

MINUTES
WAVELAND PLANNING & ZONING COMMISSION
September 24th, 2018

A regular meeting of the Waveland Planning & Zoning Commission was held at 6:00 p.m. on Monday, September 24th, 2018 at the Waveland City Hall, located at 301 Coleman Avenue, Waveland, Mississippi.

#1) Chairman Meggett, called the meeting to order at 6:00 p.m. Present were Commissioners Adams, Harris and Boudoin. Commissioner Watson was absent. Chairman Meggett established there was a quorum present. David Draz, Zoning Official and Jeanne Conrad, Building Office Clerk were also present.

#2) Chairman Meggett introduced and read the following request:

Santo P. Baiamonte, owner the property commonly known as 104 Waveland Avenue, Legal Description: Lot 4, Beach Vista Subdivision, is requesting a permit to remove a Live Oak Tree on his property per Section 408 and Section 907 of the City of Waveland current Zoning Ordinance (#349). Please see complete application submittal for details on the tree and the property. The tree is located in the front yard near the street.

The applicant made a presentation to the Commission and relayed what had happened when the large branch broke off and fell into the middle of Waveland Avenue effectively blocking the tree until the Fire Department came and removed the branch (please see pictures).

Commissioners discussed what they saw when they went out to look at it. They were wondering about the health of the tree overall. Chairman Meggett provided a letter to the Commission from Robert Henry Tree Service who has thirty years of experience trimming and cutting trees. He met with Mr. Henry at the tree and Mr. Henry stated that another branch could fall off at any time or it could go on as is for many years. Chairman Meggett reported that Mr. Henry pointed out several points at the base of the tree that were hollowed out and that one of the cut branches that hangs out over Waveland Avenue showed some rot. However, Chairman Meggett agreed with Commissioner Harris that he thought the tree looked healthy and was large in stature. Chairman Meggett stated that he would like to see a report from an Arborist. Chairman Meggett asked if anyone present would like to comment on this item. Desiree Baiamonte stated that she owned the property before the applicant. She expressed how much she loves the tree but that this is a safety issue. She further stated that the limb fell on a clear, calm day in the middle of the afternoon with no warning. Commissioner Boudoin asked if Mr. Baiamonte had looked into trimming the tree and he stated that based on what Mr. Henry had told him that the tree should be removed. Chairman Meggett said the Mr. Henry said there were no more chutes growing out of the tree so there would be no new branches growing out. The Commission held some summary discussion.

Commissioner Adams made a motion to recommend approval of the application to remove the Live Oak Tree located at 104 Waveland Avenue. Commissioner Boudoin seconded the motion. Chairman Meggett called for a vote. Voting yes were Commissioners Adams and Boudoin. Commissioner Harris voted no. Chairman Meggett declared the motion passed.

#3) Chairman Meggett introduced and read the following request:

Eric Chatelain, current owner of the property on 4th Street off of Sears Avenue, (Parcel #162Q-1-10-111.000), legal description: Lots 39-46, Block 8, Anchorage Subdivision is proposing to split the lots to create two lots. The two (2) proposed lots require a variance from the overall lot area requirement for Single Family Residential

(R1) of 12,000 square feet. Parcel "A" would have an overall lot area of 10,987 Sq. Ft. requiring a variance of 1,013 Sq. Ft. Parcel "B" would have an overall lot area of 11,966 Sq. Ft. requiring a variance of 34 Sq. Ft.

The applicant, Mr. Eric Chatelain made a presentation explaining that he currently owned a parcel on 4th Street off of Sears Avenue. The Parcel consists of 8 original lots in the Anchorage Subdivision. He is proposing to split the current parcel into two parcels consisting of 4 lots in one lot and 4 lots in the other proposed lot. He would have 100+ feet of frontage, but the overall area of each lot is just short of the required 12,000 sq. ft. in R1 – Single Family Residential.

Commissioner Boudoin asked the applicant if he was going to build on the property. He said he was building on one and the other could be for another family member or possibly sold at some time in the future.

Chairman Meggett asked if there was anyone in the audience that would like to speak on this item. Mr. Joe Cure, owns property across the street, 410 4th Street and wants to move back to Waveland and work in the family business and build on his property. He said he is all for new building in Waveland, but he did not think it was a hardship and was opposed to the variance request.

Commissioner Adams made a motion to recommend approval of the variances as requested. Commissioner Boudoin seconded the motion. Chairman Meggett called for a vote. Voting yes were Commissioners Adams, Harris and Boudoin. Chairman Meggett declared the motion passed.

#4) Chairman Meggett introduced and read the following request:

Stephen Hartel, Jr., current owner of the property commonly known as 240 S. Beach Blvd., Legal Description: PT 94, PT 98, PT 103. All 100 & 102, 2ND Ward, Waveland, MS, Hancock County, Parcel #161M-0-11-079.000, is requesting a "Procedural Variance" under Section 306.2(G) (3.) of the current Subdivision Ordinance (#351) which states: "3. Procedural Variance. Where a proposed subdivision would contain no new streets and no more than ten (10) lots, the requirement to prepare a Preliminary Plat may be waived by the Board of Mayor and Aldermen upon recommendation by the Planning and Zoning Commission." The "Procedural Variance" if recommended for approval would allow the applicant to submit a Final Plat for review and recommendation by the Planning and Zoning Commission to the Board of Alderman.

Mr. Steven Hartel, Jr., the owner of the property, explained to the Commission what he was applying for and what his plans were. He said that the property had been in his family for many years and the houses were destroyed in Katrina and they just not have had a chance yet to deal with the property. He stated that he and his brother own the property but that his brother lives in Dubuque, Iowa and had no interest in moving back and was interested to sell his property. Mr. Hartel explained the proposed layout with three lots fronting on Beach Blvd. and a fourth lot in the back that is a large lot. Mr. Hartel indicated that he planned to build on one of the lots fronting on Beach Blvd. With regard to the large lot in the rear, Mr. Hartel said they currently had no plans to build on the property. He mentioned that he had been informed by staff that with the limited frontage on Favre it would only be possible to build one house due to the limited twenty (20) foot frontage on Favre. He also understood that if anything else were to be done with the property that he would need more frontage on Favre.

Commissioners held discussion about the large live oak trees located near the front of the proposed three lots on Beach Blvd. They were concerned about how the driveways would work. Chairman Meggett explained that he had discussed this with staff and that with careful planning there were ways to avoid the live oaks. Staff explained that if any of the driveways were proposed to go under the drip line of a live oak that the property

owner might want to consider using pervious surface materials such a paving blocks or geo mats for that portion of the drive.

Commission asked staff if it was appropriate to allow public comment on this item. Staff indicated that since this 'procedural variance' was in the Subdivision Ordinance that it would be more appropriate to take comment under the next item which involves the requested variances on lot frontage.

Commissioner Adams made a motion to recommend approval of the 'Procedural Variance under Section 306.2(G)(3.) of the current Subdivision Ordinance (#351). Commissioner Harris seconded the motion. Chairman Meggett called for a vote. Voting yes were Commissioners Adams, Harris and Boudoin. Chairman Meggett declared the motion passed.

#5) Chairman Meggett introduced and read the following request:

Stephen Hartel, Jr., current owner of the property commonly known as 240 S. Beach Blvd., Legal Description: PT 94, PT 98, PT 103. All 100 & 102, 2ND Ward, Waveland, MS, Hancock County, Parcel #161M-0-11-079.000, is requesting the following variances: Variances from the current Zoning Ordinance, Article VII, Section 701., Minimum Lot Width – 100 feet, The purpose of the requested variances is to allow the creation of 3 lots fronting on S. Beach Blvd and 1 lot fronting on Favre Street shown on the survey as Parcel "A", Parcel "B", Parcel "C" and Parcel "D". Parcel "A" as proposed would have a lot width of 92.95 feet requiring a variance of 7.05 feet. Parcel "B" as proposed would have a lot width of 93 feet requiring a variance of 7 feet. Parcel "C" as proposed would have a lot width of 93 feet requiring a variance of 7 feet. Parcel "D" as proposed would have a lot frontage width of 20 feet on Favre Street requiring a variance of 80 feet.

Chairman Meggett stated that most of his questions were addressed under the previous item. He asked about the twenty (20) foot frontage on Favre for Parcel "D". The applicant explained that originally his father had maintained the twenty foot frontage on Favre in case a storm resulted in Beach Blvd being flooded that they would have a back way out. Commissioner Harris asked why they were having to address the frontage on the Favre. Staff explained that since the proposed plat had to include Parcel "D" because the three (3) lots on Beach Blvd would leave the remaining parcel landlocked and not permitted under the Subdivision and Zoning Ordinances. Several Commissioners said that they were in favor of the three lots fronting on Beach Blvd but that they were concerned about the limited frontage on Favre. Mr. Hartel explained that he was the sole owner of another lot on Favre Street but that all the property in the proposed plat were jointly owned by he and his brother.

Mr. Tom Lundin, whose address is Pier 2, Slip 35, Long Beach Harbor has been asked by several people to speak on their behalf including his parents, Tom and Darlene Lundin, 111 Favre Street, his uncle Rick and Jill Lundin, 110 Favre St, Nate and Jill Graff, 100 Favre St, Dianne D'Ingianni, 123 Favre St, Mac and Susan Magee, 118 S Beach Blvd and Jim and Aleen Grieshaber, 130 S Beach Blvd. Mr. Lundin presented a letter that said in summary why the proposed subdivision does not comply with both the letter or the spirit of the Zoning Ordinance. Mr. Lundin also presented two other letters from residents who could not be here including Mr. Lawrence Centola III, 200 S Beach Blvd and Mr. Price Younger, 138 S Beach Blvd.

Mr. Lundin discussed their major concerns and summarized their concerns and opposition to the proposed subdivision. Please see the letter from Mr. Lundin for a detailed account of their points. He stated that the definition of a variance and the criteria for considering a variance were not being met in this case. He quoted from Section 906 of the Zoning Ordinance which includes a definition of a variance and the factors to take into account when considering a variance. He also stated that the uncertain future regarding possible subdivision development of Parcel "D" provided far too many possible scenarios such as more dense development.

The Commissioners expressed their support for the development of the lots on S Beach Blvd but were also concerned about what would happen in the future on the remaining large parcel (Parcel "D"). Mr. Lundin discussed the possible scenarios that could lead to a subdivision development. Staff explained that if at some point in the future a subdivision was proposed it would be required of the owner/applicant to comply with all of the requirements and regulations in the Subdivision, Zoning and Design Guideline Ordinances. This would include going through the various review and approval steps including but not limited to a concept plan, site plan, preliminary plan and final plat. If any proposed elements of the subdivision plan required variances, conditional uses or alternative proposals to address an issue, there would be additional steps required.

Chairman Meggett recommended that the item be tabled to allow time to receive input from the City Attorney. Commissioner Boudoin made a motion to TABLE this item until the next meeting. Commissioner Harris seconded the motion. Chairman Meggett called for a vote. Voting yes were Commissioners Adams, Harris and Boudoin. Chairman Meggett declared the motion passed.

#6) Chairman Meggett introduced and read the following request:

Stephen Hartel, Jr., current owner of the property commonly known as 240 S. Beach Blvd., Legal Description: PT 94, PT 98, PT 103. All 100 & 102, 2ND Ward, Waveland, MS, Hancock County, Parcel #161M-0-11-079.000, is requesting a review and recommendation for a Final Plat that would divide the property into four (4) Lots. As shown on the proposed Final Plat.

Chairman Meggett recommended that the item be tabled to allow time to receive input from the City Attorney. Commissioner Harris made a motion to TABLE this item until the next meeting. Commissioner Adams seconded the motion. Chairman Meggett called for a vote. Voting yes were Commissioners Adams, Harris and Boudoin. Chairman Meggett declared the motion passed.

#7) Chairman Meggett introduced and read the following request:

Palm Development, with written permission from the current owner of the property commonly known as 451 Hwy 90, legal description: PT NW ¼ - SE ¼ PT 71 SEC 34-8-14, is requesting 2 permits to remove 2 Live Oak Trees on the subject property per Section 408 and Section 907 of the City of Waveland current Zoning Ordinance (#349). The purpose of the request is to allow Palm Development to complete site plan work and construction of an urgent care clinic on the property.

Mr. Winston Parks presented his applications for the removal of two live oak trees on the property they are proposing to develop as an urgent care clinic. Mr. Parks discussed the Certified Arborist report. He said that they looked closely at the property and are proposing to save the three live oaks located at the back of the property but that the two live oaks in the middle of the property are located right in the main drive aisle near the proposed building location. He stated that he had worked with the engineers and eventual lessee to try to find an alternative solution but that their location left them with no way to accomplish the site development without removal of the two trees.

Commissioners expressed their concerns about setting precedent regarding removal of protected live oak trees for the convenience of keeping the site plan as proposed. Further discussion was held between the applicant and the Commission about each of the trees. It was noted that the three trees located at the rear corner of the property were growing up through a raised wooden deck. The Commission suggested some ideas to for possible site plan alterations to possibly keep the live oaks.

Commissioner Adams made a motion to recommend denial of the request to remove two (2) Live Oak Trees from the property. Commissioner Harris seconded the motion. Chairman Meggett called for a vote. Voting yes were Commissioners Adams, Harris and Boudoin. Chairman Meggett declared the motion passed.

#8) Chairman Meggett introduced and read the following request:

Palm Developments, current owner of the property commonly known as 451 Hwy 90, legal description: PT NW ¼ - SE ¼ PT 71 SEC 34-8-14, have submitted a site plan for the redevelopment of the property as a medical clinic. As required by the Site Plan review process as outlined in the City of Waveland's Zoning Ordinance, Section 808, the Planning and Zoning Commission will review the proposed site plan and make a recommendation to the Board of Alderman. (This item was tabled by the Commission at the August 27th, 2018 meeting. Will need motion to remove from table prior to taking up the item.)

Commissioner Harris made a motion to remove this item from the table to allow discussion. Commissioner Boudoin seconded the motion. Voting yes were Commissioners Adams, Harris and Boudoin. Chairman Meggett declared to motion passed.

The Commission discussed this item and felt that because of the outstanding issue with the oak trees felt it would be best to recommend denial of the site plan.

Commissioner Adams made a motion to recommend that the Site Plan not be approved. Commissioner Boudoin seconded the motion. Chairman Meggett called for a vote. Voting yes were Commissioners Adams, Harris and Boudoin. Chairman Meggett declared the motion passed.

#9) Chairman Meggett asked if there was anyone present who would like to address the Commission.

No one responded.

#10) Commissioner Harris made a motion to set the date of Thursday, September 27th, 2018 at 5:00PM for a special meeting to approve the minutes of the September 24th, 2018 meeting and to set the date of the next regular meeting of the Commission for Monday, October 29th, 2018 at 6:00 PM. Commissioner Boudoin seconded the motion. After a unanimous vote in favor of the motion by all commissioners present, Chairman Meggett declared the motion passed.

#7) Commissioner Harris made a motion to adjourn the meeting at 7:55 PM. Commissioner Boudoin seconded the motion. After a unanimous vote in favor of the motion by all commissioners present, Chairman Meggett declared the motion passed.

Respectfully submitted,

David Draz, Zoning Official