

PLANNING COMMISSION

Demery Bishop
Marianne Bramble
Randi Bryan
Jay Burke, Chair
Rob Callahan
John Major, Vice Chair
Monty Parks



CITY MANAGER

Diane Schleicher

PLANNING AND ZONING MANAGER

Jonathan H. Lynn

CITY ATTORNEY

Edward M. Hughes

MINUTES
Planning Commission Meeting
May 18, 2010 – 7:00 p.m.

Vice Chair John Major called the May 18, 2010, Planning Commission meeting to order. Other Planning Commission members present were: Demery Bishop, Marianne Bramble, Randi Bryan, Rob Callahan, and Monty Parks. Chair Jay Burke was absent.

Vice Chair John Major asked for a motion on the Minutes of the April 20, 2010, Planning Commission meeting. Rob Callahan corrected the word “contusive” to “conductive.” Demery Bishop moved to accept the Minutes with correction. Rob Callahan seconded the motion. The vote in favor was unanimous.

Rob Callahan asked about a Special Review petition for special events at a residential bed and breakfast that the Planning Commission had voted to continue at the April 20, 2010, meeting. Jonathan Lynn explained that the applicant and her attorney were gathering information and would like to be on the agenda for the June Planning Commission meeting. John Major requested that Lynn get a statement from the owner that she was a resident of the bed and breakfast.

Vice Chair John Major asked if there were any Disclosures or Recusals. Monty Parks said that he would be recusing for item 2 as he was the applicant, and on items 3 and 4 he would be recusing because there was a financial interest between himself and the Navons. He requested permission to sit in the back of the room. Rob Callahan said that they all know Parks and item 2 was for his place of business. He asked if it was okay for the rest of them to vote. Major said that there was no reason not to unless there was a financial interest. Randi Bryan said that under Robert’s Rules for recusal they were actually supposed to leave the room during discussion. Parks agreed to do that. Marianne Bramble said that she would recuse for item 4 as she lived directly behind that property. She asked if she had to step out of the room or could she be a private citizen to make comments. Lynn said that she could be a private citizen if she would like to speak, just not as a Planning Commissioner, and once she was done speaking, if Planning Commission requested, she should leave the room. Bramble agreed.

Vice Chair John Major opened a Public Hearing for Zoning Variance at **1619 Chatham Avenue, Lot 5-D**, PIN 4-0010-05-016, Zone R-2. The petitioner was George Hammond. The request was for a front setback of 10-feet rather than the required 20-feet for a new single-family dwelling. Jonathan Lynn said that the request met the requirements of a physical hardship due to the shape of the property. He said that the Community Character Area was Back River Neighborhood. He said that a variance was granted in 2004 but was not acted upon. Susan Wylly stated that she was the broker for the owner and also lives next to the property. She said the property was under contract and the buyer was in California. Wylly, Major, and Lynn discussed the request. Demery Bishop asked how this request had changed from the 2004 variance that had been granted. Wylly and Bishop discussed. Lynn said that the request was the same. Bishop said that there was a stipulation that it was contingent on it being used for a deck, and no heating

or cooling. He asked if that had changed. Lynn said that there had been no activity on the project since the variance was approved. Bishop asked, if they approved it, would it be identical to the 2004 variance. Lynn said that they would have to put that in their motion. Ownership of the property was reviewed. Randi Bryan asked if the building permit expired. Lynn said that the variance expired; a permit was never pulled. Wylly said that the Harpers, also neighbors to the lot, were okay with this as long as in the 10-foot it was stairs and porches, not a heated and cooled area. Callahan asked if it was a setback variance or a zoning variance. Lynn said that all variances were zoning variance. Callahan asked if Section 5-040 applied. Lynn and Callahan discussed. Callahan and Wylly discussed the request. Marianne Bramble and Wylly discussed ownership of the property, the expiration of the previously approved variance, and palm trees along Chatham Avenue. Major, Lynn, and Wylly discussed writing and measurements that were on the survey. Bryan asked, if the variance was not granted, what size house could be built. Lynn said that it could reduce it up to 200 square feet. Bryan and Lynn discussed. Wylly said that the main thing was to make it look similar to the other two homes along the private driveway. Major asked for public input. There was none. Major read from Section 5-090. He closed the Public Hearing and asked for a motion. Bishop motioned to approve a variance of 10-feet in the front setback contingent on it being used for a deck only and no heating or cooling allowed. Major asked if that was deck and stairs. Bishop said deck. Bryan seconded the motion. Voting in favor were Bishop, Bryan, Parks, and Major. Opposed were Bramble and Callahan. The **motion to approve contingent on the 10-feet of front setback variance being used for a deck only passed** with a 4-2 vote. The request would be heard by Council on June 10.

Vice Chair John Major opened a Public Hearing for Site Plan at **22 Tybrisa Street**, PIN 4-0008-03-014, Zone C-1/SE. The petitioner was Montgomery Parks. The request was for a non-retractable awning. Parks recused. Major said that the awning would project 5-feet over the sidewalk with a height clearance of 8-feet. Jonathan Lynn said that according to the South End Policies and Procedures an awning would be required to be rolled up. He said that prior to the issuance of any permit Staff would require engineering to make sure the awning met wind standards. Major and Lynn discussed the procedures for Site Plan. Randi Bryan commented that the rules of recusal called for someone else to represent the petitioner if they were a sitting member so it was not proper for Parks to represent himself. Lynn said that he was not familiar with that, but if that was the will of the Planning Commission it would go forward in that manner. Demery Bishop said that under the rules of recusal the Commission could make a determination to allow that individual, even though they were a sitting member, to speak and represent the facts based on questions asked by the Commission. Mark Boswell was appointed by Parks as his representative. Bryan asked if the awning was required to meet hurricane force winds. Lynn said yes. Rob Callahan commented that it would extend 5-feet over the sidewalk which was wider than the overhangs in that area. He and Lynn discussed. Bryan asked about colors. Lynn and Boswell discussed proposed colors. After a question from Major about permitting had been answered, Rob Callahan asked if a sign could be allowed on the awning. Lynn said that a sign could be painted on the awning, but a sign could not be attached to it. Marianne Bramble commented that the awnings on that street were different lengths so there was no continuity. Boswell said that the Better Hometown people liked a little bit of difference and uniqueness. Major asked for public input. There was none. Major closed the Public Hearing and asked for a motion. Bryan motioned to approve. Bishop seconded. Parks had recused. All voted in favor of the motion. The **motion to approve passed** with a 5-0 vote. City Council would hear the request on June 10.

Vice Chair John Major opened a Public Hearing for Site Plan at **502, 504, and 506 First Street**; PINs 4-0003-12-014, -015 and -016; Zone C-2. The petitioner was Mark Boswell. The request was for a new commercial building. Monty Parks recused. Jonathan Lynn said that the applicant was acting on behalf of William Navon. He said that the proposal was construction of a 5,000 square foot shopping center. He stated that the Character Area was Arts, Eats, Eco Business Corridor. Lynn noted that a Site Plan had been approved for the property in November of 2007, but it was for a different developer. Lynn said that

they showed the required 25 parking spots. He explained that the location of the dumpster had been addressed with the applicant and it would be relocated so as to not interfere with parking. Lynn said that there were currently three curb cuts but they were proposing one off Highway 80 and another off Miller Avenue. Major asked the distance from the back of the commercial facility to the closest residential unit. Lynn said roughly 100-feet. Boswell agreed and he pointed out the location of an existing fountain. He said that the project was approved in 2007 at 8,000 square feet so it had been reduced. He said that they added a lot of greenspace. Major and Boswell discussed the parking surface and drainage. Marianne Bramble asked how it would affect the nature trail. Boswell said that it would not. He, Lynn, and Bramble discussed. A swimming pool that had not been approved on the 2007 plan was discussed. Bramble asked where the trashcan would go. Boswell pointed to an area off Miller Avenue. Rob Callahan asked what kinds of businesses would be occupying the space. Boswell said retail business. Callahan noted that there were different parking requirements for certain types of businesses. Boswell said that in that case they could not get a permit to open. Lynn agreed. Lynn said that the parking proposed was for retail. Bramble asked about a billboard on the property. Lynn said that it would be required to be removed. Bramble asked if the Site Plan was approved did they intend starting right away or were they going to wait until it was almost expired. Boswell said that they still needed to do the design on it. The longevity of approval and the previous proposal were discussed. Callahan commented that it was a one-story building. Boswell said that they did not have parking for a second floor with the layout. The commercial zoning of the lots behind the property was discussed as was buffering requirements and the proposed ingress/egress. Major asked Lynn if there was anything to be brought to the Commissions' attention. Lynn said that the requirements were met and they were not supposed to impose any sort of conditions. Major asked for public input. There was none. Major closed the Hearing. Bryan motioned to approve. Bishop seconded. Regarding the parking surface options that Boswell had previously offered, Bramble commented that the applicant should have everything answered. Boswell requested to speak and then discussed various paving materials and stormwater runoff. Major commented that current ordinance said that 65% of the setbacks was to be of permeable materials. Boswell said that they were near 100% greenspace in the setbacks. Proposed changes to the current ordinance were discussed. Voting in favor of the motion to approve were Bishop, Bryan, and Major. Opposed were Bramble and Callahan. Parks had recused. The **motion to approve passed** with a 3-2 vote. City Council would consider the request on June 10.

Vice Chair John Major opened a Public Hearing for Site Plan at **211 Butler Avenue**, PIN 4-0004-08-004, Zone C-1. The petitioner was Paul Theron. The request was for the addition of a rooftop deck to a mixed-use building currently under construction. Marianne Bramble and Monty Parks recused. Jonathan Lynn said that what the applicant was requesting was not part of the original Site Plan. He said that they wanted to enclose the second floor with railing materials. He said that they do not intend to use the area for any sort of gathering or public meeting space. Lynn said that in the event it was ever used as a social gathering spot, the occupancy of the building would change and the parking requirements would change. He said that this was for purely aesthetics. He spoke further about it having been reviewed by Chatham County. Lynn commented that the original Site Plan was approved in February of 2009. Mark Boswell, representative for Theron, stated that it was not really a deck but they did not know how to word it in the application. He said that there was no access; there was no door or stairway to it. Major asked if it extended further into the setback. Boswell said no. Rob Callahan asked if there was additional footprint. Boswell said no. Demery Bishop asked what was proposed on the original plan. Boswell said that the architect did not show any railing. Lynn agreed. The elevations of the proposal were discussed. The roof surface and lack of access to the area were discussed. Buffering and zoning were discussed. Major asked for public input. Val Rome, 301 Lovell Avenue, said that she was always very concerned when she saw a variance. Major clarified that it was not a variance. Rome said that she had a concern about where they were putting the railing. She said that they probably were going to add a door. She asked how people would access the second floor residential duplex. Lynn said that the stairs were on the Lovell Avenue

side. Major closed the Public Hearing. Callahan moved to approve. Bishop seconded. The vote was unanimous. Bramble and Parks had recused. The **motion to approve passed** with a 4-0 vote. City Council would hear the item on June 10.

Jonathan Lynn said that Article 3 had been sent to the Planning Commission for the June 15 meeting at the request of City Council. He said that there had been significant changes since Planning Commission last saw it in June of 2009.

Rob Callahan moved to adjourn. Randi Bryan seconded. The vote was unanimous and the meeting adjourned.