

DRAFT/MINUTES

ISLANDS PLANNING COMMISSION

OCTOBER 20, 2015 - 6:00 P.M.

Casino Bldg., 530 Beachview Drive, SSI

MEMBERS PRESENT: Preston Kirkendall, Chairman
Stan Humphries
William Lawrence
Robert Ussery
Karen Ward

ABSENT: Desiree Watson
Joel Willis

STAFF PRESENT: David Hainley, Community Development Director
Cayce Dagenhart, Planner II
Karl Bursa, Planner II
Julie Grimm, Planner I
Janet Loving, Admin/Recording Secretary

ALSO PRESENT: Dale Provenzano, BOC Chairman
Alan Ours, County Manager
J. E. Johnson, Fire Inspector

Chairman Kirkendall called the meeting to order and the invocation was given, followed by the Pledge of Allegiance.

MINUTES

August 18, 2015 Regular Meeting
September 15, 2015 Regular Meeting

Upon a motion made by Mr. Stan Humphries and seconded by Mr. Robert Ussery, the Minutes of the *August 18th Regular Meeting* were approved and unanimously adopted.

Upon a motion made by Mr. Stan Humphries and seconded by Mr. William Lawrence, the Minutes of the *September 15th Regular Meeting* were approved and unanimously adopted.

AGENDA - Additions, Deferrals, Corrections, Postponements

Mr. Hainley advised that Mr. Don Elliott, Chairman of the Joint Water & Sewer Commission, has requested to read a letter into the record which affects two of tonight's agenda items. As a preamble to the letter, Mr. Elliott pointed out that lift station 2032, located at the intersection of Frederica Road and North Harrington, controls and processes everything north of the Island as well as some areas to the south and east, i.e. Sea Palms and South Harrington. He proceeded with the letter as follows:

“Pump Station 2032 on St Simons Island conveys wastewater from Basin 2032 as well as flows it receives from the northern portion of St. Simons Island. Pump Station 2032 presently operates above its current calculated peak flow. Considering flows this station is obligated to receive from existing platted undeveloped lots, at this time it is believed that additional flows from proposed new developments would further compound the capacity issues with this pump station.

“JWSC recognizes the problem with Pump Station 2032 and its force main and is currently evaluating corrective actions required to accommodate flow commitments and future potential flows. It is requested that Glynn County does not approve new or additional preliminary or expedited developments served by Pump Station 2032 at this time. This request could be in excess of two years...”

Mr. Hainley explained that based upon these findings there are two applications on tonight's agenda that have now substantially changed from being compliant to non-compliant with Joint Water & Sewer. For clarification, Chairman Kirkendall stated that if the IPC approves the preliminary plat and staff approves the construction plans, why couldn't the IPC approve the preliminary plat with no construction plans being approved until it can tie-in. Mr. Hainley explained that approval would substantially render potential damages to property owners that the county may be liable for by vesting them certain rights that they do not currently have. No construction is being approved, but the applicant has a right to submit the plans. Chairman Kirkendall stated that if the projects could tie into the sewer or if the lots were large enough for septic tanks would this be acceptable. Mr. Hainley stated if that were the case, it would require a water and sewer variance from the Board of Commissioners.

Mr. Ussery asked if tonight's findings apply to any existing lots-of-record. Mr. Hainley replied no. Steps will be taken to address existing lots-of-record. Mr. Ussery then asked Mr. Elliott if they have experienced significant problems in this particular area. Mr. Elliott replied that there have been problems with the pump station in the area, but no spills.

Before proceeding with the agenda, Chairman Kirkendall granted a request from Mr. Lawrence to make the following statement:

For the record, Mr. Lawrence stated that he is concerned about what we're trying to accomplish on St. Simons Island. He stated that currently, the county is looking at possible cases to be reviewed on South Harrington, North Harrington and Harrington Lane. In that area alone there are approximately 15 subdivisions, and out of those subdivisions there are approximately 400 homes. "How are we going to accommodate what is taking place on the Island?" Mr. Lawrence stated that the reason for his concern is that there are small children in the area seen riding 3-wheelers, bicycles, etc. around the cul-de-sac because there is no other place for them to ride. There are no sidewalks, and as a result, the only place they have to ride is in the street. He pointed out that there are also joggers using the street and they refuse to move over. Someone is going to be seriously injured or killed, and if that happens, who will be responsible; the builder or the county. He stressed that we need to look at constructing sidewalks for some of these areas.

Mr. Lawrence stated that on South Harrington, there are a large number of canopy trees. Last week, the limbs were ripped off of trees as a result of 10 and 18 wheelers riding through the area. Signs need to be posted in these areas to counter act these occurrences; otherwise, we will continue having these kinds of problems. Mr. Lawrence stated that he would prefer that we become proactive rather than reactive. "We need to look at where we're going and we need to do it in an organized manner."

Mr. Hainley stated that we currently have a county-wide bike way/pedestrian plan underway which is being managed by the BATS Committee through their federally funded program. The consultants are RS&H and they are actually looking for comments and recommendations about origins and destinations. Mr. Hainley stated that he would forward their contact information to Mr. Lawrence for future reference. Mr. Lawrence agreed to follow-up with the consultants.

At this time, Chairman Kirkendall proceeded with the agenda items beginning with application **PP3104**, Preliminary Plat for Tabby Place, Phase II. Vassa Cate with Olde Plantation Group, LLC, applicant and owner, was present for discussion.

Chairman Kirkendall stated that over the past several days he has continuously received emails from residents inquiring about preliminary plats. He stated that for educational purposes, preliminary plats are for subdivisions as outlined in the Subdivision Regulations as follows: "Preliminary plats are meant to geographically demonstrate the ability of a proposed layout to conform to requirements of the Zoning Ordinance regarding lot size, width and similar features, and shall be reviewed by staff with reports prepared for the Planning Commission regarding approval. Approved plats shall be valid for five years from the date of approval. Denied plats must be resubmitted for approval. Plats which are not submitted for review within one year of posting of the final review are considered withdrawn."

Chairman Kirkendall expounded on the purview of the Islands Planning Commission in relation to reviewing preliminary plats. Once the preliminary plat is approved, the next step of review is by the county development group who then addresses or approves issues such as drainage, road widths, and other items listed under construction plans. He pointed out that preliminary plats are for subdivisions/single-family homes. Site plans are for multi-family and commercial developments with a different set of items to address such as traffic, ingress/egress, etc.

Ms. Karen Ward stated that perhaps she is the reason for this explanation based on her comments at the last IPC meeting when she asked Mr. Hainley if drainage could be addressed at the beginning of the process before it becomes an issue. However, Chairman Kirkendall explained that he merely wanted to educate the public on the review process due to the number of emails that he has been receiving.

At this time, Mr. Hainley stated that based on the information provided at the beginning of the meeting from Mr. Elliott of the Joint Water & Sewer Commission, he'd like to know the desire of the Islands Planning Commission in relation to the two applications on tonight's agenda. Chairman Kirkendall stated that based on the information provided he doesn't see a reason to go forth with the agenda items if the Planning Commission cannot take action. Mr. Hainley stated that this is a non-compliant status on a critical issue. Mr. Ussery stated that this is all brand new information, but as a point of order, he asked Mr. Hainley that if he had known this information last week would he have advised the applicant that it could not be heard this week. Mr. Hainley replied that had he known, the applicant would have been advised.

For clarification, Mr. Humphries asked Mr. Hainley what is it that the Planning Commission needs to do in order to make tonight's meeting legal. Mr. Hainley stated that the Planning Commission could defer indefinitely until the Joint Water & Sewer Commission advises that there is capacity, or the Planning Commission could deny the application and request an update until there is evidence of passage. However, after referring to *Roberts Rules of Order*, it was determined that there is no deferral option in this instance; therefore, Mr. Hainley stated that the only option would be to deny the preliminary plat and state the reason for denial in writing. Mr. Ussery asked if there is an appeal process, to which Mr. Hainley replied yes.

Mr. Vassa Cate, applicant for **PP3104**, Preliminary Plat for Tabby Place, Phase II, asked Mr. Hainley if this project met all of the requirements for approval last week. Mr. Hainley replied yes. In the history of preliminary plats, Mr. Cate asked Mr. Hainley if he recalls if one has ever been denied if it meets all of the requirements. Mr. Hainley stated that he does not recall one being denied, but by the same token, he does not recall this set of facts being in place. Mr. Cate stated that they worked on this project, met all of the requirements, and it was approved by staff. He pointed out that they had a meeting

scheduled last week, which was cancelled, yet the meeting continued and the IPC voted on the ordinance amendments. Now they've come back a week later and at 12:00 before the meeting, he finds out that there is a sewer problem that could last for two and a half years on an Island with a population of 15,000 people. "This just doesn't add up."

Mr. Ussery asked Mr. Cate if he discussed his subdivision plat with the Joint Water and Sewer before the submittal. Mr. Cate stated that he submitted the application and he has returned comments from everybody that everything checked out, which was last Tuesday (October 13th) at the meeting where he was thrown out. Now he learns, 10 minutes before this meeting, that his submittal is not compliant with Joint Water and Sewer. Mr. Cate stated that "this is insanity." He stated that he has written approval from Joint Water and Sewer that his application was compliant. Mr. Ussery then asked Mr. Elliott the same question about discussing this preliminary plat. Mr. Elliott stated that on Monday he started asking questions of people who deal with pump stations and lift stations every day and he became aware that there was a problem with the pump station and the lift station. At that time, he was told that it was over the EPD peak rate. He then asked questions about what was done on the preliminary plat approval and was told that it was ok, but comments were listed in the document indicating that there may be downstream issues. Mr. Elliott stated that he felt like staff had not been clear; is it buildable or is it not buildable. He was advised that there was a problem after speaking with Ms. Angela Bryant, who is overseeing the Master Plan, and Mr. Todd Cline.

Mr. Elliott stated that he tried to schedule a meeting with Mr. Hainley and Mr. Paul Andrews but they were not available at the time. He briefed Commissioner Booker and Commissioner Provenzano about the situation. He then drafted the letter and provided it to Mr. Hainley for tonight's meeting. Mr. Elliott stated that the bottom line is we cannot pump anything through the line and he is asking that no future development occur until this is all taken care of.

Mr. Humphries stated that he was prepared last Tuesday night at the October 13th IPC Meeting to make a motion to deny this application because of its failure to meet Section 613 of the old code and he believes that he would have been successful in doing so. Mr. Cate stressed that staff disagreed with Mr. Humphries, but they did come up with a solution to satisfy these concerns. Therefore, his application would not have been denied.

At this time, BOC Chairman Dale Provenzano stated that in light of the fact that all of this information is new to everyone, he believes that more time is needed to investigate the charges that have been brought forth by the Joint Water & Sewer Commission. He also feels that there is no harm in deferring this item to allow more time for this investigation. The other alternative is to either vote to approve or deny, which may not be in the best interest of all parties involved. Chairman Kirkendall concurred.

At the end of discussion, a motion was made by Mr. Robert Ussery to defer application **PP3104** until the November 17th IPC Meeting, beginning at 6:00 p.m. to allow additional study on the information brought forth tonight. The motion was seconded by Mr. Stan Humphries. Discussion continued, during which time Mr. Humphries stated that the application that was submitted for tonight's meeting is the same application that was submitted for the October 13th meeting, and while there is a claim that Section 613 was satisfied, it is not satisfied in the application submitted for tonight's meeting. Chairman Kirkendall advised that this would be examined at the next meeting. There being no further discussion, the motion for deferral was unanimously adopted.

PP3105 Stillwater Phase III: Consider approval of a preliminary plat for a 51 lot subdivision on 38.79 acres. The proposed subdivision is located in the Stillwater Subdivision, along Lake Stillwater Drive. Parcel ID: 04-14757. St. Simons Holdings, Inc., applicant and owner.

During a brief presentation, Mr. Frank DeLoach, who was present to represent this application, stated that he is disappointed that within six days the facts have changed dramatically. The engineers looked at this application and everything was signed-off and ready last week at the October 13th IPC Meeting, but now at the eleventh hour everything has changed. Mr. Ussery asked if this project had been planned for a long time. Mr. DeLoach replied yes, it's been planned since 2004-2005.

There being no further discussion, a motion was made by Mr. Robert Ussery to defer application **PP3105** until the November 17th IPC Meeting, beginning at 6:00 p.m. for additional study of information revealed at the beginning of the meeting. The motion was seconded by Mr. William Lawrence and unanimously adopted.

VP3112 504 Beachview Drive: Consider a request to replace existing awnings due to natural wear and tear on the awning material. The site is located at 504 Beachview Drive, approximately 100 ft. southeast of its intersection with Mallery Street. The property is also adjacent to the county owned Postell Park. Parcel ID: 04-04649. Bob and Blake Merrill, applicants and owners.

Mr. Larry Bryson, agent, and Mr. Blake Merrill were present for discussion.

According to the staff's report, the applicant is requesting approval to replace several weather worn awnings. The applicant would like to replace the first floor awning, which spans the entire building, with black corrugated metal roofing. The proposed roofing will extend 8 ft. 4 in. from the building.

The metal support columns for the metal roofing will be wrapped in cypress wood. The awnings on the second and third floors will be replaced with a black canvas awning. There are no plans to change the frame of these awnings.

The awnings, existing and proposed, encroach upon the county right-of-way and therefore require a revocable permit approved by the Board of Commissioners. It has been placed on the agenda for the October 15, 2015 Board of Commissioners meeting. The revocable permit will give the applicant permission to encroach into the right-of-way on the first floor, and the airspace encroachments for the second and third floors.

In accordance with Section 709.4, the Island Preservation District gives the standards for review, as follows:

- (a) Construction, or remodeling or enlargement of an existing building in a manner inconsistent with the existing building massing (the three-dimensional bulk of a building: height, width, and depth), articulation (the pattern of the building base, middle and top, created by variations in detailing, color and materials or stepping back or extending forward a portion of the facade) and fenestration (the arrangement, proportioning, and design of windows and doors in a building) in the immediate area; or
- (b) An absence of unity or coherence in composition which is in opposition to the character of the present structure in the case of repair; or
- (c) Violent contrasts of materials or intense colors not representative of the existing buildings in the immediate area; or
- (d) A multiplicity or incongruity of details resulting in a disturbing appearance.

Pursuant to Section 709.7(f), an application for design review which does not require site plan approval under Section 619 of the Zoning Ordinance shall contain that information deemed necessary by the Planning Division for review and processing of the application. Staff has determined that the application is complete and contains the necessary information.

Mr. Larry Bryson gave a brief presentation and a general discussion followed. Afterward, a motion was made by Mr. Robert Ussery to approve application **VP3112** contingent upon approval from the Board of Commissioners on the revocable permit. The motion was seconded by Mr. William Lawrence and unanimously adopted.

In other business, a SSI Traffic Study for South and North Harrington Roads was forwarded to the IPC members for informational purposes. Chairman Kirkendall stated that he would rather discuss the proposed traffic study at a worksession. Mr. Hainley concurred and added that the consultants should be in attendance to answer questions. Mr. Humphries stated that he would also like to discuss the memo regarding the obligations of the Islands Planning Commission. Chairman Kirkendall agreed to include this item on the agenda for the worksession.

There being no further business to discuss, the meeting was adjourned at 6:55 p.m.