

JUNE 4, 2007
PUBLIC HEARING
APPLICATION FOR VARIANCE
REDUCTION OF SIDE BUILDING SEPARATION
7:00 PM

VISITORS: Bill Roy, Lee Coleman, Sam & Suzanne Helfman, Robert Titus, Judy, Ben & Sam Belisle, Tyler, Kayla & Jacob Carter, Debbie Graham, Dianne Cleveland, Mr. & Mrs. Rotier, Jim Garver, Gail Downs, John Thompson, Murray McAfee, Mary Provost, Rebecca Neill, Chief Bennett, Sergeant Resmondo and Sarah Campbell

COUNCIL PRESENT: Belisle, Grover, Harrison & Owens

COUNCIL ABSENT: Graham

1. CALL TO ORDER/WELCOME VISITORS

Mayor Belisle called the Public Hearing to order and welcomed all.

2. PURPOSE OF PUBLIC HEARING

To present and receive comments on a variance request seeking the reduction of the side building separation from the required 20 feet in the R40 Conservation Subdivision District to 10 feet in the proposed Newberry Subdivision.

3. COMMENTS FROM SCARBROUGH AND ROLADER DEVELOPMENT

- **Not Present**

4. COMMENTS FROM CITY ADMINISTRATOR

The Conservation Subdivision Ordinance calls for homes to be separated at least 20 feet on either side. The reasoning was after discussions with the Fire Chief due to the present ISO rating and the differences in pressure. Mr. Ferry continued to say if there is no guarantee that there will be a 1,500 gallon flow then we shouldn't approve anything less than 20 feet but with the addition of the Heritage Pointe tank and report from our engineer, that particular portion of the City is now above the 1,500 gallon flow. The developer provided a report from ECO Engineering that indicates that the site will have adequate flow to meet the threshold of 1,500 gallons. Mr. Ferry then stated one issue Council should consider is the 20 foot storm water easements. If the developer is able to keep the storm water on the roads there shouldn't be a problem but with the smaller lots and if the storm water goes into the yards, easements will have be requested to put pipes between the lots. Mr. Ferry suggests not granting those easements and taking caution with the storm water issues.

5. COMMENTS FROM PUBLIC

Ms. Cleveland asked how much land is this project & was told 161 Acres. Mr. McAfee asked for the average lot sizes & was told it depends as they range from quarter to two tenths of an acre. Mr. McAfee then reminded Council of another ¼ acre subdivision & was told by Mayor Belisle that he can't compare the two as Newberry's total density is 0.9 units per acre and the total acreage is 161 and the density level on this is substantially less with over 40% greenspace. Mr. Ferry reminded all that this hasn't even gone through conceptual plat review. Mr. McAfee then asked for total land area within the variance application & was told by Mayor Belisle that the ordinance doesn't specify lot

size but specifies density and requires a greenspace percentage. Mr. Ferry then referred to the ordinance, Article 7.1 in the purpose of ordinance, which states that it will provide opportunities for flexibility and lot design not covered by the R-40 Subdivision District. Further, part B states is to provide more varied, innovative patterns so the total amount of disturbed area when you look at the total of 161 acres is significantly less disturbed than the traditional half or 1 acre lots. Mayor Belisle also added there will be substantially less impervious surface though streets. Mr. Ferry then read letter F, stating in part, clustering of dwellings and structures on environmentally sensitive soils. Dianne Cleveland stated that she thought if the applicant was not present at meetings any discussion would be postponed & was told by Mayor Belisle that it may not be heard at the Council meeting but we would hold the Public Hearing to meet the legal requirements and costs incurred. Ms. Cleveland then stated that a few years ago she applied for a hardship variance and was denied but every developer who has applied has gotten it granted & was told by Mayor Belisle that he doesn't recall this occurring.

6. COMMENTS FROM COUNCIL

C. Owens asked how many lots will be affected & was told just under 50. C. Harrison asked what happened to the other lots in the middle & was told by Mr. Ferry that he can't answer that question.

7. ADJOURN

C. Owens made motion to adjourn the June 4, 2007 Public Hearing & was 2nd by C. Grover. Motion carried unanimously.

Respectfully submitted,

Robert K. Belisle, Mayor

Debra J. Volk, City Clerk