

PLANNING COMMISSION

Libby Bacon
Demery Bishop
James P. Boyle
George Dausey
John Major, Vice Chair
Anne Miller
David Postle
Chuck Powell, Chair
Whitley Reynolds



CITY MANAGER

Diane Schleicher

PLANNING & ECONOMIC DEVELOPMENT DIRECTOR

Brannyn G. Allen

CITY ATTORNEY

Edward M. Hughes

MINUTES

Planning Commission Meeting

December 16, 2008 – 7:00 p.m.

Chuck Powell called the December 16, 2008, Planning Commission meeting to order. Other Commissioners present were: Libby Bacon, James Boyle, George Dausey, John Major, Anne Miller, David Postle, and Whitley Reynolds. Powell stated that Demery Bishop was absent due to out-of-town business and it was an excused absence.

Anne Miller moved to approve the Minutes of the November 18, 2008, Planning Commission meeting. Whitley Reynolds seconded. The vote in favor of the motion to approve was unanimous with the exception of Libby Bacon who did not vote due to being absent from the November meeting.

Chuck Powell asked if there were any Disclosures. There were none.

The only agenda item was a Major Subdivision of Land (Section 5-130) and Zoning Variance (Section 5-090) from Section 10-080.E, Street Design and Construction Specification, at **708 Butler Avenue**, PIN 4-0005-20-006, Zone R-2. The petitioner was Mark Boswell who was representing property owner Frank McNeal. Chuck Powell opened the Public Hearing. Brannyn Allen said that it was a request for conceptual subdivision approval with two street specification variances: to narrow the street from the required 60-foot right-of-way to a 50-foot easement, and to terminate the road in a T-configuration rather than a conventional cul-de-sac. Whitley Reynolds asked if the Planning Commission approved the concept, how much more they would do to it later. Allen said that the plan would come back before the Planning Commission for formal review. Libby Bacon asked about the number of duplex lots. Allen said that the lot on the north side of the road was where the house currently on the property would be relocated to. Bacon said what was being accomplished by narrowing the easement. Allen deferred the question to the petitioner. John Major asked what was different from when a plan for the property was brought before the Commission in 2006. Allen said that the prior request included a Shore Protection variance. Boswell said that a 60-foot right-of-way plus 20-foot front setbacks and 10-foot rear setbacks would leave almost nothing to build houses on and that was why, in lieu of a 60-foot right-of-way that would be publicly maintained, they were asking for a 50-foot easement that would be privately maintained. Referring to the variance requests, Major read the hardship definition. Boswell said that there was a physical limitation because the lot was so long and narrow. Major asked how many houses could be built if Boswell did not have the variances. Boswell said one or two houses: they would have to be on one side with the access road backing up to the existing backyards either to the north or south. Major said that it would not be undevelopable without undue hardship to the property. Reynolds said that a house would be 12-1/2 feet from the curb and a car would try to park there. Boswell agreed. Major asked the distance between the duplexes and the toe of the landward-most dune. Boswell said that he did

not remember. David Postle said that there were two references in the packet to jurisdiction lines drawn by Ann Thran of the Department of Natural Rescuers. He asked if that was supposed to be Resources. Powell said that he was sure that was a typo. Powell requested information about the dead-end street since the Code required an 80-foot diameter turnaround. Boswell explained that the Fire Chief preferred the T to the cul-de-sac when the project was submitted before. Allen said that the City did have a letter to that affect from Chief Sasser. Powell opened the Hearing to the public. Leon Aronson, 1 Eighth Street, asked if the project had anything to do with Eighth Street. Boswell said no. Aronson asked the distance from the duplexes to the dune line. Boswell said that he believed 10- to 12-feet. Aronson said that he did not understand how a variance would be granted in order to build more houses. Frank Seiler, 12 Eighth Street, asked for a definition of conceptual permission. Allen said that petitioners have used the opportunity to get feedback from the Planning Commission and from City Council, if they choose. She said that none of the decisions are binding; they have to come back for formal approval. Allen said that in this case it gives the Planning Commission an opportunity to comment on the concept plan before the petitioner goes through the expense of drainage engineering and any other expenses that might be incurred. Seiler spoke about the submitted drawings and about the grove of trees. Edwin Longwater, 8 Logan Street, stressed the importance of saving the trees. B.H. Levy, Jr., 4 Eighth Street, said that the petitioner that there are drainage issues on the subject property as well as his family's property to the south. Powell said that it was conceptual approval that was being sought. He said that all of the issues would have to be submitted in detail for the project to go forward: a tree removal/mitigation plan, a drainage plan, more detail about each piece of property, etcetera. Major spoke about the distance between the landward toe of the dune and the proposed homes. He also spoke of the possibility that the delineation line had moved since 2006. The 2006 survey, the 2008 subdivision plans, the Minutes of the 2006 meetings, and the drainage plans were discussed. Boswell stressed that the drainage design for the McNeal property would not fix drainage problems for the Levy property. Powell closed the Public Hearing and asked for a motion. James Boyle motioned to approve. Anne Miller seconded. Reynolds said that it looked like a lot of variances: reducing the road easement by 10 feet, and an easement rather than a right-of-way in order to gain more area for the lots on either side, essentially reducing the front yard setbacks. He said it was a big leap to take. Bacon said that because it was an easement it made the lots feel smaller and more dense. After further explanation by Bacon, Postle said that he would like the Master Plan followed particularly concerning density. Postle explained further and then Major spoke of not knowing the distance from the toe of the dune. Powell spoke of the plan not meeting the Master Plan criteria of low density for the area. Powell called for a vote on the motion to approve. Boyle and Miller voted in favor. Voting in opposition were Bacon, George Dausey, Major, Postle, and Reynolds. The **motion to approve failed**. Powell said that it could go to City Council on January 8, 2009.

Chuck Powell noted that a revised Zoning Map was in the Planning Commission packet as well as a 2009 Planning Commission meeting calendar. Powell also said that the Mayor and City Council are seeking applicants for Planning Commission appointments.

Chuck Powell adjourned the meeting.