

PLANNING COMMISSION MEETING MINUTES
October 18, 2017 (Council Chambers) 5:30 P.M.

Page 1 of 12

The City of Foley Planning Commission held a meeting on October 18, 2017 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Ame Wilters, Ralph Hellmich, Roderick Burkle, Calvin Hare, and Sue Steigerwald. Absent members were Phillip Hinesley, Chad Watkins, and Wes Abrams. Staff present were: Miriam Boutwell, City Planner; Chad Christian, City Engineer; Melissa Ringler, Recording Secretary; and Amanda Cole Planning and Zoning Assistant.

Chairman Burkle called the meeting to order at 5:31 p.m.

MINUTES:

Approval of the September 13, 2017 and September 20, 2017 meeting minutes.

Commissioner Hellmich made a motion to approve the September 13, 2017 and September 20, 2017 meeting minutes. Commissioner Hare seconded the motion. All Commissioners voted aye.

Motion to approve the September 13, 2017 and September 20, 2017 meeting minutes passes.

PUBLIC HEARING:

1. Sawgrass Consulting, LLC- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 24+/- acres. Property is currently zoned R-1A (Residential Single Family) proposed zoning is R-1C (Residential Single Family). Property is located north of E. Peachtree Ave. and west of N. Juniper St. Applicant is Ercil Godwin as agent.

Mr. Mark Sprunger resident of 704 E. Peachtree Ave. stated he just moved to the area and loves the quiet neighborhood and streets. He explained the rezoning will increase traffic; bring in smaller houses, duplexes, and more criminal activity.

Chairman Burkle stated duplexes are not allowed in the requested zone.

Mr. Lance Rankin resident of 649 E. Peachtree Ave. stated the current zone requires a minimum of 12,000 sq. ft. lots and the requested zone requires a minimum of 9,500 sq. ft. lots. He stated each zone will add a lot of extra traffic and asked if a traffic study has been done.

Chairman Burkle explained a traffic study will be required with the subdivision request.

Mr. Rankin asked about the size of the detention pond and stated they do not need a smaller community on Peachtree Ave. as it will decrease the value of their property.

Ms. Miriam Boutwell explained the applicant is requesting to rezone the property and will have to come before the Commission for subdivision approval. She stated with the subdivision request a traffic study, drainage information and layout will be required. The current zone R-1A allows a maximum density of 3 units per acre and the requested zone R-1C allows 3.8 units per acre. She

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 18, 2017 (Council Chambers) 5:30 P.M.

Page 2 of 12

explained the city has recently adopted low impact development standards which require the cleaning of runoff water before it is discharge. The low impact development requires more green space and in order to meet the standards they have to decrease the lot sizes.

Commissioner Hellmich stated the property is currently zoned for a residential subdivision. He explained it is important that everyone understands the city's low impact development standards are some of the most aggressive in Alabama. These standards require more open space which cannot be counted towards the required 15% open space. He explained they will not be able to get the maximum density of 3.8 units per acre and meet all the drainage and open space requirements.

Ms. Charlotte Matthews resident of 431 E. Peachtree Ave. stated she loves neighbors but does not want them stacked on top of each other. She explained there is already a lot of traffic and issues with drainage. She asked the Commission to honor her request to not rezone the property.

Mr. Brock Wells resident of 115 Washington Blvd. stated he currently serves on the Industrial Development Board which looks out for the citizens of Foley, the benefits and what is best for Foley. He stated the bottom line is this will affect property value and his rights and he will fight it all the way. He explained everyone needs to realize growth is coming and with that comes changes and leadership comes with the changes.

Ms. Cheryl Emmett resident of 711 E. Peachtree Ave. stated she moved to the area from California. She explained she chose the area due to the quietness, closeness to the hospital and town. She stated 70+ homes with approximately 4 people in each home is a large amount of people. More people will generate more traffic, noise and pollution.

Ms. Faye Weeks resident of 2007 N. Juniper St. stated she would like to see more rural areas. She explained more development will increase traffic. She stated she is not against development but feels this will be too many houses and people.

Ms. Tina Phelps resident of 1819 N. Juniper St. explained the undeveloped lot currently has a lot of protected wildlife including the endangered brown pine litter snake. She stated the traffic is already so horrible her 14 year old is not allowed to walk to the bus stop. She explained there is a natural spring on her property and also on the undeveloped lot. She stated she will fight the approval till the end and will be very vocal.

Ms. Jill Cox resident of 710 E. Peachtree Ave. stated she has lived in her home for 5 years and has a 3 and 4 year old and has concerns about the increased traffic. She stated the area is beautiful and will not be if this rezoning is approved and the subdivision is allowed to be developed.

Mr. O'Neal Wyatt resident of 213 E. Peachtree Ave. stated he has lived in his home for 39 years. He explained the water drainage is an issue with the north side of the ditch staying full and no water in the south ditch. He stated there is a low spot on the property and the drainage is going to be a mess and traffic is already an issue.

2

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 18, 2017 (Council Chambers) 5:30 P.M.

Page 3 of 12

Ms. Pam Harrison resident of 501 E Peachtree Ave. stated the traffic is already an issue and people are constantly running the stop sign. She explained there are already drainage issues in the area. She stated she is opposed to the rezoning and does not want her property devalued.

Ms. Carol Hollis resident of 327 E. Peachtree Ave. stated the traffic is already like an interstate and she cannot imagine what it will be like if the rezoning is approved.

Mr. Ercil Godwin with Sawgrass stated he is representing the developer and the reasoning for the rezoning is so they can meet the new low impact development requirements. He explained there will be approximately 61 lots which will be the maximum number of lots in order to leave enough green space to meet the requirements. He stated 61 lots is less than what is allowed with the present zoning. He explained the homes will not make property value decrease and will not be stacked on top of each other.

Chairman Burkle asked why they could not do the development with the present zoning.

Mr. Godwin stated the 100' lots will not work and has to have the smaller lots in order to meet the low impact development and open space requirements.

A resident stated her lot is 125' and her home is 2,300 sq. ft. She explained the proposed homes can be smaller patio style homes. She stated they do not want the smaller homes in the area which will cause increase in criminal activity.

Mr. Godwin stated the footprint they laid out for the lots are 60' x 50' but you could do a smaller size home on the lots. He explained the developer will not be building smaller patio homes because it would not be feasible.

2. Resubdivision of Lots 15 -22 Block G Wilson Addition- Request for Minor Subdivision

The City of Foley Planning Commission has received a request for approval of the Resubdivision of lots 15 thru 22 Block G, Wilson addition, a minor subdivision which consists of 1.14+/- acres and 2 lots. Property is located south of Peachtree Ave., between Pine and Sinclair St. Applicant is Smith, Clark & Associates, LLC.

Chairman Burkle asked if there were any members of the public to speak on this item. There were none.

3. *Hickory Estates- Request for Preliminary & Final

The City of Foley Planning Commission has received a request for preliminary and final approval of Hickory Estates which consists of 9.7 +/- acres and 15 lots. Property is located at the SW corner of Michigan Ave. and Hickory St. and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is Smith, Clark & Associates, LLC.

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 18, 2017 (Council Chambers) 5:30 P.M.

Page 4 of 12

Chairman Burkle asked if there were any members of the public to speak on this item. There were none.

4. Wyld Palms- Request for Initial Zoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the initial zoning of 1.41 +/- acres being annexed into the corporate limits. Proposed zoning is PUD (Planned Unit Development). Property is located north of County Rd 12S, west of State Hwy. 59. Applicant is David Shumer as agent.

Chairman Burkle asked if there were any members of the public to speak on this item. There were none

5. Wyld Palms- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 20.28 +/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is PUD (Planned Unit Development). Property is located west of State Hwy. 59, north of County Rd. 12 S. Applicant is David Shumer as agent.

Chairman Burkle asked if there were any members of the public to speak on this item. There were none

6. *Majestic Manor- Request for Preliminary Approval

The City of Foley Planning Commission has received a request for preliminary approval of Majestic Manor Subdivision which consists of 33.86 +/- acres and 128 lots. Property is located at the SW corner of Co. Rd. 20 and Hickory St. and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is Guidry Land Development.

Mr. Terry Heilmeier resident of 18625 County Rd. 20 state he has lived at the end of this road for 20 years and enjoys his country living. He has concerns about the added traffic, congestion, safety and property value. He stated he would like to see larger lots and more upscale homes and hopes the developer will take this into consideration.

7. The Village at Hickory Street- Request for Preliminary Approval

The City of Foley Planning Commission has received a request for preliminary approval of The Village at Hickory Street Subdivision which consists of 27.72 +/- acres and 120 lots. Property is located east of Hickory St., south of Michigan Ave. Applicant is R-Squared Global, LLC.

Chairman Burkle asked if there were any members of the public to speak on this item. There were none

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 18, 2017 (Council Chambers) 5:30 P.M.

Page 5 of 12

8. MCMC Glenlakes, LLC- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 96+/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is PUD (Planned Unit Development). Property is located north of County Rd. 12, between Carnoustie Dr. and Clarke Ridge Rd. Applicant is MCMC Glenlakes, LLC.

Mr. Mike Willis president of the Carnoustie Place Home Owners Association and resident of 23357 Carnoustie Dr. stated he visited Gulfport, Mississippi and checked out Mr. Elliott's business. He explained what he found was very impressive and learned Mr. Elliott is a good honest guy who wants to make his customers happy. He stated they had a Home Owners Association meeting and voted on the item and the results were 96% in favor and 4% opposed. They also polled the residents regarding the added access to Clarke Ridge Rd. and the results were 100% were in favor.

Ms. Marcia VanCleve resident of 9420 Clarke Ridge Rd. stated currently the PUD is zoned for 100' lots with one entrance onto County Rd. 12 which was approved in 1997 or 1999. She explained the development was in Baldwin County and they were told there would never be an entrance onto Clarke Ridge Rd. She stated the certified letters only went to 16 of the 36 residents on Clarke Ridge Rd. and should have been sent to all residents since it will affect them. She explained the previous plan from September did not show the entrance on Clarke Ridge Rd. and asked if the added access was a Fire Code requirement.

Mr. Shane Sawyer with Hutchison, Moore and Rauch stated the Clarke Ridge Rd. access was added after meeting with the Glen lakes Home Owners Association.

Ms. VanCleve explained what is approved today is 100' lots and does not require the Clarke Ridge Rd. entrance. She stated the Clarke Ridge Rd. residents will fight this and do not want their neighborhood ruined for the benefit of the new development.

Mr. Jerry Rowley resident of 9392 Clarke Ridge Rd. stated the golf course retention drains into Wolf Creek. He stated Clarke Ridge Rd. residents have eight unsupported drainage ditches which they have to maintain. He explained he lost \$350,000 of uninsurable property during the last flood.

Mr. David Dalzotto resident of 23526 Carnoustie Dr. stated he was told at the Home Owners Association meeting the current approved lots were 40'. He explained the area is on the golf course and has some of the largest lots in Glenlakes and this will have a negative impact on Glenlakes and the golf course.

Mr. David Vosloh explained the PUD has 981 lots with 729 of those being full size lots and 252 being 40' lots for garden homes. He stated there are a total of 211 lots left in the PUD to be built and only 170 of those are full sized lots. He explained as home owners they were faced with the question of do they want quality homes or a larger builder. He stated the HOA met at his home

5

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES
October 18, 2017 (Council Chambers) 5:30 P.M.

Page 6 of 12

with Mr. Elliott and there was some compromising including amenities and the added entrance. He explained the HOA doesn't want what they could possibly get if this is opposed which would be the 40' lots.

Mr. Dalzotto stated he has been to the city and has not found anything regarding the 40' lots.

Ms. Boutwell explained the numbers given by Mr. Vosloh are for the entire development and the master plan. She stated typically the size of lots can be tweaked as the development grows.

Mr. Tom Foster resident of 9065 Clarke Ridge Rd. stated the key issue is traffic and drainage which he understands will be addressed at another meeting and he will hold his comments until that time.

Ms. Boutwell explained the plan presented is for the zoning which shows the maximum number of lots. She stated they will have to apply for subdivision approval and provide plans showing the retention area, low impact development requirements, impervious surface and open space. She explained once all those things are taken into account they may not be able to get the requested density.

Ms. Lisa Peters resident of 23847 Goodwyn Ct. stated she has a problem with the lot sizes and increased density. She explained they have had two culverts replaced due to the water runoff from the golf course. She stated this development will lower her property value and Clarke Ridge Rd. is a small community road that is not maintained. She explained traffic is already so bad due to OWA she can barely get out onto County Rd 20. She stated she does not think the development should be approved since everyone else will have to suffer the consequences.

Ms. Beverly Morrison resident of 9011 Clarke Ridge Rd. stated she is opposed to the rezoning since there are already drainage issues. She explained she has found fish in her yard from the Glenlakes ponds. They have promised to take care of drainage problems and they have not. She explained the extra houses will create more runoff. She stated modifications can be made that will not hurt everyone in the process.

Ms. Goody Fatlan resident of 9902 Clarke Ridge Rd. stated she has called Baldwin County in regards to the drainage ditch near her home. Baldwin County put stones in the ditch and took out vegetation and the problem is still there. She stated the road has washed out and there is a hole so big if she stands in it you wouldn't be able to see her. She explained all the pollution and fertilizer is running into Wolf Creek. She asked what is going on in this County and has thought about hiring an attorney but is too old to fight it and the last one she won in Supreme Court took 15 years.

John Slaats stated the drainage areas and retention ponds fill up every time there is a rain and the water has to get to Wolf Creek somehow and will cross Clarke Ridge Rd. He explained there are currently five ways to get out of the proposed subdivision and wants to know what the fire code states and why the access was not on the previously submitted plan.

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES
October 18, 2017 (Council Chambers) 5:30 P.M.

Page 7 of 12

Ms. Boutwell stated she would ask the Fire Inspector to contact him with the Fire Code information regarding the accesses.

A resident asked why they should be inconvenienced with the traffic of others while they enjoy the benefits at the Clarke Ridge Rd. residence expense. He stated he has concerns about the drainage and a buffer which is currently wooded.

Ms. Maria Foster resident of 9065 Clarke Ridge Rd. stated she would like to remind the Commission there was a development that was recently approved near Graham Creek for 241 new homes. She explained there will be approximately 500 new homes with residence accessing County Rd. 12 and Clarke Ridge Rd.

Mr. Ken Alluise resident of 9680 Clarke Ridge Rd. stated he is opposed to the request and lives directly across the street from the proposed access. He explained vehicle headlights will be shining into his living room. He stated Clarke Ridge Rd. is already a bumpy road and asked if it would be widened.

Ms. Priscilla Anderson resident of 23901 Goodwyn Ct. stated she is opposed to the request for all the reasons that have already been stated. She explained she has lived on Clarke Ridge Rd. for 20 years with each new subdivision Wolf Creek gets nastier and nastier.

Mr. Brandon Elliott stated he is the home builder looking to purchase the property. He explained the demographic and studies show smaller lots are in demand and have sold faster. He stated their smallest home will be 1,600 sq. ft. and will include higher end finishes like iron doors and gourmet kitchens. He explained their comps are higher and will not affect the areas property values. He stated he has had four meetings with the Glenlakes Home Owners Associations and he wants to be a community partner. After their meeting the plans were modified to include an added access, a shrub buffer on lots 78, 79, and 80 and an increase 90' buffer on Carnoustie Dr. He explained they have 240 platted lots and they have to make the numbers work in order to do the development. He stated they are currently developing in another area of Glenlakes and the drainage requirements were outrageous and he can assure them the City has an eye on the drainage.

Ms. Vancleave asked if the shaded area shown on the plans along Clarke Ridge Rd. indicates a buffer and if it will remain in place.

Mr. Elliott stated the shaded area shown on the plans is a buffer and will stay in place.

9. Zoning Ordinance Amendments-
Proposed Zoning Ordinance Amendments

Chairman Burkle asked if there were any members of the public to speak on this item. There were none

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 18, 2017 (Council Chambers) 5:30 P.M.

Page 8 of 12

NEW BUSINESS:

1. **Home2 Suites- Site Plan Review**

The City of Foley Planning Commission has received a request for site plan approval for Home2 Suites. Property is located on the west side of State Hwy. 59, north of County Rd. 20. Applicant is Paradigm Hotel Group LLC.

Commissioner Hellmich made a motion to approve the requested site plan. Commissioner Wilters seconded the motion. All Commissioners voted aye.

Motion to approve the requested site plan passes.

2. **Sawgrass Consulting, LLC- Request for Rezoning**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 24+/- acres. Property is currently zoned R-1A (Residential Single Family) proposed zoning is R-1C (Residential Single Family). Property is located north of E. Peachtree Ave. and west of N. Juniper St. Applicant is Ercil Godwin as agent.

Commissioner Hellmich stated in regards to the change looking at the density he feels comfortable with the maximum density they would be able to achieve when compared to the present zoning.

Chairman Burkle made a motion to deny the request for rezoning. Commissioner Hare seconded the motion. Commissioners Wilters nay; Commissioner Steigerwald, nay; Commissioner Hellmich, nay; Commissioner Hare, aye; Commissioner Burkle, aye.

Roll call vote: Commissioner Wilters aye, Commissioner Hellmich nay, Chairman Burkle aye, Commissioner Steigerwald nay, and Commissioner Hare aye.

Motion to deny the requested rezoning passes. (Please see additional notes below)

3. ***Turnberry Crossing Phase 1- Request for Final**

The City of Foley Planning Commission has received a request for final approval of Turnberry Crossing Phase 1 which consists of 9.98+/- acres and 30 lots. Property is located south of County Rd. 20 S, between Hickory St. and State Hwy. 59 and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is Turnberry Development 2016 LLC.

Commissioner Hellmich made a motion to approve the request for final. Commissioner Hare seconded the motion. All Commissioners voted aye.

Motion to approve the request for final passes.

4. **Resubdivision of Lots 15 -22 Block G Wilson Addition- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for approval of the Resubdivision of lots 15 thru 22 Block G, Wilson addition, a minor subdivision which

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 18, 2017 (Council Chambers) 5:30 P.M.

Page 9 of 12

consists of 1.14+/- acres and 2 lots. Property is located south of Peachtree Ave., between Pine and Sinclair St. Applicant is Smith, Clark & Associates, LLC.

Commissioner Hare made a motion to approve the requested Minor Subdivision. Commissioner Steigerwald seconded the motion. All Commissioners voted aye.

Motion to approve the requested Minor Subdivision passes.

5. *Hickory Estates- Request for Preliminary & Final

The City of Foley Planning Commission has received a request for preliminary and final approval of Hickory Estates which consists of 9.7 +/- acres and 15 lots. Property is located at the SW corner of Michigan Ave. and Hickory St. and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is Smith, Clark & Associates, LLC.

Commissioner Hare made a motion to approve the requested preliminary and final. Commissioner Hellmich seconded the motion.

Commissioner Hellmich stated the property is located in Baldwin County and is a very small subdivision with shared driveways. He stated speeds should be lower in this area due to its close proximity to the intersection.

Commissioner Steigerwald stated at work session there was discussion about a drawing to be provided to the Fire Department and asked if that has been received.

Commissioner Hellmich the plat will not be signed until it is received.

6. Wyld Palms- Request for Initial Zoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the initial zoning of 1.41 +/- acres being annexed into the corporate limits. Proposed zoning is PUD (Planned Unit Development). Property is located north of County Rd 12S, west of State Hwy. 59. Applicant is David Shumer as agent.

Commissioner Hellmich made a motion to recommend the requested initial zoning to Mayor and Council. Commissioner Wilters seconded the motion. All other Commissioners voted aye.

Motion to recommend the requested initial zoning to Mayor and Council passes.

7. Wyld Palms- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 20.28 +/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is PUD (Planned Unit Development). Property is located west of State Hwy. 59, north of County Rd. 12 S. Applicant is David Shumer as agent.

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 18, 2017 (Council Chambers) 5:30 P.M.

Page 10 of 12

Commissioner Hellmich made a motion to recommend the requested rezoning to Mayor and Council. Commissioner Wilters seconded the motion. All other Commissioners voted aye.

Motion to recommend the requested initial zoning to Mayor and Council passes.

8. ***Majestic Manor- Request for Preliminary Approval**

The City of Foley Planning Commission has received a request for preliminary approval of Majestic Manor Subdivision which consists of 33.86 +/- acres and 128 lots. Property is located at the SW corner of Co. Rd. 20 and Hickory St. and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is Guidry Land Development.

Commissioner Hellmich made a motion to approve the requested preliminary. Commissioner Wilters seconded the motion.

Commissioner Hellmich stated it is a disappointment there were no provisions made for a future right of way which the City cannot require.

Commission Hare and Chairman Burkle voted nay. All other Commissioners voted aye.

Motion to approve the requested preliminary approval passes.

9. **The Village at Hickory Street- Request for Preliminary Approval**

The City of Foley Planning Commission has received a request for preliminary approval of The Village at Hickory Street Subdivision which consists of 27.72 +/- acres and 120 lots. Property is located east of Hickory St., south of Michigan Ave. Applicant is R-Squared Global, LLC.

Commissioner Hellmich made a motion to approve the requested preliminary with the following contingencies leave right of way area for the future 9th Avenue extension, provide documentation on gates to be located on Hickory St. and 9th Avenue and traffic study showing there will be no negative impact or improvements required. He stated the plat will not be signed until all of the contingencies have been met.

Commissioner Hare seconded the motion. Chairman Burkle voted nay, all other Commissioners voted aye.

Motion to approve the requested preliminary approval passes with the following contingencies.

10. **MCMC Glenlakes, LLC- Request for Rezoning**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 96+/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is PUD (Planned Unit Development). Property is located

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 18, 2017 (Council Chambers) 5:30 P.M.

Page 11 of 12

north of County Rd. 12, between Carnoustie Dr. and Clarke Ridge Rd. Applicant is MCMC Glenlakes, LLC.

Commissioner Hellmich made a motion to recommend to Mayor and Council the requested re-zoning. Commissioner Hare seconded the motion.

Commissioner Hare stated there are a considerable amount of drainage questions. He explained he would like to see more of a conceptual drawing.

Mr. Elliott explained the lots will be 65' by 140' to 150' and stated they will be able to answer more drainage questions next month when the drainage plans are complete.

Commissioner Hellmich stated Glenlakes was annexed into the City and there were a lot of problems with drainage. He explained the standards have changed over the years. He would like to see the developer speak with the Clarke Ridge Rd. citizens in regards to drainage.

Chairman Burkle stated he would also like Mr. Elliott to meet with the owners of Clarke Ridge Rd.

Commissioner Steigerwald and Chairman Burkle voted nay, all other Commissioners voted aye.

Motion to recommend the requested re-zoning to Mayor and Council passes.

11. Zoning Ordinance Amendments-

Proposed Zoning Ordinance Amendments

Commissioner Hellmich made a motion to recommend to Mayor and Council the Zoning Ordinance amendments. Commissioner Hare seconded the motion. All Commissioners voted aye.

Motion to recommend to Mayor and Council the Zoning Ordinance amendments passes.

ADJOURN

Commissioner Hellmich made a motion to adjourn at 8:01 p.m. Commissioner Hare seconded the motion.

Meeting reconvened at 8:24 p.m. Members present were: Ame Wilters, Ralph Hellmich, Roderick Burkle, Calvin Hare, and Sue Steigerwald. Absent members were Phillip Hinesley, Chad Watkins, and Wes Abrams. Staff present were: Miriam Boutwell, City Planner; Melissa Ringler, Recording Secretary; and Amanda Cole Planning and Zoning Assistant.

Meeting was reconvened in order to clarify the motion on item number 2

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 18, 2017 (Council Chambers) 5:30 P.M.

Page 12 of 12

2. **Sawgrass Consulting, LLC- Request for Rezoning**

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The minutes reflected a voice vote of 2 aye votes and 3 nay votes. Roll call vote was 3 aye votes and 2 nay votes due to confusion as to how the motion was presented. The intended vote was 2 ayes, 3 nays so the motion to recommend denial of the rezoning failed. There was no future motion to recommend approval or denial. Ms. Boutwell was asked to contact the city attorney to determine how to handle this item.

Commissioner Hellmich made a motion to adjourn at 8:27 p.m. Commissioner Hare seconded the motion. All other Commissioners voted aye.

Planning Commission Chairman

Date

Recording Secretary

Date

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