

BOARD OF ZONING APPEALS

Minutes

6:30 PM

February 16, 2011

City Council Chambers

MEMBERS PRESENT: Bernie Bossio, George Papandreas, Tom Shamberger

MEMBERS ABSENT: Leanne Cardoso, Jim Shaffer

STAFF: Christopher Fletcher, AICP

I. **CALL TO ORDER and ROLL CALL:** Bossio called the meeting to order at 6:30 PM

II. **MATTERS OF BUSINESS:** None

III. **OLD BUSINESS**

- A. **CU11-01 / Rees / 467 Chestnut Street:** Request by David Rees for conditional use approval for a "Restaurant, Private Club" use in the B-4 District for property located at 467 Chestnut Street. Tax Map #26, Parcel #55; B-4, General Business District.

Shamberger moved to take the matter from the table; seconded by Papandreas. The motion passed unanimously.

Fletcher reminded the Board that, per the discussion at the last meeting in January, as well as the workshop held on January 31st, it was agreed to pick up the discussion with the Architect.

Michael Mills, The Mills Group, 206 High Street, shared large drawings of the proposed renovations of the building, pointing out location of elevator, stairwell, kitchen, restaurant space, outdoor deck, another set of stairs, and separate restrooms for this venue. He also stated that the new stairwell is improving the exiting conditions on the second floor, as well. All improvements are within existing footprint of building. The owner has been working with Allegheny Power to relocate some power lines.

Mr. Mills stated that the kitchen has been designed with the sports venue and that type of menu in mind. He feels the kitchen is probably over-sized, but it will have all the necessary equipment.

Bossio asked how many people this new location will serve. Mr. Mills stated there will be seating provided for about 150 persons. Kitchen is over 1,000 sq. ft.

Bossio opened the public portion of the meeting, asking if anyone was present to speak in support of the project. He then asked if anyone was present to speak in opposition. There being no comments, Bossio declared the public portion closed.

Fletcher read the staff report, stating that The petitioner seeks conditional use approval for the establishment of a "Restaurant, Private Club" use within a proposed 6,581 sq. ft. third-story

addition to *Bent Willey's* building located at 467 Chestnut Street. The name of the proposed restaurant establishment is *Bent Willey's Sports Venue*, which, according to the petitioner, is intended to be an upscale sports restaurant and bar and will operate independently of the existing grandfathered private club establishment.

Addendum A of this report illustrates the location of the proposed conditional use.

The petitioner is the current owner of the building and has submitted the following exhibits, which are attached hereto:

- Business description
- Owner's resume
- Manager's resume
- Proposed menu
- Floor plan
- Building elevations according to said exhibits, Mr. Rees has owned the following enterprises in Morgantown:
 - Double M, LLC, (Micro Brewery) Bent Willey's products (2001-present)
 - Mo-Town Taxi, LLC, Pulse Nightclub (2003)
 - Schell Game, LLC, D.J. Hummers Nightclub (2001)
 - Chestnut Emporium, LLC, (1999-present)
 - AKA Enterprises, Bent Willey's (1997-present)
 - A & Ali, Inc., J.D. Riprocks Nightclub (1996)
 - TRL, Inc., Havana's Cigar Bar (1995)
 - Focus, Inc., McGuffy's Nightclub (1993)
 - Peking Express, LLC (1992)
 - TRI W. Inc., Peking Garden (1990)
 - MAR Corp., Dungeon Nightclub (1986)
 - The Wine Rack (1984)
- Mr. Rees has stated that he has over 20 years of experience in site development, construction of hospitality environments, operations management, budget development, staffing, cost control, marketing, and sales. According to his resume, he also has experience in commercial real estate.

According to said exhibits, Robert Lapinto eatery experience includes:

- General Manager, *AKA Enterprises, Inc.*, Morgantown, WV (2003-present)
- General Manager, *AJ's on the Fairway*, Cheat Lake, WV (2000-2003)
- General Manager, *Boston Beanery*, Morgantown, WV (1998-2000)
- General Manager, *Boston Beanery*, Indianapolis, IN (1997-1998)

- Corporate Operator, *Boston Beanery*, Morgantown, WV (1991-1998)

The proposed business description highlights include:

- Façade renovations that will include:
 - Three (3) level stair tower to provide adequate ingress/egress requirements for the existing and proposed building
 - Solar shading over retractable windows along the Chestnut Street façade
 - Incorporation of a chestnut-colored brick
 - Retractable walls and windows along exterior deck are for outdoor dining
- Hours of operation will be Monday thru Sunday from 11:00 AM to 1:00 AM.
- A full menu, including take-out, will be available from 11:00 AM to 1:00 AM.
- Estimated seating capacity is 250 patrons
- Addition of an elevator to allow accessible entry for all floors
- 1,300 sq. ft. kitchen facility with walk-in cooler and freezer
- A staff of more than thirty (30) individuals
- Wood oven pizza station
- Smoke-free

Addendum B of this report contains related excerpts from the Planning & Zoning Code [Article 1331.06 (27)].

Bossio recognized Rocky Gianola, 1714 Mileground, introduced himself as representing Mr. Rees.

Bossio stated that, because this will be operating under a separate liquor license than the other facilities in the building, he could get a building permit to build a third story and then rent it to someone else. Mr. Gianola stated that yes that is true.

Bossio shared that the Board did a site visit/review on January 31st, and he was very pleased that when he asked the question of why he wanted to do this, he received a very quick response that this is a way to capture a part of the market that they don't already have.

Fletcher clarified that if the owner would build a third story and rent it out, the new tenants would have to come before the Board to receive another conditional use.

Papandreas moved to grant the one-year waiver; seconded by Shamberger. The motion carried unanimously.

Staff recommended revisions to petitioner's Findings of Facts (deleted matter struck through; new matter underlined)

Shamberger moved to accept the Findings of Facts, with Staff's recommended revisions; seconded by Papandreas. The motion carried unanimously.

NOTE: The following findings of facts were included in the motion:

Finding of Fact #1 – Congestion in the streets is not increased, in that:

Parking is available with two large lots located within walking distance (across the street) There appears to be several surface and structured parking facilities and curbside parking stalls operated by the Morgantown Parking Authority within the immediate area and the downtown that should adequately serve demand generated by the new establishment.

Finding of Fact #2 – Safety from fire, panic, and other danger is not jeopardized, in that:

The building and purposed expansion will conform with applicable fire and building regulations.

Finding of Fact #3 – Provision of adequate light and air is not disturbed, in that:

The addition is only for one partial story that should not block existing light and air flow to surrounding and adjacent properties.

Finding of Fact #4 – Overcrowding of land does not result, in that:

The proposed addition will utilize a portion of the existing building's footprint and conform to the occupancy level established by the Fire Marshall. The addition appears to meet all related B-4 District design and performance standards set forth in the Planning and Zoning Code.

Finding of Fact #5 – Undue congestion of population is not created, in that:

The use of the proposed space will be set in the current footprint of the existing building and will be used for commercial use only.

Finding of Fact #6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

The use of this space will not deviate from the commercial space currently operating at said location. The conditional use request does not appear to increase nor decrease demand for said public infrastructure and services already needed to serve the existing building and non-residential occupancies.

Finding of Fact #7 – Value of buildings will be conserved, in that:

It should be increased due to an accessible elevator that will be installed which will make the building more ADA compliant along with the proposed façade improvements.

Finding of Fact #8 – The most appropriate use of land is encouraged, in that:

The proposed use will add additional compatible commercial space within the central business district that will be focused on dining and entertainment.

Papandreas moved to approve CU11-01 with Staff's recommended conditions; seconded by Shamberger. The motion carried unanimously.

B. CU08-10 / "Dragonfly Restaurant" / 341 Chestnut Street: Request by Gregory Candelario, on behalf of "Banks Enterprises, LLC" (DBA "Dragonfly") to amend the related conditional "Restaurant Private Club" use approval granted by the Board of Zoning Appeals on June 18, 2008.

Fletcher read the Staff Report, stating that on June 18, 2008, the Board of Zoning Appeals granted conditional "Restaurant, Private Club" use approval to Mr. Eddie Babilonia for the development of the "Dragonfly Restaurant" at 341 Chestnut Street. Mr. Babilonia consequently organized "341 Chestnut, LLC" (doing business as "Dragonfly"), in August 2008 according to West Virginia Secretary of State's online data services.

As a result of licensing complications with the West Virginia Alcohol Beverage Control Administration, the Planning Department worked with the petitioner's Attorney Robert Berryman to assign the beneficiary of the conditional use approval to "Bank's Enterprises, LLC", which was organized in January 2009 (doing business as "Dragonfly") according to West Virginia Secretary of State's online data services.

In the attached letter dated February 1, 2011, Mr. Berryman advised the Planning Department that Mr. Gregory Candelario is in the process of purchasing "Bank's Enterprises, LLC" and, "...has been delegated authority to act on behalf of Bank's Enterprises, LLC..."

In the attached facsimile dated January 25, 2011, Attorney Parween Mascari advised the Planning Department that, "Dragonfly...is currently researching the possibility of seeking an amendment to Dragonfly's conditional use to be able to use the proposed additional seating in that manner [additional seating for restaurant patrons]..."

Mr. Candelario now seeks to reprogram the originally approved banquet area at the rear of the restaurant to a multi-use space serving the needs and opportunities of both private banquet-type events and day-to-day seating for the restaurant. Because the proposed design and use changes are substantively different from that which was reviewed and approved by the Board of Zoning Appeals, the Planning Department advised the petitioner that a conditional use approval amendment was merited.

Attached hereto is a scanned portion of the June 18, 2008 approved floor plan and Mr. Candelario's proposed design changes.

Bossio asked for clarification that there were no Findings of Facts for this case. Fletcher confirmed that there were none because this is simply an amendment of a previously approved conditional use petition.

Bossio recognized Tanya Willis-Miller, Jackson & Kelly, 150 Clay Street, who spoke in representation of applicant, stating that over 85% of ownership has been completed. She feels this will allow Mr. Candelario to make more effective use of the banquet area space in that it can be utilized on a daily basis for regular restaurant purposes, while maintaining the high quality of food service.

Bossio recognized Gregory Candelario, 22 Wall Street, who stated that the current storage space is currently not even being used.

Papandreas stated that he walked through the area and saw that the storage area is very unused and it is a very sizable room.

There being no further questions by the Board, Bossio opened the public portion of the meeting, asking if anyone was present to speak in favor of the request.

Joe Panico, Beechurst Avenue, spoke in favor of the request and stated that he has given them adequate storage area in the bottom level of the building.

Bossio asked if anyone was present to speak in opposition to the request. There being no comments in opposition, Bossio declared the public hearing portion closed and asked for Staff's recommendations.

Fletcher stated that the Planning Department recommends that the petitioner's request to amend the previously approved conditional "Restaurant, Private Club" use be accepted so that the approved banquet area can be developed and reprogrammed for both private banquet-type events and day-to-day seating for the restaurant. Additionally, the following conditions, which were included in the June 18, 2008 conditional use approval, should be restated to ensure that Mr. Candelario is fully advised of and understands the obligations associated with operating a conditional "Restaurant, Private Club" use in the B-4 District:

1. That the petitioner must maintain compliance with all supplemental regulations set forth in Article 1331.06 (27) of the Planning and Zoning Code. That the establishment shall not serve liquor, including wine, later than 1:00 a.m., except on New Year's Eve;
2. That the petitioner must obtain permitting as a "restaurant" from the Monongalia County Health Department under the *Monongalia County Clean Indoor Air Regulations*;
3. That any exterior building modifications (i.e. façade, awning, etc) shall be reviewed and approved by the Downtown Design Review Committee and the Planning Director prior to building permit issuance for same;
4. That any regulated signage shall be reviewed and approved by the Downtown Design Review Committee and the Planning Director prior to building permit issuance for same; and,
5. That the conditional use approval granted herein may not be transferred.

Bossio asked Mr. Candelario if he clearly understood that he needed to maintain the 60/40 ratio, to which Mr. Candelario agreed that he understood.

Shamberger moved to approve the amendment to the CU08-10 approval as requested with Staff's recommended conditions; seconded by Papandreas seconded. The motion carried unanimously.

IV. NEW BUSINESS

- A. CU11-02 / Bruceton Farm Service / 1591 Earl Core Road:** Request by Howard Goodstein, on behalf of Bruceton Farm Service, Inc. for conditional "Outdoor Storage" use approval at 1591 Earl Core Road. Tax Map #31, Parcel #111, 105.1, & 149.2; B-2, Service Business District.

Fletcher read the Staff Report, stating that Bruceton Farm Service, Inc., doing business as *Southern States*, seeks to add fuel oil facilities to its line of products and services (e.g. propane, kerosene, heating oil, diesel, and/or gasoline) at its current Earl Core Road location. The development, as proposed, will include five (5) outdoor storage tanks northeast of the *Southern States* building. Fuel oil will be available for sale to consumers either on site or by delivery, but will not include the retail dispensing of gasoline, oil, grease, or other vehicle fuels. Addendum A of this report illustrates the site's location.

After carefully reviewing land uses provided in Article 1329, "Definitions"; Article 1331.05, "Permitted Land Uses; and, Article 1331.06, "Supplemental Regulations pertaining to Permitted Land Uses Table", there does not appear to be a specific land use classification provided in the Planning and Zoning Code that corresponds with the proposed fuel oil facilities.

Article 1375.05, "Administrative Interpretations", which is attached hereto as Addendum B, provides guidance in these instances.

It is the opinion of the Planning Department that the proposed fuel oil facilities use is substantially similar to an accessory "Outdoor Storage" use, which is defined in Article 1329.02 as:

"OUTDOOR STORAGE – The storage of any material for a period of greater than 24 hours, including items for sale or, lease, processing, and repair (including vehicles) not in an enclosed building."

Table 1331.05.01 "Permitted Land Uses" provides that "Outdoor Storage" uses are permitted in the B-2 District as a conditional use.

Article 1375.05 "Administrative Interpretations" (E) (4) provides that:

"If the proposed use is most similar to a use allowed only as a conditional use in the district in which it is proposed to be located, then any use interpretation authorizing such use shall be subject to the issuance of a condition use permit."

Southern States currently has a grandfathered "Outdoor Storage" use on the site with the four (4) existing mulch bays illustrated on the petitioner's site plan. The proposed development of the fuel oil facility will result in the relocation of said bays. It is the opinion of the Planning Department that this element should be included in the petitioner's conditional "Outdoor Storage" use application thereby removing any question as to whether or not the grandfathered mulch bays can be relocated and assure the petitioner's right to continue the operation of the bay facilities, which has been in place for several years.

Bossio recognized Mr. Howard Goodstein, 1768 Mileground, BFS, who explained that they would like to add product line bulk storage for fuel oil facilities.

Papandreas asked how much space between storage tanks and Autozone building.

Fletcher answered by describing the drawing.

There being no further questions by the Board, Bossio opened the public portion of the meeting, asking if anyone was present to speak in favor of the request.

There be no comments in favor, Bossio then asked if anyone was present to speak in opposition to the request.

There being no comments, Bossio declared the public hearing portion closed and asked for Staff's recommendation.

Fletcher stated that the Board must determine whether the proposed request meets the standard criteria for a conditional use by reaching a positive determination for *each* of the "Findings of Fact" submitted by the applicant.

Staff recommends revisions to the petitioner's Findings of Fact as stated in Addendum C of this report (deleted matter struck through; new matter underlined).

Staff recommends that the conditional use petition be approved as requested so that no more than five (5) fuel oil tanks and related facilities may be developed along with the relocation of the four existing (4) mulch bays as illustrated on the petitioner's site plan prepared by Greenleaf Surveying Company and dated January 14, 2011 with the following conditions:

1. That all applicable standards and provisions of the Fire and Building Codes be met to the satisfaction of the City Fire Marshall and City Chief Building Code Official respectively.
2. That all applicable City Floodplain Ordinance standards and provisions be met to the satisfaction of the City Engineer.
3. That any future expansion or relocation of the conditional "Outdoor Storage" uses pertaining to the fuel oil and mulch bay facilities and approved herein must first be approved by the Board of Zoning Appeals.
4. That, to the satisfaction of the Planning Director, the proposed landscape buffer area at the rear of the property and illustrated on the petitioner's submitted site plan meets or exceeds the minimum standards set forth in the Planning and Zoning Code with special design and development care given to screening the "Outdoor Storage" uses from view of the adjoining rail-trail.

Papandreas moved to accept the Findings of Facts, with revisions recommended by Staff; seconded by Shamberger. The motion carried unanimously.

NOTE: The following findings of facts were included in the motion:

Finding of Fact #1 – Congestion in the streets is not increased, in that:

According to the petitioner, the majority of fuel oil business will be delivery to retail customers. The site lies in an established commercial district. The addition of the proposed "Outdoor Storage" use is not expected to contribute to traffic congestion that is currently present. Earl Core Road includes a left turn lane by which motorists may access the store/area without disrupting traffic in the primary travel lanes.

Finding of Fact #2 – Safety from fire, panic, and other danger is not jeopardized, in that:

All applicable building and fire code life and safety regulations will be followed in the construction and operation of the facility.

Finding of Fact #3 – Provision of adequate light and air is not disturbed, in that:

The size and scope of the proposed facility as depicted on the attached site plan does appear to adversely impact current light and air traits.

Finding of Fact #4 – Overcrowding of land does not result, in that:

As depicted on the attached site plan there appears to be adequate space to allow for the proposed “Outdoor Storage” development.

Finding of Fact #5 – Undue congestion of population is not created, in that:

The proposed facility will bring a very small amount of additional customers to the site. The majority of the business will be delivery. The proposed development does not include a residential use.

Finding of Fact #6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

The facility will not result in an increase of customers to the site. The majority of business will be delivery. Water, sewage, stormwater, and other utility facilities appear be available in adequate capacities to serve the proposed conditional “Outdoor Storage” use. The proposed development will include a landscape screening along the adjoining rail-trail facility.

Finding of Fact #7 – Value of buildings will be conserved, in that:

The proposed facility will be used for commercial/retail purpose which is consistent with the character of the surrounding area.

Finding of Fact #8 – The most appropriate use of land is encouraged, in that:

The proposed facility will be primarily used for retail sale of home heating fuel. This retail/business purpose is consistent with the character of the surrounding area.

Shamberger moved to approve CU11-02 as requested, with Staff’s recommended conditions; seconded by Papandreas. The motion carried unanimously.

B. CU11-03 / HCL, Enterprises, LLC / 160 Fayette Street: Request by Justin Byers, on behalf of HCL Enterprises, LLC, for conditional “Restaurant, Private Club” use approval at 160 Fayette Street. Tax Map #26A, Parcel #93; B-4, General Business District.

Fletcher read the Staff Report, stating that the petitioner, Mr. Justin Byers, seeks conditional use approval for the establishment of a “Restaurant, Private Club” use in the former “Café of India” location at 160 Fayette Street. The business name for the proposed establishment is “Thaijuan.” The applicant was previously approved for a conditional “Restaurant, Private Club” use by the Board of Zoning Appeals on July 15, 2009 (CU09-06) for the subject building.

Article 1379.05 of the Planning and Zoning Code provides that:

“In the case where a Conditional Use Permit has not been used within twelve (12) months after the granting thereof, then without further action is shall be null and void.”

As such, the conditional use approval granted for CU09-06 is now void. Addendum A of this report illustrates the location of the proposed conditional use.

Mr. Byers has stated that he is the current owner of the subject building. The petitioner has submitted the following exhibits, which are attached hereto:

- Business description
- Owner's resume
- Manager's resume
- Chef's resume
- Proposed menu
- Floor plan

The proposed business description highlights include:

- The proposed restaurant will include approximately 5,640 total square feet; approximately 4,028 square feet of which will be on the main level and approximately 1,612 square feet will be on the second/mezzanine level.
- The total area of the kitchen is approximately 600 square feet as well as approximately 300 square feet in walk-in cooler space on the main level and dry goods storage in the basement level.
- There will be approximately 176 in table seating and approximately 12 in bar seating, depending on a final occupancy determination by the City Fire Marshall.
- Area within the basement level included in the conditional use petition is for dry good storage only.
- A full menu will served until 10:00 PM and a smaller tapas menu will be served from 10:00 PM to close. Take-out and catering on and off premises will be offered as well.
- The proposed hours of operation are Monday through Saturday 3:00 PM to 1:00 AM.
- The entire facility will be smoke-free

Mr. Byers has maintained that he is very much involved in the subject "Restaurant, Private Club" business venture based on his purported restaurant experience on which a waiver of the one-year "bona fide restaurant" may be determined. Because the conditional use application lists two (2) limited liability companies as the applicant, the Board should ensure that the beneficiary of the conditional "Restaurant, Private Club" use approval, if granted, is evident.

Addendum B of this report contains related excerpts from the Planning & Zoning Code [Article 1331.06 (27)].

Bossio recognized the petitioner, Justin Byers, 122 Lakeside Estates. Bossio asked for clarification of the business name that will be the official holder of this conditional use, to which Mr. Byers answered that it would be PJH, LLC.

Bossio expressed concern about the fact that the conditional use follows the LLC.

Fletcher said he understands, but this is how it has always worked.

Papandreas asked if the Board could stipulate that the person seeking the conditional use stay involved for at least one year. Fletcher said he would have to speak to the City Attorney about that.

Byers also stated that he is concerned about having to have the restaurant open beginning as early as 11:00 a.m. He said this type of venue caters more to evening hours and that his concerns about having to be open for lunch will cause them to have a separate menu, pay different cooks, and it may end up costing him more money than it's worth.

The Board discussed this, but agreed that they cannot make special concession. They urged Mr. Byers to give it a chance and if it proves to not be working, he could come back to the board and asked for an amendment in the future.

Bossio opened the public portion of the meeting, asking if anyone was present to speak in support of the request. There being no comments in support, he then asked if anyone was present to speak in opposition to the request. There being no comments in opposition to the request, Bossio declared the public portion closed and asked for Staff's recommendations.

Fletcher stated that the Board of Zoning Appeals must first determine whether or not it will waive the one-year "bona fide restaurant" requirement [Article 1331.06 (27)(c)] prior to the petitioner obtaining a liquor license from the West Virginia Alcohol Beverage Control Commission.

Should the Board decide to waive said one-year "bona fide restaurant" requirement, it must determine whether the proposed request meets the standard criteria for a conditional use by reaching a positive determination for *each* of the "Findings of Fact" submitted by the applicant.

It is the opinion of the Planning Department that the Findings of Fact submitted by the petitioner appear to be consistent with previously approved conditional "Restaurant, Private Club" uses within the B-4 District.

Should the Board waive the one-year "bona fide restaurant" requirement and grant approval of the subject conditional use petition, Staff recommends that the following conditions be included:

1. That the petitioner must maintain compliance with all supplemental regulations set forth in Article 1331.06 (27) of the Planning and Zoning Code.
2. That the applicant must obtain permitting as a "restaurant" from the Monongalia County Health Department under the *Monongalia County Clean Indoor Air Regulations* so that smoking is not permitted within conditional "Restaurant, Private Club" use.
3. That the "Restaurant, Private Club" use shall be limited to the interior design and identified areas of the subject building as illustrated on the drawings submitted with the application and reviewed and approved by the Board of Zoning Appeals; except that no more than 300 square feet of the basement area may be used for dry good storage. Any expansion of the conditional use or significant deviation from said interior layout design must first be approved by the Board of Zoning Appeals.
4. To ensure that the petitioner's business description and plans are executed as described and considered in granting the one-year "bona fide restaurant" waiver, the subject "Restaurant, Private Club" use must:

- a. Be open no later than 11:00 AM Monday through Friday for the purpose of serving lunch as described in the menu submitted with the petitioner's conditional use application.
 - b. That the petitioner shall voluntarily submit all necessary financial information to the City for the subject establishment following its first twelve (12) months of operation as a "Restaurant, Private Club" use to ensure compliance with Article 1331.06 (27) (e) provisions, which requires the sale of food and non-alcoholic beverages to comprise a minimum of 60 percent of total gross sales of all food and drink items in each calendar month.
5. That any regulated signage shall be reviewed and approved by the Downtown Design Review Committee and the Planning Director prior to building permit issuance for same.
 6. That the petitioner shall, to the satisfaction of the Planning Director and at the time of occupancy permitting, have a clear and demonstrable partnership interest in the beneficiary business organization for which this conditional "Restaurant, Private Club" use has herein been granted.
 7. That the conditional use approval granted herein may not be transferred.

Shamberger moved to grant the one-year restaurant waiver; seconded by Papandreas. The motion carried unanimously.

Papandreas moved to accept the Findings of Fact, as presented; seconded by Shamberger. Motion carried unanimously.

Papandreas moved to grant CU11-03 as requested with Staff's recommended conditions; seconded by Shamberger. The motion carried unanimously.

V. OTHER BUSINESS

A. Public Comments: None

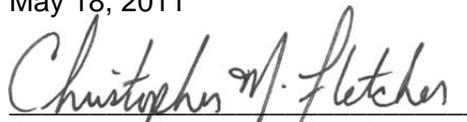
B. Staff Comments: Fletcher updated the Board on the status of the Planning Commission's Annual Report.

VI. ADJOURNMENT – The meeting was adjourned at 7:40 PM.

MINUTES APPROVED:

May 18, 2011

BOARD SECRETARY:


 Christopher M. Fletcher, AICP