CITY PLAN COMMISSION MEETING
2ND FLOOR CITY COUNCIL CHAMBERS
DECEMBER 15, 2011
1:30 P.M.

MINUTES

The City Plan Commission met at the above place and date.

The meeting was called to order at 1:30 p.m. Commissioner Borden present and presiding and the following Commissioners answered roll call.

COMMISSIONERS PRESENT:
Commissioner De La Cruz
Commissioner Nance
Commissioner Wright
Commissioner Borden
Commissioner Vorba
Commissioner Brandrup

COMMISSIONERS ABSENT:
Commissioner Vandivort
Commissioner Carreto
Commissioner Landeros

AGENDA

Commissioner Wright read the rules into the record. Philip Etiwe, Development Review Manager, read the revisions to the agenda into the record.

***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner Wright, and unanimously carried to **APPROVE** the agenda as amended.

AYES: Commissioner De La Cruz, Nance, Wright, Vorba, and Brandrup
ABSENT: Commissioner Vandivort, Carreto, and Landeros

Motion passed.

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I. CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Plan Commission on any items that are not on the City Plan Commission Agenda and that are within the jurisdiction of the City Plan Commission. No action shall be taken.

NO ACTION WAS TAKEN.

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II. CONSENT AGENDA

THERE WERE NO ITEMS UNDER THE CONSENT AGENDA.

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III. REGULAR AGENDA - DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL:

Subdivision Applications:

***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner Wright, and unanimously carried to **HEAR SUSU11-00117 AND PZCR11-00004 SIMULTANEOUSLY.**

Motion passed.

Major Preliminary:

1.	**SUSU11-00117:**	Franklin Hills Unit Eight – Being a portion of H.G. Foster Survey 262, City of El Paso, El Paso County, Texas
	Location:	East of Franklin Hills Street and North of High Ridge Drive
	Property Owner:	Sun 262 Partners, Ltd.
	Representative:	Quantum Engineering Consultants, Inc.
	District:	1
	Staff Contact:	Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

Robert Gonzalez from Quantum Engineering concurred with staff's comments.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Nance, and unanimously carried to **APPROVE SUSU11-00117 WITH GENERAL MODIFICATION 19.04.070.A.3 OF THE CITY CODE AND THAT THE DOUBLE FRONTAGE LOT BE LANDSCAPED.**

Motion passed.

PUBLIC HEARING Zoning Condition Release/Amendment Application:

15.	**PZCR11-00004:**	Portion of H.G. Foster Survey 262, City of El Paso, El Paso County, Texas
	Location:	East of the intersection of Franklin Dove Avenue and Franklin Bluff Drive
	Zoning:	P-RI (Planned Residential I)
	Request:	Amend zoning condition imposed by Ordinance No. 016588, dated March 20, 2007. (Request to modify the walking trail shown on the conceptual plan submitted with the application for rezoning and approved per Ordinance No. 016588)
	Existing Use:	Vacant
	Proposed Use:	Single-family residential lots
	Property Owner:	Hunt Communities, GP, LLC
	Representative:	Quantum Engineering Consultants, Inc.
	District:	1
	Staff Contact:	Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

Kimberly Forsyth. Lead Planner, noted that the intent to realign the walking trail is to allow it to connect with state park. She also noted that staff received one fax in opposition to this request.

Bobby Gonzales with Quantam Engineering concurred with staff's comments.

Commissioner Borden asked if there was anyone in the public who wished to speak in favor or against this request.

Lucille Galvan had some concerns on how this development would impact her property.

Robert Gonzales agreed to meet with the residents and clarify some of their concerns regarding the trail and/or the park.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE PZCR11-00004.**

Motion passed.

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2.	**SUSU11-00119:**	Tres Suenos Unit 8 - Being a portion of Section 27, Block 79, Township 2, Texas and Pacific Railways Surveys, City of El Paso, El Paso County, Texas
	Location:	North of Montana Avenue and East of Rich Beem Boulevard
	Property Owner:	Tropicana Development
	Representative:	CEA Group
	District:	5
	Staff Contact:	Raul Garcia, (915) 541-4935, GarciaR1@elpasotexas.gov

Jorge Azcarate with CEA Group concurred with staff's comments.

Commissioner Borden noted that she sees park ponding happening in Las Cruces and asked what can be done to make park ponding possible in El Paso.

Mathew McElroy, Deputy Director for Planning, noted that the Commission could include that as a recommendation to City Council in their Annual Report along with a schedule of reports due to them in ultimately getting the code change.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner Vorba, and unanimously carried to **APPROVE SUSU11-00119 WITH GENERAL MODIFICATION 19.04.070.A.3 OF THE CITY CODE AND WITH THE RECOMMENDATION THAT THE DOUBLE FRONTAGE LOTS ABUTTING ANDREW WISEMAN BE LANDSCAPED AND THAT THE PLACEMENT AND LOCATION OF TREES BE COORDINATED WITH THE DEPARTMENT OF TRANSPORTATION.**

Motion passed.

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Major Combination:

3.	**SUSU11-00118:**	Enchanted Hills Unit Two - Being a portion of Tract 8, Laura E. Mundy Survey No. 238, City of Paso, El Paso County, Texas
	Location:	East of I-10 and North of Transmountain Road
	Property Owner:	E.P. Transmountain Residential, L.L.C.
	Representative:	Roe Engineering, L.C.
	District:	1
	Staff Contact:	Kevin Smith, (915) 541-4903, smithkw@elpasotexas.gov

Bradley Roe with Roe Engineering concurred with staff's comments.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner Nance, and unanimously carried to **APPROVE SUSU11-00118 WITH GENERAL MODIFICATION 19.04.070.A.3 OF THE CITY CODE AND WITH THE CONDITION THAT ENCHANTED HILLS UNIT ONE BE RECORDED PRIOR TO OR CONCURRENTLY WITH ENCHANTED HILLS UNIT TWO TO PROVIDE ADEQUATE ACCESS.**

Motion passed.

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***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner Wright, and unanimously carried to **HEAR SURW11-00006 AND SURW11-00007 SIMULTANEOUSLY.**

Motion passed.

PUBLIC HEARING Street Vacations:

4.	**SURW11-00006:**	Kathy Drive Street Vacation - Being a portion of Kathy Drive out of Richard Lee Subdivision, City of El Paso, El Paso County, Texas
	Location:	East of Americas Avenue and North of Alameda Avenue
	Property Owner:	City of El Paso
	Representative:	Conde, Inc.
	District:	6
	Staff Contact:	Kevin Smith, (915) 541-4903, smithkw@elpasotexas.gov
5.	**SURW11-00007:**	Farrell Drive Street Vacation - Being a portion of Farrell Drive out of Richard Lee Subdivision, City of El Paso, El Paso County, Texas
	Location:	East of Americas Avenue and North of Alameda Avenue
	Property Owner:	City of El Paso
	Representative:	Conde, Inc.
	District:	6
	Staff Contact:	Kevin Smith, (915) 541-4903, smithkw@elpasotexas.gov

Conrad Conde with Conde, Inc., concurred with staff's comments.

Commissioner Borden asked if there was anyone in the public who wished to speak in favor or against this request.

Maria Guadalupe Dempsey spoke against this request and noted that she has a petition with 46 signatures in opposition to this request. She also noted that she had some safety concerns.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner Vorba, and carried to **APPROVE SURW11-00006 AND SURW11-00007.**

AYES: Commissioner De La Cruz, Wright, Vorba, and Brandrup
ABSTAIN: Commissioner Nance
ABSENT: Commissioner Vandivort, Carreto, and Landeros

Motion passed.

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***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner Wright, and unanimously carried to **HEAR PZRZ11-00034 AND PZRZ11-00045 SIMULTANEOUSLY.**

Motion passed.

PUBLIC HEARING Rezoning Applications:

6.	**PZRZ11-00034:**	A portion of Lot 1, Gateway Estates, El Paso County, Texas, as filed and recorded in volume 41, page 13b, Plat records of El Paso County, Texas and a portion of the rights-of-way of Windermere Avenue, Brandywine Road, and Joe Battle Boulevard
	Location:	East of Joe Battle Boulevard and South of Windermere Avenue
	Zoning:	R-F (Annexation in Process: Case No. AN08-004)
	Request:	From R-F (Ranch and Farm) to C-3 (Commercial)
	Existing Use:	Vacant/Ponding area
	Proposed Use:	Commercial Development
	Property Owner:	River Oaks Properties, LTD
	Representative:	Yolanda Giner
	District:	ETJ/Adjacent to District 6
	Staff Contact:	Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

George Halloul with SLI Engineering concurred with staff's comments.

Commissioner Borden asked if there was anyone in the public who wished to speak in favor or against this request. There was no response.

ACTION: Motion made by Commissioner Nance, seconded by Commissioner Wright, and unanimously carried to **APPROVE PZRZ11-00034.**

Motion passed.

***ACTION:** Motion made by Commissioner Wright, seconded by Commissioner Vorba, and unanimously carried to **RECONSIDER PZRZ11-00045.**

Motion passed.

PUBLIC HEARING Rezoning - Reconsideration:

10.	**PZRZ11-00045:**	A portion of Tract 1, Section 35, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the rights-of-way of Montana Avenue and Zaragoza Road
	Location:	North of Zaragoza Road and South of Montana Avenue
	Zoning:	R-F (Annexation in Process: Case No. AN08-006)
	Request:	From R-F (Ranch and Farm) to C-4 (Commercial)
	Existing Use:	Vacant
	Proposed Use:	Commercial Development
	Property Owner:	River Oaks Properties, LTD
	Representative:	Yolanda Giner
	District:	ETJ/Adjacent to District 5
	Staff Contact:	Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Andrew Salloum, Planner, noted that this item is for Reconsideration because of incorrect legal description on the metes and bounds.

George Halloul with SLI Engineering concurred with staff's comments.

Commissioner Borden asked if there was anyone in the public who wished to speak in favor or against this request. There was no response.

ACTION: Motion made by Commissioner Nance, seconded by Commissioner Wright, and unanimously carried to **APPROVE PZRZ11-00045.**

Motion passed.

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7.	**PZRZ11-00046:**	A portion of Nellie D. Mundy Survey 241, City of El Paso, El Paso County, Texas
	Location:	6380 Berringer Street
	Zoning:	R-3 (Residential)
	Request:	From R-3 (Residential) to C-4 (Commercial)
	Existing Use:	Vacant
	Proposed Use:	Commercial Development
	Property Owner:	TGK - Artcraft LLC
	Representative:	CEA Group
	District:	1
	Staff Contact:	Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Andrew Salloum, Planner, noted that the applicant has changed the application request from C-4 to C-3.

Jorge Azcarate with CEA Group concurred with staff's comments on the C-3 rezoning.

Commissioner Borden asked if there was anyone in the public who wished to speak in favor or against this request. There was no response.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner Vorba, and unanimously carried to **APPROVE PZRZ11-00046.**

Motion passed.

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8.	**PZRZ11-00047:**	Tract 17C63, Section 8, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas
	Location:	Bob Hope Drive at Saint Romeo Avenue
	Zoning:	R-3 (Residential)
	Request:	From R-3 (Residential) to C-3 (Commercial)
	Existing Use:	Vacant
	Proposed Use:	Additional parking area for automotive sales facility
	Property Owner:	Elizabeth G. Flores
	Representative:	Rey Engineering, Inc.
	District:	5
	Staff Contact:	Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

Art Rubio, Planner, noted that this item had been previously heard by the Commission but was postponed to see if staff could do anything about the concerns and the denial from the Department of Transportation. Staff and the Department of Transportation are still recommending denial based on incompatibility.

Kimberly Forsyth noted that the applicant is not willing to replat until the rezoning is approved.

Enrique Rey with Rey Engineering noted that the applicant is willing to replat with the assurance that he will get a C-3 zone.

Lupe Cuellar, Assistant City Attorney, noted that if the applicant is willing to replat then staff would change their recommendation for approval.

ACTION: Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **POSTPONE PZRZ11-00047 FOR FOUR (4) WEEKS.**

Motion passed.

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9.	**PZRZ11-00054:**	A portion of Tract 20-C, J.L. Johannsen Survey No. 185, City of El Paso, El Paso County, Texas
	Location:	6010 Doniphan Drive
	Zoning:	R-3 (Residential)
	Request:	From R-3 (Residential) to C-4 (Commercial
	Existing Use:	Vacant
	Proposed Use:	Farm Supply Store, Heavy Equipment Sales, Storage and Repair, General Warehouse, and Contractor's Yard
	Property Owner:	Warren M. Pulner and Theresa F. Pulner
	Representative:	Roe Engineering, L.C
	District:	1
	Staff Contact:	Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Bradley Roe with Roe Engineering concurred with staff's comments.

Commissioner Borden asked if there was anyone in the public who wished to speak in favor or against this request. There was no response.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Nance, and unanimously carried to **APPROVE PZRZ11-00054.**

Motion passed.

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PUBLIC HEARING Special Permit Applications:

11.	**PZST11-00011:**	The South 20 Feet of Lot 27 and all of Lots 28 and 29, Block 3, Sunset Heights Addition, City of El Paso, El Paso County, Texas
	Location:	113 W. Rio Grande Avenue
	Zoning:	A-3/H (Apartment/Historic)
	Request:	Special Permit to allow for off-site parking serving another property
	Existing Use:	Vacant
	Proposed Use:	Parking Lot
	Property Owner:	El Paso Community College
	Representative:	Tomas Gallegos, ARTchitecture
	District:	8
	Staff Contact:	Tony De La Cruz, (915) 541-4329, delacruzja@elpasotexas.gov

Tony De La Cruz, Planner, noted that before any permits can be issued the applicant needs to obtain a Certificate of Appropriateness from the Historical Landmark Commission. He also noted that the Planning Division is recommending denial of this request based on Section 20.10.410.

Fred Perez with ARTchitecture representing Community College noted that this parking will be for general public use.

Rick Labato also representing Community College noted that this will be an added plus for everyone.

Commissioner Borden asked if there was anyone in the public who wished to speak in favor or against this request.

Sergio Martinez who chaired the Historical Landmark Commission many years ago noted that the Community College purchased this property just because it was a sore thumb and the best solution at that time was to demolish the existing building.

Commissioner Borden asked if we can we set-up other meetings to work with the applicant in lieu of recommending denial.

Mr. Labato is willing to work with staff to explore other alternatives in lieu of denial of this request.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Nance, and unanimously carried to **POSTPONE PZST11-00011 FOR FOUR (4) WEEKS.**

Motion passed.

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12.	**PZST11-00012:**	Lot 23 and the East 16.67 feet of Lot 24, Block 62, East El Paso Addition, City of El Paso, El Paso County, Texas
	Location:	3118 Missouri Avenue
	Zoning:	R-5 (Residential)
	Request:	Infill Development to allow reduced setbacks & lot width
	Existing Use:	Vacant
	Proposed Use:	Single-family home
	Property Owners:	Frank Jr. and Maria G. Dominguez
	Representatives:	Frank Jr. and Maria G. Dominguez
	District:	8
	Staff Contact:	Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

Art Rubio, Senior Planner, gave a brief presentation and noted that if this request is approved, staff is recommending that the alley be paved to city standards if it is used for access.

Frank Dominguez noted that all the houses have alley access to the rear of their properties. He is willing to use the alley as access if the request is granted.

Miriam Spencer with the Department of Transportation clarified that when an alley is used as an access it should be paved to city standards from their property line to the closest street.

Mathew McElroy noted that staff will follow up with the Department of Transportation on why the alleys are not up to city standards.

Commissioner Borden asked if there was anyone in the public who wished to speak in favor or against this request. There was no response.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Vorba, and unanimously carried to **APPROVE PZST11-00012.**

Motion passed.

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13.	**PZST11-00013:**	All of Lots 21 and 20 Except the Westerly 3 Feet of 20, Block 73D, Logan Heights Addition First Revised Plat, City of El Paso, El Paso County, Texas
	Location:	3604 Keltner Avenue
	Zoning:	A-2 (Apartment)
	Request:	Infill Development with Reduced Lot Width
	Existing Use:	Vacant
	Proposed Use:	Duplex
	Property Owner:	Stone Nest LLC
	Representative:	Martha Sanchez
	District:	2
	Staff Contact:	Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Bashar Abugalion representing AB Consulting Engineering concurred with staff's comments but does not agree with the paving of the alley.

ACTION: Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE PZST-11-00013 WITHOUT THE ALLEY REQUIREMENT.**

Motion passed.

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14.	**PZST11-00015:**	Lot 5, Block 3, Emerald Valley Estates Replat A, City of El Paso, El Paso County, Texas
	Location:	5520 Milray Drive
	Zoning:	R-1 (Residential)
	Request:	Infill Development to allow reduced front and rear cumulative setback from the required 100 ft. to 60 ft.
	Existing Use:	Vacant
	Proposed Use:	Single-family home
	Property Owner:	Luis Villareal
	Representative:	Sergio Martinez-Smart Construction
	District:	1
	Staff Contact:	Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

Sergio Martinez with Smart Construction Managers concurred with staff's comments.

Commissioner Borden asked if there was anyone in the public who wished to speak in favor or against this request. There was no response.

1ST MOTION:
ACTION: Motion made by Commissioner Nance to **DENY PZST11-00015.** Motion died for lack of a second. Commissioner Nance moved to deny because it is not an infill.

2ND MOTION:
ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Wright, and carried to **APPROVE PZST11-00015.**

AYES: Commissioner De La Cruz, Wright, Vorba, and Brandrup
NAYS: Commissioner Nance
ABSENT: Commissioner Vandivort, Carreto, and Landeros

Motion passed.

3RD MOTION:

ACTION: Motion made by Commissioner Nance, seconded by Commissioner Wright, and unanimously carried to **REQUEST A MINORITY REPORT.**

Motion passed.

Lupe Cuellar, Assistant City Attorney, noted that the Minority Report will include the reason why Commissioner Nance moved to deny. She also noted that staff will bring back the Infill Code Provisions at the next City Plan Commission agenda.

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Other Business:

16. Discussion and action on the City Plan Commission minutes of:
December 1, 2011

ACTION: Motion made by Commissioner Wright, seconded by Commissioner Vorba, and carried unanimously to **APPROVE THE CITY PLAN COMMISSION MINUTES OF DECEMBER 1, 2011 WITH AMENDMENT.**

Motion passed.

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***ACTION:** Motion made by Commissioner Wright, seconded by Commissioner Nance, and unanimously carried to **HEAR ITEMS AN08-004 (SUB08-00092), AN08-006 (SUB08-00094), AND AN08-008 (SUB08-00096) SIIMULTANEOUSLY.**

Motion passed.

17. An ordinance annexing the following real property described as A Portion of Lot 1, Gateway Estates, El Paso County, Texas, as filed and recorded in Volume 41, Page 13b, Plat records of El Paso County, Texas and a portion of the rights-of-way of Windermere Avenue, Brandywine Road and Joe Battle Boulevard. Property Owner: River Oaks Properties, LTD. **AN08-004 (SUB08-00092)**
Staff Contact: Geena Maskey (915) 541-4192, maskeyga@elpasotexas.gov

***ACTION:** Motion made by Commissioner Wright, seconded by Commissioner Nance, and unanimously carried to **RECONSIDER ITEMS AN08-006 (SUB08-00094)AND AN08-008 (SUB08-00096).**

Motion passed.

Geena Maskey, Planner, noted that items 18 and 19 are being presented as Reconsideration items because the legal description notification was incorrect.

18. An ordinance annexing the following real property described as A Portion of Tract 1, Section 35, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the rights-of-way of Montana Avenue, (U.S. Hwy 62-180), and Zaragosa Road. Property Owner: River Oaks Properties, LTD. **AN08-006 (SUB08-00094)**
Staff Contact: Geena Maskey (915) 541-4192, maskeyga@elpasotexas.gov

19. An ordinance annexing the following real property described as All of Tract 1, Section 38, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the rights-of-way of Edgemere Boulevard and Zaragosa Road (F.M. 659). Property Owner: River Oaks Properties, LTD. **AN08-008 (SUB08-00096).**
Staff Contact: Geena Maskey (915) 541-4192, maskeyga@elpasotexas.gov

Lupe Cuellar, Assistant City Attorney, noted that there was no need to give a complete presentation since it had been previously heard by the Commission.

Geena Maskey, Planner, gave a brief power point presentation.

George Halloul with SLI Engineering concurred with staff's comments.

Commissioner Borden asked if there was anyone in the public who wished to speak in favor or against this request. There was no response.

ACTION: Motion made by Commissioner Nance, seconded by Commissioner Wright, and unanimously carried to **APPROVE AN08-004 (SUB08-00092), AN08-006 (SUB08-00094), AND AN08-008 (SUB08-00096).**

Motion passed.

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20. Planning Report:
N/A

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21. Legal Report:
N/A

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ADJOURNMENT:

Motion made by Commissioner Nance, seconded by Commissioner Brandrup, and unanimously carried to adjourn this meeting at 3:45 p.m.

Approved as to form:

Mathew McElroy, Executive Secretary, City Plan Commission