

MINUTES

ISLANDS PLANNING COMMISSION

MARCH 17, 2009 - 6:00 P.M.

The Casino Bldg, 530 Beachview Drive, SSI

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

STAFF PRESENT: David Hainley, Community Development Director
York Phillips, Planning Manager
Eric Landon, Planner II
Paul Andrews, Assistant County Engineer
Janet Loving, Admin/Recording Secretary

Chairman Preston Kirkendall 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 procedure and audience participation in discussing agenda items.

MINUTES

February 17, 2009 Regular Meeting

Upon a motion made by Mr. John Dow and seconded by Ms. Joan Wilson, the Minutes of the February 17th Regular Meeting were approved and unanimously adopted.

SP1302 (I) Residences at Coast Cottages

Consider approval of a revised site plan for three multi-family buildings on a site consisting of 1.79 acres located on the northeast side of Olive Way, southeast of its intersection with Beach Drive, approximately 400 feet southeast of Wood Avenue. The property is zoned Resort Residential. Parcel ID: 04-10501. F. Larry Evans, agent for Olivewood, Inc., owner.

Mr. Larry Evans was present for discussion.

In presenting the staff's report, Mr. Phillips pointed out that the previously approved site plan showed two buildings with a total of 18 units. The proposed plan shows three buildings with a total of 25 units on a site consisting of 1.79 acres. The first building (which is closest to the beach) contains 9 units. The second and third buildings (moving inland) contain 9 and 7 units respectively.

The site has been rearranged and expanded in area to reflect an agreement between the land owner and the county concerning the ownership of a strip of land seaward of the Olive Way right-of-way. The site coverage and density requirements are met for the buildings and units proposed.

For clarification, the area depicted on the site plan as "Parcel 1" (located seaward of the end of Coast Cottage Lane and Sea Oats Lane) is not included in the proposed layout and is not included for the purposes of the density or site coverage calculations for the three proposed buildings.

Among other changes, the developer will provide improved beach access and proposes to relocate the pool. The proposed layout is phased with the area involved in the second and third buildings to be used on an interim basis as a retention area. The retention facility will be eliminated and used for construction when the permanent drainage system is extended to the planned outfall west of Ocean Boulevard.

The site plan presented generally meets submittal requirements; however, certain information needs to be included on the building permit site plan. This includes: zoning of abutting property, existing topography, tabulation of impervious surface coverage, and a statement that there are no graves present on the site.

Engineering has indicated that the site plan is compliant. The drainage system relies on an on-site retention pond occupying space that will eventually be devoted to buildings two and three. The permanent drainage outfall will need to be completed in order to allow the construction of these buildings to replace the on-site retention facility. The site is currently served by public water and sewer.

This project will be accessed via Olive Way and Wood Avenue. The streets serving this area meet Level of Service "C" or better based on 2002 conditions and are projected to meet Level of Service "C" or better by 2030.

Based on current county averages, the project will generate 14 school age children, although the nature of ownership of these units may reduce this amount.

Under Section 619.4 (a) of the Zoning Ordinance the Planning Commission review shall be guided by the following standards and criteria:

- 1) The application, site plan, and other submitted information contain all the items required under this Section. **Staff comment: This requirement has generally been met. Remaining items are minor and can be provided with the building permit site plan.**
- 2) The proposed uses, buildings and structures are in accordance with the requirements of this ordinance and other ordinances of Glynn County. **Staff comment: This requirement has been met.**
- 3) Adequate provisions are made for ingress and egress, off-street parking, loading, and the flow of traffic, which may reasonably be anticipated. **Staff comment: This requirement has been met.**
- 4) Adequate provisions are made to control the flow of storm water from and across the site. **Staff comment: This requirement has been met, subject to review by Engineering of the construction of drainage improvements for the second and third buildings.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff comment: This requirement has been met.**
- 6) Adequate provisions are made to buffer intensive uses and to screen all service areas from view of the adjacent properties and streets. **Staff comment: This requirement has been met.**
- 7) Adequate provisions are made to control the location, intensity, and direction of all outdoor lighting so that it will not have an adverse effect upon adjoining properties. **Staff comment: This requirement has been met or will be met through the building permit process.**
- 8) Open space, as required, has been provided and appropriate means are proposed to assure maintenance of common areas and facilities. **Staff comment: This requirement has been met.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: This requirement has been met.**

Mr. Phillips stated that staff recommends approval of the site plan application, *SP1302*, for Residences at Coast Cottages subject to meeting all requirements.

Mr. Dow wanted to know what was added that created more density than what was originally approved. Mr. Phillips stated that the original approval did not include any of the right-of-way area along Olive Lane. He then pointed out the area for further clarification. Subsequent to the site plan approval, there was a negotiation over the disposition of the right-of-way; a portion of which is now included in the overall site area and allows the additional units to come in and still meet the density requirement. He also noted that the grey area in the right-of-way between the first and second building is a paved access way. Mr. Phillips pointed out the handicapped accessible area, the parking area, the conventional driveway, the walkway and the boardwalk which goes through the low area and over the rocks to the beach. Ms. Wilson asked if there is public access to the beach. Mr. Phillips replied yes and added that the public access has been improved.

For additional clarification, Mr. Larry Evans explained that the access is actually better and there will be two handicap parking spaces. The area has traditionally been a neighborhood access. He stated that the applicant offered the county to do more parking, but the residents did not want more parking because they wanted it to remain as a neighborhood access. He stated that there is the same amount of access with the improved handicap ability and a permitted beach walkway, which protects the dunes rather than the pathway through the dunes.

Ms. Watson had questions about the street that goes up to the portion where the boardwalk begins toward the ocean. She stated that the plat shows that it is only 9 ft. wide and she's concerned about fire trucks being able to get through. Mr. Evans stated that the original approved site plan showed a 10 ft. wide grass-ring paved walkway, which would support a fire truck. However, Capt. Johnson of the Fire Department was in favor of the proposed plan because of the distance provided between the fire trucks and the building in case of a fire. He stated that Capt. Johnson was quoted as saying that "if his folks can't back out 400 ft., they're not very good drivers."

Ms. Watson stated it appears that Parcel 1 has created a fury of controversy leading to the submission of numerous letters and phone calls to the Islands Planning Commission members, and since it is not relevant to what is being considered she would like to know why it was included. Mr. Evans stated that Parcel 1 probably should not have been included on the actual site plan. He stated that they were trying to show the surrounding area and the owners of the additional property. His client, Mr. Hamby, happens to own the property and although there is a dispute about it, they are not including any of that particular property in any of the calculations (as indicated in the staff's report).

Mr. Dow expressed concerns about the discrepancy in the site coverage. Mr. Phillips stated that the applicant estimated the site coverage at 49% but staff estimated it at 47%; however, it is still within the 50% requirement.

Ms. Watson had questions about the building height, but Mr. Phillips stated that the building height is not an issue at this time. There has been an issue with the air conditioning units but those are being modified and will come into compliance.

Attorney Tom Lee, representing Coast Cottages Neighborhood Association, stated that they were concerned about the Common Area (which extends easterly to the high-water mark of the Atlantic Ocean). It was pointed out that the Common Area of St. Simons Coast Cottages is owned by the Association and Mr. Lee stated that they were concerned that it would be included in this request and become part of the action of the Planning Commission. He stated that he met with Mr. Evans and Bob Miles and they have agreed to delete that area so that it won't show up on the site plan, which satisfies the Association. Mr. Lee distributed highlighted copies depicting the Common Area for the Planning Commission's review and reiterated that their concerns have been resolved for the time being.

Mr. Bob Miles stated that he is in perfect agreement with omitting the Common Area so that it is in no way any representation of this site plan application or its approval.

Mr. Stan Humphries of 1470 Wood Avenue, SSI, was present to speak in opposition to this request. He read the following letter of opposition into the record. (This letter, in its entirety, is contained in site plan application file number *SP1302 I*)

"It seems that the developer of the Residences of Coast Cottages has engaged in a pattern of abuse and pushing the boundaries, to an extent that he should not be allowed to continue developing properties on St. Simons Island. For instance, the existing building at Residences at Coast Cottages exceeds the height limitations of the Glynn County Building Code. It appears this was a deliberate action that the developer intended to get by with, until it was exposed by the county staff. Now the developer is contending it is only a minor violation and is applying for a zoning variance...It is a major structural violation...The developer has requested two postponements of a hearing on the variance, while he scrambles to come up with a way out of his predicament..."

"Much of the native vegetation in the dune area adjacent to the Residences of Coast Cottages has been damaged or destroyed; in violation of the Shore Protection Act...The DNR has asked the developer to replace the lost vegetation."

"Homeowners of Coast Cottages, an adjacent property, contend that the developer of the Residences of Coast Cottages is infringing on their rights to the Common Area, and is prepared to take legal action to protect these rights..."

"I urge you to defer action on the proposed plan until the outstanding issues on the existing plan for the Residences of Coast Cottages have been resolved."

In addressing the variance issue, Mr. David Hainley stated that Mr. Humphries is correct. There is an active variance request that has been deferred. The pediment in the middle of the building was 6 inches too high and has since been structurally modified.

However, there is a wall around the roof area to which the air conditioning units exceed the height requirement. In communicating with the architect and the builder on the corrective measures, which involves air conditioning units on the roof, they believe that they can provide to staff before Friday (March 20th) corrective certifications meeting the elevation requirements, and therefore the variance request will become moot. In the meantime, the project has been shut down until the issue is resolved.

Regarding the vegetation concerns, Mr. Evans stated that he has been working with the Department of Natural Resources and has not received any complaints from them. In fact, DNR asked him to re-work the routing of the beach walkway to avoid any vegetation issues. Mr. Evans pointed out that part of his agreement with DNR was to renourish the path if he builds the walkway in another location, but since he is back on the path, he is actually adding vegetation that has been approved by DNR.

Ms. Wilson asked Mr. Evans if he was aware that he was exceeding the height requirement, to which he replied no. He stated that there was a note on the drawings but somehow the contractor did not see the note. When this oversight was discovered, the height was 6 inches over instead of 6 inches under the limit in those two areas. However, he is in the process of correcting this. The design of the new building will be under the height limit.

There being no further discussion, a motion was made by Mr. John Dow to approve *SPI302(I)* with the deleted Common Area as depicted in tonight's presentation, and subject to meeting all other requirements. The motion was seconded by Ms. Desiree Watson and unanimously adopted.

VP1483 613 May Joe

This is a request to approve the construction of a new home on property located at 613 May Joe Street. The property is located on the north side of May Joe at its intersection with Twelfth Street. The 5,535 sq. ft. property is zoned R-6 One-Family Residential. Parcel ID: 04-04599. Ed Mecchella, applicant for John Allen, owner.

Mr. Ed Mecchella and Mr. Larry Bryson were present for discussion.

In presenting the staff's report, Mr. Eric Landon explained that the applicant has submitted drawings showing the proposed elevation and footprint of a new home. The proposed footprint is 1,466 sq. ft. with a 339 sq. ft. deck for a total of 1,805 sq. ft. The proposed height of the structure is 25 ft. based on the provided elevation.

Under Section 709.5 (Village Preservation), alterations to existing construction of a principal building must be looked at to determine the harmony and appropriateness of lot coverage, height increases, materials, color schemes, and building elements for the structure itself and neighboring structures.

709.5 General Provisions

In all zoning districts except General Commercial Core Districts, no new construction or alteration to existing construction of a principal building or accessory building or structure will be allowed which will result in lot coverage of greater than fifty percent (50%). Furthermore, no building footprint may be increased more than the average of the building footprint of the building and structures located on the adjacent side lots existing at the time of the adoption of this Ordinance.

In all zoning districts, no new construction or alteration to existing construction of a principal building or accessory building or structure will be allowed which will increase the height more than ten (10) feet from the building or structure originally located on the property at the time of adoption of this Ordinance or from the average height of the principle structures located on the adjacent side lots at the time of adoption of this Ordinance.

For vacant lots which have been vacant for a period of one (1) year or longer, the footprint of new buildings or structures on the lot shall be no greater than the average footprint of the buildings or structures located on the adjacent side lots of the new construction. The height shall be no more than ten (10) feet greater than the average height of the principle structures located on the adjacent side lots at the time of adoption of this Ordinance.

When no building or structure is located on adjacent lots, the nearest building or structure will be considered to determine allowable scale of new construction. Additionally, Section 709.8 provides that the Planning Commission will review the plans according to the following criteria:

- A) *Conformity of the plans submitted to the purpose and provision of this Ordinance.*
- B) *Conformity and harmony of external material and design with existing and neighboring structures.*
- C) *The effect of the improvements on neighboring structures or sites.*
- D) *The consistence and compatibility with existing architectural design building exterior finishes used on neighboring properties or in the overlay zone.*

E) Exterior materials, exterior doors and windows, color schemes and other building elements which are considered compatible with neighboring structures in the overlay zone and appropriate for the area.

F) The use of landscaping to cause the improvement to conform to the character of the area or to buffer the improvement from the neighboring sites.

Lot Coverage and Building Footprint: The lot is 5,535 square feet and the proposed structure shows a building footprint of 1,805 square feet, and a 20'x18' (360 square foot) parking area. This gives a total lot coverage of 2,165 square feet or 39%. This percentage is far under the maximum allowable fifty percent (50%) lot coverage.

The ordinance states a structure may not exceed the average of those in the adjacent lots at the time of the adoption of the ordinance (1992). Based on the records provided by the County Tax Assessors Office, the footprint of 611 May Joe was 1,616 sq. ft. and 615 May Joe was 1,548 sq. ft. for an average of 1,582 sq. ft. Therefore, the proposed 1,805 sq. ft. building footprint exceeds the maximum allowed. Note: (The chimney shown on the elevation is to be moved internal to the building to meet setbacks).

Building Height: The applicant provided the building heights of the adjacent structures. The applicant states that 615 May Joe is at 30 ft. and 611 May Joe at 24 ft. The proposed structure is 25 ft. in height. The proposed structure meets the requirements for building height.

Conformity and Harmony of Plans with Neighboring Structures: A clear set of proposed elevations are included in the materials for review. Overall, the proposed structure appears to be harmonious with the existing and neighboring structures.

Exterior Materials, Color Schemes, Building Elements: Based on the information provided by the applicant the proposed materials (hardy plank), color schemes (grey and white) and building elements appear to be harmonious with neighboring structures.

Use of Landscaping, Buffering, and Conforming with Neighboring Sites: The applicant stated that the yard will be landscaped with new plantings and will be harmonious with the surrounding properties.

Mr. Landon stated that staff recommends approval of **VPI483** with the reduction of the rear deck making the maximum building footprint 1,582 sq. ft. and in compliance with the requirements of the St Simons Village Preservation District.

Chairman Kirkendall wanted to know if this proposal would be in compliance with the new ordinance regulations. Mr. Hainley stated that the coverage issue would remain the same. Most of the other decisions, such as the scale, etc., would be subject to

the recommendation of the Architectural Advisory Board. The average height, average width, etc. becomes a non-issue. Mr. Hainley stated that staff is bound by the 1992 standards. It appears that in this case, a garage on the adjacent property has been converted into a guest house, which changes the square footage next to the property, but he reiterated that staff is bound by the 1992 ordinance standards. Mr. Landon stated that staff's calculations were based on the 1992 property tax records, which may or may not coincide with an earlier handout provided by the applicant.

Mr. Larry Bryson apologized for the last minute details, but Mr. Mecchella asked him to assist with the comparison of the adjacent structures. He stated that he sent his staff out to measure the existing structure, and what exists at 611 May Joe is 2,346 sq. ft. of site coverage. He stated that there is a garage apartment on the back of the property that appears to have been in existence since 1992. If he were allowed to use that, then the numbers would work relative to the existing deck size.

Mr. Hainley stated that the tax records are not perfect and things do get added that are not reflected in the records. However, he is inclined to agree with Mr. Bryson about the structure being in existence since 1992 in that it has the same character and same material as the other structure and also due to the window air conditioning unit, as opposed to central air conditioning. Based on this evidence, it could be interpreted as such and the request could possibly be granted as stated.

Mr. Dow asked if the applicant would be willing to reduce the deck by 223 sq. ft., which would leave 116 sq. ft., subject to finding out at a later date. For clarification, Mr. Hainley stated that in essence, what Mr. Dow is saying is that if the applicant can provide evidence from the adjacent owner that the structure did exist in that form and use, then the plan with the proposed deck size would be approved. Otherwise, if this evidence cannot be produced, the deck size would be reduced to 116 sq. ft. Ms. Watson stated that she would like to see this in the form of an affidavit.

Mr. Ed Mecchella stated that he has built over 62 cottage style homes in the village area. He stated that everyone has liked this particular design because it has the appearance and feel of the old St. Simons cottages. Regarding 611 May Joe Street, he stated that he would be willing to meet with anyone on site and show the house that he has worked on over the years since 1980. He stated that it is a very, very old house. As a contractor, he would say that the house was built before 1940, largely because of the material and the paint. It also has old hinges, and old garage doors. He stated that it was probably missed on the tax records but he is certain that it was built before 1980.

Mr. Dow asked if the owner would agree to an approved site plan by reducing the deck to a maximum of 116 sq. ft. until a signed statement is provided verifying that the guest house on Lot 14 existed prior to 1992. Mr. Mecchella replied yes. Ms. Watson stated that she would accept a sworn affidavit to this effect from the applicant.

For the record, Mr. Landon pointed out that in accordance with requirements of the Village Preservation District the applicant has provided a tree survey showing the removal of two dead water oak trees located on the property.

At the end of discussion, a motion was made by Mr. John Dow to approve application **VPI483** (613 May Joe Street) with the condition that the deck shown on the plan is to be reduced making a maximum building footprint of 1,582 sq. ft. until or unless the applicant provides a sworn statement verifying that the guest house shown on Lot 14, 611 May Joe Street, existed prior to 1992, and if so, the plan as presented originally would be approved without any reduction. The motion was seconded by Mr. Paul Sanders and unanimously adopted

There being no further business to discuss, the meeting was adjourned at 7:05 p.m.