

CITY OF ONTARIO PLANNING COMMISSION

MINUTES

November 25, 2014

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CITY OF ONTARIO PLANNING COMMISSION

MINUTES

November 25, 2014

REGULAR MEETING: City Hall, 303 East B Street
Called to order by Chairman Gage at 6:30 p.m.

COMMISSIONERS

Present: Chairman Gage, Vice-Chairman Willoughby, Delman, Downs, Gregorek, Mautz, and Ricci

Absent: None.

OTHERS PRESENT: Planning Director Murphy, City Attorney Rice, Principal Planner Zeledon, Senior Planner Noh, Senior Planner Mercier, Associate Planner Hildebrand, Associate Planner Burden, Assistant City Engineer Lee, Sr. Management Analyst Melendrez, and Planning Secretary Romero

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Willoughby.

ANNOUNCEMENTS

Mr. Murphy stated items C, D, E, and H are being requested for continuance.

Mr. Gage gave tribute to his mother and all women who helped America to where it is today.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

Planning Commission Minutes of October 28, 2014, approved as written.

Mr. Ricci stated that items L and K have the same descriptions and need to be revised.

It was moved by Ricci, seconded by Downs, to approve the Planning Commission Minutes of October 28, 2014, as written. The motion was carried 6 to 0 with upcoming revision and Willoughby recusing.

PUBLIC HEARING ITEMS

- B. **ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV12-019 & PCUP12-032:** A Development Plan to construct a 5,760 square-foot commercial building and a Conditional Use Permit to establish a caretakers unit on 0.14-acres of land, located at 559 West Brooks Street, within the M1 (Limited Industrial) zoning district. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15332 (In-Fill Development Projects). (APN: 1049-021-26); **submitted by M. L. Engineering. This item was continued from September 23, 2014.**

Associate Planner, John Hildebrand, presented the staff report. He stated that staff is recommending the Planning Commission approve File Nos. PDEV12-019 and PCUP12-032, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby asked if there is a limitation of the number of occupants in the caretaker's unit.

Mr. Hildebrand stated it is intended for a single-person use who provides onsite security during off hours.

PUBLIC TESTIMONY

Mauricio Lopez, Architect, appeared and spoke in favor of the project.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

Mr. Gregorek requested clarification of the caretaker's unit.

Mr. Hildebrand stated that a single unit on the second story which faces Brooks Avenue will be dedicated for living quarters.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Mautz, to adopt a resolution to approve the Development Plan and Conditional Use Permit, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

- C. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV14-023:** A Development Plan to construct 92 single family homes on approximately 10.8 acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue between Haven and Turner Avenues. The proposed project is located within the Airport Influence Area of Ontario International

Airport (ONT) and Chino Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT and Chino Airports. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was prepared pursuant to the requirements of California Environmental Quality Act. (APN's.: 0218-201-05, 30, 39, 42, 43 and 45); **submitted by Brookfield Residential. This item was continued from September 23, 2014.**

Planning Director, Scott Murphy, presented the staff report. He stated that staff is continuing File No. PDEV14-023 indefinitely.

No one responded.

PUBLIC TESTIMONY

No one responded.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

- D. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, TENTATIVE TRACT MAP TT 18997, AND PLANNED RESIDENTIAL DEVELOPMENT REVIEW FOR FILE NOS. PDEV14-017, PMTT14-009 & PRD14-002:** A Development Plan to construct 131 condominium units and a Tentative Tract Map (TT 18997) to subdivide 7.8 acres of land into a common lot subdivision for condominium purposes in conjunction with Planned Residential Development, at the northwest corner of Euclid Avenue and SR-60, located at 2324 South Euclid Avenue, within the R2- Medium Density Residential (11-18 du/ac) Zoning District. The environmental impacts of this project were previously analyzed in a Mitigated Negative Declaration that was prepared pursuant to the requirements of California Environmental Quality Act and approved by the Ontario City Council on July 1, 2014 (File No. PGP13-006). This Application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 1051-061-01); **submitted by South Coast Communities, LLC. This project was continued from October 28, 2014.**

Planning Director, Scott Murphy, presented the staff report. He stated that staff is continuing File Nos. PDEV14-017, PMTT14-009, and PRD14-002 indefinitely.

No one responded.

PUBLIC TESTIMONY

No one responded.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

- E. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, TENTATIVE TRACT MAP TT 18713 AND CERTIFICATE OF APPROPRIATENESS REVIEW**

FOR FILE NOS. PDEV14-019, PMTT14-012 & PHP14-009: A Development Plan and Certificate of Appropriateness to retain two existing single family homes and to construct four new single family homes on approximately 1.63 acres of partially developed land generally located by the southwest corner of Francis Street and San Antonio Avenue, a historic eligible site, at 1816 & 1834 S. San Antonio in conjunction with Tentative Tract Map (TT 18713) to subdivide the subject site into six single family lots within the proposed R1 (Single Family Residential) Zoning District. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to § 15331 (Historical Resource Restoration/Rehabilitation) and 15332 (In-fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 1050-341-05); **submitted by Pio & J Designers. This item is continued from October 28, 2014.**

Planning Director, Scott Murphy, presented the staff report. He stated that staff is continuing File Nos. PDEV14-019, PMTT14-012, and PHP14-009 indefinitely.

No one responded.

PUBLIC TESTIMONY

No one responded.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

No one responded.

- F. **ENVIRONMENTAL ASSESSMENT AND PARCEL MAP REVIEW FOR FILE NO. PMTT14-027:** A Parcel Map (PM 19579) for financing and conveyance purposes, which subdivides 45.26 acres of land into one lot and a remainder parcel generally located on the north side of Interstate 10 Freeway, west of Archibald Avenue, within the Meredith International Center Specific Plan. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines (APNs: 0110-321-05, 27, and 28); **submitted by Craig Development Corp. This project was continued from the October 28, 2014.**

Senior Planner, Chuck Mercier, presented the staff report. He stated that staff is recommending the Planning Commission approve File No. PMTT14-027, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

PUBLIC TESTIMONY

Tom Carmody, RBF Consulting, appeared and spoke in favor of the item.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

No one responded.

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Delman, to adopt a resolution to approve the Parcel Map, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

- G. **ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT FILE NO. PGPA14-004 AND ZONE CHANGE FILE NO. PZC14-007:** A public hearing to consider a General Plan Amendment (**File No. PGPA14-004**) to revise the Land Use Element of The Ontario Plan-Policy Plan, Exhibits LU-01 Official Land Use Plan and LU-03: Future Buildout to: 1) change the land use designation for 15.3 acres of land located on the west side of Grove Avenue between State Route 60 Walnut Street from Neighborhood Commercial to General Commercial; 2) modify the Future Buildout Table to be consistent with the land use designation changes; and 3) a Zone Change request (**File No. PZC14-007**) from C1 (Shopping Center District) to C3 (Commercial Service District) to create consistency between the zoning and the proposed General Plan land use designation amendment. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. An addendum to The Ontario Plan ("TOP") EIR (SCH# 2008101140) has been prepared for this project pursuant to the requirements of California Environmental Quality Act. (APN: 1051-171-40, 41, 42, 43, 44 and 1051-321-51, 52, 53, 54, 55, 56, 62, 63); **submitted by: Grove Plaza Partners. City Council action is required.**

Planning Director, Scott Murphy, presented the staff report. He stated that staff is recommending the Planning Commission recommend denial of File Nos. PGPA14-004 and PZC14-007, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Gregorek asked about the current zoning at Vineyard Avenue and Walnut Avenue.

Mr. Murphy stated this is the only intersection on the 60 corridor that is designated as C1 zoning.

Mr. Gregorek asked if there are any other pending applications for this area for other uses.

Mr. Murphy referred the question to the applicant.

Mr. Ricci asked an Environmental Impact Report would be required if there is an application submitted in the C3 designation.

Mr. Murphy answered that it would depend on the type of use. The environmental impacts

would be evaluated and the impacts associated with that business would be disclosed.

PUBLIC TESTIMONY

George Arce, Grove Plaza Partners, LLC., appeared and spoke in favor of the item.

Mr. Willoughby asked for the current vacancy rate of the site.

Mr. Arce stated they are 60% occupied.

Mr. Willoughby asked if there are any other potential tenants at the site.

Mr. Arce answered yes.

Mr. Willoughby asked for the total square footage of the shopping center.

Mr. Arce stated the shopping center is approximately 122,000 square feet.

Mr. Willoughby asked if Grove Plaza Partners does not control 40,000 square feet of the shopping center as implied in Mr. Arce's statement.

Mr. Arce stated that is correct.

Mr. Willoughby asked if Grove Plaza Partners controls the large vacant path in the shopping center.

Mr. Arce answered no they do not.

Mr. Ricci asked about the types of businesses that are proposed to exist at the shopping center.

Mr. Arce stated they are courting soft goods retailers, sporting goods retailers, grocery stores, discount grocery stores, ethnic markets, and other general merchandise stores.

Mr. Ricci asked if these retailers are being restricted due to the C1 zoning.

Mr. Arce stated one retailer that is currently restricted in the shopping center is a potential tenant by the name of Savers.

Mr. Ricci asked for the type of business that Savers operates.

Mr. Arce stated Savers is a general merchandise discount retailer for second generation items. It is a 300 store chain throughout the United States and Canada.

Mr. Ricci asked if there is something specific as to why Savers is being restricted from the shopping center.

Mr. Arce stated they are precluded from the current zoning.

Mr. Gage asked for examples that the CC&R's restrict at this shopping center.

Mr. Arce stated that entertainment venues, massage parlors, offices, educational facilities, recreational uses, and hookah lounges are restricted.

Mr. Ricci asked if there is a restriction for automotive body and paint business.

Mr. Arce stated the CC&R's specifically do not preclude automotive uses, rental, sales and repair.

Patrick Murphy, Leasing Operator, appeared and spoke in favor of this item.

Mr. Ricci stated he is familiar with Savers as a thrift store.

Mr. Patrick Murphy explained the store operations.

Geoffrey Willis, Attorney, appeared and spoke in favor of the item.

Linda Kalinowski, resident, appeared and spoke in opposition of the item.

Janet Gasio, resident, appeared and spoke in opposition of this item.

Mary Nicolai, resident, appeared and spoke in opposition of this item.

Robin Millard, resident, appeared and spoke in opposition of this item.

Linda Seader, resident, appeared and spoke in opposition of this item.

Rosa Lopez De Gutierrez, resident, appeared and spoke in opposition to this item.

Mike Ybarra, resident, appeared and spoke in opposition of this item.

Mr. Arcie gave his apology about the circumstances; stating these were situations that were out of his control.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

Mr. Gregorek expressed his appreciation towards the residences' comments and concerns.

Mr. Scott Murphy spoke about the CC&R's explaining that they are private restrictions.

He stated the zoning code is used to determine permissible uses, not CC&R's.

Mr. Gregorek stated he is concerned about the intentions of the party who owns the portion of the shopping center that Grove Plaza Partners does not control. His recommendation is to deny the zone change.

Mr. Willoughby thanked Mr. Arce and the public for attending the meeting tonight. He is in favor of the zone change.

Mr. Ricci stated he is in favor of the operations of Savers.

Mr. Delman voiced his concerns for the site.

Mr. Downs agrees to both sides to a certain degree. He stated we do need store fronts in that area.

Mr. Willoughby addressed a question to Mr. Arce regarding landscaping.

Mr. Gage re-opened the public testimony

Mr. Arce stated they are currently studying a new monument sign program in the area for signage on Walnut Avenue and Grove Avenue.

Mr. Gage closed the public testimony

Mr. Gage stated these decisions are difficult. He asked staff a question about zoning.

Mr. Murphy stated that zoning runs with the land.

Mr. Gage stated he is in agreement with staff.

Ms. Mautz stated that we need to do something with this site. She is in favor of the zone change.

Mr. Gregorek stated sometimes waiting is best.

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by Delman, to recommend denial of the CEQA Determination and Addendum to a previous Environmental Impact Report, Roll call vote: AYES, Delman, Gregorek, and Gage; NOES, Downs, Mautz, Ricci, and Willoughby; RECUSE, none; ABSENT, none. The motion was denied 4 to 3.

It was moved by Ricci, seconded by Willoughby, to recommend approval of the CEQA Determination and Addendum to a previous Environmental Impact Report, Roll call vote: AYES, Downs, Mautz, Ricci, and Willoughby; NOES, Delman, Gregorek, and Gage; RECUSE, none; ABSENT, none. The motion was approved 4 to 3.

It was moved by Willoughby seconded by Downs, to prepare a recommendation of approval of a resolution to approve the General Plan Amendment and the Zone Change, subject to conditions of approval. Roll call vote: AYES, Downs, Mautz, Ricci, and Willoughby; NOES, Delman, Gregorek, and Gage; RECUSE, none; ABSENT, none. The motion was approved 4 to 3.

H. ENVIRONMENTAL ASSESSMENT AND ZONE CHANGE REVIEW FOR FILE

NO. PZC14-001: A Zone Change request to change 0.58 acres of land from C1 (Shopping Center Commercial) to R2 (Medium Density Residential) and to change .48 acres of land from C1 (Shopping Center Commercial) to NC (Neighborhood Commercial), located on the west side of Euclid Avenue, north of Elm Street from 1420 to 1442 S. Euclid Avenue. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The environmental impacts of this project were previously analyzed in an Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. This Application introduces no new significant environmental impacts. (APN: 1050-051-01 thru 05); **submitted by Johnathan Ma. City initiated. City Council action is required.**

Associate Planner, Clarice Burden, presented the staff report. She stated that staff is recommending the Planning Commission continue File No. PZC14-001 to the next Planning Commission meeting.

No one responded.

PUBLIC TESTIMONY

No one responded.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Mautz, to continue the Zone Change to the next Planning Commission meeting. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

- I. ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT (FILE NO. PGPA14-001) AND ZONE CHANGE (FILE NO. PZC14-006):** A public hearing to consider a General Plan Amendment (File No. PGPA14-001) to revise the Land Use Element of The Ontario Plan-Policy Plan, Exhibits LU-01 Land Use Plan and LU-03 Future Buildout to: 1) change the land use designation from Office Commercial to Business Park for 27 parcels totaling approximately 52 acres generally located on the north side of Guasti Road between Haven and Milliken Avenues; and 2) modify the Future Buildout Table to be consistent with the land use designation changes; and a Zone Change request (File No. PZC14-006) from M3 (General Industrial) to M1 (Limited Industrial) to create consistency between the zoning and the proposed General Plan land use designation amendment. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. An addendum to The Ontario Plan ("TOP") EIR (SCH# 2008101140) has been prepared for this project pursuant to the requirements of California Environmental Quality Act. (APNs: 0210-212-17, 20, 24, 26-39, 42-49 and 53-54); **submitted By: Tom Money and City initiated. City Council action is required.**

Associate Planner, Clarice Burden, presented the staff report. She stated that staff is

recommending the Planning Commission recommend approval of File Nos. PGPA14-001 and PZC14-006, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby asked if there any plans for Guasti Road to continue.

Ms. Burden answered that at some point in the future it may continue. Part of the zone change may allow the area to become more office-serviced.

Mr. Willoughby asked if there any current uses that would not be compatible with an M1 zone.

Ms. Burden stated she is not aware of any heavier industrial uses in the area.

Mr. Scott Murphy addressed Mr. Willoughby's questions regarding Guasti Road stating there are plans to ultimately connect it.

PUBLIC TESTIMONY

Grant Ross, applicant, appeared and spoke in favor of the item.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

Ms. Mautz stated this is a good change and she supports it. Staff has done a good job.

Mr. Willoughby agreed.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Mautz, to recommend adoption of the CEQA Determination and Addendum to a previous Environmental Impact Report, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

It was moved by Mautz, seconded by Ricci, to recommend adoption of a resolution to approve the General Plan Amendment and the Zone Change subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

J. ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT FILE

NO. PGPA13-007: A public hearing to consider a General Plan Amendment to revise the Land Use Element of The Ontario Plan-Policy Plan, Exhibits LU-01 Official Land Use Plan and LU-03 Future Buildout to: 1) change the land use designation for 83.88 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue from Office Commercial, Business Park and Industrial to Low Density Residential (2.1 – 5 du/ac); and 2) modify the Future Buildout Table to be consistent with the land use designation changes. The proposed project is located within the Airport Influence Areas

of Ontario International Airport and Chino Airport and was evaluated and found to be consistent with the policies and criteria of the ONT and Chino Airport Land Use Compatibility Plans (ALUCP). An addendum to The Subarea 29 Specific Plan EIR (SCH# 2004011009) has been prepared for this project pursuant to the requirements of California Environmental Quality Act. (APN: 0218-271-11 and-19); **submitted by Richland Communities. City Council action required.**

Senior Planner, Henry Noh, presented the staff report. He stated that staff is recommending the Planning Commission recommend approval of File No. PGPA13-007, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

PUBLIC TESTIMONY

Craig Cristina, Richland Communities, appeared and spoke in favor of the item.

Mr. Scott Murphy spoke about the cost analysis.

Mr. Cristina spoke about the Community Facility District tax.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

Mr. Willoughby stated this project just makes sense.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Mautz, to recommend adoption of the CEQA Determination and Addendum to a previous Environmental Impact Report, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

It was moved by Delman, seconded by Mautz, to recommend adoption of a resolution to approve the General Plan Amendment, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): This subcommittee met on November 13, 2014 and approved a tier designation.

Development Code Review (Ad-hoc): This subcommittee did not meet.

Zoning General Plan Consistency (Ad-hoc): This subcommittee did not meet.

New Business

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.

DIRECTOR'S REPORT

Mr. Murphy stated it is in the agenda packet.

ADJOURNMENT

Ms. Mautz wished everyone a Happy Thanksgiving.

The meeting was adjourned in memory of Mrs. Jaqueline Gage. Adjourned to the December 15, 2014 Planning Commission Meeting at 9:56 p.m. Mautz motioned to adjourn, seconded by Willoughby.


Secretary Pro Tempore


Chairman, Planning Commission