

**PLANNING & ZONING COMMISSION MEETING
MARCH 2, 2017 DRAFT MINUTES**

8. Public Hearing To Consider And Act On An Ordinance To Amend the Zoning On An Approximately 1.53-Acre Tract Zoned Planned Development 52 (PD-52) And Located Generally On The West and South Sides Of St. Pierre And East Side Of Le Mans Drive To Allow For Changes To Various Development Regulations including setbacks and access; Amending The Official Zoning Map Accordingly. Case No. 02-17Z1 Josey Park Estates, Block A, Lots 16R-21R. Case Coordinator: Loren Shapiro.

Shapiro presented the case to amend the existing Planned Development to allow for the development of two lots on the southwest portion of the cul-d-sac. The back of the property had suffered erosion due to the retaining wall failure. To accommodate development of the two lots, the Planned Development requirements would need to be changed. The garages would be oriented away from the street but would be front loaded from the street; the setback would be reduced from 15 feet to 5 feet to allow the homes to fit. In addition, staff recommended changes to the PD to remove items that were no longer pertinent.

Chrisman noted the erosion and deterioration and asked how future erosion would be prevented. Ken Gazian, Pierre Investments, applicant, stated they were no longer dealing with erosion on the two properties and explained that the mud slide completely deteriorated the wall so that there is no retaining wall at all; just a slope. Chrisman voiced concern for flooding or further mud slides for future home owners. Mr. Gazian stated the property would be highly engineered advising that they were working with civil engineers as well as residential engineers who would provide him with the best design features to prevent future erosion. He further stated they would be a very expensive foundation plans for the whole house.

Kraus asked about the existing retaining wall and asked if the applicant would build another retaining wall. Mr. Gazian replied that they would not be building any walls; the homes would be built on the slope and the natural slope would stay intact and they would build a basement level as the first level and on top of that, the second level would align with the street level resulting in a walkout basement.

Kiser stated confusion with mediating the existing condition and asked what would be done to keep it from happening again; the fact that it is a dirt slope doesn't mean it will maintain the slope. Mr. Gazian explained that the problems that occurred before was because the retaining wall had no supportability and he felt the compaction level wasn't installed correctly. He explained that the home would have three levels; one below grade, one at grade and one above grade.

Shapiro reminded the Commission that the building plans for the structure would be reviewed by the Building Inspection Department which is separate from the zoning of the property. The zoning issues they should be considering is concerning the setbacks, access requirements, and orientation of the driveways.

Kiser voiced concern that with the reduction in setbacks, the building would be closer to the problem area. Shapiro explained that actually the building would be moved further away from the problem area with the proposed setbacks.

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Kraus asked if the walls that have not failed have been tested and Mr. Gazian stated they would not be touching those areas.

Susan Keller interjected to underscore that the Commission's role is to consider the setbacks and the access changes in the PD and stated that the questions being asked were not a part of the consideration before the Commission.

Denholm asked about setbacks with a trapezoidal shaped lot such as proposed and Shapiro used the pointer on the screen to illustrate the areas of the setbacks.

Chair Averett opened the public hearing and invited speakers to the podium.

Ann Burns, 2004 Lamont Drive, Lot 20 which is adjacent to Lot 18, and is also the Architectural Control Committee Chairperson for the Josey Park Estates HOA, stated they have been working with City staff and Mr. Gazian to develop a reasonable solution that works for the homeowners who are most affected by the development plans. She stated that they feel that the proposed amendment was reasonable in light of the topography of the property and the access issues.

* ***Chrisman moved to close the public hearing and approve Case No. 02-17Z1 Josey Park Estates, Block A, Lots 16R-21R with staff stipulations; second by Diamond.***

Chair Averett offered the applicant an opportunity for closing comments.

Mr. Gazian stated he felt the proposal was a sound project with a lot of consideration of safety and noted the reason for the side entry garages and variance regarding the alley.

The motion was approved with a 7-2 vote, Kiser and Kraus opposed.