

Distribution List:
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MINUTES
PLANNING COMMISSION MEETING

Thursday, May 10, 2007

The regular meeting of the Planning Commission was held on Thursday, May 10, 2007 at 6:00 p.m., in the Board Chambers, at the Hot Springs Municipal Building, 133 Convention Blvd.

Chairman Gary Threadgill called the meeting to order at 6:00 p.m.

The invocation was given, followed by the Pledge of allegiance.

Approval of Minutes

Motion Approved By Louis Kleinman Second by James Clopton
Motion Passed By unanimous

Roll Call Present: James Clopton, Lauri Ames, David Campbell, Louis Kleinman, Wanda Thorpe, Gary Threadgill

Absent:

OLD BUSINESS

- 1 Conditional Use (CU-07-0060) - Wiseman Inc, Rental Properties - Request to modify the conditions from previous Conditional Use Permit requiring a screening fence. - 417 Quapaw Ave, Corner of Orange and Quapaw - District 2

Approved with Conditions

1. Conditional Use (CU-07-0060) -- Wiseman, Inc. Rental Properties - request to modify the conditions from previous Conditional Use Permit requiring a screening fence - 417 Quapaw Avenue, Corner of Orange and Quapaw - District 2 - C-3

Director Sellman: Thank you. Item No. 1 is a request for Conditional Use Permit by Wiseman, Inc. Rental Properties. This is a request that would modify conditions from a previously approved Conditional Use Permit requiring a screening fence. This is at 417 Quapaw Avenue, which is at the corner of Orange. The current zoning is C-3. The Comprehensive Plan Classification is Office Center. It's located in District

2 and the recommended action is approval with conditions. I would note that this was continued at our last regular meeting. Since that time, the request by Mr. Wiseman has been modified and reduced in scope. At this time, the complete request that he is making is to be relieved of the obligation to put up a fence along the house that is next door to his parking lot. He is now the owner of that home. He was not at the time of the original Conditional Use approval.

Chairman Threadgill: Is the applicant present? Please come forward and give us your name and address, sir.

David Wiseman of Wiseman, Inc., at 420 Quapaw address.

Chairman Threadgill: Mr. Wiseman, you are asking for a waiver on the fencing?

Mr. Wiseman: Well, since the last meeting, I went back and rethought the whole layout of the parking lot. As you can tell, I have changed the direction of flow back to the original turn off Quapaw, come through the parking lot, and exit on Orange. Parking up against the back of both buildings that I own, there are no windows in the back of the building. You would exit on Orange Street. I would still continue with the 30 ° angle parking. I can get seven slots. I was required six. I would have no headlights into 415, which is not my building, which was a big issue at the last meeting. The other issue was a curb cut on Orange Street and that's been corrected.

Chairman Threadgill: Do I have any questions from the Commission to the applicant? Commissioner Campbell.

Commissioner Campbell: I have one. I don't see but six spaces here.

Mr. Wiseman: There's a seventh one behind 524.

Commissioner Campbell: Can that be done?

Mr. Wiseman: I was only asked for six. I came up with seven by putting in an extra parking place.

Commissioner Campbell: So we're being asked to take No. 6 out?

Mr. Wiseman: Okay. I've still got six.

Chairman Threadgill: Any other questions? Wanda?

Commissioner Thorp: You own the blue house now that's for sale?

Mr. Wiseman: The blue house?

Commissioner Thorp: It's that blue house that's back right there ...

Mr. Wiseman: No, 415 Quapaw is owned by Mark Hayes.

Commissioner Thorp: You don't own that yet.

Mr. Wiseman: No I do not. Do not want to own it.

Commissioner Thorp: Oh, okay.

Chairman Threadgill: Any other questions? Commissioner Campbell?

Commissioner Campbell: Let's get back to parking here. He was required to have six spaces and he's only got five if we take six out.

Mr. Wiseman: Mr. Campbell, there's seven parking places there. If you count the one behind 524 Orange Street, there's ... When I bought the place and put the payment down, I went ahead and put an extra parking place behind 524 Orange Street. If you'll count them, one, two, three, four, five, six, seven. You want me to take six off. That still leaves six.

Chairman Threadgill: If I may ask a question of staff. I see where David's going. Since 524 Orange is a separate address and that No. 1 parking spot is behind that, is that acceptable?

Mr. Wiseman: Yeah.

Chairman Threadgill: That's for staff's <unintelligible>.

Director Sellman: It would be kind of unusual, but as 524 Orange as I understand it is a single family home, we can ask Rick. Is this ...is the single family home required to have off-street parking in this zone?

Mr. Rick Stauder: If it was to be built today, it would have to provide two off-street paved; but it's a pre-existing structure that grandfathered in. The way that I would interpret that, as long as the spaces required are within 500' of the building and the same property owner has control over that location, then it would be permissible. He

wouldn't have to have paved and provided any parking for 524 Orange to my knowledge because it was built prior to our Zoning Code.

Mr. Wiseman: Now I also own 522 Orange and as of today, I have framed and will put a parking place behind 522 Orange to get one car off the curb. That's not shown on the drawing, but it's a building right next door to 524.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Can you use an area behind a single family home for parking for another area? Is that permissible? For another location?

Director Sellman: Because it does not appear to have been a requirement to have parking there for that home, it's a possibility that it is acceptable. It is unusual. I'll grant you that.

Chairman Threadgill: Any other questions to the applicant from the Commission? Seeing none, you may sit, sir. Is there anyone in the audience who has anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one of staff. The parking space that we are being asked to eliminate, No. 6, is ...I think I read in here that is because it is a single family home and it can't back out into the street. Is that right?

Director Sellman: It may conflict with the line of sight from the driveway that contains the existing required parking spaces for the multi-family use. It's a sight issue.

Commissioner Campbell: Okay.

Chairman Threadgill: Any other questions? Commissioner Thorp?

Commissioner Thorp: What is it about the fence? Are we saying that we don't have to do that now?

Chairman Threadgill: No. I'm not saying that we don't have to. He's asking for a waiver - that we allow him not to put it up since he now owns the second building. In which all traffic that comes in will be shining into his windows, so that's a do or don't by Planning's decision.

Commissioner Thorp: Okay.

Chairman Threadgill: Any other questions? Seeing none, I'll entertain a motion.

Commissioner Clopton: Mr. Chairman, I move that we approve the revised plan for this location and allow the waiver for the fence.

Chairman Threadgill: As far as staff's recommendations?

Commissioner Clopton: As far as staff's recommendations, yes.

Chairman Threadgill: I have a motion by Mr. Clopton to approve with staff's recommendations. Do I have a second?

Commissioner Kleinman: I'll second the motion.

Chairman Threadgill: I have a second. All in favor? <Ayes> Opposed?
<Commissioner Campbell: Nay.> One opposed.

Commissioner Campbell: My reason for opposing is this could have been an appeal procedure filed within the 30 day period to the Board of Directors. I think we're acting in the wrong action tonight.

Chairman Threadgill: One against. Motion passes.

Director Sellman: May I clarify please?

Chairman Threadgill: Go ahead.

Director Sellman: The approval is parking per the plan minus Space No. 6?

Chairman Threadgill: Yes.

Director Sellman: And Space No. 6 is not to be used as a parking space?

Chairman Threadgill: Correct.

Director Sellman: Okay.

Conditions:

- 1) To amend the previous conditions to omit the six (6) foot screening along the southeast property line of 524 Orange Street;
- 2) Parking space marked #6 on the site plan would be eliminated because other than single family or duplex dwelling parking are prohibited to back into a public street;
- 3) With the elimination of parking space marked #6, the diagonal spaces appear they could be shifted towards Orange Street thus making the parking space located near the steps more practical to make a more maneuverable parking space;
- 4) Parking spaces will be angled into rear of buildings 417 & 419 and striped with the dimensions stated in H.S.C. § 106-2-103(9); and
- 5) Zoning Inspector shall be contacted upon completion of project for an inspection to ensure all conditions were made. (For 5 - Against 1)

- 2 Comprehensive Plan Revision (CPR-07-0062) - Shady Heights Comp Plan Change - Property in County requesting Comprehensive Plan Revision to change designation from Residential Suburban to Residential Medium High. - Shady Heights Road - County

Tabled

2. Comprehensive Plan Revision (CPR-07-0062) - Shady Heights Comp Plan Change - property in County requesting Comprehensive Plan Revision to change designation from Residential Suburban to Residential Medium High - Shady Heights Road - County - ET

Director Sellman: Item No. 2 is Shady Heights Comprehensive Plan change. This is a request to revise the Comprehensive Plan Future Land Use Map designation for a property in the County from Residential Suburban to Residential Medium High. It's on Shady Heights Road in the extraterritorial jurisdiction. The current designation is Suburban Residential and the recommendation is approval.

Chairman Threadgill: Is the applicant present? Please come forward and give us your name and address for the record, sir.

Rodney Myers, 161 Villa Point, Hot Springs.

Chairman Threadgill: Mr. Myers, a little bit of what you've got there.

Mr. Myers: We were up here I think two months ago and got approval for a 103 unit duplex apartment home community. I think this is something that staff wants us to do.

Chairman Threadgill: Do I have any questions or comments to the applicant from the Commissioners? Seeing none, you may have a seat, sir. Is there anyone in the audience who has anything to say for or against this item? Anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Do I have any questions or comments from the Commissioners?
Commissioner Campbell?

Commissioner Campbell: Our Zoning Code § 16-232 says that lands annexed - and I know we're just asking for a change to the Comprehensive Plan - but it talks about lands being annexed and this land is next to City property now. One of the ways of annexing is through petition and our staff report says that this probably will be petitioned and § 16-32(c) says

following the entering of an order by the County Court granting a Petition for Annexation during the 30 day waiting period during which proceedings may be instituted for having annexation presented, the Planning Commission shall conduct a public hearing to discuss the zoning of the proposed annexed areas and any modifications to the Comprehensive Plan that might be appropriate.

Upon that, I ask that this be tabled until this land has made application for annexation and we do it by the book.

Chairman Threadgill: I have a motion to table. Do I have a second?

Commissioner Thorp: Second.

Chairman Threadgill: I have a motion to table and a second. All in favor? <Ayes>
Opposed? <None>
(For 6)

NEW BUSINESS

- 3 Home Occupation Type B (HOB-07-0077) - Night Owl Child Care - Conditional Use
Home Occupation to operate a Home Daycare. - 305 Morrison - District 2

4 Site Plan Approval (SPA-07-0084) - Grand Oaks - Article II Site Plan Review for multi-building Active Lifestyle Community to be built in three phases. - 222 Files Rd - District 5

Approved with Conditions

4. Site Plan Approval (SPA-07-0084) - Grand Oaks - Article II Site Plan Review for multi-building Active Lifestyle Community to be built in three phases - 222 Files Road - District 5 - R-2

Director Sellman: Item No. 4 is Grand Oaks site plan approval. This is an Article II site plan review to construct and operate a nursing convalescent active lifestyle development on 18.69 acres zoned R-2, Suburban Residential, at 222 Files Road. It's in Board District No. 5. The recommendation is approval with conditions.

Chairman Threadgill: Is the applicant present? Please come forward and give us your name and address, sir, and a little bit of what you've got going.

Mr. Bob Kempkes with Taylor Kempkes Architects, 310 Bafanridge, Hot Springs: The property owner is also here tonight. I figure you know that we're doing a three-phase project and were we able to get that up? Do ya'll have a plan of this?

Chairman Threadgill: Yes, sir, we have that.

Mr. Kempkes: <Speaks away from the microphone and is unintelligible>

Chairman Threadgill: Mr. Kempkes, if you would, please step back so we can get you on the recorder, please, sir.

Mr. Kempkes: Anyway what we're looking for here tonight is approval of that site plan.

Chairman Threadgill: Do I have any questions from the Commissioners to Mr. Kempkes? Seeing none, you may have a seat, sir. Is there anyone in the audience who has anything to say for or against this item? Again, anyone in the audience with anything for or against this item? Seeing none, I'll close the public portion and ask for questions or comments from the Commissioners. Commissioner Campbell?

Commissioner Campbell: This is to staff. Does the applicant have a copy of the recommendations?

Director Sellman: He should.

Mr. Kempkes: Yes, sir.

Chairman Threadgill: Yes, he does.

Commissioner Campbell: They can live with moving the garages then?

Chairman Threadgill: Mr. Kempkes, would you come back up, please, sir?

Mr. Kempkes: We did have some discussion about that. The property owner has taken some photos about that setback, that 3'7" setback, I think is the question. Is that correct, Mr. Campbell? As you can see, can I bring these up to ya'll and pass them out?

Chairman Threadgill: Yes, sir.

Mr. Kempkes: Our contention is that because of that excavation and the fence that's there already, along with the hedge that's already been planted there, a holly hedge I think on 5' centers, that actually those garages aren't going to be impeding anybody's view. They will be a distraction for the neighbors behind. In fact, when the owner was putting up some of the holly trees, the neighbors complained because they were blocking their view of the pond. I don't know that that necessarily is going to be a real impediment there at 3'7". Also the fence line that's been there about 20 years is another 3' back on that residential subdivision property, so you're really about 6'7" back to where this is from the fences that have been there for quite some time. I think the staff has made a recommendation of trying to move that to 10'. If we could, we're trying to keep some landscaped area in front of the building there and with the turn around and the parking and all that, that's why we had to push it up against that hill. I think if there's some middle ground there where we could look at 8', 6', something like that, that would be helpful.

Chairman Threadgill: Alright. What?

Commissioner Campbell: What does staff ...staff made this recommendation. What's staff saying?

Director Sellman: I think that, given a demonstration that the applicant has provided, this may be something - unless we have testimony from the neighbors at tonight's hearing - could be something that would be at the Planning Commission's option to keep or not.

Chairman Threadgill: Do I have any other questions for the applicant? Nice pictures.
Commissioner Clopton?

Commissioner Clopton: Mr. Chairman, I have a question real quick. I see what you're showing here on the photos. My question is, these look like rather long, elongated garages, and does that photo represent the entire length of the garage areas?

Mr. Kempkes: No, sir. No, I mean it's just a portion showing the excavation.

Commissioner Clopton: But is it all the same?

Mr. Kempkes: Pretty much so. Yes, sir.

Commissioner Clopton: As far as the background is concerned? So at one end of the garage, it has the same type of background as the other end?

Mr. Kempkes: You mean topographically? It doesn't slope down or whatever.

Commissioner Clopton: Well, I understand. I understand. But what I'm getting at is that ...is the fence in the background between the property next to it and these garages the same from one end of the garage all the way to the other end of the garage as you are showing on this photograph?

Mr. Kempkes: I believe so. Is that right, Larry? Where does it stop?

Male Speaker: <unintelligible from the audience>

Chairman Threadgill: Excuse me, Larry. Please come forward to the microphone and give us your name and address for the record, please, sir.

Mr. Larry Burroughs, 299 Cruiser Terrace, Hot Springs, Arkansas: The fence you were asking about, the wood fence, there's about four of them down through there. There's one or two that don't have it, but we did put a pretty elaborate hedge fence up so that they won't be any difference in them basically. There are two property owners that had chain linked fence. Like I said, I've already put the required hedge fence up.

Chairman Threadgill: I think what he's talking about, Larry, is the topo cuts you've made of the 4'. Is that contiguous?

Mr. Burroughs: It goes all the way down ... Well, it's about 6', 5' to 6', most of it is inside.

Chairman Threadgill: It think that's what you were asking?

Commissioner Clopton: Basically, what I'm ...

Mr. Burroughs: It stays that way, but there's a wood fence behind most of it also, so you've got almost a 12' barrier between our garages.

Commissioner Clopton: Thank you.

Chairman Threadgill: Did that take care of you? Alright. Do I have any other questions to the applicant from the Commission? Sir, you may have a seat. Is there anyone in the audience who has anything to say for or against this item? Again, anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion and entertain any comments from the Commission. Seeing none, I'll entertain a motion.

Commissioner Kleinman: Mr. Chairman, I move that the site plan be approved subject to staff recommendations.

Chairman Threadgill: I have a motion to approve with staff's recommendations by Mr. Kleinman. Do I have a second? Do I have a second?

Commissioner Clopton: Does you motion intend to include the 10' setback as per staff recommendations?

Commissioner Kleinman: No, I'm sorry. Thank you. My motion intends to accept that the blocking of the site is appropriate as it is.

Chairman Threadgill: So we want to do away with the ...

Commissioner Kleinman: Yes, right. I missed that. Thank you.

Commissioner Clopton: There may be a question of what kind of setback do we want to have for that.

Director Sellman: So you are excluding condition No. 2?

Chairman Threadgill: Mr. Kleinman, are you excluding condition No. 2?

Commissioner Kleinman: Yes.

Chairman Threadgill: I have a motion from Mr. Kleinman to stay with staff's recommendations and leave out Item No. 2. Is your second going to ...? No, I don't have a second. I need a second.

Commissioner Ames: Second.

Chairman Threadgill: Ms. Ames gives a second. All in favor? <Ayes> Opposed? <Commissioners Clopton and Campbell: No.> We have two against, five for. <Speaker: Four for.> Four for. Motion passes.

Conditions:

1. Compliance with any and all items as listed on the DRC report from the April 24, 2007 meeting;
2. Construction is to be accomplished in accordance with all applicable construction codes;
3. Water and/or wastewater service shall not be provided to this development until all conditions have been satisfied; and
4. A 6' minimum height privacy screening shall be provided along the entire southern property line of this development which is adjacent to Beverly Hills Subdivision to assist in screening this development from the neighboring residential properties to the south. The screening can consist of fencing, plantings, earthen berms or a combination of these so long as the required opaque screening is provided. (For 4 - Against 2)

- 5 Site Plan Approval (SPA-07-0091) - Grise Multiple Building Site Plan - Duplex and two mobile homes on lot in County. - 3205 Marion Anderson

Tabled

5. Site Plan Approval (SPA-07-0091) - Grise Multiple Building Site Plan - duplex and two mobile homes on lot in County - 3205 Marion Anderson - ET

Director Sellman: Item No. 5 is the Grise multiple building site plan. Mr. Grise is requesting site plan approval for a duplex and two mobile homes on one lot in the County. This is at 3205 Marion Anderson. The area is in the extraterritorial jurisdiction of the City of Hot Springs. The Comprehensive Plan classification is Suburban Residential. The recommendation is for approval with conditions.

Chairman Threadgill: Alright, mister, give us your name and ...

Mr. John Grise, 1100 South Moore Road, Hot Springs, Arkansas.

Chairman Threadgill: We've got a request to let you put in a couple of mobile homes and a house. Is that correct?

Mr. Grise: Well what it is is a modular duplex. It is more like a mobile home and has a unit on either end of a duplex.

Chairman Threadgill: Okay. Do I have any questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one. Are your parking spaces and driveway going to be paved?

Mr. Grise: I just did them with hard surface, probably do what is it, gravel and seal?

Chairman Threadgill: Chip and seal?

Commissioner Campbell: Thank you.

Mr. Grise: Thank you.

Chairman Threadgill: Any other questions to the applicant? You may be seated, sir.

Mr. Grise: Thank you.

Chairman Threadgill: Is there anyone in the audience with anything to say for or against this item? Please come forward and give us your name and address for the record.

Mr. John Mooring, 103 Kirby Court, Hot Springs: I've got some handouts for you too.

Chairman Threadgill: Alright, sir.

Mr. Mooring: Kirby Court shows up on the first map that the gentleman had. It's immediately to the West of the proposed development. The letter that's on the front of the packet that I gave you is a letter from me, however I do feel that my sentiments are very typical of what you'll find in our area concerning this development. As I note here in the letter, a couple of nights ago I was informed of this public hearing and after being informed of that, I went around and started just talking to the people in the area. I knew in our neighborhood that it had been a subject of much discussion. In talking to people not in our neighborhood but in adjoining neighborhoods and even neighborhoods that don't adjoin, it became apparent that it's not just us that have concerns about some of these issues in the development. First of all, our area on Marion Anderson Road is typically homes in a 1,500 to 2,500 square foot range. Typically we have subdivisions that are modern type subdivisions with at least paved streets, most of which are curb and gutter. You have nice manicured lawns and such as that. Around this particular property, there are some other sites that are not in subdivisions and there are some older subdivisions around. Yet if you look in the packet, starting on the second page, which would be the first page past the letter, you'll see some pictures. The first picture is the entrance into Kirby Court Street, which is actually the <unintelligible> subdivision of Garland County. The second picture down shows one end of the duplex as it sits now.

That duplex has been on-site for a year. That is, that fence and the house you see there are the same picture, the same house that's in the upper picture on the left. On the next page, you'll see the house at 3210 Marion Anderson. This is roughly just across the street. It's not directly across. There's a vacant lot directly across the street from the proposed development, but it's very close. Below that, you'll see the side view of the duplex. There is a lady currently living in the one end of that and again, this has been on-site for a year. The next page shows a picture of Kirby Court Subdivision and a picture he shows as well of the site. The next page is 3214 Marion Anderson Road, which again is you can tell it's a little bit older home, but again very well kept -- again, typical of what the houses are like in the surrounding area. The picture on the bottom shows again 101 Kirby Court and the duplex to the East of it. The next picture is the next subdivision to the West, which is Wolf Ridge Street and that is the newest subdivision. The homes in that range from less than five years old to there are still homes under construction. The picture on the bottom of that page is again the duplex and the general site conditions around it. The final page is an aerial map just using Google and down on the bottom near the center slightly to the left is a red pin that shows the project location. There are five pins on the map. The one almost due South of it shows Kirby Court. The one South of that shows the Wolf Ridge Subdivision. Off to the West, you'll see a future development that's

cleared. I'm guessing that's in the planning process still because it has been cleared but nothing has been developed out there. To the North, you'll see White Eagle Estates, which is another nice subdivision. You'll also see West Winds, which is a very large subdivision that I couldn't fit it on the page because it goes way up into the old pasture land there. It goes pretty far. Your typical housing situation out there is just significantly different than what this development is for. We feel, and again, from the people I've talked to, you'll see on the next page, I've got 31 signatures and this represents probably only about five to six hours worth of foot time going door-to-door just talking to different people. The thing that impressed me the most about people that were signing this is every home I went to signed it - not most of, not nearly all, every one. I have every contiguous land owners' signature on this paper. So, the will of the people in the area, from my experience, is pretty evident.

Speaker from the audience: May I respond?

Chairman Threadgill: Hold on just a second, sir. Is that all?

Mr. Mooring: Yes, sir, unless ya'll have any questions.

Chairman Threadgill: Is there any questions to the speaker? You may be seated, sir. Is there anyone else in the audience have anything to say for or against?

Speaker from the audience: Does he need to respond?

Chairman Threadgill: I'll get back to him in a minute. Is there anyone else in the audience? Give us your name and address for the record.

Mr. Charlie Broadbent, 105 Kirby Court, Hot Springs: When this lot became available, I was very much interested in this lot myself and spoke with the previous owner that if he ever ran into a situation where he needed to sell it, that I'd be interested in purchasing it. I evidently missed out on that sale and because we had plans to maintain the integrity of the neighborhood, and just possibly stop or prevent something like this from occurring. I would just like to speak that I am opposed to the development just because it is not in kind with the development that's going on out there. It does not benefit or add any type of beautification or increase in property values on there. I feel like it would be a detriment to the positive things that we have going on out there in our community, so I would encourage you to consider our request, the effort that Mr. Mooring put in there, the signatures in his packet, and just consider it something that the majority of the folks in our neighborhood oppose it. Thank you.

Chairman Threadgill: Is there anyone else in the audience who has anything to say for or against this item? Seeing none, please come back, Mr. Grise.

Mr. Grise: I think you've been lead to believe that this whole area is that way. To the West, he is describing it as it is. To the East of that thing is all mobile homes. There's five or six mobile home parks down through that area. It is right on the border, but it's not the neighborhood that he described to the East. To the West it may be, but to the East, there's three or four mobile home parks. It goes into the old Indian Estates out there, which is all mobile homes. It has been that way for years. So they are developing to the West, but there's mobile home after mobile home after mobile home and mobile home parks in this area. So he's taking a select view of this one subdivision or maybe the illegal subdivision next to it and comparing those and those people with the whole area and that's just not what is there. Thank you.

Chairman Threadgill: Alright, sir. Thank you. Anyone else in the audience with anything to say for or against this item? Again, anyone else in the audience for or against this item? Seeing none, I'll close the public portion. Do I have questions or comments from the Commissioners? Commissioner Campbell?

Commissioner Campbell: I have one of staff, please. We are looking at this as an Article II site plan, right?

Director Sellman: Yes, we are.

Commissioner Campbell: Are all of the documents in place for this review?

Director Sellman: Can you be more specific?

Commissioner Campbell: Article II requires several documents, doesn't it, as far as the drainage? Am I wrong?

Director Sellman: The comments from the Development Review will indicate that drainage details will need to be submitted and Rick, did we receive drainage?

Mr. Stauder: To my knowledge, Engineering hasn't revised their comments.

Director Sellman: Okay, so that is an outstanding comment.

Mr. Stauder: If I could note, and I think staff did get it changed, initially the County fire department was recommending a denial. I think based on they didn't know the

length of the proposed driveway and whether it would need to have an approved hammer head type turn around for fire fighting apparatus. Mr. Grise revised his site plan and clarified that distance which is going to be 145', which is under the 150' where the turn around would be required. The denial from the County fire department was changed to an approval.

Commissioner Campbell: Thank you.

Chairman Threadgill: Any other questions to the issue at hand? Wanda?

Commissioner Thorp: Would this be the proper time? Mr. Mooring here has some questions. Could we help answer any of those that ...who is responsible for the site maintenance because it looks like it needs a little help now?

Chairman Threadgill: Any recommendations like that can be made tomorrow to staff downstairs if there's any ...those have really no factor in what's going on right now.

Commissioner Thorp: Okay.

Chairman Threadgill: Any other questions? Commissioner Campbell?

Commissioner Campbell: Just another question to staff. If everything's in place, this is the site plan. We have no grounds to deny it, do we?

Director Sellman: We do not have a drainage plan.

Commissioner Campbell: That ain't my question.

Mr. Stauder: There is the front yard setback issue of 18'. Mr. Grise might want to elaborate on that. He talked in detail to me about how that came about.

Chairman Threadgill: Mr. Grise, will you please come back to the podium? There are some issues with your drainage plan that the City's requesting and side yard setback ...front yard setback?

Mr. Stauder: Front.

Chairman Threadgill: Front.

Mr. Grise: I talked with someone from the Engineering Department I believe and

this is less than an acre of ground and evidently it's not required for that small of a piece of property. That was my understanding. The way this thing started out, I went into the Planning Commission and before August of 2006, was told that there was no problems. I could go with this. There wasn't a problem. I came in later and the setback came out. I called the Planning Commission and was informed that they do not regulate setbacks in the County. I called just the other day and asked them again for the setbacks and the young lady said, "well how are you zoned?" I told her that we're not zoned. We're in the County. She said that the County does not regulate setbacks and the City does not regulate setbacks in the County. So I called the County and got their setbacks, which are 30' from the centerline of the highway. I was under the impression that was the setback. I sat this building back ...I actually set it back about 20'. I think they set it back about 18', but I'm still told that the City doesn't regulate those setbacks so I did go to the County. In fact, I was told by the State just a day or two ago that ya'll, that the Planning Commission here said that they did not regulate the setbacks on County roads.

Director Sellman: Rick, would you ...

Chairman Threadgill: Comments?

Director Sellman: That's not consistent with ...

Mr. Stauder: Mr. Grise voiced that to me a couple of weeks ago and I asked Mr. Grice who he spoke with in the Planning Department and he did not get the name of the individual. Us not regulating setbacks in the County is not correct. We currently do have a front yard setback requirement. It does not list side yard or rear yard. That's something that may be revised in the new Subdivision Code if it is in fact adopted. Since Marion Anderson is considered an arterial right there, if I'm not mistaken, technically it should have a 30' front yard setback off the front property line. The picture on the screen now, we were able to go out and locate the corner pins and Mr. Grise actually had a string pulled so we were pretty confident on our 18' measurement as Mr. Grise alluded to is where the building is setting from the front property line.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: I was scratching my ear.

Chairman Threadgill: Oh. Commissioner Clopton?

Commissioner Clopton: My question was answered.

Chairman Threadgill: Any other questions? Commissioner Campbell?

Commissioner Campbell: I want to know about the drainage. It's mentioned in the development review, but is it required of this project or not?

Mr. Stauder: I really don't know the answer to that. I know that the property slopes from North to South, basically it's higher elevation at Marion Anderson and it slopes back to the rear of the property. It's pretty heavily wooded on the rear and to the Southeast. But whether Engineering got what they were needing as far as a drainage plan, I just don't know the answer to that.

Director Sellman: I would add that the storm water requirements do not apply because it is smaller than one acre, but I don't think they are exempt from providing a drainage plan.

Chairman Threadgill: The Code says they have to have a drainage plan and in here, Denny McPhate asked that one be provided. It's a problem without having a drainage plan. Any other questions or comments?

Commissioner Campbell: Again ... no.

Director Sellman: I would like to make a comment if I could, Mr. Chairman. I think the applicant has made things very, very difficult for his neighbors. What he's done may not have been illegal in terms of the way that property looks, but as we know the County does not regulate environmental conditions such as debris, trash, and so forth on a site. I think there's been an unfortunate display of disrespect for the people living around this property. The fact that you have not complete information before you to make this decision might be something to consider.

Chairman Threadgill: Alright. Thank you. I'm still kind of at an uneasy deal with the Engineering plan, but I'll entertain a motion.

Commissioner Campbell: I motion to table this until the Engineering plans are brought up and it also said in there that it would give the width and the type of driveway and I see the 21' it looks like approximate, I can't tell on this drawing, but it just says it will be hard surfaced paved and I think he needs to get with Engineering and get a more defined type of driveway that he's going to put in because Engineering did ask for that in the DRC.

Chairman Threadgill: Do you understand what's being said, Mr. Grise? What we've got, the City Engineering is wanted an engineered diagram and then part of the

ordinance states that there will be paved parking. You might want to get with the Engineering Department tomorrow and get with them. Right now what I've got is a motion on the floor to table. Do I have a second?

Commissioner Clopton: Second.

Chairman Threadgill: I have a motion to table and a second. All in favor? <Ayes> Motion passes. It's tabled. What that will be, it will be on next month's meeting again. You'll need to get with the Engineering Department and get that area straightened out with them and then we'll go from there.

Mr. Grise: Thank you.

Chairman Threadgill: Thank you, Mr. Grise.
(For 6)

- 6 Preliminary Subdivision (PS-07-0078) - Wildwood Gardens Phase I & II - New 23 lot subdivision in R-2 district. - Wildwood Circle - District 6

Approved with Conditions

6. Preliminary Subdivision (PS-07-0078) - Wildwood Gardens Phase I & II - new 23 lot subdivision in R-2 district - Wildwood Circle - District 6 - R-2

Director Sellman: Item No. 6 is Wildwood Gardens, Phase I & II. This is a preliminary subdivision. This is a 23 lot subdivision in the R-2 Zone District. The Comprehensive Plan classification is Low Density Residential. It is located in District 6. This is an unusual situation. We have a request to replat to relocate the building line. Several lots were developed without observing the approved building line in the front and side yards, so the applicant is seeking to replat so that the building line is moved. This is for both, and you may wish to clarify this with the applicant, for both existing and undeveloped lots. The recommendation is approval with conditions.

Chairman Threadgill: Is the applicant present? Please come forward and give us your name and address, sir.

James Montgomery, 101 Whispering Hills: I am a surveyor with B&F Engineering. I

work for the developer/builder, Michael Wright. What Mr. Wright would like to do is he built several of the homes there and in the process, had a survey done and realized that he had encroached on the building setbacks. At that point, we brought that to the City's attention and they came back with comments and asked that we submit for an amended plat. We did do that and I have visited with staff on their recommendations here. What we would like to have is an 8' side yard setback, realizing that's our worst case scenario with our current houses that are in there. That only I think applies in one or two spots. Staff had us come back and said we'd like to ...we're okay with what, we're not okay with it, but we'll live with what's been done but from this point forward we would like to keep everything at 12' in compliance with the R-2 on the side setbacks. The developer feels that the 12' is going to be a situation with his current lots in there with the houses that he's trying to build, so I guess if we could ...We like 8', but if we could get 10', that would help our situation. As far as the front setback goes, we can live with 35' with the exception of what has been encroached in. I don't know if that addresses the problem out there or not.

Chairman Threadgill: Do I have any questions to the applicant from the Commissioners? Sir, you may have a seat. Is there anyone else in the audience who has anything to say for or against this item? Again, anyone else in the audience have anything to say for or against this item? Please come forward and give us your name and address for the record, sir.

Mr. Scott Smith, 118 Ravenwood: I'm the realtor that's helping to promote the property for the developer. At the request I thought of the Planning Department, we went back and got the subdivision replatted with the 8' setbacks and the setbacks that are on those plats that you have. I did go by and speak with all of the property owners that are currently there and got their signatures of approval.

Chairman Threadgill: Do you have that with you, sir?

Mr. Smith: I think everybody should have copies of that.

Female Speaker: We have it.

Chairman Threadgill: Any questions to that individual? Mr. Smith? None? Is there anyone else in the audience with anything to say for or against this item? Again, anyone else in the audience with anything for or against this item? Seeing none, I'll close the public portion and ask for questions or comments from the Commissioners. Commissioner Kleinman?

Commissioner Kleinman: Where do we have the approval? I don't see the approval, the signatures from the property owners saying what they will <unintelligible>.

Director Sellman: They are not in your packet. We do have that now.

Commissioner Kleinman: Okay.

Chairman Threadgill: Staff has them in their box over there.

Commissioner Kleinman: Thank you.

Chairman Threadgill: Would you like to see them?

Commissioner Thorp: Umm, hmm.

Mr. Stauder: Mr. Chairman?

Chairman Threadgill: Rick?

Mr. Stauder: If I might just make one point to your attention, this replatting, proposed replatting is also actually reducing the number of lots from what was originally approved. They did some lot combinations. I believe if I'm correct in this, Phase I is now going to consist of just eight lots instead of the original approval of nine. I believe they reduced Phase II by two lots. So the total reduction is three lots for both phases being proposed.

Commissioner Campbell: Mr. Chairman?

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: And this will be to you or Ms. Sellman either one, what they're doing is reducing the rest of the lots so that it will come into conformance. Is that right?

Mr. Stauder: Well the actual R-2 standard requires a 35' front yard and 12' side yard. That was the way it was originally platted. I don't know that the developer at the time that the subdivision was first submitted for preliminary plat approval realized that he might have an issue with the lot width. He wants to market to a certain type of consumer and it needs to be a certain sized home. So now it's my understanding that they're going to have a difficult time putting that type of house that he needs to put on the lots and meet the 12' setback. I did do the staff write-up on this.

Basically they're asking for a subdivision-wide Phase I, Phase II setback reductions to 24' and 8'. As the surveyor alluded to, we're kind of stuck with what's already built. I just didn't know if whether that should be carried out and then the remainder of the vacant lots also given that reduction based on a mistake by the contractor basically. At the same time, if you require the other structures to be built at approved setbacks, it may create a staggered appearance of structures. That's just the way I see it.

Chairman Threadgill: You said they have nine lots that are on this one side. You said they cut that down to eight?

Mr. Stauder: Yes, sir. It goes from Lot No. 1 to Lot No. 3. There actually were two lots is my understanding in this location, or three, and they combined them into two lots so they eliminated Lot No. 2 if I'm correct on Phase I.

Commissioner Campbell: Is that where the house are built now?

Mr. Stauder: No, sir. That's vacant there now.

Chairman Threadgill: Yes, sir? Give us your name and address for the record.

Mr. Michael Wright, 324 Quail Creek Road: The reason ...I see what you're alluding to. The lot that was in between them was 68' wide. It was not wide enough to build a house, so I eliminated the lot and made the other two lots and the other part, one of the lots, the lot that actually sat on the front corner, there were four lots, was 68' wide, so it wasn't wide enough to build on; so I eliminated those and made the lots bigger so that we wouldn't have this. The 24' setback problem is my fault. All I've ever built in the City in my whole life was I went behind the curb and hooked to the curb and went 35' from the curb. That's what happened on that. That's human error.

I'm sorry. I've actually got four or five houses that I have built out there and they meet all of his requirements. He was asking about me losing the lots and that's why I lost the lots, yes, because that 68' wasn't wide enough to build a house on and meet the requirements.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: I have a question of Mr. Wright. If you had to meet the required side yard setbacks of the ordinance, how many lots would you lose in this subdivision?

Mr. Wright: I wouldn't lose a lot. I won't lose a lot, but I would have to reshift some lots, yes, to do it. But my problem is with me building them like they are right now,

the ones that I'm building, instead of 12', I'm 11'8" because of the brick. There is 4" brick on each side and I lose 4". The brick actually hangs over and that's why I asked for the 10'. Is that what you're asking me?

Commissioner Campbell: Well, I'm kind of confused. It sounded like you were asking for 8'.

Male Speaker: I might ...I'm sorry, sir. If I might address this.

Chairman Threadgill: Give us your name and address again for the record, sir.

James Montgomery, 101 Whispering Hills, Hot Springs: Mr. Campbell, there's a few of those homes that he built early on that are at that 8' setback line. In order to go through there and try to get 12' to work, because the houses are staggered, you will, I can't tell you the number of lots you will lose, but he would lose some lots if he tried to maintain the current floor plans that he's building out there. Now the reasoning behind the 8', to do it overall, is that we could have gone in there on that plat and said this lot has an 8', this lot has a 9', this one has a 10', and everything else has a 12', but I can tell you just from experience on down the road, those multiple setbacks could be a problem in the future. So in my opinion it was better to try an 8'. I know it doesn't meet the 12' that it should be, but in this circumstance, I believe we're better off to stick to one setback rather than have a bunch of varying setbacks in that subdivision. I don't know if I answered that or not.

Commissioner Campbell: There's something I'm missing there. You're replatting it. I'm just not understanding why you can't replat it to fit and make the setbacks come out right on the remaining houses.

Mr. Montgomery: Well, yes, sir. Okay. If you have three ...you're going to lose lots, sir. I mean you're going to lose more than just the two lots.

Commissioner Campbell: He just said that he wouldn't lose any if he met the setbacks.

Mr. Wright <from the audience>: That's based on what would be <unintelligible>.

Chairman Threadgill: Come up to the microphone, sir, if you have anything to say.

Mr. Montgomery: I think, well, Michael can come back up, sir, but I can tell you that he would have change some of his houses a little bit in order to maintain that 12' because there's just a few of those lots that are at 70' I believe thereabouts and he

needs 75' to make that work.

Chairman Threadgill: Commissioner Thorp?

Commissioner Thorp: Are you saying those that it would take to meet that are not built yet? Is that correct? Am I understanding that? This one you just mentioned at 70'. Those houses are not built yet. Is that correct?

Mr. Montgomery: I think there's a few of those smaller lots in there, yes, ma'am, that aren't built yet.

Commissioner Thorp: So if you haven't built it yet, then you could make it 12' like it's supposed to be.

Mr. Montgomery: We could make it. Yes, ma'am, you could make it 12' with another floor plan, but in the area, I think they're trying to work with five different floor plans. Yes, ma'am.

Commissioner Thorp: And you alluded to something about that if these lots are one's 9', one's 10', one's 11', what kind of problems are you talking about 25 years down the road? I don't understand.

Mr. Montgomery: I just know from a surveyor's standpoint when you go out, it's just simple if you have one setback and you have a side yard setback of a certain foot, a front setback, a rear setback. They're all the same. That's what I was getting at, ma'am.

Commissioner Thorp: Okay.

Chairman Threadgill: How far off the front yard are you? Of those you have built now, how far off the road are they?

Mr. Montgomery: We're looking like we have seven that are roughly at 24'. I've got the <unintelligible> build certificate, but 24' roughly.

Chairman Threadgill: <unintelligible>

Mr. Montgomery: From that point forward, once he realized what he was doing, he did start pulling off the lot corners for the 35'.

Mr. Stauder: The closest structure is 24' off the front property line. It may appear

further than that from edge of pavement, but 24' from the property line would be the closest on the front.

Chairman Threadgill: Alright.

Mr. Stauder: We could view this one right here.

Chairman Threadgill: Commissioner Clopton?

Commissioner Clopton: How many lots are we talking about that are undeveloped at this point?

Mr. Wright <from the audience>: Eleven.

Commissioner Clopton: We're talking about 11?

Mr. Montgomery: Eleven lots, yes, sir.

Chairman Threadgill: Do we have any other questions from the Commissioners?
Commissioner Campbell?

Commissioner Campbell: I have one of staff. Do we have the ability to vary side yards and rear? I know we can vary front yards. It says we can.

Director Sellman: You have the ability to vary the front yard and let's take a look at the book on that.

Chairman Threadgill: I thought it was the BZA.

Director Sellman: On plat, you have the ability to establish a building line that is more or less. Is that correct, Rick?

Mr. Stauder: It was my understanding that it was basically at the Commission's discretion on all building setbacks. I don't know if I can actually put my finger on a section of ordinance that states that; but I know it does say that if you are requesting any waivers from the regulations, you can submit that to the Commission in writing. It was always my understanding that the Commission at the plat level has the ability to set subdivision-wide setbacks. Once a subdivision is platted and recorded, individual lots are supposed to come to the Board of Adjustment to seek individual uniqueness; but I always thought that the Commission had the ability to set setbacks at the plat level of subdivision lines, front, side, and rear.

Commissioner Campbell: Again, in our book in R-2, it just says that we can vary the front yard, but when it comes to side yard and rear yard, it says 12' and 25' and that's all we have in the R-2.

Mr. Stauder: I think I'm referring to the Subdivision Ordinance.

Director Sellman: I think though that Mr. Campbell is correct -- if we have specific direction within a zone district that we would be looking at only that. That would appear to be the case.

Male Speaker: It would have to be 12' to <unintelligible>.

Director Sellman: That's the way I'm reading it.

Commissioner Campbell: That would be something that would now have to go to the BAA or the BZA. Am I right or wrong?

Director Sellman: It doesn't appear, unless we can find something that says otherwise, that the side yard can be varied by the Planning Commission.

Mr. Stauder: Can I read ...?

Mr. Montgomery: May I address the Board one more time?

Chairman Threadgill: Hold on, sir. Rick?

Mr. Stauder: I was going to read one section out of our Subdivision Ordinance if I might, and then I think that is the section that I was thinking of. It's under § 16-4-10 Variances:

The rules and regulations set forth in these regulations are the standard requirements of the City. Where the applicant alleges that extraordinary hardship or practical difficulties may result from strict compliance with these regulations, or if the purpose of these regulations may be served to a greater extent by an alternative proposal, the Planning staff shall review such requests for variance and the staff and Commission shall forward its recommendation to the Planning Commission for final action so that substantial justice may be done and the public interest secured. Such variances, however, shall not have the effect of nullifying the intent or purpose of these regulations.

Then it goes on to state three or four things: it needs to be in writing, etc. Then there is one down there under 3 that says the variances will not in any manner vary the provisions of the Zoning Code, so I ...

Chairman Threadgill: That's where in the past, we've always sent them forward to the BZA, in my ...

Director Sellman: But I think Commissioner Campbell is absolutely correct. I think we have the ability to move the front building line, but in the R-2, it's very specific.

Chairman Threadgill: Yes, sir?

Mr. Chuck Smith, 118 Ravenwood, Hot Springs: Just to address Commissioner Thorp's question about the staggering variances, if we had one at 12', one at 11', one at 10', from a realtor's standpoint, when we get to the closing 20 years from now and 10 years from now, at a realtor's and the seller or buyer requests a survey and if the surveyors aren't on their toes and do all their work, they're going to ...you're going to get to the closing table and there's going to be an exception on the title. That's where it becomes a little bit of a problem, so from a realtor's standpoint in addressing that variable offset, I would prefer to see it standard. It alleviates some headaches down the road. That's kind of what I wanted to address. Does that clarify that a little bit?

Commissioner Thorp: Thank you. Umm, hmm.

Mr. Smith: Thank you.

Chairman Threadgill: Let me make this comment to the Commission real quick. We have the authority to waiver the front yard only. As far as the variances from 8' to 10' or whatever between the buildings, as far as side yard setbacks, we do not have the authority. It will have to be taken to the BZA for an appeal or for a variance through the BZA. So I assume at this point, we'll go with whether or not to give them the variance on the front yard setback to 24'. Correct?

Director Sellman: Mmm, huh.

Commissioner Clopton: Mr. Chairman, would it not be appropriate for us to suggest that they go to the BZA for the variance. It seems like a reasonable request. The subdivision has a nice appearance to it and I think it's placing a pretty significant hardship upon them.

Chairman Threadgill: Well that's a hardship that we had no control over. At this point, that has to go to the BZA as Commissioner Campbell stated. We don't have the authority to give them the waiver on the side yard.

Commissioner Clopton: Right. We switch. They would simply have to go there.

Chairman Threadgill: They just have to come down tomorrow morning and apply for an audience with the BZA. But this Commission does have the authority to grant the 24' front yard, if you see fit.

Male Speaker: <unintelligible> and then I'm going to ask you a question.

Chairman Threadgill: Go ahead Commissioner Campbell.

Commissioner Campbell: Has it gone through the review that's required in the ordinance of going to the Fire Marshal, Police, Public Works, and all of those? He's been through that review?

Director Sellman: Yes. He's been through that.

Commissioner Campbell: ...for lowering of the front yard anyhow?

Director Sellman: Right. The review that was done, actually was looking at more of a restriction or a rejection of the setbacks than what you all are looking at tonight.

Commissioner Campbell: Am I seeing this right that they're asking for a 24' front yard, 8' and a 25' on the side and the rear? That's what they're asking for?

Director Sellman: That's what they're asking for. It doesn't appear that you have the authority to vary anything other than the front yard.

Commissioner Campbell: To save the gentleman time, would it be appropriate to go ahead and make a motion to approve the front yard setback and leave the side yard and rear yard as per the R-2 zoning? That way he can go ahead and go to the BZA without having to come back to us.

Director Sellman: That's really your only alternative.

Commissioner Campbell: That would be ...

Chairman Threadgill: That's what I just stated. All we have right now is the authority

to set the front yard. Everything else will remain as Code. They go to BZA and get those variances if the BZA sees fit. But right now, all we're looking at is giving him, whether or not this Commission is going to give him the 24 yard, excuse me, 24' setback that they require or request.

Commissioner Thorp: Are we going to do that on all of the lots or just the ones that are already ...?

Chairman Threadgill: All the ones that's in the subdivision right now.

Commissioner Thorp: Okay.

Chairman Threadgill: In this plat. Correct?

Director Sellman: That's what they're asking for.

Commissioner Clopton: Which would put in to all the developed and the 11 undeveloped lots.

Chairman Threadgill: Okay.

Commissioner Campbell: And this is not an unusual request for front yard setbacks. It is unusual for the side and rear yards, but that's why the ordinance was written to give us the ability to vary front yard setbacks. If a motion would be in order ...

Chairman Threadgill: Not yet. The applicant would like to ask one more question. Give us your name and address for the record again please.

Michael Wright, 324 Quail Creek: My question to you is I hear you're discussing all this and I'm listening. Are you going to grant the variances on the lots on the houses that are already there because from what I understand, ya'll have control of that and you have control of granting me to add the ...to cut the lots out that I'm cutting out. Are you able to do that?

Director Sellman: Do you want me to answer that?

Chairman Threadgill: Go ahead.

Director Sellman: The reconfiguration of the lots, the reduction in the number of lots, and placing the lot lines where you have drawn them - that can be done tonight. The variance to require only 24' rather than 35' in the front - that can be done

tonight. But the plat will need to be redrawn to show the building lines at 12' on the side and 25' (is that what it is on the back?) <Chairman Threadgill: Yes, 25' on the rear.> and 25' on the rear. The Planning Commission cannot vary that for you - neither the undeveloped nor the developed can be changed for you that way.

Commissioner Thorp: Make sure he understands.

Chairman Threadgill: Understood? Please come forward and give us your name and address, sir.

James Montgomery, 101 Whispering Hills: What Ms. Sellman's saying there is that what staff had recommended here as far as accepting the others as they are, that's not going to happen?

Chairman Threadgill: No, sir.

Mr. Montgomery: Well, that's just what we're trying to clear up and make sure.

Chairman Threadgill: If this Commission sees fit, they'll accept your plat the way you've drawn it here and with your 24' setbacks from the street.

Mr. Montgomery: Right.

Chairman Threadgill: That's all we have the authority to approve.

Mr. Montgomery: Yes. Right. I think Michael was confused because we were looking at the letter here and staff had recommended that we accept what was there. What we're saying now though is the only thing ya'll can adjust is the front.

Chairman Threadgill: Right.

Mr. Montgomery: Okay. Alright.

Chairman Threadgill: Commissioner Campbell, I think you made a request for a motion.

7 Preliminary Subdivision (PS-07-0086) - Wynnewood Subdivision - 17 lot subdivision in the county. - Located on North side of Marion Anderson between Bledsoe and Colt. - County

Approved

7. Preliminary Subdivision (PS-07-0086) - Wynnewood Subdivision - 17 lot subdivision in the County - located on North side of Marion Anderson between Bledsoe and Colt - County - ET

Director Sellman: Item 7 is Wynnewood Subdivision, a preliminary subdivision for 17 lots in the extraterritorial jurisdiction. It is located on the North side of Marion Anderson between Bledsoe and Colt. A revised preliminary plat reflecting DRC comments was submitted after the agenda packet was distributed and we do have that, Mr. Raabe. The recommendation here is approval with conditions.

Chairman Threadgill: Please give us your name and address for the record, sir.

Mr. Milton Raabe, 130 Hillside Place, Hot Springs.

Chairman Threadgill: Alright, Milton, you've given us all the revisions on your plans?

Mr. Raabe: Yes, they were submitted last week. This subdivision was approved last year as part of West Oak Subdivision. Since then, they were able to buy the front lot that borders Marion Anderson so they could get access separately from West Oak; so they decided to change the subdivision name too.

Chairman Threadgill: Do I have any questions from the Commissioners to the applicant? None? You may have a seat, Mr. Raabe. Is there anyone in the audience who has anything to say for or against this item? Anyone in the audience with anything to say for or against this item? Seeing none, I'll close the public portion and entertain any questions or comments from the Commissioners. Commissioner Campbell?

Commissioner Campbell: Again, me. <laughter> To staff, this cul-de-sac looks like it's a little bit long, is it within our boundaries?

Director Sellman: Mr. Raabe may want to respond to that.

Chairman Threadgill: Milton, is that within 800'?

Mr. Raabe: No and when we made a request to have an approval, it's like 860' to the start of it.

Mr. Stauder: Here's a copy of the letter on the variance.

Mr. Raabe: There should be a copy of the letter requesting a variance.

Commissioner Campbell: Thank you.

Director Sellman: I believe this has approval by Mr. McPhate.

Mr. Stauder: Correct.

Commissioner Threadgill: Thank you, Milton. So along with this, we'll have to get a variance or a waiver on the 800' cul-de-sac?

Director Sellman: Yes.

Chairman Threadgill: To allow for 860'? Is there any other questions from the Commissioners? Commissioner Thorp?

Commissioner Thorp: This is just for staff. I don't understand the recommendation. Has that changed since ...?

Director Sellman: The recommendation has changed because the applicant's representative did submit a revised plat. That submittal did not come into well after the agenda packet was prepared. But the Development Review comments have been cleared. That's true, is it not? They are all taken care of at this point; so the approval, should you deem that as your desire, would include a variance on the cul-de-sac length as just mentioned by Mr. Raabe.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: I would urge my fellow Commissioners that we have granted some cul-de-sac length variances in the past, even a little longer than this, so this is within what we have done in the past.

Chairman Threadgill: Well within the realm. Any other questions from any of the Commissioners? Commissioner Thorp?

Commissioner Thorp: I have one. What about this right-of-way conflict here?

Chairman Threadgill: Mr. Raabe, would you please come back and address that for Ms. Thorp, please?

Mr. Milton Raabe, 130 Hillside Place: You don't have the revised sheet. The revised

sheet shows that we're giving 10' extra right-of-way, then the first setback is 35' behind the 10'.

Commissioner Thorp: Okay. I just wanted to be sure.

Mr. Stauder: This is it on the screen now.

Mr. Raabe: The Marion Anderson Road is 60' right-of-way now and is scheduled to go to 80', so we gave 10' and the other side gives 10'.

Chairman Threadgill: Any other questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Kleinman: Mr. Chairman, I move that we approve this request subject to the revised recommendations from staff.

Chairman Threadgill: Okay and we need the waiver of 860' on the cul-de-sac.

Commissioner Kleinman: Including the waiver on the 860' ...

Director Sellman: And an 80' <unintelligible>.

Chairman Threadgill: I have a motion.

Commissioner Campbell: Second.

Chairman Threadgill: And a second. Any discussion? All in favor? <Ayes>
Opposed? <None> Item passes.
(For 6)

- 8 Preliminary Subdivision (PS-07-0088) - Blue Heron Shores II - 15 lot subdivision on Lake Hamilton in the county. - Off of Old Brundage Rd. - County

Approved with Conditions

8. Preliminary Subdivision (PS-07-0088) - Blue Heron Shores II - 15 lot subdivision on Lake Hamilton in the County - Off of Old Brundage Road - County - ET

Director Sellman: Item No. 8 is Blue Heron Shores II. This is a preliminary

subdivision for 15 lots on Lake Hamilton. It's off Old Brundage Road. It's in the extraterritorial jurisdiction of the City. The Comprehensive Plan classifies it Suburban Residential and the recommendation is conditional approval.

Chairman Threadgill: Please give us your name and address. Is the applicant present? Please give us your name and address for the record, sir.

Mr. Rick Thrash, 428 Broadway.

Chairman Threadgill: Mr. Thrash, a little bit of what you've got going on there.

Mr. Thrash: We are just opening some more lots for sale out of the existing infrastructure that we've already put in place 10, 12, 13 years ago.

Chairman Threadgill: Do I have any questions of the applicant from the Commission? Again, any questions to the applicant? Alright, sir, you may have a seat.

Mr. Thrash: Thank you.

Chairman Threadgill: I have one question to staff. Has any of this been platted or is this just one section they want to plat right here?

Director Sellman: This is one section they want to plat. They have additional areas that have been platted and developed.

Mr. Stauder: There are several phases of the residential Driftwood development. I'm going to try and blow it up on the screen here. What's emboldened here on the plat you see is the proposed phase now. This is a phase. This is pretty much built out Osprey Point. All of this is built and there are also several structures in this phase. I guess this is also Osprey.

Chairman Threadgill: Okay. So he just kind of as he builds, he extends his plat.

Mr. Stauder: He did all the infrastructure all at one time, 13 years ago. They just choose to subdivide the land one phase at a time.

Chairman Threadgill: Okay. <unintelligible> Any questions from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Campbell: I make a motion, Mr. Chairman, that we approve this with

staff's recommendations.

Chairman Threadgill: I have a motion from Commissioner Campbell to approve with staff's recommendations.

Commissioner Clopton: Second.

Chairman Threadgill: I have a second from Mr. Clopton. All in favor? <Ayes> Opposed? <None> Item passes. At this time, I've got to call a little break, folks. If you don't mind, we'll take five. Sorry.

Director Sellman: Back at 7:30 p.m. then.

Chairman Threadgill: Right.

Conditions:

1. Compliance with any and all items as listed on the DRC report from the April 24th, 2007 meeting;
2. Construction is to be accomplished in accordance with all applicable construction codes;
3. The Planning Director shall be authorized to sign the preliminary and/or final plat once all conditions have been satisfied, and work shall not proceed on any additional structures until the preliminary plat has been so executed; and
4. Sale of any additional lots shall not occur until a final plat meeting the requirements of H.S.C. §16- 4-27 has been approved by the Planning Director and filed for record with Garland County Circuit Clerk. (For 6)

- 9 Preliminary Subdivision (PS-07-0087) - Gabriel Estates - Preliminary Subdivision Review for new 12 lot single family residential dwellings. - 400 Block S Moore Rd - County

Approved with Conditions

9. Preliminary Subdivision (PS-07-0087) - Gabriel Estates - Preliminary Subdivision Review for new 12 lot single family residential dwellings - 400 Block S Moore Road - County - ET

Director Sellman: Item 9 is Gabriel Estates preliminary subdivision -- a request for single family lots from the 400 Block of South Moore Road. This was 12 lots. It is now seven. It's in the extraterritorial jurisdiction. The Comprehensive Plan classification is Suburban Residential and the recommendation is conditional approval.

Chairman Threadgill: Is the applicant present? Please give us your name and address.

Mr. Milton Raabe, 130 Hillside Place: As she said, this subdivision was approved about a year ago and the owner decided he wanted larger lots, so we're reapplying. We dropped from 12 to seven.

Chairman Threadgill: Just resubmitting your site plan? Alright. Do I have any questions for Mr. Raabe? Commissioner Campbell?

Commissioner Campbell: Are you going to be able to meet this 35' on ...?

Mr. Raabe: Yeah. When the lots are this big, it's easy. <laughter> I hope so.

Chairman Threadgill: Any other questions for Mr. Raabe? Alright, sir, you may have a seat. Is there anyone in the audience with anything to say for or against this item?

Mr. Raabe: The owner is here if you have questions for him.

Chairman Threadgill: Alright. Anyone else in the audience with anything to say for or against this item? Seeing none, I'll close the public portion. Questions or comments from the Commissioners? Commissioner Clopton?

Commissioner Clopton: Have the drainage details been provided?

Mr. Raabe: Yes.

Mr. Stauder: It's on your screen now. It was a late submittal as well.

Commissioner Clopton: Thank you.

Chairman Threadgill: Any other questions? Commissioner Thorp?

Commissioner Thorp: Yes, are the sidewalks like Ms. <unintelligible> has asked for? Will there be sidewalks?

Director Sellman: Will there be sidewalks?

Mr. Raabe: No.

Chairman Threadgill: Please come forward to address that, Mr. Raabe.

Mr. Raabe: The detail she was looking at was the drainage and paving details and it's got a thing that says "as required" and we're not providing them; because it's shown on the schematic in case you do have to have them.

Chairman Threadgill: It looks like they're on the drawing.

Mr. Raabe: They're on the drawing, but if you'll look on the left side, it says "as required."

Chairman Threadgill: Okay.

Commissioner Thorp: Okay.

Mr. Raabe: They would look out of place out there.

Chairman Threadgill: Any other questions? Commissioners? If none, I'll entertain a motion.

Commissioner Campbell: I got one question.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: Mine, right?

Chairman Threadgill: Yes, sir.

Commissioner Campbell: What is recommendation 3 - all other structures? Am I missing something here? Are there some structures already there?

Director Sellman: I don't think that should be there.

Commissioner Campbell: Okay.

Director Sellman: Strike that.

Commissioner Campbell: Okay.

Commissioner Clopton: There's one house near completion and one that's just started out there now.

Chairman Threadgill: Any other questions? Seeing none, I'll entertain a motion.
Commissioner Clopton?

Commissioner Clopton: Mr. Chairman, I move that we approve this project subject to staff's recommendations.

Commissioner Kleinman: Mr. Chairman, I second the motion.

Chairman Threadgill: Alright, freeze. I just had a request to withdraw Item 3 from staff's recommendations. Will that be acceptable?

Commissioner Clopton: Yes.

Commissioner Kleinman: Yes.

Chairman Threadgill: I have a motion to approve with staff's recommendations, all except Item 3 and I have a second. All in favor? <Ayes> Opposed? <None>

Conditions:

1. The preliminary plat for Gabriel Subdivision shall be revised to show the required additional right of way dedication along the west side of South Moore Road the entire length of this proposed subdivision. Amount of right of way required to be dedicated is all lands lying within 30' when measured 30' from the centerline of South Moore Road;
2. The preliminary plat for Gabriel Subdivision shall be revised to show the required 35' minimum building setback from South Moore Road for lots one & seven. This minimum setback measurement is to be from the newly established right of way line after the required right of way dedication as explained in condition/recommendation #1;
3. Compliance with any and all items as listed on the DRC report from the April 24th, 2007 meeting;
4. Construction is to be accomplished in accordance with all applicable construction

codes;

5. The Planning Director shall be authorized to sign the preliminary and/or final plat once all conditions have been satisfied, and work shall not proceed on any additional structures until the preliminary plat has been so executed; and

6. Sale of any lots shall not occur until a final re-plat meeting the requirements of H.S.C. §16- 4-27 has been approved by the Planning Director and filed for record with Garland County Circuit Clerk. (For 6)

10 Preliminary Subdivision (PS-07-0083) - Melia Gardens Phase III - Phase 3 lots 26-55 - On Palos Verde Drive off of San Carlos Point - County

Approved with Conditions

10. Preliminary Subdivision (PS-07-0083) - Melia Gardens Phase III - Phase 3 lots 26-55 - on Palos Verde Drive off of San Carlos Point - County - ET

Director Sellman: Item No. 10 is Melia Gardens, Phase III, preliminary subdivision. This is Phase III. The lots are numbered 26 to 55. It's on Palos Verde Drive off San Carlos Point. It's in the extraterritorial jurisdiction of the City. The Comprehensive Plan classification is Suburban Residential. The recommendation is approval with conditions.

Chairman Threadgill: Is the applicant present? Please give us your name and address, sir.

Mr. Mike Malloy, 1125 Marion Anderson Road.

Chairman Threadgill: A little bit about what you're going to do there, Michael.

Mr. Malloy: We're just going ahead and platting the rest of Palos Verdes in the cul-de-sac there.

Chairman Threadgill: Do I have any questions to the applicant? Commissioner Clopton?

Commissioner Clopton: Mr. Chairman, just an informational question. The existing lots that you have already - some of them are developed and some of them are still under development - that you had, some of the backs of those lots are pretty steep.

Mr. Malloy: Yes, sir.

Commissioner Clopton: They drop off rather rapidly. Is there going to be any kind of retaining arrangement or anything for the lots that are down below that you're going to back up to those?

Mr. Malloy: I guess I'm not sure where you're talking about? Where we're building on Phase II on the other side of the road behind there?

Commissioner Clopton: Maybe I'm missing where you are. Do these new lots that you're getting ready to ...do those back up to that rather steep area?

Mr. Malloy: Well, actually there's a gulley that runs down behind all those. Yes, sir. They back up to that.

Commissioner Clopton: Okay. It was just for my information. I was just curious. It has nothing to do with anything other than <unintelligible>.

Mr. Malloy: Sure.

Chairman Threadgill: Commissioner Campbell?

Commissioner Campbell: On the drawing you've got up there now, Rick, this little street that takes off to the left ...

Mr. Stauder: <unintelligible> del Ray.

Mr. Malloy: At the top there? That will be going in through Cornerstone at some point in time when Mr. Garrett gets it developed. He's filling in an area back there now to bring a road across.

Chairman Threadgill: That street is there and it dead-ends into Garrett's property. It's barricaded off right now with barrels.

Mr. Malloy: Yeah, we've got a gate there right now.

Mr. Stauder: I was thinking I had a picture of it, but I may not. No. It's about 7,500' long and just dead-ends there at the Garrett property.

Chairman Threadgill: Any other questions? Thank you, sir. Anyone in the audience

like to speak for or against this? No? Seeing no one, I'll close the public portion. Do I have any questions or comments from the Commissioners? Commissioner Kleinman?

Commissioner Kleinman: Mr. Chairman, I do have a comment. That area there is getting developed and is going to get a lot more developed. It's becoming a nice area. I'm concerned that all the traffic, as best I can tell, will be dumping back through Buena Vista onto Central Avenue.

Chairman Threadgill: Correct.

Commissioner Kleinman: Which will be creating a real problem. With the - I can't quite read it - Del Ray? Casino?

Mr. Stauder: Camino Del Ray.

Commissioner Kleinman: Camino Del Ray, not Casino Del Ray. Okay. I'm thinking Tunica, I guess. I was just wondering if there's going to be any provisions made in that area to get traffic away to Central Avenue to Pakis or some other way out of that area?

Mr. Malloy: That's part of our master planning anyway.

Chairman Threadgill: In other discussions, they had worked out a deal with Mr. Garrett in the future to open that road up to go through and that's kind of where we're at on that.

Commissioner Thorp: How much a future are you talking about?

Chairman Threadgill: I have no idea. All they have is a proposed access road out for future growth and that's to be worked out with them and Mr. Garrett.

Mr. Malloy: This is a gated community. There is a gate there that will be operational, so really the only people coming in and out of there are going to be the people living there. There won't be thru traffic from Buena Vista through this development by other people. It's mainly just the people who live there.

Commissioner Kleinman: I was more concerned about the volume of traffic that eventually gets from this area and the areas around it, which may not be the same areas, eventually going to Central Avenue and then causing additional congestion. Now hopefully there are some plans being made if Camino Del Ray ...if it opens up

to Pakis or something like that eventually or whatever that can be done. I realize that's a lot of planning.

Mr. Malloy: Oh, okay.

Commissioner Kleinman: But it's something well worth looking at.

Commissioner Campbell: I have a question. I know when this thing first came about, our previous Planning Director had told us that he had talked with ya'll and with Gilbert I believe, Mr. Garrett, about that road going through. Do you know of any plans yet to where they're going to continue that road from Pakis?

Mr. Malloy: No, I don't.

Commissioner Campbell: And this will fall out onto that road if they ever develop it?

Mr. Malloy: At this point, as far as I know from what we've talked with Gilbert, it's not going to run over to Pakis. It was going to go through over to Cornerstone between Office Depot and Lowe's. If that's the way it's going to go, that's great. If not, we do have an easement that goes out that direction towards Pakis. But I believe at this point, it's going to go to Cornerstone.

Commissioner Campbell: Okay. Thank you.

Mr. Malloy: You bet.

<END OF SIDE ONE >

Commissioner Clopton: I notice that we're asking for 25' front yard setbacks.

Mr. Malloy: I believe so. It's on the lots. These lots we are leaving the way they were originally surveyed, instead of breaking them up and splitting them in half.

Chairman Threadgill: Any other questions? Seeing none, I'll entertain a motion.

Commissioner Campbell: I make a motion that we approve this with staff's recommendations.

Chairman Threadgill: I have a motion from Commissioner Campbell to approve with staff's recommendations. Do I have a second?

Commissioner Ames: Second.

Chairman Threadgill: I have a second from Ms. Ames.

Commissioner Campbell: Do we have to put in about the setbacks?

Chairman Threadgill: Yes.

Director Sellman: Yes.

Commissioner Campbell: Thank you. Okay.

Mr. Stauder: What's the ...?

Commissioner Campbell: 25 yard ...

Chairman Threadgill: We're giving them a variance on the front yard setback to 25' or is that ...?

Mr. Stauder: I think since that's a residential lot, it's only required a 25'. I mean if it's an arterial or a highway, you progressively get a more stringent setback; but I believe that if it's a local street, then it's just a 25' requirement. I could look it up real quick if you'd like.

Chairman Threadgill: No it's stating here that the front yard will be 25' with 12' sides and 25' rear. Okay. So we won't have to add it. That's added in under Phase I description. So we have a motion and a second. All in favor? <Ayes> Opposed? <None> Motion passes.

Mr. Malloy: Thank you.

Conditions:

1. Compliance with any and all items as listed on the DRC report from the April 24th, 2007 meeting;
2. Construction is to be accomplished in accordance with all applicable construction codes;

3. The Planning Director shall be authorized to sign the preliminary and/or final plat once all conditions have been satisfied, and work shall not proceed on any additional structures until the preliminary plat has been so executed; and

4. Sale of any additional lots shall not occur until a final plat meeting the requirements of H.S.C. §16- 4-27 has been approved by the Planning Director and filed for record with Garland County Circuit Clerk. (For 6)

- 11 Comprehensive Plan Revision (CPR-07-0076) - First Step Inc Comp Plan Change - Request to change Comprehensive Plan Designation for property located on Lot 4 & 5, Block 16 of Morrison and Belding, on Winona Street from Residential High to Neighborhood Commercial. - On Winona at intersection with Cherokee. - District 2

Approved

12. Comprehensive Plan Revision (CPR-07-0076) - First Step, Inc. Comprehensive Plan Change - request to change Comprehensive Plan Designation for property located on Lots 4 & 5, Block 16 of Morrison and Belding, on Winona Street from Residential High to Neighborhood Commercial - on Winona at intersection with Cherokee - District 2 - R-4

Director Sellman: Item No. 12 is a companion to 11. This is the request to rezone property located on Lots 4 and 5, Block 16 of Morrison and Belding on Winona Street from R-4 to CTR. This is at the intersection with Cherokee. It is currently zoned R-4. The Comprehensive Plan classification you have now recommended to be Commercial Enclave and that is consistent with the requested zone district. The recommendation is approval.

Chairman Threadgill: We've already heard from the applicant, so I'll just go on without her again - putting her through it. What we have here is we have three lots already abutting this portion here that is CTR; so it does tie into the rest of the neighborhood plan. Do I have any questions or comments from any of the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Clopton: Mr. Chairman, I move that we approve this application to CTR.

Chairman Threadgill: I have a motion to send forward a recommendation of rezoning to the Board of Directors by James Clopton. Do I have a second?

Two Commissioners: I second.

Chairman Threadgill: You two are good. You do that all the time. <laughter> I have a double second. All in favor? <Ayes> Opposed? <None> Item passes.

(For 6)

- 12 Re-Zoning (RZ-07-0075) - First Step Inc Zone Change - Request to Rezone property located on Lot 4 & 5, Block 16 of Morrison and Belding, on Winona Street from R-4 to CTR. - On Winona at intersection with Cherokee. - District 2

Approved

11. Re-Zoning (RZ-07-0075) - First Step, Inc. Zone Change - request to rezone property located on Lots 4 & 5, Block 16 of Morrison and Belding, on Winona Street from R-4 to CTR - on Winona at intersection with Cherokee - District 2 - R-4

Director Sellman: Item 11 is First Step, Inc. Comprehensive Plan amendment. This is a request to change the Comprehensive Plan from let's see, <unintelligible> High Density Residential. The request is to change it to Neighborhood Commercial. I've spoken with Ms. Bland and it appears that a more apt designation would be Commercial Enclave. This is a designation that looks at existing commercial and office uses that are located outside of commercial centers and linear corridors. So it seems more neatly directed at the specific needs of First Step. So the recommendation is to approve Commercial Enclave as redesignation on the Future Land Use Map.

Chairman Threadgill: Which would be a C-2?

Commissioner Campbell: CTR.

Chairman Threadgill: So we'd list this as a CTR Commercial Enclave? Understood.

Director Sellman: That's the next item - the rezone.

Chairman Threadgill: What we have now is an amendment to the Comprehensive Plan, which will be amending the Comprehensive Plan to take this to a Commercial Enclave, a CTR?

Director Sellman: It's just Commercial Enclave for the Comprehensive Plan Map

and on Item 12, that is a request to change the zoning to CTR by separate action.

Chairman Threadgill: I got ya. There's no one in the audience who wants to speak. Would you like to come forward and give us your name and address?

Ms. Pam Bland, 107 Chadwood Street, Hot Springs: I've been in here a long time. <laughter> I'm the Director of First Step.

Chairman Threadgill: A little bit of what you've got there.

Ms. Bland: There are two lots there that adjoin our current property that one has a house on it that's in disrepair and a vacant lot. It's Lots 4 and 5 on Cherokee Street. They are directly behind our parking lot. We had originally asked that that be where the maintenance shop be and we've moved that maintenance shop completely away from that corner near that gentleman's house. We will be coming back next month, I don't mind you knowing, and asking for conditional use for parking. So that will ultimately end up being more parking that's extending that lot that already exists.

Chairman Threadgill: Is there any questions to the applicant from the Commission?

You may have a seat. Everybody understand that we're doing a Comprehensive change to Commercial Enclave? Do I have any questions or comments from the Commissioners? Seeing none, I'll entertain a motion.

Commissioner Campbell: So moved. I make a motion to approve the Comprehensive Plan Revision.

Chairman Threadgill: I have a motion to approve by Commissioner Campbell. Do I have a second?

Commissioner Kleinman: I'll second the motion.

Chairman Threadgill: I have a second by Mr. Kleinman. All in favor? <Ayes> Opposed? <None> It passes.

(For 6)

- 13 Comprehensive Plan Revision (CPR-07-0095) - Burchwood Bay Comp Plan Revision - Comprehensive Plan Designation requesting change from Suburban residential to Medium-High Density Residential - 246 Burchwood Bay

Approved with Conditions

13. Comprehensive Plan Revision (CPR-07-0095) - Burchwood Bay Comp Plan Revision - Comprehensive Plan Designation requesting change from Suburban Residential to Medium-High Density Residential - 246 Burchwood Bay - ET

Director Sellman: This is ...the next two items are pursuant to a Petition to Annex. I've spoken to Mr. Franks. He's not here tonight obviously. He has received copies of what has been proposed here. This is an annexation petition that has been approved by the County Judge. It's in the 30 day period for protest. During this time, the Comprehensive Plan and zoning are to be discussed by the Planning Commission so that a zone district can be assigned at the time of annexation when the City Board takes its action. This is a request to change from Suburban Residential to Medium High Density Residential. The project is located at 246 Burchwood Bay. This is a project that you have already approved. It is known as the Bay Hill Project - a residential subdivision, 7 lots, with an internal looped street surrounding a common area. The recommendation is for approval. Mr. Franks is familiar with the recommendations and agrees with them.

Chairman Threadgill: Seeing that the applicant is not here, we'll deal with the staff's recommendations. Do I have any questions or comments from the Commissioners?

Commissioner Thorp: How come he's not here?

Director Sellman: This is being done for his annexation and he doesn't need to be here.

Commissioner Thorp: Oh, and he doesn't need to be here. Okay. <unintelligible>

Chairman Threadgill: Seeing none, I'll entertain a motion.

Commissioner Clopton: Mr. Chairman, I move that we approve this change. Do we approve it or do we ...?

Director Sellman: It's a recommendation to the Board for their approval at the time of annexation.

Commissioner Clopton: I move that we make a recommendation for approval to the Board.

Chairman Threadgill: Mr. Clopton has made a recommendation to send this forward with the recommendation to approve to the Board of Directors. Do I have a second?

Commissioner Thorp: Mr. Chairman, I second the motion.

Chairman Threadgill: Seconded by Ms. Thorp. All in favor? <Ayes> Opposed?
<None> (For 6)

- 14 Re-Zoning (RZ-07-0094) - Burchwood Bay Rezone - Initial Zoning designation request of R-4 - 246 Burchwood Bay - County

Approved

14. Rezoning - (RZ-07-0094) - Burchwood Bay Rezone - initial zoning designation request for R-4 - 246 Burchwood Bay - County - ET

Director Sellman: Item No. 14 goes along with Item 13. This is the initial zoning designation request. R-4 is the zone district that best accommodates the approved Bay Hill residential subdivision. The front yard setbacks were established at 12'. The minimum lot size can be met. The utilities are available. The recommendation is to approve a recommendation of R-4 to the Board of Directors at the time of initial annexation.

Chairman Threadgill: Again, staff made the comments. Do I have any questions from the Commissioners? No questions? I'll entertain a motion or I'll entertain a recommendation to send forward.

Commissioner Clopton: Mr. Chairman, I move that we send forward a recommendation for approval.

Chairman Threadgill: I have a motion to send forward to the Board of Directors a recommendation to approve. Do I have a second?

Commissioner Kleinman: Mr. Chairman, I second it.

Chairman Threadgill: I have a second by Mr. Kleinman. All in favor? <Ayes> Opposed? <None>
(For 6)

N/A

Adjourn

Chairman Gary Threadgill

st: