



City of Dayton

City Plan Board

Minute Record Overview

April 12, 2022
4:30 P.M.

Planning Resource Conference Room, City Hall
101 W. Third Street, Dayton, Ohio

Members Present: Mr. William Allen, Dr. Julius Beckham, Ms. Rosie Miller, Ms. Geraldine Pegues, Mr. Matt Sauer, Ms. Ann Schenking, Mr. Greg Scott

Members Absent: None

Mr. Scott called the meeting to order at 4:30 P.M. A motion was made by Ms. Pegues, seconded by Dr. Beckham and carried to approve the minutes of the February 1, 2022, meeting.

1. PLN2022-00074 - Subdivision Record Plan Located at 1126 Irving Ave

Applicant: Eric Moody
40 Pulaski St
DAYTON, OH 45402

Priority Land Use Board: Southeast Land Use Board Planning District: Shroyer Park

Decision: Approved with Conditions

2. PLN2022-00071 – Subdivision Record Plan Located at 401 Nassau St

Applicant: Scott Surovjak
191 W Nationwide Blvd, Suite 300
Columbus, OH 43215

Priority Land Use Board: Southeast Land Use Board Planning District: Twin Towers

Decision: Approved with Conditions

3. PLN2022-00070 – Subdivision Record Plan Located at 3949 Madrid Ave

Applicant: Andrew Hogan
201 E Fifth Street, Suite 800
Cincinnati, OH 45020

Priority Land Use Board: Northeast Land Use Board Planning District: DeWeese

Decision: Approved with Conditions

4. PLN2022-00072 – Subdivision Record Plan Located at 222 N Saint Clair St

Applicant: Howard Updyke
222 N St. Clair Street
DAYTON, OH 45402

Priority Land Use Board: Downtown Land Use Board Planning District: Downtown

Decision: Approved with Conditions

5. PLN2022-00073 – Subdivision Record Plan Located at 6 Innovation Ct

Applicant: Brian Ramirez
3620 Developers Road
Indianapolis, IN 46227

Priority Land Use Board: Northeast Land Use Board Planning District: Northridge Estates

Decision: Approved with Conditions

6. PLN2022-00068 – Major Site Design Review to Allow the Construction of a Cell Tower Located at 6 Innovation Ct

Applicant: Collect Towers LLC
c/o Brian Ramirez
3620 Developers Road
Indianapolis, IN 46227

Priority Land Use Board: Northeast Land Use Board Planning District: Northridge Estates
Decision: Approved with Conditions

7. PLN2022-00078 – Presentation from University of Dayton to Provide an Update on the Campus Master Plan Process Located at 300 College Park

Applicant: David Schmidt
300 College Park
DAYTON, OH 45469

Priority Land Use Board: Downtown Land Use Board Planning District: University Park
Decision: NA

8. PLN2022-00069 – Work Session to Discuss the Potential Area-Wide Rezoning of the 1800 Block of E. Fifth St

Applicant: City of Dayton
Planning Division
c/o Jeffrey Green
101 W Third St
Dayton, OH 45402

Priority Land Use Board: Northeast Land Use Board Planning District: Historic Inner East
Decision: Proceed with the request on the Plan Board's behalf

9. PLN2022-00096 – Zoning Code Text Amendments

Applicant: City of Dayton
Planning, Neighborhoods & Development Department
c/o Todd Kinskey
101 W. Third Street
Dayton, OH 45402

Priority Land Use Board: Downtown Land Use Board Planning District: Downtown
Decision: Recommended approval to City Commission

The Plan Board meeting was adjourned at 6:20 P.M.

Minutes approved by the City Plan Board on May 10, 2022

Susan Vincent, Secretary
City Plan Board



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1. PLN2022-00074 – Record Plan – Irving-Constantia

Applicant: Eric Moody, PS, EAM GeoData Solutions

Priority Land Use Board: Southeast

Planning District: Shroyer Park

Decision: Approved with Conditions

Staff Comments

Jennifer Hanauer presented the staff report and recommended conditions. The record plan will reconfigure two (2) City lots into two (2) City lots. The lots meet the requirements of the EMF Eclectic Multi-family district. The site has two multi-family dwellings.

Applicant Comments

None

Public Comments

No comments

Board Discussion

No discussion

Board Action

A motion was made by Ms. Schenking and seconded by Dr. Beckham, and carried to approve Case PLN2022-00074 with the following conditions:

1. Revise the Record Plan and any Construction Drawings per the City of Dayton Subdivision Regulations and comments from the Division of Civil Engineering.
2. Ensure that the dimensions close to within a 1:10,000 ratio.
3. Add any easements required by DP&L, City of Dayton Water, etc.

Mr. William Allen	Yes	Mr. Matt Sauer	Yes
Dr. Julius Beckham	Yes	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

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2. PLN2022-00071 – Record Plan – Lincoln Hill

Applicant: Scott Surovjak, Esq., Dinsmore & Shohl LLP
Priority Land Use Board: Southeast Planning District: Twin Towers
Decision: Approved with Conditions

Staff Comments

Jennifer Hanauer presented the staff report and recommended conditions. The record plan will consolidate seven (7) City lots into two (2) City lots. The lot meets the requirements of the MR-5 Mature Single-family Residential district. The north half of the site is an urban farm run by Mission of Mary that will remain. The south half of the site is currently vacant land to be developed into the Miami Valley Child Development Center’s 32,068 sq. ft. educational/child daycare center, which received conditional use and variance approvals from the Board of Zoning Appeals on July 27, 2021.

Applicant Comments

None

Public Comments

No comments

Board Discussion

No discussion

Board Action

A motion was made by Dr. Beckham and seconded by Mr. Sauer, and carried to approve Case PLN2022-00071 with the following conditions:

1. Revise the Record Plan and any Construction Drawings per the City of Dayton Subdivision Regulations and comments from the Division of Civil Engineering.
2. Ensure that the dimensions close to within a 1:10,000 ratio.
3. Add any easements required by DP&L, City of Dayton Water, etc.

Mr. William Allen	Yes	Mr. Matt Sauer	Yes
Dr. Julius Beckham	Yes	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

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3. PLN2022-00070 – Record Plan – PS Investments

Applicant: Andrew J. Hogan, Esq.

Priority Land Use Board: Northeast

Planning District: DeWeese

Decision: Approved with Conditions

Staff Comments

Abigail Free presented the staff report and recommended conditions. The record plan will subdivide one (1) City lot into two (2) City lots. One lot does not meet lot standards of the SR-2 Suburban Single-family district. The subject property has requested a Conditional Use to all a restricted parking lot and variances for lot size, lot width and front setback with the BZA March 2022. The dwelling will sold and the small sliver lot will be retained to be used as vehicular access for the business on N Dixie Dr.

Applicant Comments

None

Public Comments

No Comments

Board Discussion

Mr. Sauer asked if they are going to consolidate the smaller sliver lot with the business. Ms. Free clarified that the business along N Dixie Dr id within Harrison Township and land in two different jurisdictions cannot be consolidated together. Also, the small sliver lot will remain residentially zoned, but has received a Conditional Use to be used in conjunction with the adjacent business. Mr. Kinskey added that all of the possible options were discussed within the department and staff feels this is the best solution. Also, Ms. Free noted that a new solid privacy fence will be installed to provide screening for the dwelling from the business.

Board Action

A motion was made by Ms. Pegues and seconded by Mr. Allen, and carried to approve Case PLN2022-00070 with the following conditions:

1. Revise the Record Plan and any Construction Drawings per the City of Dayton Subdivision Regulations and comments from the Division of Civil Engineering.
2. Ensure that the dimensions close to within a 1:10,000 ratio.
3. Add any easements required by DP&L, City of Dayton Water, etc.

Mr. William Allen	Yes	Mr. Matt Sauer	Yes
Dr. Julius Beckham	Yes	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

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4. PLN2022-00072 – Record Plan – 222 N St Clair St

Applicant: Opal Project, Howard Updyke

Priority Land Use Board: Downtown

Planning District: Downtown

Decision: Approved with Conditions

Staff Comments

Abigail Free presented the staff report and recommended conditions. The record plan will consolidate two (2) City lots into one (1) City lot. The lot meets the requirements of the CBD Central Business district. This consolidation is being required by building services as part of the change in use and renovation of the building.

Applicant Comments

None

Public Comments

No Comments

Board Discussion

No Comments

Board Action

A motion was made by Mr. Allen and seconded by Ms. Miller, and carried to approve Case PLN2022-00072 with the following conditions:

1. Revise the Record Plan and any Construction Drawings per the City of Dayton Subdivision Regulations and comments from the Division of Civil Engineering.
2. Ensure that the dimensions close to within a 1:10,000 ratio.
3. Add any easements required by DP&L, City of Dayton Water, etc.

Mr. William Allen	Yes	Mr. Matt Sauer	Yes
Dr. Julius Beckham	Yes	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

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5. PLN2022-00073 – Record Plan – Shoup Mill Farms Section 8

Applicant: Celect Towers II, LLC

Priority Land Use Board: Northeast

Planning District: Northridge Estates

Decision: Approved with Conditions

Staff Comments

Abigail Free presented the staff report and recommended conditions. The record plan will subdivide one (1) parcel with three segments into one (1) City lot and two (2) remainders. The lots meet the requirements of the BP Business Park district. A wireless telecommunications facility is proposed.

Applicant Comments

None

Public Comments

No Comments

Board Discussion

Dr. Beckham asked how the cell tower will affect the adjacent MetroPark? Ms. Free clarified that the subject property is zoned BP Business Park. There will be a separate case for major site design review for this property and proposed cell tower following this case. The subdivision of the land is not dependent on the approval of the major site design review.

Board Action

A motion was made by Ms. Schenking and seconded by Mr. Sauer, and carried to approve Case PLN2022-00073 with the following conditions:

1. Revise the Record Plan and any Construction Drawings per the City of Dayton Subdivision Regulations and comments from the Division of Civil Engineering.
2. Ensure that the dimensions close to within a 1:10,000 ratio.
3. Add any easements required by DP&L, City of Dayton Water, etc.

Mr. William Allen	Yes	Mr. Matt Sauer	Yes
Dr. Julius Beckham	Yes	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

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6. PLN2022-00068 – Major Site Design Review to allow for the construction of a wireless telecommunication tower at the property located at 6 Innovation Court in the Business Park (BP) Zoning District within the PD-32 overlay. The subject property is located within the Northridge Estates Planning District. Per

Applicant: Collect Towers LLC c/o Brian Ramirez
Priority Land Use Board: Northeast Planning District/Historic District: Northridge Estates
Decision: Approved with Conditions

Staff Comments

Jeff Green presented the request for a major site design review and approval for placement of a wireless telecommunication tower at 6 Innovation Court. The subject property lies within PD-32 and requires major site design approval for the placement of a wireless telecommunication tower. The site is currently 3.78-acres of vacant land zoned BP with a Planned Development Overlay. No building exists on the site, though a paved path is visible in the center of the property.

The site will house a 60x60 (3600 sq. ft.) premise which will include the wireless telecommunication tower, support equipment, and three areas for a future carrier to place equipment on the site. A 12' gravel drive is proposed to connect the site from Innovation Court with an access easement around the ingress/egress point. Staff believes that the access drive should be paved to keep it in line with the code where possible and given its connection to Innovation Court to preserve a professional like setting.

The entirety of the premise is 60x60 and will be surrounded by a 7' chain-link fence with 3 strands of barbed wire and a swing gate. While typically not permitted, Section 150.340.7(B)(2)(b) does make an exception for barbed wire to be acceptable with public utility infrastructure if the determined by the Zoning Administrator. Per the Zoning Administrator, this proposal would qualify for barbed wire to be utilized.

The proposed location of the wireless telecommunication tower (and support facilities) appears to be advantageous, taking advantage of the natural wooded area which helps to properly screen the support facilities without unnecessarily removing more trees/vegetation than is required. While the tower itself will be visible due to its height, the fenced off area and support facilities should be sufficiently hidden. The location of the tower in relation to surrounding properties also seems to make sense. Due to the proximity to the Stillwater River, a sizable portion of the surrounding properties are within the floodplain making development unlikely. Furthermore, Five Rivers Metro Parks owns the land to the West and South making the proposed spot ideal as it will be far enough away from current or future residential properties. Given the placement of the premise within a vegetated area, staff believes that a sufficient vegetative screening exists with no further screening being needed.

When taking all factors into account, the proposed placement of the wireless telecommunication tower at this location would seem to make sense given the natural screening, distance from current or future residential developments, and floodplain. The proposed impact of the site should be minimal (aside from the height) and screened well enough that it is not overly intrusive to surrounding property owners or future development. Aside from the access drive (which staff believes needs to be paved), the proposal seems to be well thought out and would fit well into the area.

Upon Analysis of the proposal, Mr. Green stated that the proposed plan meets all the Site Design Plan Review Criteria set forth in the zoning code. In addition, Mr. Green noted that Five Rivers Metro Parks is not opposed to the request. Mr. Green recommended approval of the of the application with the following modification:

1. Access drive (as shown on the submitted site plan) be paved

Board Questions to City Staff

Ms. Miller asked how far cell towers must be from a residential property. Mr. Green clarified that a wireless telecommunication tower must be at least its height (199') away from any residentially zoned district. The closest residential district being 203' away meaning code is met. Ms. Miller further questioned if any other cell towers were nearby. Mr. Green noted there was not, but Mr. Ramirez can clarify further. Mr. Scott questioned if the utilities would be buried to which Mr. Green confirmed.

Dr. Julius Beckham asked if an ecological impact study was required. Mr. Green noted that an ecological impact analysis is not required but the applicant has performed an environmental and soil analysis that he could speak on. Dr. Julius Beckham further clarified he just want to know what the ramifications of allowing a cell tower on this site in relation to the environment.

Mr. Sauer asked about PD-32 given its age and how long they are able to remain. Mr. Green noted that a PD can stay around until revoked by Commission. Mr. Daugherty further clarified that PD-32 received a major amendment in the 1990s where the telecommunication tower provisions were adopted.

Applicant Comments

Brian Ramirez, Applicant, Collect Towers LLC, 3620 Developers Road, Indianapolis, IN 46227 stated a phase 1 environmental study was conducted to which everything came back cleared. Further described other studies and permissions from other entities that have been completed. Noted the staff presentation was fairly descriptive but did ask for some relief on the proposed modification to pave the access drive. Mr. Ramirez clarified that he would like that modification removed due to the heavy equipment used from the farm field would likely breakup the pavement, but they would be installing a concrete curb cut.

Mr. Scott asked for some background on how often the proposed gravel drive would need to be maintained should it be approved. Mr. Ramirez stated that every 5-10 years more gravel is brought to maintain the access drive.

Ms. Pegues asked how often someone has to access the tower. Mr. Ramirez stated that after construction is complete, someone would be at the tower 1-2 times every 6 months. Further stated that the site and equipment is monitored at all times by a central office. Noted AT&T is a provided, but First-Net which is a first responder dedicated network. Ms. Pegues stated she agrees with not paving it all the way as it could be an attractive nuisance and entice people to go back to the site. Ms. Schenking noted that she believes it to be a decent site for a cell tower.

Public Comments

No comments

Board Discussion

Mr. Scott asked for the rational from staff about the condition to pave the access drive. Mr. Green noted that it would preserve the professional fee of the business park. Mr. Kroeger stated that having businesses pave drives is a common requirement of the code but noted the board has the power to disagree.

Mr. Sauer suggested that the board just require the drive to be paved halfway (to the tree lawn) near the curve. Mr. Scott asked Mr. Ramirez to clarify his concern about the heavy equipment. Mr. Ramirez stated he is concerned primarily about the farm equipment which access the site. Mr. Ramirez is supportive of Mr. Sauer's suggestion was good. Mr. Scott asked for staff's perspective on the proposal. Mr. Green noted that if the board did not find full pavement of the drive tenable, then paving it to the tree lawn near the curve to be a viable suggestion. The board had a discussion on how far back the access drive should be paved and decided it should go back to the first curve.

Board Action

A motion was made by Mr. Sauer and seconded by Ms. Pegues, and carried to approve Case PLN2022-00068, Major Site Design Review for Wireless Telecommunication Tower with the following modification:

- 1. Proposed access drive be paved up to the bend (tree line).

Mr. William Allen	Yes	Mr. Matt Sauer	Yes
Mr. Julius Beckham	Yes	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

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Susan Vincent, Secretary City Plan Board



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7. PLN2022-00078 – University of Dayton presentation

Applicant: University of Dayton, David Schmidt
Priority Land Use Board: Greater Downtown Planning District: University Park
Decision: NA

Staff Comments

Susan Vincent introduced the University of Dayton who requested the opportunity to give an informal presentation to the City Plan Board on their campus planning process. A hardcopy of the presentation was provided to the board.

Public Comments

The University of Dayton (Rick Krysiak, Vice President of Facilities and Planning, 201 Brown Street, Dayton, Ohio 45409) introduced the presentation. David Schmidt, Assistant Vice President of Planning Construction Management, 300 College Park, Dayton, Ohio 45409, gave a presentation covering the following topics:

1. Review of prior master plans;
2. Overview of the student population;
3. Details on the main and satellite campus locations and facility inventory;
4. History of the University's land acquisition and development of academic/partner spaces;
5. Overview of transportation and parking needs for main campus;
6. Map of potential developments expected over the next 1-7 years; and
7. A tentative timeline for the development of a full campus master plan update, expected to take a year to complete and to begin sometime in 2023.

Board Discussion

Dr. Beckham asked about the status of current construction and if the supply-chain issues were impacting projects underway. Mr. Scott asked if the current student health services would remain on main campus or would be replaced by the new facility to be completed on Brown. Mr. Scott asked for clarification on the plans for Chaminade Hall; would it be maintained or demolished? Mr. Scott also asked for clarification on what happens to the parking plan once the current surface lots are redeveloped. Mr. Sauer requested additional details regarding the campus master plan process and timeline. Mr. Sauer shared the observation that Stewart Street requires some clear planning, especially given the proximity to the OnMain development site, and encouraged UD to consider an accelerated timeline for the campus master plan update to provide more direction than the existing, outdated 2008 master plan can provide.

Ms. Pegues asked staff for clarity regarding the process and standards for updating general development plans.

Board Action

No board action was taken.

Minutes approved by the City Plan Board on May 10, 2022.

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City Plan Board



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8. PLN2022-00069 – Request for approval to allow staff to proceed with an application for an area-wide rezoning of the 1800 Block of E. Fifth Street

Applicant: City of Dayton c/o Todd Kinskey

Priority Land Use Board: Northeast

Planning District/Historic District: Historic Inner East

Decision: Motion to proceed with application

Staff Comments

Jeff Green presented the request for input on the proposed zoning map amendment for certain properties along the 1800 block of Fifth Street as outlined on the attached site plan. The proposed rezoning request encompasses the properties of 1800-1834 E Fifth Street (south side of the street) in addition to the Sunoco Gas Station at 1737 E Fifth Street. The proposal is to rezone the subject properties from MR-5 (Mature Residential) to MNC (Mature Neighborhood Commercial).

The purpose of this work session is to introduce the Plan Board to a proposed Zoning Map Amendment along the 1800 block of E Fifth Street and rezone the subject properties from MR-5 (Mature Residential) to MNC (Mature Neighborhood Commercial). To proceed, Plan Board must give permission to be the applicant on the application.

As noted in the enclosed plans, the proposed rezoning request encompasses the properties of 1800 through 1834 E Fifth Street (south side of the street) in addition to the Sunoco Gas Station at 1737 E Fifth Street. Taken all together, the majority of these (4 of the 7) are commercial in nature with current or perspective uses. With the commercial properties already to the east, commercial development further down east Fifth Street (near Stivers), staff believes the request to be a logical expansion and would serve to support the commercial development along the East Fifth Street corridor.

The proposed rezoning would help bring commercial properties into greater compliance with the code and help expand the potential opportunities for the area. However, it should be noted that 3 of the 7 properties are utilized (or built as) residential. If rezoned, those properties currently being used as residential, could continue to be used as such so long as the building was constructed prior to 2006. The major change, aside from a greater allowance of commercial uses within the MNC Zoning District, is that new single family home construction would not be permitted if the proposed rezoning would be approved. In essence, the proposed rezoning would not change what is currently allowable but would support those commercial properties within the subject boundaries and help build upon the momentum of the area.

Board Questions to City Staff

Dr. Julius Beckham asked if there was any commercial interest in the properties to be rezoned. Mr. Green clarified the properties that had commercial interest.

Public Comments

No comments

Board Discussion

Mr. Sauer expressed an interest in expanding the borders of the area to be rezoned to the 1700 block of E Fifth Street. A discussion was had in regards to expanding the borders of the area wide rezoning and the process going forward

Board Action

A motion was made by Ms. Schenking and seconded by Mr. Sauer to move forward with the analysis and application for an Area-Wide Rezoning from McClure to Samuel Street on the south side of E Fifth Street and bring the application forward as an official map amendment request.

Mr. William Allen	Yes	Mr. Matt Sauer	Yes
Mr. Julius Beckham	Yes	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

Minutes approved by the City Plan Board on May 10, 2022.
Susan Vincent, Secretary City Plan Board



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9. PLN2022-00096 –Proposed Zoning Code Text Amendments

Applicant: Todd Kinskey, City of Dayton
Priority Land Use Board: all Planning District: all
Decision: Recommend Approval

Staff Comments

Susan Vincent presented the proposed text amendments, sharing the desire to quickly pass this small batch of corrections and simple amendments including:

1. Correct three (3) omissions/errors from text amendments approved by Plan Board on November 9, 2021, but inadvertently excluded from the approval ordinance including Schedule 150.700.7, corrected Schedule 150.700.4, and Section 150.320.10.
2. Include one (1) new correction to the code in Section 150.335.12(2)(C).
3. Include one (1) new amendment to the code in Schedule 150.305.2.

The current zoning code took effect August 1, 2006. Since then the code has been amended on a regular basis to clarify terminology and provisions, make certain regulations consistent from one zoning district to another, update regulations to reflect experience to date and best practices, and improve administration and enforcement of the Code. These periodic amendments allow the Zoning Code to more effectively support the current and future needs of Dayton’s residents, neighborhoods, and businesses. The current package of Zoning Code text amendments continues this work.

Public Comments

There were no members of the public registered to speak.

Board Discussion:

There was no board discussion.

Board Action

Mr. William moved to recommend approval, seconded by Dr. Beckham, to recommend City Commission approval of the text amendments based on the Board’s ability to make the determinations outlined in R.C.G.O. Section 150.125.6 (Amendments to Text).

Mr. William Allen	Yes	Mr. Matt Sauer	Yes
Mr. Julius Beckham	Yes	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Yes	Mr. Greg Scott	Yes
Mr. Geraldine Pegues	Yes		

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