

**MINUTES
PLANNING COMMISSION**

June 25, 2014

MEMBERS PRESENT: Mark Weaver, Ron Rehm, Jackie Middleton, Heather Kobilarcsik, Wanda Christopher-Finn and Jean Boen

MEMBERS ABSENT: Fred Seling and Gil Ning

STAFF PRESENT: Andrew Dutton and Joel Montgomery

I. MINUTES

Wanda Christopher-Finn moved, Ron Rehm seconded, to approve the Minutes of May 28, 2014 as received. Motion carried.

II. ZONING AMENDMENT - PUBLIC HEARING

Application #ZC-258. The City of Wooster is requesting an approval recommendation by the Planning Commission to City Council for amendments to Chapter 1115 (Submission Requirements), Chapter 1119 (Amendments), Chapter 1125 (General Use Regulations), Chapter 1131 (Community Facilities District), Chapter 1133 (Single Family Residential Districts), Chapter 1135 (Multi-Family Residential Districts), Chapter 1137 (Manufactured Home Park District), Chapter 1141 (Commercial District Regulations), Chapter 1142 (Campus, Professional, Research and Office District), Chapter 1143 (Manufacturing District Regulations), Chapter 1147 (Conditional Use Regulations), Chapter 1149 (Nonconforming Uses, Lots, and Structures), Chapter 1163 (Environmental Protection Regulations), Chapter 1165 (Landscaping and Land Use Buffers), Chapter 1171 (Sign Regulations), Chapter 1173 (Regulations for Wireless Telecommunication Facilities) and Chapter 1181 (Vehicular and Pedestrian Circulation) of the Wooster Planning and Zoning Code.

Mr. Dutton indicated similar amendments were before the Commission in May which were unanimously approved. The reason the amendments were again before the Commission was due to procedural difficulty as the request was not formally opened for a public hearing. Mr. Dutton stated the amendments were again before the Commission to have that part of the procedure satisfied.

Mr. Dutton reiterated that the amendments included a “notes” page which corresponded with the proposed amendments; the proposed changes were highlighted.

Mr. Dutton stated the proposed amendments included a change to the notification requirements for zoning amendments so as to be consistent with the public hearing notification requirements of both Planning Commission and City Council.

Mr. Dutton indicated for better clarification, a definition was added for recreational vehicles.

As to the CF District, Mr. Dutton indicated a number of changes were proposed which included modifying the minimum parcel size which was currently 10 acres. Mr. Dutton stated many uses in the CF District did not require 10 acres—public facilities, libraries, schools. Mr. Dutton further

stated that approval procedures for development plans and conditional uses were removed because they were already identified in Chapters 1107 and 1115 in the Zoning Code.

Mr. Dutton stated theaters were added in the C-4 District as conditional uses within 300' of any residential district and were permitted uses in areas more than 300' from the CF District. Mr. Dutton stated there was also a caveat that would prohibit commercial theaters where only 50% of the attendance would be from motion pictures.

Mr. Dutton indicated fencing in the CF District was also proposed to be changed to make it consistent with similar districts and their requirements.

Public safety, health and utility facilities were changed from a conditional use to a permitted use in residential districts. Mr. Dutton stated there was more detailed information provided on this change in the Commission's packets to offer a rationale for the change. Mr. Dutton indicated that these types of facilities were essential to serve all areas of the city—residential and commercial, and were unique in nature, not like any other uses and were integrated. Mr. Dutton stated these facilities were also extremely location specific—a water tower/pumping station required the right elevation, pressure zone; a fire/police station would need to be located in an area which served residences and businesses and located on a main thoroughfare and have access to a main road. Mr. Dutton stated that, in taking all of these factors into account, there were a limited number of properties which were available for these facilities. Mr. Dutton stated approximately 42% of the city was zoned residential, so having conditional use criteria apply when locating these facilities made it difficult for the City to locate them to serve both the residential and commercial uses in the City. Mr. Dutton noted that City Council approval would still be necessary as any expenditure which exceeded \$50,000 required Council's approval. In addition, permitted uses would still be subject to development plan review by the Commission in addition to the regulations for landscaping, parking, screening, lighting, setbacks, and lot coverage. Mr. Dutton stated the Commission also received information as to how other cities in the State of Ohio addressed these uses.

Mr. Dutton stated changes to the CPRO District were also proposed and provided for scientific research, development, training and testing facilities as permitted uses (now conditional uses). Mr. Dutton stated these types of uses were the intent of the district.

Indoor, commercial recreation was added as a permitted use in the M-1 and M-2 Districts. Mr. Dutton stated there was also a caveat as to the large nature of the buildings which would be necessary in order to locate in the M-1 and M-2 Districts so as to be appropriate with the district.

Mr. Dutton noted that the parking requirements were proposed to be amended in the M-1 District. Mr. Dutton stated the parking regulations currently in place made it so the building had to be located as close to the right-of-way as possible to get the parking where it needed to be located. Mr. Dutton stated the amendment also increased the setback when a manufacturing facility was located across from a residential district.

Mr. Dutton stated setbacks for a parking lot for public uses was modified, and the requirement for a masonry knee wall was replaced with landscaping as it was felt that was more appropriate for a public parking lot.

Changes to the temporary sign regulations were proposed. Mr. Dutton stated the current requirement was confusing and contradictory and would reduce the number of times a temporary sign could be displayed and provided for real estate signs and construction project signs.

Mr. Dutton stated the section relating to wireless telecommunication facilities was proposed to be amended and included modifications to permitted locations by adding the M-1, M-2 and M-4 Districts; CF and CPRO Districts were also added as conditional uses. The proposed amendment would also exempt City-owned properties from the requirements under Section 1173.09 but would require City Council to hold a public hearing for any proposal for a wireless telecommunication tower or facility on City-owned property whereby property owners within 200' would be notified.

Mr. Dutton stated the sidewalk width requirements were also proposed to be changed to align with the requirements of the City Engineering Division.

Barbara Weinstein, 134 Reed Road, stated some of the amendments proposed were not welcome by some of the neighborhoods in the community. Ms. Weinstein stated while the amendments which related to utilities, police/dispatch, fire and water towers might be a good project for the location, she felt the City also had a responsibility to weigh the rights of property owners to develop their land and needed to assure that the project was comparable to the character of the surrounding neighborhood. Ms. Weinstein stated this was a basic concept of land use zoning. Ms. Weinstein stated the City wanted the community to grow and to feel safe in the community and would not want people to who were buying a house to "10 years later" have a fire station, police station or cell phone tower right in front of their face. Ms. Weinstein stated while projects like police/fire stations, water towers, etc. were necessary, they were not compatible within a historic, quiet surrounding neighborhood. Ms. Weinstein stated when she visited Europe, she did not see any cell phone towers in neighborhoods; cell phone towers were located along the side of the road were disguised, artistically, to look like pine trees so as not to stand out and disrupt the area and surrounding landscape. Ms. Weinstein stated if cell towers were placed in the middle of a neighborhood, aesthetics needed to be considered.

Jim Pooler, 1814 Burbank Road, stated he understood the change to the minimum acreage requirement in the CF District, but felt that there needed to at least be a minimum and not just "nothing". Mr. Pooler stated the majority of public utilities in the State of Ohio were conditional uses and were not even permitted in an R-1 District. Mr. Pooler stated zoning was in place to ensure, "I didn't build something stupid next to someone who doesn't want something stupid". Mr. Pooler stated zoning was in place to protect property owners, and felt the change to the Code took that protection away. Mr. Pooler noted City Council overturned that very issue previously, and now it was back before the Commission for a second time. Mr. Pooler stated some of the proposed changes were currently in litigation, so it seemed odd to him that changes were being proposed. Mr. Pooler stated in 2007, the City of Wooster spent a lot of time developing the Zoning Code, and it was troublesome that amendments were being made to the Code. Mr. Pooler asked the Commission to protect the residents and their homes of those who resided in the R-1 District.

The public hearing was closed.

Ms. Kobilarcsik questioned the change in the Zoning Code relating to recreational vehicles and if they were restricted to only being parked on a property for a maximum of 72 hours. Mr. Dutton stated the proposed regulations provided for a recreational vehicle to be parked on a property for under 72 hours. For more than 72 hours, the recreational vehicle would have to be located

outside the front setback, had to be located on a hard surface, and could not be located in the right-of-way.

Mr. Weaver questioned the standards for a CF District. Mr. Weaver questioned if all of the other standards, minus the minimum lot size, remained unchanged. Mr. Dutton stated that was correct and noted the minimum lot width remained.

Mr. Weaver stated, with regard to public facilities, in looking at what some of the other cities included as public facilities, some were quite broad and included telephone phones. Mr. Dutton stated the research provided was how public facilities were regulated in similar R-1 Districts. Mr. Dutton stated every city had different definitions for different things and parceled it in different ways, but in general, some were conditional, some were permitted, and some did not even comment on uses like that. Mr. Weaver stated he felt there would be a big difference between street lights and police stations. Mr. Weaver stated he would not want every street light to be a conditional use and felt that should be permitted. Mr. Weaver questioned what was included in the City's definition of "Public Safety, Health and Utility Facility". Mr. Dutton stated the definition read, "A municipal, government facility utilized for public safety, health, utility or emergency services, including, but not limited to, a facility that provides police and fire protection, a facility that provides for public utility retention, treatment, distribution or service or other municipal facility necessary to maintain the public health, safety and welfare including related administrative offices". Mr. Dutton stated that included structures and not water hydrants, street lighting, etc. and general utilities that, for the most part, were provided in the right-of-way. Mr. Dutton stated the uses were currently conditional in all residential districts, and the change proposed would make them permitted in all residential districts. Mr. Weaver questioned if there was a problem with the existing Code and the requirements which made them conditional uses in all residential districts. Mr. Dutton stated the reason for the amendment was for the City to have the ability to locate the facilities in residential districts and were necessary to serve the residential areas, and the regulations as they existed made it difficult for the City to provide services to properties in the City. Ms. Boen stated the change would allow the City to find the best location to serve its residents the best way possible without taking into account if the property was zoned residentially or not. Ms. Christopher-Finn questioned, "Even if everyone within that residential area was opposed?" Mr. Dutton stated it would still go through the development plan process—the Commission would still review it to determine if it met the criteria and standards, but that a public hearing would not be required and the conditional use criteria would not be applied. Mr. Weaver questioned if the neighbors would still be notified. Mr. Dutton stated notification for a development plan was a sign at the right-of-way announcing the plan for development and the date of the meeting. Mr. Dutton stated City Council, because of the funding, would also hold a hearing on the matter.

Ms. Boen questioned if the Commission could table the matter in order to take more time to review the amendments and discuss them with residents in their wards. Mr. Dutton stated yes.

Ms. Kobilarcsik questioned the proposed changes to signage. Mr. Dutton stated the changes related to temporary signs. Mr. Dutton stated currently, the Code allowed for a temporary sign, 4 times a year, for 30 consecutive days; the proposed amendment would provide for a temporary sign, 2 times a year, for a maximum of 45 consecutive days; the maximum area and height would stay the same. A new section was added for "real estate for sale or lease" signs; there were minor changes made for clarification to project real estate/construction signs as well as sandwich board signs. Ms. Kobilarcsik questioned if the size permitted for sandwich board signs had changed. Mr. Dutton stated no. Mr. Dutton stated the change defined more clearly where they could be placed.

Both Wanda Christopher-Finn and Heather Kobilarcsik indicated they preferred that the Commission table the issue.

Mr. Weaver stated he would like to stay with a conditional use on items #7 and #13 (Public Safety, Health and Utility Facilities and Wireless Telecommunication Facilities). Mr. Weaver stated he felt the Commission needed additional time to consider those two changes, but he was prepared to vote on the other Code amendments being proposed. Mr. Weaver stated he was fine with the lot size change as none of the other requirements were being eliminated. Mr. Weaver questioned if Staff would prefer that the Commission treat the amendments as a whole and table it as a whole, or if Staff would prefer to move ahead on the amendments the Commission was in agreement with. Mr. Dutton stated he would prefer tabling.

Mark Weaver moved, Ron Rehm seconded, to table the proposed amendments (ZC-258).

Motion carried unanimously.

Ms. Boen noted the item was tabled until the Commission had time to discuss it further.

III. CONDITIONAL USE - PUBLIC HEARING

Application #CU-371. Bubba Ingram of Ingram Civil Engineering, representing Brookdale Senior Living, is requesting conditional use approval for a 38 unit nursing home (memory care facility) to replace an existing apartment complex at 1560 Beall Avenue in an R-4 (Multi-Family Residential) District.

Bubba Ingram, Ingram Civil Engineering, indicated a new memory care facility was proposed on a portion of land where an existing assisted living facility was located. Mr. Ingram noted that the land was also the location of an existing apartment complex. Mr. Ingram stated the new building would be a one story, 27,000-sq. ft. facility, and would have 38 beds. Mr. Ingram stated the facility would be specifically for patients that needed memory care (Alzheimer's patients) as part of their treatment. Mr. Ingram stated at the existing assisted living facility, there was not enough room, and they were turning away a lot of patients. Mr. Ingram stated it was felt that the memory care facility was needed in the community.

Mr. Ingram indicated parking was minimal as patients did not drive, so the 19 parking spaces which were provided would be for staff and visitors; the existing lot would remain in place at the northeast corner of the property where 28 parking spaces existed. Mr. Ingram stated a lot of the large trees on the west side of the property would remain. Mr. Ingram stated there were also a couple of large trees along Beall Avenue, and the site would be graded around those trees so that they could remain. Mr. Ingram stated the required screening was provided on all sides of the property. Mr. Ingram stated the required stormwater retention was provided so that runoff would be anywhere from 25% to 50% less volume. Mr. Ingram stated a drainage summary was submitted to the City Engineering Department for review.

Mr. Ingram stated based on transportation engineers, the trip generation numbers of all of the daily average trips during the week would be less for this use than would be for the apartments that were in place (about 60 to 100 total trips daily/average). All of the peak hour trips would be less for the new use; on Saturdays/Sundays, there may be 5-10 more trips, per hour.

Lisa Rayman, 4826 Melrose Drive Extension, stated she was present on behalf of her mother, Corrine Slater, who was a resident of the apartment complex in question. Ms. Rayman stated residents of the apartment buildings, who were on a limited income, would be displaced, and they were only being given 60 days to find other housing. Ms. Rayman stated that was not enough time for the residents to find other housing.

Mike Palmer, 1526 Overlook Drive, stated Brookdale was a good neighbor but stated there was concern for the existing cul-de-sac of Overlook Drive. Mr. Palmer stated there was an area which went to the back parking lot of Brookdale (where the garage existed), north of Overlook Drive, and it was agreed upon that it be used for emergency use only because the residents felt that it needed to be maintained as a cul-de-sac, but that had been breached many times. Mr. Palmer stated he was concerned about the children in the area, noise and the delivery trucks. Mr. Palmer stated the runoff from the building on Overlook Drive was a problem, and the building was not being maintained as it should be (spouting coming off). Mr. Palmer stated there were only four parking spaces available, and there was a question as to whether that should be improved. Mr. Palmer stated Randy and Kay Wharton, 424 Bloomington, were on vacation and unable to attend the meeting but who had expressed to him concerns with rain and storm runoff which ran right down through their property and caused flooding issues.

Jim Griffith, 1598 Beall Avenue, stated Brookdale had been a good neighbor. Mr. Griffith stated there were some things that he and his wife (Roberta) would like to see done differently, but after talking with the applicant, the reasons they offered to them were valid. Mr. Griffith stated one of the buildings on Beall Avenue was blocking the light and sound that would otherwise be coming from the gas station (immediately south of the property), and he indicated he was concerned with the noise and light from that property once the building was removed and that it could possibly flood back into their direction. Mr. Griffith stated on the other side of that building, there was a 6' high privacy fence which was not adequate because the lights were 15-20' high and shined right over the fence. Mr. Griffith stated the project itself looked really good

Steve Workman, 1519 Overlook Drive, stated Brookdale had been an excellent neighbor and took good care of their facility. Mr. Workman stated he lived on a cul-de-sac, and the traffic needed to stay off of the cul-de-sac. Mr. Workman stated the cul-de-sac was not built for traffic. Mr. Workman stated Bloomington was narrow and had open ditches on both sides of the street. Mr. Workman stated there should be no truck/commercial traffic on that street. Mr. Workman stated there were water issues in the area and cited an open ditch on Beall Avenue. Mr. Workman expressed concern with a 4-plex and its condition; downspouts broke off three years ago and had yet to be repaired. Mr. Workman noted that the property notice/posting regarding the meeting was up only for three days and felt that public notice was important.

Bea Smith, 1634 Cleveland Road, stated when she first moved to the property in 1953, there were no businesses in that area. Ms. Smith stated businesses had continually been brought into the area, the closest being two doors away from her. Ms. Smith stated there were water problems in the area. The deterioration in the apartments did not happen until after they were sold to Brookdale, and if they were being rented as apartments, Brookdale should have done the upkeep on them. Ms. Smith stated many of the residents who lived in the apartments walked to work because they were unable to drive.

Amy Williamson, 1928 Sherman Road, stated 60 people were being displaced from their homes in order to provide for a 38 bed facility. Ms. Williamson stated the apartments existed when Brookdale was originally constructed. Ms. Williamson stated the move would not be easy for the

residents of the apartment buildings as there were not a lot of lower income housing available for people who had physical disabilities. Ms. Williamson stated the residents of the apartment buildings were not made aware of the plans of Brookdale until a sign was posted on the property announcing the meeting.

(Inaudible) Edwards, 1560 Beall Avenue, stated she was a resident of the apartment building and lived there with her mother. She stated she and her mother moved into the apartment building less than a year ago, and was not made aware that they would have to relocate so soon after moving in. Ms. Edwards stated she was having difficulty finding other housing.

Sarah Emlong, 507 Woodland Avenue, stated she was sympathetic of the housing issue faced with the residents of the apartment buildings. Ms. Emlong stated in a timeframe of 60 days, it was difficult to find housing as many of the residents were disabled. Ms. Emlong stated she felt more time was needed to give the residents an opportunity to find other housing.

The public hearing was closed.

Ms. Kobilarcsik questioned if any help could be given to the residents. Ms. Boen stated the Wayne County Housing Coalition did discuss the issue and noted that STEPS at Liberty Center and Every Woman's House, along with Liberty Center Connections, had housing programs and did housing case management, and they did provide City Hall with a local landlord list. Ms. Boen also provided the name/telephone number of the contact person to people in attendance. Ms. Boen stated there was "quite a bit" of housing stock, but she was unsure if it would accommodate people with disabilities. Ms. Boen indicated that the Housing Coalition would try and get information to the residents as quickly as possible.

Mr. Rehm stated the Commission could pose a condition on the approval that instead of 60 days, 120 days be given to the residents. Mr. Rehm stated 60 days was not enough time for elderly/handicapped individuals to find housing.

Dan Brodcek, representing Brookdale, stated with regard to the cul-de-sac, the plan before the Commission addressed that as it would close the cul-de-sac and would also reduce the runoff. Mr. Brodcek stated that, with regard to relocating the residents, the goal was to break ground by August 1 which would allow the building to be closed in before the weather became an issue. Mr. Brodcek stated if they were not able to begin construction by August 1, it would "push it off" until next spring, and it was their hope to get the building open before then.

Ms. Boen questioned how many people Brookdale had been turning away from staying in a memory care facility. (Inaudible) stated Brookdale was turning away, on average, 3 people per month. She noted the apartments (Holmes Manor) was not senior housing. She stated the 38-unit facility would likely be filled very quickly. She noted that a market study was done, and there was definitely a need. Ms. Boen questioned if the market study was done before Danberry was open. She stated she was not certain.

Mr. Weaver questioned if the Commission had the legal authority to require a 120 notice to the residents. Mr. Dutton stated he was apprehensive to put a condition like that on the approval per the criteria in determining if the use was appropriate for the site. Mr. Dutton stated the Commission was not reviewing how the *current* use was being handled by the developer.

Mr. Rehm stated he felt the Commission could place any condition it wanted to on the developer. Mr. Rehm stated he felt the condition should be placed on the approval, even if the Commission did not have the power to enforce it.

Mr. Brodcek stated the 60-day period came from the lease that all of the residents signed. Ms. Kobilarcsik stated it would not be “so bad” if the residents were not disabled. Mr. Brodcek agreed.

Ms. Middleton stated she did not feel setting “those types of guidelines” was the prevue of the Commission. Mr. Weaver stated the Commission could not do whatever it wanted. Mr. Weaver stated the Commission was supposed to enforce the Zoning Code and it had criteria to use in evaluating requests. Mr. Weaver stated the Commission had to evaluate whether or not the developer followed the Zoning Code. Mr. Weaver stated issues regarding water runoff did fall within the Commission’s prevue, but felt that delaying the project did not. Ms. Boen agreed and again encouraged residents to contact Liberty Center Connections.

Ms. Boen questioned if the applicant was aware of Staff’s recommendations regarding the proposal. Mr. Brodcek stated yes. Mr. Weaver also noted the recommendations from the City Engineer concerning stormwater. Ms. Boen noted that the residents’ concerns regarding water were addressed by the City Engineer’s comments/report to the Commission. Mr. Ingram stated the water runoff from the site should be 25-50% less after improvements were made to the site per the stormwater calculations. Mr. Ingram stated the calculations were submitted to the City Engineering Department for their review.

Ms. Kobilarcsik questioned the light spillage issue that one of the residents mentioned (once the apartment building was torn down). Mr. Dutton stated he thought the resident was speaking about the lights coming from the gas station property, and could require additional screening along that side of the property.

Mr. Rehm questioned when the 60 days began. It was noted that July 31 was the eviction date.

Ron Rehm moved to grant the applicant a variance to Section 1147.06 (3), Minimum Lot Area and Width, for the plans submitted to the Commission. Mr. Dutton noted that the Board of Zoning Appeals would be reviewing the request for a variance at its July meeting. Mr. Rehm withdrew his motion.

Jackie Middleton moved to approve CU-371 for a congregate care/nursing home use at 1560 Beall Avenue, with the condition that the applicant receive a variance to Section 1147.06 (3), regarding minimum lot area and width. Wanda Christopher-Finn seconded the motion.

Mr. Weaver stated his vote was based on the criteria and authority that the Commission had. Mr. Weaver stated some problems which were raised went beyond the Commission’s authority and was hoping that other agencies could address those. Mr. Weaver urged the developer to give the residences as much time as it could to find other affordable housing. Mr. Weaver voted yes.

Mr. Rehm stated agreed with Mr. Weaver’s comments, and also voted yes.

Jackie Middleton voted yes.

Heather Kobilarcsik voted yes.

Wanda Christopher-Finn voted yes.

Jean Boen voted yes.

Motion carried by a 6-0 vote.

IV. FINAL DEVELOPMENT PLAN

Application #SP-573. Bubba Ingram of Ingram Civil Engineering, representing Brookdale Senior Living, is requesting final development plan approval for a 38 unit nursing home (memory care facility) to replace an existing apartment complex at 1560 Beall Avenue in an R-4 (Multi-Family Residential) District.

Bubba Ingram stated if there was further comment about the design elements (landscaping, screening, buffering) for the project, he would be happy to address that.

Ms. Christopher-Finn questioned the issue of the cul-de-sac. Mr. Ingram stated Brookdale owned the 4-unit that was located at the end of Overlook. Mr. Ingram stated they would not be reaching over into the Overlook Drive area, although one of the water connections would be to Overlook Drive. Ms. Kobilarcsik questioned if the cul-de-sac would continue to be used. Mr. Ingram stated no—the entry would be from the main entrance off of Cleveland Road.

Ms. Boen questioned the condition of the 4-unit. Mr. Dutton stated the City's Property Maintenance Inspector would look at the building to determine what violations existed.

Mark Weaver moved to approve application SP-573 by Bubba Ingram of Ingram Civil Engineering, representing Brookdale Senior Living, for final development plan approval for a 38-unit nursing home to replace an existing apartment complex at 1560 Beall Avenue in an R-4 (Multi-Family Residential) District, subject to the conditions that: **(1)** The applicant receive a variance to Section 1147.06(3) regarding minimum lot area and width; **(2)** That lots with property identification numbers 68-00783, 68-00786 and 68-00777 be replatted into a single property; **(3)** That an additional street tree be added along Beall Avenue; **(4)** That screening be provided to the south of the proposed 9-space parking row and to the northeast of the site to replace the removal of existing screening per the requirements of Section 1165.07(g) of the Code; **(5)** That landscaping be incorporated on the east side of the retention pond per Section 1143.09(o); **(6)** That all of the requirements of the Engineering Department be met, including that site development must comply with all provisions of the Manual for Stormwater Management; **(7)** That the developer use the current City of Wooster Engineering Standards; and **(8)** That the developer obtain all of the necessary engineering permits.

Mr. Weaver asked that help be offered to the individuals who needed to find housing. Mr. Rehm agreed.

Mr. Dutton questioned the lighting southeast of the gas station. Mr. Weaver questioned if it was within the Commission's legal authority to address that. Ms. Boen stated she felt that the authority the Commission had would be to include it on the plans of Brookdale's property, but not on the gas station's property.

Ron Rehm seconded the motion.

Mark Weaver voted yes.

Ron Rehm voted yes.

Jackie Middleton voted yes.

Heather Kobilarcsik voted yes.

Wanda Christopher-Finn voted yes.

Jean Boen voted yes.

Motion carried by a 6-0 vote.

Meeting adjourned at 7:05 p.m.

Jean Boen, Vice Chairman

Laurie Hart, Administrative Assistant