mr. Kramer would not deliberately do anything that would cause him to lose the house, because he loves it so much, and it would be a disgrace to see this become a slum property again.

Thomas Provst, 135 Isabel St. W., said Mr. Kramer is a meticulous craftsman and has done great work on this house. He said he doesn't believe he can keep the house if he cannot run it as a bed and breakfast. He said that he has been at the New Year's Eve parties and there is never any trouble.

Christopher Keith, 312 Summit Ave., said his Victorian house at 312 Summit is 14,000 square feet. There is no return on investment in these homes and it is important to keep people in them to maintain the historic assets of our city. He said Mr. Kramer needs the income from the bed and breakfast to maintain his house, which is done more for a love of history and architecture than as a business venture.

Terrence Madden, 929 Chippewa Ave., Mendota Heights, said the interior of this house is spectacular, and Mr. Kramer has restored it from derelict conditions. He said the party is an annual event that Mr. Kramer takes great pride in, and he has co-hosted this party with him in the past. He was using his home as any other residential property owner would.

Michelle Stillenger, 234 George St. W., said she lives across the street from this house and remembers the bad shape it was in. She agrees with the previous testimony. Mr. Kramer is an excellent neighbor. She did not go to the party this year and could not tell he was having a party because it was so quiet. She said she has never had a problem with any of his previous events and worries that if he cannot operate a bed and breakfast that he will sell the house and it could go into disarray again. It was disappointing to learn in 2017 that he would no longer be allowed to have events and weddings, because the house is so perfect for such events. She asked the Committee to consider giving Mr. Kramer another chance to make this right.

Laurie Sovel, 240 George St. W., said she works at the PCA and understands the City's position about following rules and regulations, but knows how much Mr. Kramer loves and has invested in this house, and neighbors on the West Side could never pay him back for what he has given. She is concerned with what could happen with this property if he loses his permit.

The public hearing was closed.

Commissioner Reveal asked about recourse for the permit holder if the permit is revoked. Mr. Torstenson said that Planning Commission decisions can be appealed to the City Council.

In response to a question by Commissioner Fredson, Mr. Torstenson said they do not have to find error in the staff recommendation in order not to revoke the permit. It is here for Zoning Committee review because of language in the conditional use permit that requires immediate referral to the Planning Commission for revocation if there is evidence that a condition of the permit was violated. Commissioner Ochs noted that finding 2 in the staff report states that the Planning Commission may choose to revoke the permit.

Commissioner Ochs asked about the origin of the complaint. Ms. Dadlez said a complaint was made to the Department of Safety and Inspections.

Commissioner Fredson said there seems to have been a clear violation of a permit condition. He agreed with Commissioner Eckman that Event Brite was an intentional posting. He said he's sympathetic after hearing from all of the neighbors, and this violation might not be enough for permit revocation.

Chair Edgerton agreed that the party seems to have been a commercial event, in violation of the permit. He noted the support of many neighbors for the B & B, and that permit revocation seems too strong for the violation. It would be good to reinforce the rules and give him another chance.

Commissioner Eckman agreed that a creative solution would be good. She also noted that renters can have the same appreciation for historic buildings as property owners.

Commissioner Baker said he appreciates the support Mr. Kramer has from his neighbors, and feels differently about this case after hearing their testimony. He also expressed concern that this is not his first violation, and as we are discussing a way around this, he noted that many business owners do not get the opportunity for second and third chances.

Commissioner Ochs said he thinks the punishment doesn't fit the violation, and that it would be good to have the option of a fine rather than permit revocation.

Commissioner Eckman agreed that loss of a business is a severe penalty for one complaint.

Commissioner Reveal noted previous violations and said that staff referred documentation of this violation to the Planning Commission as directed. She said that the conditions could be modified, noting that there are more requirements imposed on a bed and breakfast than on short term rental, or they can recommend revocation, which Mr. Kramer could appeal to the City Council. She is sympathetic to the neighbors and loves the house, but favors permit revocation.

Chair Edgerton asked if permit revocation would close the bed and breakfast. Commissioner Reveal said it would, but it could be appealed and would not put Mr. Kramer out of his home.

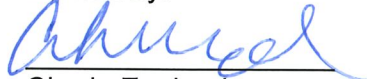
Commissioner Ochs said he would like legal advice from Mr. Warner, and moved layover to April 26, 2018. Commissioner Fredson seconded the motion.

In response to a question by Commissioner Eckman, Ms. Dadlez said that if the conditional use permit for the bed and breakfast is revoked he could operate under short-term rental regulations that limit occupancy based on the definition of *family*. For large lots and buildings, the regulations provide for a conditional use permit for short term rental to exceed the definition of family and the Planning Commission would consider what the appropriate number might be and attach conditions, but we would be in the same place with not allowing commercial events.

The motion passed by a vote of 6-0-0.

Adopted                      Yeas - 6              Nays - 0              Abstained - 0

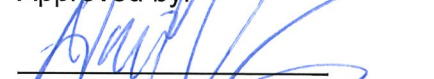
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