

The Planning Commission met Tuesday, September 5, 2017 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Art Dyas; Charles Johnson; Richard Peterson; Ralph Thayer; Hollie MacKellar; Wayne Dyess, Planning Director; Nancy Milford, Planner; Buford King, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney
Absent: Jay Robinson and Rebecca Bryant

Chairman Turner called the meeting to order at 5:05 PM and announced the meeting is being recorded. Mr. Turner announced the proposed rezoning on Manley Road for Pinewood Subdivision is not on tonight's agenda and Item H. SD 17.20 has been withdrawn by the applicant. He also stated Item L. SD 17.24 will be heard first.

The minutes of the August 7, 2017 meeting were considered and Ralph Thayer moved to accept the minutes as written and was 2nd by Charles Johnson. The motion carried unanimously.

SD 17.24 Public hearing to consider the request of Dewberry/Preble-Rish, LLC for Multiple Occupancy Project approval of the Retreat at Fairhope Village, a 240-unit project, John Avent. The project is located at the east end of Fly Creek Avenue, behind Publix in The Shoppes at Fairhope Village. Mr. Dyess gave the staff report saying the property was zoned PUD in 2006 and the plan was amended in 2016. He explained the staff review is limited to the technical review of the Multiple Occupancy Project requirements and to verify consistency with the Subdivision Regulations and PUD ordinance. Mr. King gave an overview of the site history and stated Larry Smith of S.E. Civil Engineering, LLC, the third-party engineer, is present for any questions. Staff recommendation is to approve the Multiple Occupancy Project. Mr. Smith explained the drainage system consists of 8 outfall structures constructed of gabion stone and located in various locations along the southern and southwestern areas of the subject property. He stated the structures are interconnected to allow discharge along the entire buffer. Mr. Smith confirmed the drainage calculations and design meet the requirements of the PUD ordinance and the Subdivision Regulations. Mr. Dyas asked what will keep the filter fabric from deteriorating in the system and Mr. Smith responded the design is not just filter fabric but rock in wire baskets with sumps in each structure and snorkels for floating debris. Dr. Thayer noted gabion walls can silt up and slump like at the Green's property. Mr. Dyas said Fly Creek suffered tremendously with the Publix project and he asked how much water will this system be able to handle. Mr. Smith answered the design meets the latest standards and requirements and can handle 14" in 24 hours. Mrs. MacKellar said there are only 2 drainage structures shown and not along the entire length of the wetlands. She said there is no protection for the wetlands and it still seems like point discharge. Mr. Smith explained each structure has a 40' swath to distribute along and the design meets the PUD ordinance specifications. Mrs. MacKellar asked why there isn't a 100' buffer and Mr. Smith responded the buffer is 30' and 50' as per the ordinance. Mr. Dyess stated the project has been reviewed against the current PUD and he noted drainage structures are allowed in buffers. John Avent of Dewberry/Preble-Rish, LLC addressed the commission saying the design is very detailed to mimic sheet flow with the gabion wall.

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing.

Andy Bobe of Dewberry/Preble-Rish, LLC addressed the commission. He stated the outfall structures have 320' plus another pipe connecting them, so it is technically the entire length of the wetlands. Dr. Thayer and Mr. Dyas questioned the maintenance and inspection requirements for the design. Mr. Bobe explained the design is set up to self-clean but it will still be inspected. He stated the Maintenance and Operations Plan details the process. Mr. Dyas asked if Mr. Bobe will be involved with the site work and Mr. Bobe responded yes. Mr. Dyas asked if the area will be cleared and leveled and Mr. Bobe stated the Wilderness Area will be left green but the retaining wall will have to be installed. Mr. Peterson stated this is a unique site and it must be protected. He questioned the velocity calculations to verify the runoff will not create erosion or sediment discharge. Mr. Bobe stated the site will release 94 CFS and it is broken down so it is a fraction of a CFS per linear foot along the 320' of pipe. Mr. Peterson said typically the sediment and runoff is worse during construction and he asked if there is planned phased construction and BMP plans and Mr. Bobe responded yes. Mrs. MacKellar questioned why we don't have the velocity numbers and Mr. Bobe explained it is in the drainage calculations and report, he just doesn't have it in front of him. Mr. Peterson stated he thought this project was going to be built in phases and Mr. Avent stated it will be phased and these 4 buildings will be the first phase. Stuart Speed of Leaf River Group addressed the Commission saying they are planning to build one building at a time. He explained they plan to work with the site and topography and not to level the site. He said the buildings are split level and are not visible from the road. Mr. Speed stated they are looking at putting the wetlands in a conservation easement or donating them to Weeks Bay. He also noted they will not be bringing in any red clay or soils onto the site. Mr. Dyas asked if the entire site will be cleared at one time and Mr. Speed responded they are going to try to do a little at a time. Mr. Dyas said there are several new members on the Commission and he is just trying to understand the site history. Mr. Speed stated they have worked hard on this application and it is their mission to protect the wetlands. He said the engineers have verified the application meets the requirements. Mr. Turner said the buildings follow the contour of the site and he is glad to see the setback was changed to a buffer. He stated the decision tonight is down to whether it meets our requirements or not.

Ralph Thayer made a motion to accept the staff recommendation to approve the Multiple Occupancy Project. Art Dyas 2nd the motion and the motion carried with the following vote: AYE – Art Dyas, Ralph Thayer, Lee Turner, and Richard Peterson. NAY – Charles Johnson and Hollie MacKellar.

The Commission took a 5 minute recess.

ZC 17.10 Public hearing to consider the request of HMR, LLC to establish initial zoning of R-2 Medium Density Single Family Residential District conditional upon annexation into the City of Fairhope, Tim Lawley. The property is located on the east side of County Road 13 and is the eastern 324' of the property located at 19870 County Road 13, known as Parcel B. Mr. King gave the staff report saying the site is approximately 1.04 acres and is surrounded on 3 sides by R-2 zoned property. Staff recommendation is to approve with the following conditions:

Sherry-Lea Bloodworth-Botop addressed the Commission saying the City has received grant monies for a way-finding program to help with traffic and congestion. She cited the Neel-Shaffer Traffic Improvements Report and said the City is working with BRATS to improve the parking deck. Mr. Dyess stated the City is trying to revitalize Downtown and make it more vibrant. Dr. Thayer asked how the building code will affect historic buildings. Mr. Dyess responded the building code allows leniency for historical buildings.

Mr. Turner opened the public hearing.

Carolyn Byars of 20971 Bishop Road – She asked what is the area of walkability. Mr. Dyess responded it how far a pedestrian will walk in 5 minutes, approximately 1320' from the intersection of Fairhope Avenue and Section Street.

Larry Smith of 968 Whittier Street – He asked would the property owners of the properties being removed from the CBD Overlay be notified. Mr. Dyess responded the notice was in the paper.

Having no one else present to speak, Mr. Turner closed the public hearing.

Mr. Dyas asked why lots were split on Fairhope Avenue and Johnson Avenue. Mr. Dyess responded the line runs along the property lines for each lot except for one lot which has frontage on both street. The lots on Johnson Avenue are all residential in use expect for the lot that goes all the way through. Mrs. MacKellar asked if the properties being removed from the CBD Overlay will have to go through a zoning change and Mr. Dyess responded no, their zoning is not changing. He added the properties will no longer have the additional uses allowed by the overlay district. Mr. Turner noted most of the properties being taken out are residential homes on the west side of Church Street.

Art Dyas made a motion to approve the changes as presented. Ralph Thayer 2nd the motion and the motion carried unanimously.

ZC 17.12 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to Article IX., Section C.

Definitions of the Zoning Ordinance to amend the definition of Building Height. Mr. Dyess gave the staff report saying the purpose of this amendment is to provide continuity between the Zoning Ordinance and the Building Code. The current definition measures from the natural elevation at the front of the building to the highest point of the roof. The proposed definition would measure from the natural elevation of the lot to the mean point of the roof of the building. Staff recommendation is to approve the proposed definition to read as follows: "Building, Height: The vertical distance measured from the average natural elevation of the lot to the mean point of the roof of the building."

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing.

Art Dyas made a motion to accept the staff recommendation to approve the proposed definition to read as follows: "Building, Height: The vertical distance measured from the average natural elevation of the lot to the mean point of the roof of the building."

Ralph Thayer 2nd the motion and the motion carried unanimously.

ZC 17.13 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to the Zoning Ordinance to establish an Education District. Mr. Dyess gave the staff report saying the purpose of this amendment is to update the Zoning Ordinance to establish an Education District zoning classification to provide appropriated locations for education uses by public or

quasi-public entities. The allowed uses in the proposed district would be elementary school, secondary school, education facility, and library. Staff recommendation is to approve as proposed.

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing.

Mr. Turner asked if this amendment would cover church schools and Mr. Dyess responded no, those would stay under churches.

Art Dyas made a motion to accept the staff recommendation to approve the establishment of an Education District.

Ralph Thayer 2nd the motion and the motion carried unanimously.

ZC 17.14 Public hearing to consider the request of the City of Fairhope Planning and Zoning Department for a proposed amendment to Article III., Section D.9 Accessory Dwelling Units of the Zoning Ordinance. Mr. Dyess gave the staff report saying the Zoning Ordinance prohibits accessory dwelling units by not allowing kitchens and are only permitted under special conditions. By not allowing a kitchen, per the Zoning Ordinance, there is no dwelling as a dwelling requires “separate cooking and housekeeping facilities”. The purpose of this amendment is to allow accessory dwelling units (with kitchens to make a bona fide dwelling unit), subject to locational requirements contained in the Zoning Ordinance. The benefits of accessory dwelling units are many including having the ability age in place, affordable housing, and the ability to have family stay close such as young adult relatives starting careers or elderly parents. These serve not only economic benefits to a family but also social benefits. Staff recommendation is to approve as proposed.

Mr. Turner opened the public hearing. Having no one present to speak, Mr. Turner closed the public hearing.

Mr. Turner stated there was an Accessory Dwelling Committee several years ago due to the Bluff area and concerns with parties and rentals. He suggested accessory dwellings be required to meet the setbacks of principal structures and Mr. Dyas agreed. Mr. Dyess stated the proposed amendment requires the principal structure to be occupied by the owner and occupants of the accessory dwelling must be a single family as defined by the term “family” in the ordinance. He also noted the short-term rental requirements would still be applicable.

Mac Walcott of 12330 Live Oak Street – He said if the restrictions are too stringent then we won’t get very many.

Mr. Dyess stated it is typical to find reduced setbacks for accessory structures but the square footage or percentage of lot coverage could be restricted. Dr. Thayer suggested looking at the ULI’s model ordinance. Mrs. MacKellar stated we have numerous vacation rentals and Air B&Bs that are a source of income.

Ralph Thayer made a motion to table the request for further review.

Charles Johnson 2nd the motion and the motion carried unanimously.

SD 17.19 Public hearing to consider the request of S.E. Civil Engineering, LLC for plat approval of Van Antwerp Park Subdivision, a 2-lot re-plat, Larry Smith. The property is located on the north side of Pensacola Avenue between N. Section Street and N. Mobile Street. Mr. King gave the staff report saying this request was on last month’s agenda and the request has not changed. Staff recommendation is to deny because the proposed replat does not qualify as a replat. Mr. Watson addressed the Commission saying a replat is a subdivision but is so minor in nature that it is not required to come

before the Planning Commission. He stated this request does not meet the requirements of a replat because it is one lot. Mr. Waston reviewed the ownership history of the property. He explained the property was surveyed and described with 2 metes and bounds but the property is not 2 parcels. Mr. Turner asked why the property is not required to wait 6 months prior to being heard again if denied. Mr. Watson explained that statue is for preliminary plats. Mr. Walcott said Mr. Watson is redefining the definition of a lot and replat. Mr. Turner stated there is an email group that is very against this subdivision. He asked why the applicant doesn't just wait until the moratorium expires and submit a major subdivision. Mr. Walcott said if the Commission can only do what their lawyer says then the Commission isn't needed.

Danny Calhoun of 319 Magnolia Avenue – He stated there are 3 surveys with each one showing 2 parcels. He said he wants the definition of a lot. Mr. Calhoun provided the Commission with multiple historical deeds. He explained the applicant filed a quiet title action and in June of 2017 the final order was issued. He stated he disagrees that a subdivision has never been legally obtained. Mr. Calhoun said multiple lots have been subdivided by metes and bounds and an Attorney General opinion in the 80s and 90s confirmed it. He added the City recognizes the County's one-time split and family divisions in the Planning Jurisdiction. Mr. Dyas responded the one-time split and family divisions still went through the process. He asked if the legal description included a less and except for the right-of-way would the applicant still contend it is 2 lots. He said just because it is described in 2 legal descriptions doesn't make it 2 lots. Mr. Dyas asked if the two attorneys have talked since the last meeting and Mr. Calhoun responded yes, but they both see it differently. Mr. Walcott said the issue is this is a new approach to defining a lot and he wants an answer to what a lot is in Fairhope. Mr. Smith stated they want clarity. Mr. Turner and Mr. Dyas suggested a committee be put together to come up with a definition and guidelines to determine where the line will be set to accept existing lots as legal lots. Mr. Dyas offered that any lots existing prior to the establishment of the Planning Commission would be an easy line to follow. Mr. Smith said Mr. Watson added the word "minor" to his determination and the Subdivision Regulations do not say "minor". Mr. Watson responded even a minor subdivision must come before the Commission so a replat needs to be even less. He clarified that he is saying there are not 2 lots to start with. He noted none of the surveys have the stamp of the Planning Commission and the City was not made a part of the quiet title. Mrs. MacKellar asked why it took the applicant so long to come for clarification. She said if the applicant had concerns then the Commission should have concerns. Mr. Walcott responded the quiet title was only for clarification and they were not trying to hide anything. He stated the advertisements and legal ads were run in the paper as required. He added if the citizens have to read the notices to find out about changes then the City should too. Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

Art Dyas made a motion to accept the staff recommendation to deny because the proposed replat does not qualify as a replat based on counsel's interpretation.

Ralph Thayer 2nd the motion and the motion carried unanimously.

SD 17.06 Public hearing to consider the request of Dewberry/Preble-Rish, LLC for Preliminary and Final Plat approval of the Resubdivision of Lot 19, Fairfield Unit VI, a 15-lot subdivision, Rick Davis. The property is located on the northeast corner of the intersection of Boothe Road and Norman Lane. Mr. King gave the staff report saying

the property is 3.11 acres and 15 lots are proposed. The property is zoned PUD and 3 single family residences currently exist on the lot. This proposal will establish lot lines for the 3 structures as well as establish lots for the remainder of Lot 19 resulting in a total of 15 lots. Staff recommendation is to approve contingent upon the following conditions:

1. Reference to Fox Hollow subdivision in the dedication block of the plat shall be corrected to reflect Fairfield Subdivision prior to recording.
2. A contour map overlaid an aerial photograph of the site shall be submitted to staff under separate cover for file close-out purposes.
3. Provide individual signature blocks for all utility providers on the plat prior to recording.

Mr. Turner asked if this request is for ownership purposes and Mr. King responded yes, the PUD specifies 15 units are allowed on Lot 19.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

Rick Davis, representing BCL&L Acquisitions, LLC – He stated the concept of 15 detached units were approved with the PUD and this will establish individual lots for each structure. Mr. Peterson asked about utilities and Mr. Davis stated all utilities are existing.

Ralph Thayer made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. Reference to Fox Hollow subdivision in the dedication block of the plat shall be corrected to reflect Fairfield Subdivision prior to recording.
2. A contour map overlaid an aerial photograph of the site shall be submitted to staff under separate cover for file close-out purposes.
3. Provide individual signature blocks for all utility providers on the plat prior to recording.

Art Dyas 2nd the motion and the motion carried unanimously.

SD 17.21 Public hearing to consider the request of Lee Rivenbark for plat approval of Willow Pond Estates, a 2-lot minor subdivision. The property is located on the northwest corner of the intersection of Gayfer Road Extension and Bishop Road. Mr. King gave the staff report saying the property is approximately 1.8 acres and 2 lots are proposed. The site is zoned R-4 Low Density Multi-Family Residential District but no construction is associated with the project at this time. He noted a wetland delineation and 30' wetland buffer has been provided. Staff recommendation is to approve contingent upon the following conditions:

1. Wetland buffer signage complying with City of Fairhope Subdivision Regulations Article V. Section F.4.i. shall be installed and inspected by staff prior to any land disturbance activities and shall also be noted on the plat prior to recording. The applicant shall coordinate inspection of the wetland buffer signage with staff.
2. The applicant shall submit a landscape plan including a tree protection plan complying with City of Fairhope Subdivision Regulations Article V. Section D.5.a.(11) prior to any land disturbance.

Mr. Turner opened the public hearing.

Carolyn Byars of 20971 Bishop Road – She asked how many units are going to be built. She also said the wetlands on the property have been filled.

Having no one else present to speak, Mr. Turner closed the public hearing.

Mr. Dyas stated the zoning allows a maximum of 7 units per acre but no construction plans have been submitted at this time. Mr. Rivenbark said the piles of dirt that were on the property have been spread out but the wetlands were not touched. Mr. King stated the City's Code Enforcement Officer can visit the site to verify the wetlands have not been disturbed.

Art Dyas made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. Wetland buffer signage complying with City of Fairhope Subdivision Regulations Article V. Section F.4.i. shall be installed and inspected by staff prior to any land disturbance activities and shall also be noted on the plat prior to recording. The applicant shall coordinate inspection of the wetland buffer signage with staff.
2. The applicant shall submit a landscape plan including a tree protection plan complying with City of Fairhope Subdivision Regulations Article V. Section D.5.a.(11) prior to any land disturbance.

Richard Peterson 2nd the motion and the motion carried with the following vote: AYE – Art Dyas, Charles Johnson, Lee Turner, Hollie MacKellar, and Richard Peterson. NAY – Ralph Thayer.

SD 17.22 Public hearing to consider the request of HMR, LLC for Final Plat approval of Battles Trace, Phase IV, a 27-lot subdivision, Tim Lawley. The property is located on the north side of Battles Road, north of Colony at the Grand. Ms. Milford gave the staff report saying the property is approximately 8.61 acres and is zoned TR District. Staff recommendation is to approve contingent upon the following conditions:

1. The submittal of a satisfactory financial guaranty packet being submitted.
2. The final punch list shall be completed and satisfied to the approval of the City of Fairhope Superintendents.
3. The Operations and Maintenance Plan shall be recorded at the time of final plat recording.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

Mrs. MacKellar questioned the site being zoned for Fairhope Elementary School and not Newton. Ms. Milford said there may have been a mistake on the map she referenced for the information. Mr. Dyas asked who is reviewing the information for the school system and Mr. Dyess responded staff provides the information to the Board of Education every quarter.

Art Dyas made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The submittal of a satisfactory financial guaranty packet being submitted.
2. The final punch list shall be completed and satisfied to the approval of the City of Fairhope Superintendents.
3. The Operations and Maintenance Plan shall be recorded at the time of final plat recording.

Charles Johnson 2nd the motion and the motion carried unanimously.

SD 17.23 Public hearing to consider the request of Dewberry/Preble-Rish, LLC for Final Plat approval of Phase 3 of Greenbrier at Firethorne, a 29-lot subdivision, John Avent. The property is located west of Quail Creek Villas and north of Stone Creek Villas. Ms. Milford gave the staff report saying the property is approximately

16.27 acres and is zoned PUD. Staff recommendation is to approve contingent upon the following conditions:

1. The final inspection punch list shall be completed to the satisfaction of the City of Fairhope Superintendents.
2. The Operations and Maintenance Agreement and Plan shall be executed and recorded.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

Hollie MacKellar made a motion to accept the staff recommendation to approve contingent upon the following conditions:

1. The final inspection punch list shall be completed to the satisfaction of the City of Fairhope Superintendents.
2. The Operations and Maintenance Agreement and Plan shall be executed and recorded.

Ralph Thayer 2nd the motion and the motion carried unanimously.

UR 17.02 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 2,420 linear feet of fiber optic cable, Wade Mitchell. The project will run along the east side of n. Section Street, to the north side of Bayou Drive, and the west side of Fairwood Blvd. to service 550 Fairwood Blvd. Mr. Dyess gave the staff report saying AT&T will be placing approximately 2,420 linear feet of 1.5" HDPE conduit, equipped with a fiber optic cable to service the US National Guard Armory at 550 Fairwood Blvd. The applicant is also proposing to install 4 – 30"x48" handholes. All work proposed will be in the City of Fairhope right-of-way. The entire project shall be directionally bored; no trenching is allowed. Staff recommendation is to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work as stated in the staff report.
2. All mechanical and locator equipment shall be painted munsell green.

Ralph Thayer made a motion to accept the staff recommendation to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work as stated in the staff report.
2. All mechanical and locator equipment shall be painted munsell green.

Art Dyas 2nd the motion and the motion carried unanimously.

Mrs. MacKellar asked if the work could be schedule around school traffic. Mr. Peterson asked if the City receives video confirmation of the boring to make sure no utilities have been hit.

UR 17.02 Request of AT&T for an 11.52.11 Utility Review and approval of the proposed underground installation of approximately 4,837 linear feet of fiber optic cable, Wade Mitchell. The project will run along Windmill Road, Thompson Hall Road, Morphy Avenue, and throughout Pecan Trace subdivision and Fox Hollow, Phase 1. Mr. Dyess gave the staff report saying AT&T will be placing approximately 4,837 linear feet of HDPE conduit, equipped with a fiber optic cable to service Fox Hollow, Phase 1 subdivision. The applicant is also proposing to install 4 pedestals and 11 – 30"x48" handholes. All work proposed will be in the City of Fairhope right-of-way with 18 road crossings. The entire project shall be directionally bored; no trenching is

allowed. All remaining placement will be in utility easements. Staff recommendation is to approve conditional upon the following:

1. The applicant shall follow the general comments related to utility work as stated in the staff report.
2. All mechanical and locator equipment shall be painted munsell green.

Ralph Thayer made a motion to accept the staff recommendation to conditional upon the following:

1. The applicant shall follow the general comments related to utility work as stated in the staff report.
2. All mechanical and locator equipment shall be painted munsell green.

Charles Johnson 2nd the motion and the motion carried unanimously.

Mr. Dyas asked how the applicant will cross the creek. Mrs. Boyett responded the portion crossing the creek will be in a utility easement and not in the right-of-way.

IR 17.04 Request of James Jackson for an Informal Review of Clay Properties, a 4-lot subdivision, Randy Niemeyer. The property is located on the east side of County Road 13 approximately ¼ mile north of the intersection of County Road 3 and County Road 13. Mr. King gave the staff report saying the property is approximately 6.3 acres and Mr. Jackson is considering submission of a subdivision application that will include a variance of the requirement for a 100' wide minimum lot width. The minimum lot width for unzoned areas within the City of Fairhope Planning Jurisdiction is described in Article V, Section E.2.b.(1) of the *City of Fairhope Subdivision Regulations*.

Mr. Niemeyer addressed the Commission saying there is an existing 40' easement to access the radio tower to the east of the property and the applicant would like to use it in conjunction with 20' of the subject property to access proposed lots that do not have street frontage. Mr. Watson stated a waiver request would need to be submitted at the time of subdivision application. Dr. Thayer said this would allow the additional properties to the east to develop. Mr. Turner stated he liked the size of the proposed lots and that it would be 2 less on County Road 13 but the road would need to be publicly maintained.

Old/New Business

SD 17.18 Kirkman Lane Subdivision Amendment. Mr. King stated this case was heard last month and the applicant is requesting approval condition #6. "A note shall be added to the plat that states drainage shall be required at the time of building permit" be removed. The applicant contends the drainage is not required for a minor plat and does not want it noted on the plat. Mr. King stated the Erosion and Sediment Ordinance would provide the protection for adjacent properties due to any drainage or runoff. Mr. Dyas questioned whether this can be done without another public hearing and Mr. Watson said he is not sure.

Lee Tacon of 738 S. Mobile Street – He said this request puts an undue burden on the property and will make it harder to sell and reduces the property value.

Mr. Dyas stated he doesn't have an issue with the request but wants to make sure procedurally it is done correctly. Mr. Peterson asked why the applicant doesn't just put in the drainage to help the neighbor.

Art Dyas made a motion to table the request until the next meeting.

Ralph Thayer 2nd the motion and the motion carried unanimously.

Having no further business, Art Dyas made a motion to adjourn. Ralph Thayer 2nd the motion and the motion carried unanimously. The meeting was adjourned at 8:56 PM.



Lee Turner, Chairman



Emily Boyett, Secretary