

**Planning Commission  
Public Hearing  
August 13, 2013**

The meeting was called to order by Chairman Dennis Thomas and the secretary called the roll.

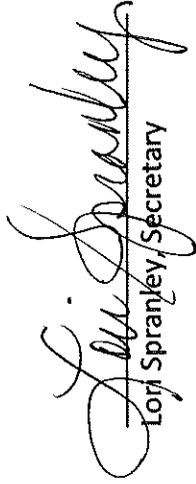
Present: Michael Blache, Ren Clark, Simmie Fairley, Nixon Adams, and Dennis Thomas

Absent: Scott Quillin and Rebecca Bush

Also present: Louise Kidd, Planning Director

The adoption of the minutes was deferred until the next meeting.

Mr. Clark moved to adjourn the meeting, seconded by Mr. Fairley and was unanimously approved.

  
Lori Spranley, Secretary

  
Dennis Thomas, Planning Chairman

**Zoning Board  
Public Hearing  
August 13, 2013**

The meeting was called to order by Chairman Nixon Adams and the secretary called the roll.

Present: Michael Blache, Ren Clark, Simmie Fairley, Nixon Adams, and Dennis Thomas

Absent: Scott Quillin and Rebecca Bush

Also present: Louisette Kidd, Planning Director

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Lori Spranley, Secretary

  
Nixon Adams, Zoning Chairman

**Planning Commission  
Work Session  
August 13, 2013**

The meeting was called to order by Chairman Dennis Thomas and the secretary called the roll.

Present: Michael Blache, Ren Clark, Simmie Fairley, Nixon Adams, and Dennis Thomas

Absent: Scott Quillin and Rebecca Bush

Also present: Louise K Kidd, Planning Director

Mr. Thomas announced that any additional information determined to be needed by the Commission in order to make a decision regarding a case shall be required to be submitted to the Planning Department by the end of business on the Friday following the meeting at which the additional information was requested or the case will automatically be tabled at the next meeting.

The first case discussed also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was P13-08-01 Craig Burkett requests a waiver to Section 13.2.4.3, Frontage On and Access to Improved Street Required, and Section 12.2, Application and Procedures for Approval of Public Improvements Only, square 41B, lots 55, 56 and 57, fronting on Short Street and across 818 Adair Street, zoned R-1, and the zoning case discussed was V13-08-17 Craig Burkett requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, square 41B, lots 55, 56 and 57, zoned R-1.

Ms. Kidd presented that Mr. Burkett purchased two properties with 818 Adair Street fronting on Adair Street which was improved with an old house and was allowed a demolition permit by the Historic Preservation Committee as well as the rear three lots fronting on dedicated but unimproved Short Street. Mr. Burkett would like to build one house on Adair Street and one on Short Street. Because Short Street was not improved, he was requesting a servitude of passage through 818 Adair Street to access the rear property. One of the earliest plats was 1918 and at that time street improvements were not always required. The City did not have Short Street in its street improvement program to be improved. The CLURO in the subdivision regulations included public improvements not in association with current subdivision. In one situation, he could develop Short Street with the standards and specifications in the CLURO. There would be an ordinance and a front foot assessment for the street improvements. Mr. Adams said Montgomery and Short Street would need to be improved. Ms. Kidd said Montgomery Street was not developed and the only access to Adair Street was from Highway 190.

Mr. Adams asked about the contiguous lot law. Ms. Kidd said the lots were each 25' and treated as one development site. Mr. Adams said the Short Street property could be developed for construction and required access. Ms. Kidd said there was a significant magnolia tree and live oak tree.

Craig Burkett, property owner, said he had been working with Ms. Kidd and Mr. Brown for some time. There were two single family houses on the front lot that were neglected before he purchased the property. It was demolition by neglect. The second building was a small efficiency with a meter. He had spoken with Mr. Brown and Ms. Caraway and was told if he purchased the rear lot he could create a servitude of passage. He was later told that he would require a variance to complete the project and construct on the rear lot. The intent was to create a 15' servitude on the side of the property.

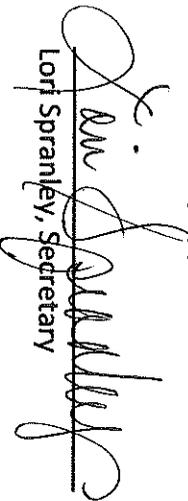
Mr. Adams said if he created servitude, he would be creating a flag lot which was against most planning issues. The board should be provided with the City's plans for Short Street and if it was still needed as a right-of-way. Ms. Kidd said there were many rights-of-way that were dedicated but unimproved. Mr. Burkett did speak with the staff and as the Historic Preservation District was enacted, this property was listed as contributing on the survey and Ms. Kidd got involved. The R-1 Site Development regulations were advertised because servitudes on the property were usually removed from the square footage. The other concern was in the subdivision regulations, the frontage on an access to improved streets was required and the staff was meeting with the Public Works Department to discuss Short Street and work out some minor improvements for access. Mr. DeGeneres said if the improvements were installed, it would be done all the way. Mr. Clark said we were building a road. Mr. Adams said this should be part of a plan for the City. Ms. Kidd said she had spoken with Mr. Deano but with people being out of town, she placed the issue on the agenda. There were concerns about creating a driveway access from one house to another in the rear without any plans to develop Short Street.

Mr. Blache asked if this was two lots of record. Mr. Burkett said the front lot was a partnership with his family and the rear lot was his personal property. Mr. Blache said Mr. Deano must provide an answer. Mr. Adams said the City created three lots on a street and someone purchased those lots with the intent of a street and access. The City had some responsibility for access to their property. Mr. Burkett said he was not opposed to sharing in the cost of the street. The house would face Short Street if it was ever developed. Mr. Adams confirmed that taxes were paid on the property. The City Attorney and the Public Works Department must have some discussion, but he did not feel a servitude of passage was the right answer. Mr. Burkett said he exceeded the LADOTD lane width guidelines of 15'. He did not have an opposition to having a heavy truck weight improvement. Mr. Clark asked how would a fire truck fit and be able to back out. Mr. Burkett said as a fireman, if there was a fire they would depend on the ground and they would probably drag a hose from Adair Street. There was a fire plug in the front of 818 Adair Street.

Jason Kaufman, Fire District #4, had looked at the site and they had dealt with similar issues in the past and it would not be an issue with the servitude of passage. Mr. Clark asked about the issue of a 15' driveway from the street. Mr. Kaufman said this was similar to other properties in the parish. Ms. Kidd said the magnolia tree was located 15' from the fence. There was also a live oak tree on the other side.

Mr. Adams said there was a need for discussion with the City Attorney and Public Works Director. Mr. Burkett said he would comply and stagger the houses for visibility from Adair Street. He would meet the setback requirements. Mr. Adams said if both houses were to the south side of the lots there might be a dedication and an alley until a street was constructed. It was unknown who would own the property in the future. Mr. Burkett said his attorney had drafted it as a perpetual servitude for the rear lot. Ms. Kidd said it was a residential use on both sides of the property. Ms. Kidd said the staff would continue to determine some solution.

Mr. Clark moved to adjourn the meeting, seconded by Mr. Fairley and was unanimously approved.



Lori Spranley, Secretary



Dennis Thomas, Planning Chairman

**Zoning Board  
Work Session  
August 13, 2013**

The meeting was called to order by Chairman Dennis Thomas and the secretary called the roll.

Present: Michael Blache, Ren Clark, Simmie Fairley, Nixon Adams, and Dennis Thomas

Absent: Scott Quillin and Rebecca Bush

Also present: Louise K Kidd, Planning Director

The first case discussed was V13-08-15 Cindy and Clyde Touchstone request a variance to Section 7.5.10.3(d), B-3 Site Development Regulations, Interior Side Yard, lot 25, square 25A, 124 Lafitte Street, zoned B-3

Ms. Kidd presented a variance request to the B-3 Site Development criteria, particularly the interior side yard. The original structure was destroyed by Hurricane Katrina and was demolished. The property was located just to the north of the Barley Oak. The Touchstone's had purchased the property and proposed the construction of a Bed and Breakfast Inn. There would be two structures with the rear residence containing two units to be constructed first and the front structure would contain three rooms. The two rear units will each have kitchens. The front building will have one kitchen. The Site/Grading Plan was prepared by Kelly McHugh & Associates. The variance was being requested because of the requirement if a structure was elevated more than 6' above grade that the structure must have a side yard setback of 10'. The applicant was proposing to have the support posts for the second story balconies 5' from the southern property line. This elevation was adjacent to the Barley Oak parking lot. The setback on the northern property line was 13' on the front house and 11' on the rear building.

Both building were proposed to have a side yard setback 5' from the property line on the south side. The 10' requirement was for privacy between elevated and non-elevated structures. Since many structures were raised, it had become less of a problem.

Ms. Kidd said this was a proposed combined use and that was permitted in the B-3 zoning. A purely multi-family use was not allowed within 150' of the lake, but as a Bed and Breakfast Inn the use was in conformance. The edge of the balcony was the variance request. The balcony on the front building was 8' and the rear building was 6' from the property line.

Mr. Adams said with the proposed construction on the south side being adjacent to the Barley Oak, there was essentially 100' between the buildings and the parking lot was located between the structures.

Cindy Touchstone, 124 Lafitte Street, stated that the rear building would be their primary residence. Mr. Adams said he thought it was a wonderful use and asked when the construction would be complete. Ms. Touchstone said the construction would be complete in one to one and one-half years. She and her husband wanted to be on site while they were building the main house.

Mr. Thomas asked if the Design Review Committee had reviewed the plan. Ms. Kidd said the Touchstone's had met with the Design Review Committee once and would continue the project. Mr. Thomas said it appeared that the side of the house was facing the street. Ms. Touchstone said the rear adjacent property was Rest-A-While and all

those rear houses faced the lake. Because of the adjacent parking lot, the front house would face Lafitte Street and the rear house facing the lake was blocked from the street view. There was no elevation of the main house at this time, but she confirmed that the front door would face Lafitte Street. Ms. Kidd said the proposed construction was located in the Historic District and would require the issuance of a Certificate of Appropriateness.

The next case discussed was V13-08-16 Bryan Burns requests a variance to Section 7.5.10.1, R-1 Site Development Criteria, Section 4.2.2.3, Criteria for Repair of Legally Non-Conforming Uses, Section 4.2.3, Provisions for Legally Non-Conforming Development Sites, Section 4.2.4, Provisions for Non-Conforming Structures/Buildings, Article 9, Parking and Landscaping, a parcel of land in square 54, 1701-1707 Livingston Street, zoned R-1.

Ms. Kidd presented a four plex zoned R-1. This was an existing four plex across the street from Woodlake Elementary School. The building had flooded numerous times and was listed on the City's Severe Repetitive Loss list and the owner had applied for the HMPG grant to elevate the structure. As part of the elevation, there was a proposal to add balconies. When elevating straight up, stairs were usually the only addition. As a four plex, the design would add second story balconies for outside access. With the balconies, this was viewed as an expansion of a non-conforming development site. There was a structure on the site that was non-conforming and this would be an improvement to the overall site.

Mr. Adams asked about the building being non-conforming. Ms. Kidd said it was a legally non-conforming site, and would not lose that status. Looking at the site, the board could see existing trees and landscaping along the street frontage and on Foy Street. Mr. Adams asked about the other uses in the area. Ms. Kidd answered saying it was mostly single family residential. Vaughan Sollberger, architect and representing the owner, said single family residential, single family rental units, and the elementary school.

Ms. Kidd indicated from the survey the structure was at grade, there was a sidewalk, and the concrete pads for utilities and patios to the rear. Mr. Blache asked if it was non-conforming because of the setbacks and Ms. Kidd answered yes. Ms. Kidd stated it was 10' off the property line on Livingston Street, 8.5' from the rear, and appeared to be a 30' front yard setback. Ms. Kidd said the proposal was the construction of a second story with balconies that increased the setback, that stairs would be located on Livingston Street, and parking at the front of the property, which was currently green space. There would be additional stairs to the rear going to the property line.

Mr. Adams asked if the parking would be located under the building after it was raised. Ms. Kidd said it was required to have two parking spaces per unit with one space to be located under the building and one in the driveway with four driveways. At this time, parking was located on the culverted area on a parallel basis. Mr. Sollberger said there would be patches of landscaping between the parking. Ms. Kidd said the site would lose most of the landscaping and on-street parking and have stairs to property line. Mr. Adams asked about rear access for parking and the answer was no, there would be stairs in the location. There would be four parking spaces on Foy Street to meet the requirement of two spaces per unit. Mr. Adams asked about previous calculation. Ms. Kidd said it was 58% and the requirement was 50%. Mr. Sollberger said he had double checked it and it met the standards. Ms. Kidd clarified that the

impervious coverage was 58% so the pervious was 42%. Mr. Sollberger was thinking the calculations were reversed. Ms. Kidd said recalculated the percentages were 51%/49%. Mr. Adams said it would appear to be stark without the trees.

Mr. Sollberger said they allowed for two parallel parking spaces to have more pervious space. The trees in the area around the building were untouched. Ms. Kidd said when elevating the building there must be access, but it would significantly change the appearance of the site. But they were trying to comply with the regulations.

Mr. Adams said the board tried to accommodate elevation projects. He asked how high the building would be elevated. Mr. Sollberger said the building would be elevated 9' from the existing grade. Mr. Thomas asked if the elevation grant had been received. Mr. Sollberger said it was in the applied status. Mr. Thomas said he was told it would be Christmas at best before there were any awards. Ms. Kidd said the City was only getting \$400,000 in HMPG grants this year.

Mr. Sollberger said Mr. Burns wanted to move forward on the project and presented a challenge to show his wife and business partner that the purchase of this property was not a mistake. He thought as an architect it was one of the most unfortunate buildings in Mandeville. They devised a strategy to elevate the building and have it not look like a boat. They thought about the older bath houses having elevated walkways and did not look like a motel. They were the Craftsmen type design. They had developed some nice renderings that contributed to the neighborhoods, and were hoping not to have to apply for a variance. They had not met with the rear neighbor and stated that they might look into some of the windows. They were trying to provide as much off-street parking and less congestion for school traffic. Mr. Adams stated with parking under the building, the tenants would be backing into the roadway. Mr. Sollberger said traffic in the area between 7 and 7:30 a.m. was always crazy around the school.

Mr. Thomas asked what would happen if Mr. Burns did not get the grant. Mr. Sollberger said Mr. Burns wanted to get it back into commerce and was obtaining prices on elevation without the grant. A new structural frame for the foundation must be constructed and then lower the building onto the new wood floor structure. Mr. Thomas asked if any costs were obtained, and Mr. Sollberger said no. Mr. Clark asked if Mr. Sollberger knew that the adjoining property was owned by the Morning Star Baptist Church.

Mr. Blache asked if the stair to the rear would be on the property line. Mr. Sollberger said it was an egress stair that was required by the building code. The building was long enough to have two stairs that would be ergonomically correct and needed a second stair for an exit. They could relocate the stairs in a different location if necessary. Mr. Sollberger said the initial request was because of the need for a walkway to each unit and another patio on the interior side yard caused an encroachment. Mr. Clark asked if there was faith in the grant money. Mr. Sollberger said he did not know. Ms. Kidd said the City would receive \$400,000 from the Gustav/Ike grants. Mr. Sollberger said there was a stop work order. Ms. Kidd said the property was listed as Substantially Damaged and the City was applying for an FMA grant for severe repetitive loss properties and they could apply for those funds that included commercial properties. Mr. Sollberger said Mr. Burns would fund privately if he did not receive a grant. Mr. Clark asked about how much tree canopy would be lost. Mr. Sollberger said there were gum and pine trees. Mr. Thomas said he was told by Rubion Shoring that anything within a 4' radius would not survive.

Mr. Adams said the property was a legally non-conforming use and development site. They were proposing improvements to the previous coverage and he would like to see the rendering. Ms. Kidd said there were conceptual drawings that would be emailed to the board.

Joe Poulder, adjacent property owner, said he was concerned by his tenant being overlooked by the four units. He was more concerned that property was open and in a shambles with overgrown grass. Two other properties on the block were also a mess. He would be happy to see anything happen. He would like to see 631 Foy Street cleaned up since the piers were remaining after the demolition several years ago. Mr. Thomas asked if the owner would elevate without the grant. Mr. Sollberger said it would be substantial cost, but Mr. Burns wanted a marketable rental unit and felt he could do it. His commitment was given to Mr. Sollberger to move forward. He said he was close on the pervious/imperious coverage and if he eliminated the sidewalk he would make it. Ms. Kidd said the requirement was 60% for multi-family. Mr. Adams asked if the percentage applied to the district or the use, and Ms. Kidd answered the district. For comparison, you could look at the multi-family use.

Mr. Sollberger said he would meet with the neighbor about what he would like for landscaping and present a landscape plan to the board. Mr. Clark asked about the impact on the adjacent live oak tree. In changing the terrain, what would be the affect with drainage? Mr. Sollberger said they were at least 20' away from the trunk of the tree. Ms. Kidd said the staff would need the rendering to show the drip line. Mr. Clark asked that Ms. Gleason look at the tree and give an opinion.

Mr. Blache asked about the pervious/imperious coverage since Mr. Clark was concerned about the 2-3' of fill. Mr. Sollberger said they would need to dig out an area and would be 1' above exiting grade under the perimeter of the structure. It would still be existing conditions. Instead of columns down the building, it would be cantilevered to be more like a tree house and not as much touching the ground. There was a need for a sidewalk. Ms. Kidd said there was an existing front sidewalk.

The zoning case discussed also had a corresponding planning case and both cases were discussed in conjunction. The zoning case discussed was V13-08-17 Craig Burkett requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, square 41B, lots 55, 56 and 57, zoned R-1, and the planning case discussed was P13-08-01 Craig Burkett requests a waiver to Section 13.2.4.3, Frontage On and Access to Improved Street Required, and Section 12.2, Application and Procedures for Approval of Public Improvements Only, square 41B, lots 55, 56 and 57, fronting on Short Street and across 818 Adair Street, zoned R-1.

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Jason Kaufman, Fire District #4, had looked at the site and they had dealt with similar issues in the past and it would not be an issue with the servitude of passage. Mr. Clark asked about the issue of a 15' driveway from the street. Mr. Kaufman said this

was similar to other properties in the parish. Ms. Kidd said the magnolia tree was located 15' from the fence. There was also a live oak tree on the other side.

Mr. Adams said there was a need for discussion with the City Attorney and Public Works Director. Mr. Burkett said he would comply and stagger the houses for visibility from Adair Street. He would meet the setback requirements. Mr. Adams said if both houses were to the south side of the lots there might be a dedication and an alley until a street was constructed. It was unknown who would own the property in the future. Mr. Burkett said his attorney had drafted it as a perpetual servitude for the rear lot. Ms. Kidd said it was a residential use on both sides of the property. Ms. Kidd said the staff would continue to determine some solution.

The last case discussed was Reopen Z10-10-07 D & H Investment Properties, LLC requests a zoning permit to Section 6.4.25, Commercial Recreation/Indoor Entertainment, square 34, lot 13A, 402 Lafitte Street, zoned B-3, Old Mandeville Business District.

Ms. Kidd presented a request by the new owner, Cayman Sinclair, to reopen a prior zoning permit case for Maison Lafitte. In 2007, the previous owner, Clark Heebe, applied and was approved for site plans but did not move forward on the project. In 2010, Mr. Heebe appeared before the board for reapproval since two years had lapsed. Mr. Sinclair purchased the property in December, 2012. The original approval was for a rear patio of 1,296 square feet that was included in the plan and calculations. With outdoor events, Mr. Sinclair would like to install a permanent cover on the existing patio. Mr. Adams confirmed that the covering did not affect parking or the pervious/impervious coverage. Ms. Kidd said CLURO Section 4.3.2.2 discussed the modification of site plan review and approval. She felt the request was not minor. Because it was now covering an outdoor space, it became a more intense use.

Mr. Sollberger said the term was capturing the area per the State Fire Marshall language. Cayman Sinclair, owner, said instead of installing a tent this would be permanent structure to fold the sides up and down. Ms. Kidd said the plan would be reviewed by the Design Review Committee. Mr. Sinclair said the client would not have to pay for a tent at every event.

Mr. Thomas asked about the height. Mr. Sollberger said it would be required to conform to the side yard setback and rear yard accessory building requirements. Mr. Clark confirmed that he did not know the height. Mr. Adams said it was not in the rear yard setback and Ms. Kidd said it would not have to conform to the 14' height restriction. Mr. Thomas asked as a covering with temporary sides, would there be air conditioning? Mr. Sinclair said if it was a nice evening they would keep it open, and if it was cold they would put in heaters. Most of the time, there would be nothing. There were different materials with windows similar to the Beach House.

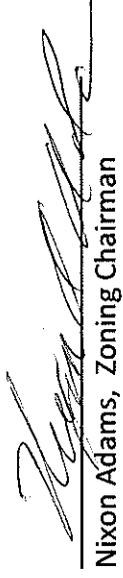
Mr. Adams said this was an approved site plan under a zoning permit and no site development criteria was affected. It was assumed whatever people want to do was right and to make the least possible changes to address the concerns. The board must decide if it would have any major effect on the neighborhood. Mr. Thomas asked if it was increasing capacity. Ms. Kidd said that was previously considered and the covering was not expanding on the original approval. Mr. Sinclair said if in the future if he decided to live there, it would become an outdoor area for dinner. It would look pretty and would be the same architecture as the building. He thought the tent was unattractive.

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Mr. Clark asked how tall the structure would be. Mr. Sinclair asked if he could see the tent. Mr. Clark said it was at night and he was inside. Mr. Sollberger said the original thought was this was one of the nicest houses with sweeping arches and the structure should match the same roof pitch and archways so about 16 to 18' at the ridge. It would be a shingle roof with a darker color and clay ridge tiles. Mr. Sollberger said he would provide a rendering for the next meeting. Ms. Kidd said the plan would be reviewed by the Design Review Committee because it was located in the Historic Preservation District.

Mr. Clark moved to adjourn the meeting, seconded by Mr. Fairley and was unanimously approved.

  
Lori Spradley, Secretary

  
Nixon Adams, Zoning Chairman

