

MINUTES

ISLANDS PLANNING COMMISSION FEBRUARY 19, 2008 - 6:00 P.M. The Casino Bldg, 530 Beachview Drive, SSI

MEMBERS PRESENT: Robert Ussery, Chairman
Preston Kirkendall, Vice Chairman
John Dow, Jr.
William Lawrence
Paul Sanders
Desiree Watson
Joan Wilson

STAFF PRESENT: David Hainley, Community Development Director
York Phillips, Planning Manager
Iris Scheff, Planner III
Sarah Smolek, Planner I
Paul Andrews, Assistant County Engineer
Janet Loving, Admin/Recording Secretary

ALSO PRESENT: Commissioner Uli Keller, BOC

Chairman Robert Ussery called the meeting to order and the invocation was given, followed by the Pledge of Allegiance. He then gave a brief recap of the rules, voting procedures and audience participation in discussing agenda items.

Minutes

January 15, 2008 Regular Meeting

Upon a motion made by Mr. Preston Kirkendall and seconded by Mr. Paul Sanders, the Minutes of the January 15th Islands Planning Commission meeting were approved and unanimously adopted.

PP-2008-001 (I) Frederica Township Phase V-B

Request for approval of a preliminary plat for property located within the Frederica Township development approximately 1,400 feet west of Lawrence Road. The property is zoned Planned Development and is part of the North End Planned Development. Parcel ID 04-13352 and 04-13666. Property owned by Sea Island Coastal Properties, LLC.

Mr. Bill Edenfield and Mr. Bobby Shupe were present for discussion.

The following report from staff was included in the packages for review and was presented by Mr. Phillips:

This project consists of 25 lots on 39.623 acres, and is to be served by private streets, and public water and sewer. The project is consistent with the overall plan for the North End Planned Development. The property is currently undeveloped but the proposed use is for single-family lots.

Detailed design review will occur during the construction plan review phase in accordance with County Engineering. Additionally, the project will be served by Pikes Bluff Road and Lawrence Road. Total daily trips generated by this development will be 239 (9.57 ADT per unit).

Staff recommends approval of this preliminary plat, subject to meeting all requirements. Three copies of a preliminary plat will need to be submitted for the Chairman's signature.

Mr. Paul Sanders asked for an explanation with respect to the side yard setbacks. He stated that according to the plat, the side setback is 10 ft.; however, the county regulation is 7 ft. Also, in most subdivisions, such as Sea Palms, the side setback is 14 ft., although the lots in this particular development are considerably larger than Sea Palms. Mr. Edenfield explained that the setback complies with the Planned Development text approved for this property. He stated that they typically impose greater setbacks with restrictive covenants.

Mr. John Dow had questions concerning comments from Mr. Ransom about there not being existing water and sewer. Mr. Shupe stated that he is not sure why the comment was included, but utilities are shown on the plat. Mr. Phillips pointed out that this particular comment was made and posted on an earlier version. The existing plat does include water & sewer as stated by Mr. Shupe.

There being no further comments, a motion was made by Mr. Paul Sanders to approve the preliminary plat for Frederica Township Phase V-B, subject to meeting all requirements. The motion was seconded by Ms. Desiree Watson. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery and Ms. Desiree Watson. Abstained From Voting: Ms. Joan Wilson.

SP-2008-001 (I) Golden Isles Aviation Airplane Hangar

Request for approval of a site plan for property located on the north side of Skylane Road approximately 1000 feet northwest of its intersection with Demere Road. The project consists of a 19,800 square foot airplane hangar with 11,700 square feet of additional site coverage. The property is zoned Planned Development. Parcel ID 04-02922. Property owned by Golden Isles Aviation.

Mr. Bill Walker, Golden Isles Aviation, was present for discussion.

The following report from staff was included in the packages for review and was presented by Ms. Sarah Smolek.

This project appears to meet requirements for the zoning and sites for which it is proposed. The applicant is proposing a new 19,800 sq. ft. airplane hangar with 11,700 sq. ft. of additional site coverage. (The plans should show consistent acreage/site coverage information.)

Engineering assumes that the Airport Commission has reviewed and approved the location and improvements planned for this building and finds the project to be compliant.

The site is proposed to be served by county water and sewer. Utilities made several comments about what should be on the Building Permit Site Plan for this project.

The Fire Department has noted that the plans should show all fire hydrants within 1,000 ft. of the site; however, the most recently submitted plans do not depict enough hydrants for the site. The appropriate number of fire hydrants should be shown on the building permit site plan.

Staff's recommendation is for approval of this site plan with the condition that the building permit site plan show the proper number of fire hydrants, subject to the Fire Department's approval.

Mr. William Lawrence had several questions concerning this request. First, he wanted to know the primary use of the proposed hangar. Mr. Walker stated that the use of the hangars would be exclusively for aircraft storage. The hangar itself will be divided into five different bays for aircraft. Secondly, Mr. Lawrence asked if any gasoline or "Aviation 115" would be located near the hangar. Mr. Walker replied no; those items are excluded in the terms of the lease with the Glynn County Airport Commission. Finally, Mr. Lawrence wanted to know how many fire hydrants would be required for the area. Mr. Walker stated there is only one hydrant required to be within 1000 ft. of the building. The building is 330 ft. long and 60 ft. wide, therefore one hydrant would be more than adequate.

There being no other comments, a motion was made by Mr. Preston Kirkendall for approval of this site plan with the condition that the building permit site plan show the proper number of fire hydrants, subject to the Fire Department's approval. The motion was seconded by Ms. Joan Wilson and unanimously adopted.

VP-2007-002

Application by Bill Hooker, agent for Bill Downey, owner, for approval to renovate the façade and entrance of an existing building located at 401 Mallery Street, situated on the northwest corner of its intersection with Ocean Boulevard. The 5,081 square foot property is zoned GC-Core. Parcel ID 04-04447. *This is a request to modify the terms of the approval.*

Mr. Bill Hooker and Mr. Bill Downey were present for discussion.

A chronology of events with support materials relating to this application was included in the packages for review. As pointed out by staff, the applicant has stated in a letter that the requested St. Simons Beachwear façade renovation is to be delayed until the fall of 2008 due to unavailability of funds to complete the project. Therefore, this case is being brought back to the Islands Planning Commission, the entity that has the authority to determine whether or not this delay is acceptable.

Mr. Bill Downey, one of the owners, explained that he and his tenant had an agreement that they would share (50/50) in the cost of the renovation on the exterior of the building. However, his tenant recently approached him and stated that he just did not have the money. The agreement was that the money would be available before the project started. Mr. Downey stated that in an effort to avoid publicly exposing this information, he sent a letter to Mr. David Hainley justifying what he was asking for, but he never heard back from Mr. Hainley. He explained that the problem in this case is that his tenant of 22 years, Mr. Waanounou, is \$20,000.00 dollars behind in his rent. He has been very lenient with Mr. Waanounou because he understands his financial difficulties. Mr. Downey stated that they still want to move forward with the plans and he is asking for the Planning Commission's indulgence. He stated that Mr. Waanounou feels that by the end of the summer season he will have the available funds to go ahead with the project and to catch up the rent that he owes.

Mr. John Dow pointed out that the Planning Commission did not initiate this petition; it was brought to staff, reviewed by staff, processed, and subsequently brought to this body. Not only was it presented in the agenda package, but it was also amended at the meeting. The request was approved in February 2007 which was said to be done in November of 2007 for the same reasons enumerated by Mr. Downey; the summer season and income. Prior to any of this taking place and without any notice, the building was modified and renovated unilaterally. Mr. Dow stated that his regret in granting approval

at the last meeting, is adding to the motion the verbiage, “six weeks from the date of issuance of the building permit,” which left an open ended period to complete the work. Had the motion been left the way it was originally intended, which was to have the work completed by the middle of March, the building would have been non-compliant. Mr. Dow stated that he would like to know what the options are at this time.

Mr. Hainley stated that he would like to first apologize to Mr. Downey for not responding to his letter and assured him that it is not a habit of his to not return calls or correspondence. In this instance, there was a miscommunication among staff. In addressing Mr. Dow’s concerns, Mr. Hainley explained that because of the actions that have occurred with this property, the building is in non-compliance with the zoning. As such, it is non-compliant with the building code and is therefore subject to revocation of the Certificate of Occupancy (CO), which would result in the business license being revoked. Given the number of approvals granted in the past, Mr. Hainley stated that another alternative would be to require a bond to ensure that the work is actually done this time.

Mr. Kirkendall asked Mr. Hainley to explain how the property is in non-compliance. Mr. Hainley stated that in accordance with Section 709 of the Zoning Ordinance, the Planning Commission made a specific approval that goes back through the process and that action has not been carried out. Chairman Ussery stated that in essence, the applicant renovated the exterior of the building without the Planning Commission’s approval. If the applicant had taken no action after the approval, he would not be at fault. Mr. Hainley stated that is correct.

Chairman Ussery stated that his concern is that the Planning Commission cannot compel people to spend money. Mr. Dow pointed out that not only was something done that wasn’t approved, but there are also two follow-ups that were not met, which makes this entire occurrence look like a big charade. Chairman Ussery disagreed. For example, he stated that if someone buys a building permit and later decides that they cannot afford to build the house that they bought the permit for, we cannot compel the person to build the house. He stated that he would perhaps understand trying to determine what the penalty should have been for the first infraction, but he does not agree with insisting that a deadline be given to complete a project with or without the funds. Mr. Dow stated that he agrees with that point, but the Planning Commission did not impose the deadline. The Planning Commission adopted a motion based on the applicant’s representation that the project was going to be done by a date certain; it wasn’t done. He stressed that this happens quite often. People have a tendency to ask for forgiveness after the fact, rather than for approval.

Ms. Watson stated that the applicant has already made an effort, expended money and changed the building, which the Planning Commission did not approve. They need to correct what they have done. Therefore, she is willing to give them more time if they do in fact correct what they have done to the building.

Mr. Sanders asked Mr. Downey if he would be receptive to possibly posting a bond to complete the project. Mr. Downey replied yes, but Mr. Waanounou, who would be responsible for half, is already indebted to him. He admitted that what Mr. Waanounou did was wrong, but stated that they want to do what they originally proposed.

Mr. Dow asked if the CO could be revoked. Mr. Hainley replied yes; the Building Official could revoke the CO, which then would cause the revocation of the business license. Mr. Dow suggested that they leave the building as it is with the caveat that it all be finished by November, and if not, staff should begin the process of revoking the CO. He then asked Mr. Downey if he would agree to this, to which Mr. Downey replied yes, he is willing to put up his share but he has concluded that if Mr. Waanounou does not perform, he will probably seek a new tenant.

Mr. Kirkendall suggested an option to approve what is already done to the building and then perhaps when the funds are available, come back and review what the applicant is proposing. However, Ms. Joan Wilson disagreed with that option and stated that it would set a precedent, thereby opening the door for more of the same.

At the end of discussion, a motion was made by Mr. John Dow to allow Mr. Bill Downey to leave the exterior of the building as it exists until the end of November. If the project is not completed by November 30, 2008, Mr. David Hainley is authorized to proceed with the process of revoking the Certificate of Occupancy. The motion was seconded by Ms. Desiree Watson. Voting Aye: Mr. John Dow, Mr. Paul Sanders, Ms. Desiree Watson and Ms. Joan Wilson. Voting Nay: Mr. Preston Kirkendall, Mr. William Lawrence and Mr. Robert Ussery.

There being no further business to discuss, the meeting was adjourned at 6:45 p.m.