



ZONING BOARD OF ADJUSTMENT

Meeting Agenda
Tuesday, August 18, 2026
5:00 PM

City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

Zoning Board of Adjustment regular meetings are held at 5:00 p.m. on the first and third Tuesday of each month, following the Monday City Council meetings. All Board of Adjustment meetings are open to the public. Assistive Listening Devices (ALD) are available for persons with impaired hearing.

CALL TO ORDER

A. ROLL CALL:

B. AMENDMENTS TO AGENDA:

C. MINUTES:

1. Minutes of the July 7, 2026 regular meeting.

Consider MOTION to approve and accept the July 7th, 2026 minutes with/without amendments.

D. COMMUNICATIONS:

E. BUSINESS ITEMS:

F. PUBLIC HEARINGS:

2. #26-09

Mitch Diede

for the property located at

3208 SE Elkwood Ct

LT 1 BERWICK ESTATES PLAT 1

RE: Variance - Fence

G. REPORTS:

Renewed Special Use Permits

#25-07 Bonfire Restaurant & Bar, LLC, 410 S Ankeny Blvd.

H. ADJOURNMENT:

Motion to adjourn.



Zoning Board of Adjustment
August 18, 2026
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME
Minutes of the July 7, 2026 regular meeting.

ORIGINATING DEPARTMENT
Development Services

Meeting Minutes
Zoning Board of Adjustment
Tuesday, July 7, 2026
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the July 7, 2026 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

Chair Matt Ott read the Zoning Board of Adjustment Opening Statement.

ROLL CALL

Members present: Matt Ott, Nichole Sungren, Eric Strom, Brett Walker. Absent: Jeff Baxter
Staff: E. Jensen, D. Gervais, J. Heil, R. Kirschman, B. Morrissey, and A. Middleton, B. Hinson, D. Lord.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE MAY 19, 2026 REGULAR MEETING

Motion by N.Sungren to approve the meeting minutes as submitted. Second by M.Ott. Motion carried 4-0.

COMMUNICATIONS / CORRESPONDENCE

Staff received no communications

BUSINESS ITEMS:

There were no business items.

PUBLIC HEARINGS:

#26-07

Greg Manatt

for property located at

5825 N Ankeny Blvd

RE: Variance – Pool Fence

Chair M.Ott opened the public hearing.

Greg Manatt, 5825 N Ankeny Blvd, requested a variance on the requirement for a fence around his pool, as he has an electric cover on it, and the property is unique in the fact that it's surrounded by Four Mile Creek, it's got trees on three sides, and that it sits on 20 acres. Manatt explained that, therefore, it is difficult for the public to access the pool's location and a fence is not needed.

B.Morrissey presented the staff report, and began by detailing the location of the parcel, which is surrounded by the Four Mile Creek floodplain, making it unlikely there will be further development in that area. He continued by summarizing the history of the project, explaining the applicant's request for a Variance to Ankeny Municipal Code Section 191.09(3), that requires all outdoor swimming pools to be

enclosed by a barrier (fence) to prevent unauthorized access and to provide a degree of security. He explained that the appellant is requesting that their pool be constructed without the required barrier.

B.Morrissey gave a complete description of the location of the property, pointing out where the pool was and demonstrating the distance between the pool and the closest access points. He provided a description of the unique characteristics of the property, including the uniquely shaped lot that has access to N Ankeny Boulevard via a private drive to the north, which is the only way to access the property, and the fact that the property is surrounded by a creek and a heavily wooded area to the south, east, and west. These are characteristics that are uncommon for standard residential parcels. The enforcement of the fencing requirement for the pool would inherently restrict movement on the property for the owner, and a fence is unlikely to prevent any unauthorized access that the creek and wooded area don't already prevent.

Morrissey described the process by which City of Ankeny Staff notified surrounding property owners within 250 feet of the property in question of the public hearing for this proposed variance. He told the Board that no communications, either for or against the variance, were received.

Therefore, Morrissey explained that City of Ankeny Staff recommends the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 191.09(3), to allow for the construction of an outdoor swimming pool without a barrier to enclose said pool. The staff position is based on a determination that the unique topographical conditions, layout, and size of the property already significantly limit unauthorized access and provide security to the pool. Staff believes the lack of a barrier would not increase public danger or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

M. Ott asked for clarification from City of Ankeny staff concerning the notices sent out to adjacent property owners. Were the recipients based on proximity to the parcel at 3825 N Ankeny Blvd, or was that calculated based on proximity to the outermost parcels owned by the property owner, Greg Manatt?

E.Jensen clarified that notices were sent based on the 3825 N Ankeny Blvd property, not any surrounding parcels that might be owned by the same property owner.

Motion by M. Ott to close the public hearing, receive and file documents. Second by B.Walker. All voted aye. Motion carried 4 – 0.

Board Action on Filing #26-07 for property located at 5825 N Ankeny Blvd

Motion by B.Walker that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 191.09(3), to allow for the construction of an outdoor swimming pool without a barrier to enclose said pool, due to the unique conditions of the creek and natural barriers. Based on the determination that the unique topographical conditions, layout, and size of the property already significantly limit unauthorized access and provide security to the pool, and based on the belief that the lack of a barrier would not increase public danger or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by N.Sungren. Motion carried 4-0.

REPORTS

Renewed Special Use Permits

#16-16 Guadalajara Mexican Restaurant, 202 SE Delaware Ave.

#21-06 El Molcajete, 301 E 1st Street

#21-13 Fiesta Jalapeno Mexican Restaurant, 1975 N Ankeny Blvd, Unit 113

E. Jensen introduced the new City of Ankeny Assistant City Manager, Brent Hinson, to the Board.

B. Hinson explained his recent history working with City governments and thanked the Board for their volunteer service.

E. Jensen explained a recent change to state law affecting the Board, informing them that variances granted by the Board can be appealed to City Council within 60 days of the decision.

E. Jensen introduced D.Lord, City of Ankeny Community and Economic Development Director, who gave a presentation about an upcoming vote on a new Local Option Sales Tax.

D.Lord gave background information about the Local Option Sales Tax item coming up for a vote in September.

ADJOURNMENT

There being no further business, M.Ott adjourned the meeting at 5:35pm.

Submitted by Alexa Middleton, Recording Secretary
Zoning Board of Adjustment



Zoning Board of Adjustment

August 18, 2026

5:00 PM

Matt Ott, Chair

Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

#26-09

Mitch Diede

for the property located at

3208 SE Elkwood Ct

LT 1 BERWICK ESTATES PLAT 1

RE: Variance - Fence

ORIGINATING DEPARTMENT

Development Services

**APPLICATION FOR APPEAL
ZONING BOARD OF ADJUSTMENT**

Applicant is: ☒ Property Owner ☐ Tenant ☐ Other _____

Applicant Mitch Diede // Lauren Diede

Address / Phone # 3208 SE Elkwood Ct., Ankeny // 970-302-5776

E-mail mitch.diede008@gmail.com

Property Owner Same

Address / Phone # Same // same

E-mail Same

(Owner must sign the application or submit a letter of authorization)

To the Members of the Board of Adjustment:

I hereby appeal from the decision of the Zoning Administrator rendered on 16th day of July, 2026

Location (address) of the proposed variance 3208 SE Elkwood Ct.

Legal description (Plat & Lot #) Berwick Estates Plat 1 Lot 1

Zoning _____ Principal Use of property Residence

I request a variation from the current zoning requirement for:

☒ Front Yard ☒ Side Yard ☒ Rear Yard ☒ Fence ☐ Sign ☐ Parking ☐ Height
☐ Other _____

Ankeny Zoning Code Section # _____ which state(s) _____

I would propose the following in lieu of that required: 6ft fence surrounding property w/ 12' setback on side yard and 25' set back on rear yard.

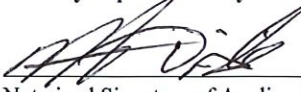
Attached hereto and made a part of this appeal, I submit the following:

- ☒ a) A written statement addressed to the Board of Adjustment indicating the reasons for my appeal.
☒ b) A drawing showing proposed variance requested.
☐ c) A letter of authorization from the owner or lessee, if applicable.

AFFIDAVIT

State of Iowa)ss
County of Polk)

I hereby deposit and say that all of the above statements and the statements contained in the papers submitted herewith are true.



Notarized Signature of Applicant or Property Owner

Mitch Diede

Print Name (Applicant or Property Owner)

Office Use Only

Paid ☒ CC ☐ Cash ☐ Check # _____
Date received <u>7-29-26</u> Filing # _____
Scheduled Meeting Date _____

Complete submittals are required for review.

PAID
CK. NO. CGH 2670
DATE 7-29-26

Signed and sworn to before me, this
29th day of July, 20 26.
Kathy Dozler
(Notary Public)

--Notary seal--



INTRODUCTION: The City of Ankeny Zoning Board of Adjustment is quasi-judicial board comprised of five members appointed by the Mayor. The Board is empowered through Chapter 414 of the Code of Iowa and Chapter 197 of the Ankeny Code to grant special exceptions as provided in the Zoning Chapter and to hear appeals to decisions made in the enforcement of the Zoning Chapter. The Board has the authority to allow variances to the Zoning Chapter for individual properties where provisions of the Chapter impose a unique and unnecessary hardship on the property owner and where the granting of a variance is not contrary to the intent of the Zoning Chapter or to the public interest. The Board has no authority to allow a variance whose effect is not in harmony with the intended spirit and purpose of the Zoning Ordinance. A variance is not a right, and it shall not be granted for hardships that are created by the property owner. The Board is also empowered through Chapter 196.02 to issue special use permits authorizing the location of buildings or uses in any district from which they are prohibited by the Zoning Code. The City of Ankeny Zoning Board of Adjustment functions as a safety valve through which landowners can seek relief from strict application of a zoning ordinance.

SUBMITTAL REQUIREMENTS:

- ☐ A complete and notarized application
- ☐ Filing fee (Checks payable to City of Ankeny)
- ☐ A written description of the requested variance.

A written notice indicating the request and the hearing time and date will be mailed to all property owners within 250 feet of the property requesting the variance

A letter of authorization from the owner or lessee, if applicable

Two (2) copies of a drawing to scale illustrating the request and showing the following:

- ✓ dimensions of all lot lines
- ✓ dimensions of setbacks to lot lines
- ✓ street & driveway locations
- ✓ location and dimensions of all existing and proposed buildings and structures
- ✓ fences
- ✓ north arrow
- ✓ easements
- ✓ landscaping
- ✓ all improvements that will be added, such as landscaping, fences, etc. that will be used to lessen the impact of the variance.

FEE SCHEDULE:

Variance Request: Residential \$130 / Commercial/Industrial/Other \$260

Conditional Use Permit: \$200

Zoning Line Adjustment: \$200

Special Use Permit: \$200

MEETINGS: Regular meetings of the Zoning Board of Adjustment are the first and third Tuesdays (following the Monday City Council meetings) unless no cases are pending, in which no meeting is held. Meetings are held at 5:00 pm in the City Council Chambers, 1250 SW District Drive. All Board of Adjustment meetings are open to the public. Agendas are available on the Friday prior to the Tuesday meeting and are posted at the Ankeny Kirkendall Public Library, Public Services Building and on the City website at www.ankenyiowa.gov. Agendas may also be obtained by contacting the Community Development Department at 963-3550. Exceptions to the meeting times may occur during a week in which a holiday occurs.

ORDER OF HEARINGS: 1). The applicant's or appellant's presents their request; 2). City staff provides a report on their investigation of the request and states their position on the matter; 3). Any interested parties may present their opinions; 4) Written correspondence regarding the case is received. 5) At the conclusion of all public testimony on a subject, the Board closes the public hearing. After the hearing, the Board will deliberate the case and render a decision. **The appellant or a representative is required to be at the hearing to present the request to the Board.**

DISPOSITION OF THE CASE: Within 15 days after the hearing the Board shall notify the applicant/appellant in writing of its decision. Should the request be approved by the Board, then a building permit may be applied for from the Community Development Department. You may call 963-3550 if you have any questions on obtaining a building permit. If the request is denied, the proposed project cannot be built.

Updated: July, 2023

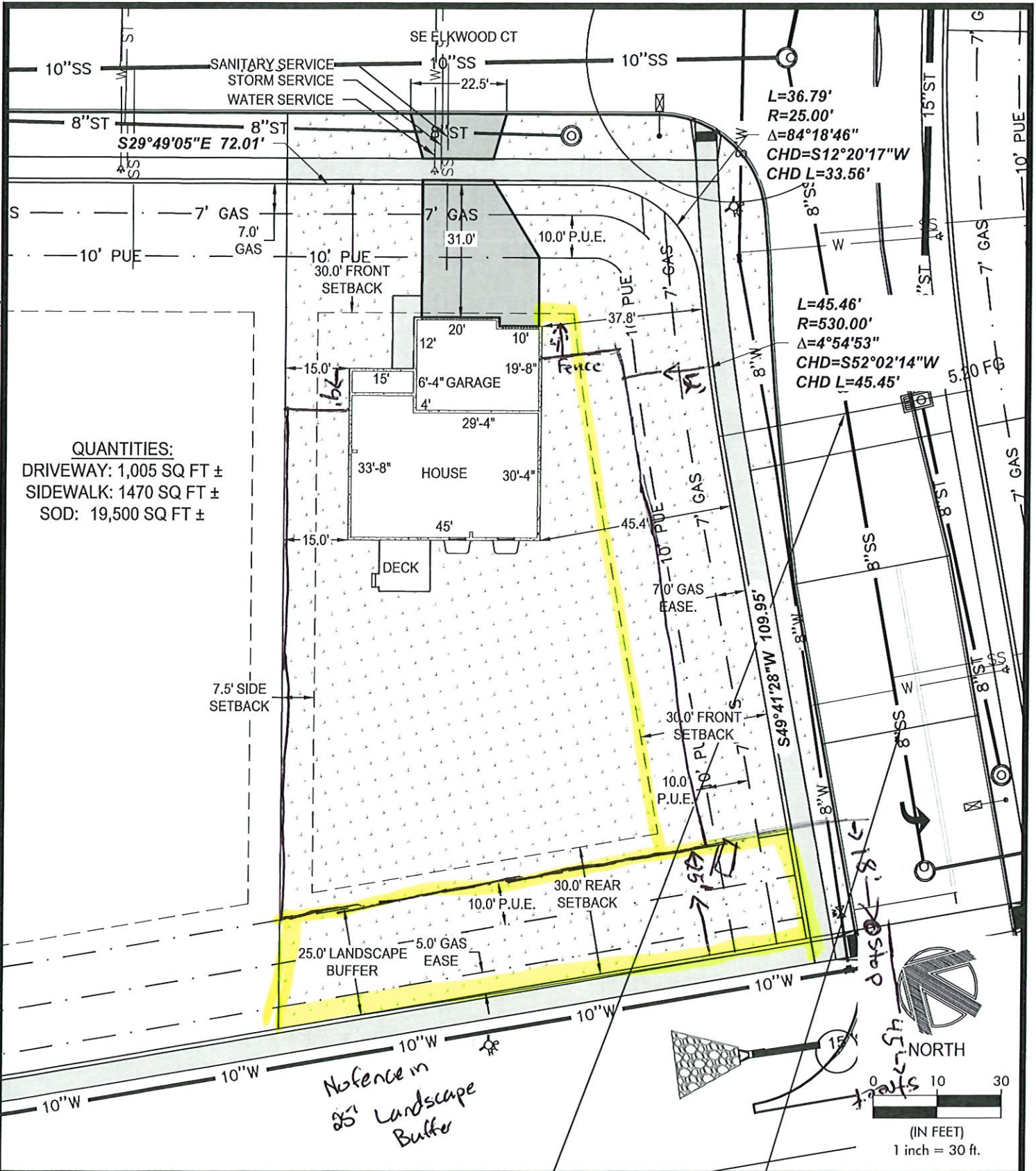
Board of Adjustment Members:

I have asked for the variance for my rear fence to be at the 25' landscape buffer instead of the 30' set back. I am asking for above variance because I believe it would not bear a safety hazard since Berwick Drive does not start for another 60'. The stop sign is 18' beyond the 25' proposed variance, leaving ample visibility to see cross traffic and room for public utility easement to the rear of my property.

I have asked for the variance for the side yard fence to be at 12' instead of 30'. I am asking for this variance because I believe doing so would not be a safety hazard for any of the surrounding intersections. The curb is 12' away from the start of the 30' set back in zoning and I would like to start my fence 12' from the curb sidewalk for a total of 24' from the road. This still allows 2' from the public utility easement and 5' from gas lines.

I would like a 6' cedar picket fence for the privacy and security it provides, in addition to help contain our German Shepherd. The 48" or 42" would be lacking to contain our dog.

If you have any further questions or comments feel free to reach out at (970) 302-5776 or mitchdiede@gmail.com. Thank you for your time!
Mitch Diede



NOTICE:
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BERWICK ESTATES
PLAT 1 LOT 1
(3208 SE ELKWOOD CT)

ANKENY, IOWA
POLK
JOB: 190368-024 PHASE: 500.39
AUGUST 19, 2025

SITE PLAN

REVISIONS

ENGINEER
ENGINEER
SURVEYOR
SURVEYOR

DRAWN BY
B.FLAHERTY

CHECKED BY

SKETCH NO. _____

SP-01



**CITY OF ANKENY
ZONING BOARD OF ADJUSTMENT
DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

To: Members of the Zoning Board of Adjustment
From: Bryan Morrissey, Associate Planner
Filing #: 26-09
Meeting Date: August 18, 2026
Address: 3208 SE Elkwood Court

EJC

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 191.14(2), that limits the height of fences located within front yard setbacks on corner lots to 42 inches, allowing a 72-inch-tall wood fence to encroach approximately 19 feet into the required 30-foot front yard setback along the southeast property line adjacent to SE 30th Street at 3208 SE Elkwood Court.

STAFF POSITION

Staff recommends the Zoning Board of Adjustment grant a modified variance to Ankeny Municipal Code Section 191.14(2) to allow a 72-inch-tall wood fence to encroach approximately 15 feet into the required 30-foot front yard setback along the southeast property line adjacent to SE 30th Street at 3208 SE Elkwood Court.

The staff position is based on a determination that the decreased front yard setback from the resulting fence would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that the revised 15-foot front yard setback would be in harmony with the rules and regulations proposed in the Zoning and Subdivision Code Update that is being considered by the Ankeny City Council.

PROJECT SUMMARY

The subject property is located at 3208 SE Elkwood Court, south of SE Oralabor Road and east of NE Berwick Drive. The property is situated on a corner lot at the intersection of SE 30th Street and SE Elkwood Court, is zoned PUD, and is a part of the Berwick Estates Planned Unit Development. The site is approximately 20,132 square feet in size (.462 acres) and is subject to two front yards since it is a corner lot. The applicant is requesting a variance to allow a 72-inch-tall wooden fence to be installed approximately 19 feet into the 30-foot front yard setback along SE 30th Street. Ankeny Municipal Code Section 191.14(2) requires that fences taller than 42-inches in height in front yards comply with the setback requirements of the Code.

PROJECT REPORT

Criteria for Variance

197.01(4) Powers and Duties.

B. *To grant a variation in the regulations when a property owner can show ...that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this title actually prohibits the use of this property in the district; and that the board is satisfied under the evidence before it that a literal enforcement of the provisions of this title would result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this title.*

FINDINGS OF FACT

The subject property is legally described as Lot 1 of Berwick Estates Plat 1 and is addressed as 3208 SE Elkwood Court. The site is on a corner lot, which subjects the property to two front yards, one adjacent to the southeast property line along SE 30th Street and the other along the northeast property line adjacent to SE Elkwood Court. The property is zoned PUD and is a part of the Berwick Estates Planned Unit Development. The neighboring properties along SE Elkwood Court and SE 30th Street are also a part of the Berwick Estates Planned Unit Development.

The subject lot is approximately 20,132 square feet in size (.462 acres) and contains a single-family detached home on the property that was constructed in 2026. In July of 2026, the applicant submitted a permit application to City staff detailing their plans to install a 72-inch-tall wooden fence around the perimeter of their property. Staff denied the permit application as Code Section 191.14(2) states that fences taller than 42-inches in front yards must comply with the setback regulations of the Code. In this case, the 72-inch-tall fence was shown as being located 12 feet off the sidewalk adjacent to the southeast property line. Being that property lines are generally one-foot behind public sidewalks; this equates to the proposed fence encroaching approximately 19 feet into the 30-foot front yard setback along SE 30th Street.

It is important to note that a Zoning and Subdivision Code update is currently going through the City Council approval process and is expected to be in effect on October 1st, 2026. Included in that update is a provision that allows fences up to 72-inches in height to be constructed in the front side yards on corner lots if it is set back at least 15 feet from the property line. Comparatively, the current Code requires fences taller than 42-inches to conform to principal setback requirements. Theoretically, if the applicant were to wait until the Code update was in effect, they could install the proposed fence 15 feet from their property line adjacent to SE 30th Street without a variance.

Ankeny Municipal Code Section 191.14(2) states, "Residential fences shall be permitted in any yard in residential zoning districts or residential use areas. Front and side yards adjacent to a street in residential zone districts shall be considered front yards and fences in front yards shall not exceed 48 inches in height if chain link and 42 inches in height for all other fence materials. On corner lots fences that exceed 48 inches in height if open chain link and 42 inches in height for all other fence materials shall conform to principal building setback requirements."

Updated Code Language States: "Front and side yards adjacent to a street (corner lots) in Agriculture and Residential Districts shall be considered front yards and fences in front yards shall not exceed 48 inches in height; except that a six-foot tall fence may be constructed in a front side yard along the street if it is set back a minimum of 15 feet from the property line. Said six-foot tall fence shall not extend beyond the front wall line of the front façade of the dwelling (See Chapter 191.05, Corner Lots)."

STAFF ANALYSIS

The following is City staff's analysis of the proposed Variance with the adopted criteria necessary for approving any Variance request.

197.01.4.B. To grant a variation in the regulations the Zoning Board of Adjustment shall find that:

1. This property was acquired in good faith.

The applicant owns the subject property. The existing conditions of the lot were in place at the time that the applicant acquired the property; however, the Zoning Ordinance update that is anticipated to be adopted later this year will alter the conditions for fences on corner lots.

2. By reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this Zoning Ordinance actually prohibits the use of this property in the district.

The subject property is on a corner lot with frontage along SE Elkwood Court and SE 30th Street, which subjects the property to having two front yards. Since front yard setbacks are larger than typical side yard setbacks, this inherently restricts the property to a greater degree compared to interior lots.

3. A literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship.

The home being on a corner lot subjects the property to two front yards, meaning a large portion of the backyard is considered a front yard.

4. Such Variance shall be in harmony with the intended spirit and purpose of this Zoning Ordinance.

Although the request does not comply with the current standards of the Ankeny Municipal Code, over the years staff has recognized that the language for fences on corner lots has been overly restrictive as is evident by the number of variances that have been approved for similar proposals. With that in mind, staff has set out to relax some of these conditions through the Zoning Ordinance update that will better align with the intended spirit of the Code as a whole. With that in mind, the proposed fence would be allowed to be installed 15 feet off the property line adjacent to SE 30th Street under the regulations of the new Zoning Code language.

SUMMARY AND STAFF POSITION

As noted previously, the current regulations of the Code require a 30-foot setback for 72-inch-tall fences on corner lots. However, City staff has recognized that this setback requirement has been overly restrictive, as is evident by the number of variances approved over the years in similar cases. Additionally, the City Council is currently working through the Zoning and Subdivision Code Update that includes a provision that would allow these fences to be located 15 feet from the property line. Therefore, staff believes that allowing the subject fence to be located 15 feet from the property line adjacent to SE 30th Street would provide reasonable relief from the current regulations while remaining consistent with the anticipated Code Update. Staff does not recommend approval of the applicant's proposed 11-foot setback, as it would provide greater relief than the 15-foot setback currently being considered by the City Council.

As is standard procedure for these kinds of requests, property owners within 250' of the subject property were notified of the proposed variance by mail, and to date, staff has not received any correspondence either for or against the request.

Therefore, staff recommends the Zoning Board of Adjustment grant a modified variance to Ankeny Municipal Code Section 191.14(2) to allow a 72-inch-tall wood fence to encroach approximately 15 feet into the required 30-foot front yard setback along the southeast property line adjacent to SE 30th Street at 3208 SE Elkwood Court.

The staff position is based on a determination that the decreased front yard setback from the resulting fence would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that the revised 15-foot front yard setback would be in harmony with the rules and regulations proposed in the Zoning and Subdivision Code Update that is being considered by the Ankeny City Council.



Zoning Board of Adjustment

August 18, 2026

5:00 PM

Matt Ott, Chair

Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

Renewed Special Use Permits

ORIGINATING DEPARTMENT

Development Services



City of Ankeny

Outdoor Service Area Renewal Application

***Special Permit Resolution # 25-07**

Originally approved August 5, 2025

If the conditions of your approved Special Use Permit do not allow for administrative approval of the Outdoor Service Area, or if you plan to make any changes or would like to alter the conditions of your Outdoor Service Area, please contact the Planning & Building Department (963-3550) regarding the required Board of Adjustment approval.

Name of Applicant: **T&B Properties**
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): **Bonfire Restaurant & Bar, LLC**

Address of Premise: **410 S Ankeny Blvd**

- Have there been any changes made to the Outdoor Service Area since last year in location, size, or type of fencing?

☐ Yes ☒ No

If yes, what changes have been made. (Please include a sketch)

- Has any use of sound been added since last year or changed from what was approved by the Zoning Board of Adjustment?

☐ Yes ☒ No

Examples of sound uses requiring a special use permit shall include but not be limited to use of speakers to page patrons, use of a sound system to play music and the playing of live music. (Ord. 1426 Sec 1 Sub-section 5.08.100 G paragraph 5)

I hereby swear and affirm that I have complied and will continue to comply with all the requirements and attached conditions issued for the above identified property and with any subsequent modifications required by the Board of Adjustment.

The applicant hereby swears or affirms that all statements set forth herein are true and correct.

Signature


Samuel B. Pardo

Name of Applicant (printed)

08/10/2025

Date



Zoning Board of Adjustment
August 18, 2026
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

Motion to adjourn.

ORIGINATING DEPARTMENT
Development Services