

**ENTERPRISE PLANNING COMMISSION MEETING – OCTOBER 8, 2019**

The Enterprise Planning Commission convened on Tuesday, October 8, 2019, at 4:30 p.m. in the Council Chambers at City Hall with the following members:

**Present:** Lorenzo Harrison, Acting Chairman  
Randolph Hudson  
Shane Johnson  
Shannon Roberts  
Perry Vickers  
Kenneth Rogers  
Kummel Fleming

**Absent:** Bobby Hancock

**Also Present:** Shannon Latona, Administrative Assistant  
Staci Hayes, Secretary/Recorder  
Pete McInish, Attorney  
Glenn Morgan, P.E.

**REVIEW OF MINUTES OF SEPTEMBER 24, 2019 MEETING**

Mr. Harrison called the meeting to order. Copies of the minutes of the September 24, 2019, meeting were provided to each member of the Planning Commission. Mr. Hudson made a motion to approve the minutes and Mr. Fleming made the second. Motion carried.

**OLD BUSINESS:**

**REEVES ENGINEERING AND CONSTRUCTION-PRELIMINARY PLAT APPROVAL AND VARIANCE- THE LANDING PHASE II**

Mr. Harrison introduced a request by Reeves Engineering and Construction for preliminary plat approval and a variance to develop this property using septic tanks located at the Landing Subdivision Phase II (County Road 622)

Mr. Vickers addressed the board members regarding the meeting with the City Council, Gwen and Dexter Gilley. It was the City Council consensus to deny the request of \$97,000.00 for the pumping station at The Landing Phase II Subdivision located on County Road 622.

Mr. Vickers wanted it on record that it was the consensus of the City Council to grant the variance based on two things; one it was a financial hardship and two the City made a mistake by granting a variance for septic at The Landing Phase I.

Mr. Reeves approached the board and thanked them for all their work and help at the last meeting. Mr. Reeves passed out Page 27- 31 from the Subdivision Regulations Article V and Section VI and stated that Ms. Hayes was 100 percent correct in her statement last week and read "Where a public sanitary sewer is within 1320 feet of any point of the subdivision, the Subdivider shall connect with such sanitary sewer and provide a sewer service connection to the property line for each lot.

Mr. Reeves read the following paragraph, Subdivision Regulations Article V, Section 2 Paragraph 7, "Where a public sanitary sewer is not reasonably accessible, the developer may provide a private sewage collection and disposal system", such as septic system.

Mr Reeves read from Subdivision Regulations Article VI Section 7- Variances Paragraph 1, "In cases where the strict application of any of these regulations would result in peculiar and practical difficulties or exceptional and undue hardship, the Planning Commission may modify the application of the regulations to relieve such difficulty or hardship."

Mr. Reeves stated they had three options; option one would be a cost of \$7,325.00 per lot, option two would be to abandon the airport pumping station, and option three would be a cost of \$3,000.00 per lot. It leaves them with options one and three.

Mr. Reeves states that the 1320' rule needs to be clarified on how it is determined. Mr. Reeves stated at the time of Phase I of The Landing, Mr. Walters asked him if he thought they could connect to city sewer and discovered late it was uphill to the pumping station. Mr. Reeves feels they have demonstrated an economic hardship at this time and they now are formally asking for variance.

Mr. Harrison opens the floor for comments.

Ms. Hayes stated that this type of variance is not recommended at this time due to the fact that she does not see it as a topographical hardship on the land and her job is to do what is in the best interest of the City. Ms. Hayes expressed she does not see this as a financial hardship and approving this type of variance for economic hardships would open up to other developers claiming the same issue. Ms. Hayes stated that a variance goes with the land and the parcel of the land, they can hook to city sewer as it is possible for them to do so. Ms. Hayes believes that this type of risk is something the developer takes on. Ms. Hayes expressed this should have all been discussed at the time they annexed the land into the city. Ms. Hayes stance still remains the same that she does not recommend the variance to be approved.

Mr. Roberts asked Mr. Reeves or Ms. Gilley at the time they were annexing this property into the city were they going to go on city sewer? Ms. Gilley stated she did not know at the time the property was purchased.

Ms. Gilley stated they did not know where the lines were or the pumping station was. Mr. Roberts asked Ms. Gilley if they were going to develop the parcel of land behind this subdivision and Ms. Gilley expressed not at this time.

Ms. Hayes introduced Pete McNish for legal counsel if anyone had questions or comments.

Mr. Harrison opened the floor for comments or questions.

Mr. Vickers asked for Mr. McNish's opinion.

Mr. McNish stated the problem with granting this type of variance is it would open up the Planning Commission to developers in the future and how would they differentiate between this developer and other developers. There is a remedy for the developer if the request is denied, they can appeal the decision in Circuit Court. Once the City begins to approve variances based on hardships he does not see what the standards of the City will be in the future.

Mr. Vickers replied and stated "That's the way we are now and that bridge has already been crossed."

Mr. Harrison stated we had two issues to approve at this time.

Mr. Hudson asked if we can approve the plat and deny the variance. Ms. Hayes confirmed that the variance can be denied and the preliminary plat can be approved.


Mr. Hudson made a motion to approve the preliminary plat and Mr. Vickers made the second. The vote being all ayes, motion passes.

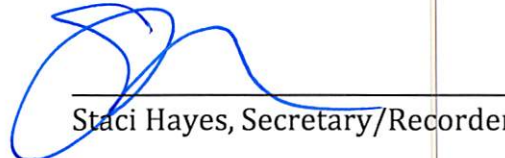
Mr. Vickers made a motion approve the variance and Mr. Johnson made the second. The vote being a majority of aye and Mr. Roberts voted nay, motion passes.

Mr. Harrison asked for any other further discussion of the meeting.

#### ADJOURNMENT

There being no further business before the Commission, Mr. Vickers made a motion to adjourn the meeting. Mr. Fleming made the second. The vote being all ayes meeting adjourned. This meeting was recorded and this recording is on file as a permanent part of these minutes.

  
Lorenzo Harrison, Acting Chairman

  
Staci Hayes, Secretary/Recorder