

Planning Commission Meeting Minutes
July 20, 2017

The Forest Hills Municipal Planning Commission met in regular session on July 20, 2017. Vice Chairman David Waller, Member Jim Gardner, Member Clay Jackson, Member Blair Myers, Member Brian Dougherty, Mayor John Lovell, Vice Mayor Lanson Hyde, and Commissioner Henry Trost were present. Chairman Winston Evans joined the meeting later in the evening. Also present was City Manager Amanda Rhinehart, City Attorney Chad White, and City Engineer Brad Bivens. A quorum was confirmed and Vice Chairman David Waller called the meeting to order.

The first item on the agenda was approval of the minutes from June 15, 2017 meeting. Member Gardner made the motion, seconded by Commissioner Trost. The motion passed unanimously.

The second item on the agenda was consideration of approval of a final plat submitted by the Dale family, who owns three lots located at 0 St. James Place, 6 St. James Place, and 10 St. James Place. The applicant is seeking approval of a final plat for consolidation of the three lots within EB Zoning and located within the Hillside Protection Overlay District, thereby creating two new lots. Phillip Piercy of S&ME represented the Dale Family in a brief presentation to the Commission; he included in his presentation that the Board of Zoning Appeals has granted permission to serve the three lots by a shared drive, and said there were no changes from the preliminary plat reviewed last month. Vice Chairman Waller asked for staff comments. Staff indicated the City desired for the language about the abandonment of the 10' PUDE be removed and the old lot lines be removed from the final plat before recordation. Vice Chairman Waller called for public comment. Hearing none, Commissioner Jackson inquired about the process of preservation of trees and evaluation of soil conditions. City Manager Amanda Rhinehart confirmed his understanding that tree removal proposals by the applicant would be evaluated at the site plan/building permit approval phase. Commissioner Trost asked if it would be possible that two houses would be built on these lots. Mr. Piercy indicated he had several building envelopes designed for each lot, but only one house per lot. Member Gardner made a motion to approve the plat subject to the minor changes requested by staff. The motion was seconded by Commissioner Trost. The motion passed unanimously.

The third item on the agenda was discussion regarding placement of retaining walls on residential property. City Manager Rhinehart indicated Chairman Evans had asked the item to be placed on the agenda and that two pictures be placed on the projector of 1335 Otter Creek. Member Jackson called Chairman Evans, who was en route from a court case that ran late, and placed him on speaker phone. Chairman Evans voiced his concern about the effect of the wall that was erected at 1335 Otter Creek was essentially the same as having a solid fence on the property line. Chairman Evans asked if a rule could be enacted that would prevent walls or fences from being erected outside the building envelope. Commissioner Trost asked if retaining walls were subject to setback provisions like the actual building. City Attorney White indicated they do not, because retaining walls are used to allow for a driveway or other structure that you need to have and with much smaller lots there is not enough room to be within the building envelope and have still fit a driveway for entry to a side loading garage. Commissioner Trost asked for confirmation that the owner of 1335 Otter Creek was within his rights to build this wall. Chairman Evans then joined the meeting in person. Vice Mayor Hyde inquired about the distinction between retaining walls, fences, and interior/decorative walls. Attorney White responded that while it would not be prudent to ban retaining walls in general, but that there are opportunities to

amend the ordinance to clarify differences, and to prevent drastic changes in grade that may result from the construction of any kind of walls or fences. Attorney White stated that while it was regrettable the City did not have an opportunity to influence the design and placement of the wall, the applicant was not required to gain approval from the governing body, Board of Zoning Appeals, or the Planning Commission to erect the specific wall in question because it didn't require a variance, and met all provisions of the Zoning Ordinance. It was also reiterated that the wall was erected literally overnight, and that the City issued a stop work the next morning. Commissioner Myers asked what recourse the City would have for those contractors who are willing to pay the fine without asking for permission. Attorney White discussed the fines in place for starting construction without a permit, and discussed the current landscaping requirements for screening of walls and other improvements. Discussion ensued about the runoff from the site and the impact the wall might have on neighboring properties. Before signing the permit for the wall, the City Engineer approved the plans that indicated that any runoff from 1335 Otter Creek would be properly routed into existing drainage swales, and there should not be any runoff on adjoining property owners.

With no further items of business or discussion, the Chairman adjourned the meeting.


Chairman Winston Evans


City Manager Amanda Rhinehart