

MINUTES

GLYNN COUNTY PLANNING COMMISSION

May 18, 2004 - 6:00 P.M.

MEMBERS PRESENT: Perry Fields, Chairman
Robert Ussery, Vice Chairman
Jay Kaufman
Ann McCormick
Gary Nevill

ABSENT: Mike Aspinwall
Jonathan Williams

STAFF PRESENT: York Phillips, Planning Manager
Janet Loving, Admin/Recording Secretary

Chairman Perry Fields 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.

Upon a motion made by Ms. Ann McCormick and seconded by Mr. Robert Ussery, the agenda for the May 18th Planning Commission meeting was approved and unanimously adopted.

GC-2004-03

Application by Jim Fucetola, agent for Frederica Baptist Church, Inc., owner, to amend the Planned Development-General (PD-G) Text for Barnes Plantation (originally approved under application GC-30-94) to change the development standards for the commercial building and site located at 1700 Frederica Road on the east side of Frederica Road opposite Edwards Plaza, and consisting of 0.981 acres with 285.3 feet of frontage on Frederica Road. The principal change would be to allow joint use of parking for church and commercial uses.

Mr. Jim Fucetola and Mr. Mike Warren were present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

This request was deferred from the April 6th Planning Commission meeting. Barnes Plantation is a mixed-use development consisting of several apartment buildings and a commercial building, all zoned PD-G. The two portions of the project were undertaken separately as stand-alone developments. The site plan for the commercial building was approved in 1999. This building consists of a "ground floor" level open from the rear side and originally planned for parking, two conventional floors (the first floor being at ground level on the front or street side), and an unfinished third floor. The original site design provided for 91 exterior parking spaces and 16 spaces under roof on the "ground floor" level.

The building has been purchased by a church, which has converted the ground floor (parking) level for a church sanctuary, and has converted a portion of the top floor for church offices. The church use is allowed per the PD Text. As originally proposed, the total development would consist of 298 seats in the sanctuary and approximately 13,960 square feet of office and retail space. These uses would require 75 parking spaces (church) and approximately 70 (office/retail) separately. Either one of these requirements is well within the 91 exterior parking spaces currently available on site, but the two uses combined would not meet the current ordinance requirements.

While Section 723 of the Zoning Ordinance allows the PD Text to provide for joint use of parking, no such provision was made for this project. This is a request to modify the PD Text to allow the same parking to be used for the church use and for the commercial use in view of the fact that the uses are operated at different times.

The original application to amend the Planned Development Text was withdrawn in lieu of a stipulation attached to the building permit application. This stipulation limited the number of seats in the church sanctuary and limited the commercial space to be occupied so that the resulting parking requirement would be met by the existing exterior parking spaces. This allowed the sanctuary to be completed and occupied.

The current request is to allow the joint use so that the remaining commercial space may be occupied and the number of seats in the sanctuary may be increased. The proposed text also clarifies the original requirement that the Board of Commissioners review the site plan to indicate that further review of every change by the Board of Commissioners is not required.

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact were considered in making the recommendation:

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Yes.

- Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

No.

- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Yes.

- Whether the zoning proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

No.

- Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan.

The future land use map identifies this area as commercial.

- Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or disapproval.

No.

The joint use approach is reasonable for situations where different use will be made of the parking during different time periods. Allowing joint use obviates the need to over-build parking. The proposed text amendment will ensure that future change in use will not create a parking deficiency. Staff's recommendation is for approval.

Based on the discussion by the Planning Commission, the applicant has submitted the following revised version of the change requested for the PD Text.

Proposed Amendment to PD Text for Barnes Plantation

The purpose of the change to approved PD Text is to provide for parking associated with a permitted church use at 1700 Frederica Road. Notwithstanding any provision to the contrary, the following additional provisions shall apply to the commercial building and associated property located at 1700 Frederica Road:

1. Joint use of parking under §726.7 (d) shall be permitted subject to:
 - (a) Church activities and commercial (office/retail) shall be during different time periods. The primary time of use by the Church, other than use of Church offices, will be evenings after 6:00 pm and Sunday mornings before 12:30 pm. Wedding and funeral services will be prohibited before 6:00 pm.
 - (b) This joint parking use provision will terminate at such time the bottom floor is no longer used for Church purposes.
 - (c) Total use during any particular time period shall be limited to that which can be supported by the parking available.
2. These provisions may be implemented as provided by §723. Items 12 and 13 under Resolution #R-25-95 (the resolution adopting the amendment to the original PD zoning) is hereby amended to provide that no further review of the site plans by the Board of Commissioners shall be required.

Chairman Fields stated it appears that the developers have made some revisions that are different from what the Planning Commission has received. He emphasized that the Planning Commission would not vote on any significant changes not seen beforehand.

Mr. Mike Warren agreed that they have made some revisions in the language based on the recommendations made at the April meeting, but he feels that these changes are minor. In addressing the parking issue, he explained that the existing 91 parking spaces would only support retail for the original three retail floors. He stated that through discussions with Mr. Overman and Mr. Nolan, they are in agreement with including language that basically says that once the space is no longer used for church purposes it would not be used for any commercial purposes. Mr. Ussery stated he believes that the property was originally either used for storage or parking. Mr. Warren stated that there was some intent to use the property for parking but it was never used for parking. There was also discussion about using the property for storage but that never happened either. The area was just an open space. Again, he stated that they would be willing to say that once the property is not used for church purposes it would not be used for commercial purposes. He would therefore envision that the space could only be used for storage.

Mr. Jack Overman stated that he has additional minor revisions that he would like to present to the Planning Commission. Chairman Fields reiterated that the Planning Commission would not vote on any significant changes not seen beforehand. At this point he expressed concerns about the revisions as opposed to what was actually advertised for today's public hearing. Mr. Phillips explained that when this request was deferred until today's meeting, staff made arrangements for the request to be heard by the Board of Commissioners at their July 1st meeting. If the Planning Commission chooses to defer this request in order to study the revised language, action could be taken at the June 1st Planning Commission meeting, which would not interfere with the July 1st Board of Commissioners meeting.

At this time, Mr. Jack Overman distributed the following revisions for the Planning Commission's review.

Proposed Amendment to PD Text for Barnes Plantation

The purpose of the change to approved PD Text is to provide for parking associated with a permitted church use at 1700 Frederica Road. Notwithstanding any provision to the contrary, the following provisions shall apply to the commercial building and associated property located at 1700 Frederica Road in addition to those already in effect in the PD text.

1. Joint use of parking shall be permitted subject to:
 - a) Church activities and commercial (office/retail) shall be during different time periods. The primary time of use by the church (other than the use of church offices on 3rd floor) will be before 12:30 p.m. on Sunday, and evenings after 6:00 p.m.
 - b) Wedding and funerals will be prohibited before 6:00 p.m. and after 8:00 p.m. Other permitted church activities after 6:00 p.m. will be for meeting purposes, with ingress/egress from the front of the building when possible.
 - c) The joint use parking provision shall terminate at such time as the ground floor is no longer used for church/sanctuary purposes.
 - d) Total use during any particular time period shall be limited to that which meets and is supported by the present parking criteria availability.
 - e) These provisions are limited to church uses. No further expansion of commercial (i.e. non-church use) shall be permitted beyond the original 18,200 retail and office space as outlined in the site plan for A.B.N.A. Inc., dated March 8, 1999.
2. It is expressly understood and herein provided that the ground floor (i.e. portion of said structure opening to the east side, Barnes Plantation Residential Side) shall not be used for commercial purposes at anytime whatsoever, now or in the future, even if property is transferred, and said provision shall run with said land accordingly. This provision is to provide for the quiet enjoyment of the residential neighborhood, and to limit activities, which would be associated with noise created by such environment, as well as other activities, which would infringe on said quiet enjoyment.

Regarding the language that states "the primary use by the church will be before 12:30 p.m. on Sunday and evenings after 6:00 p.m.," Chairman Fields wanted to know if the retail sites were open for sales or if people were actually in business at those hours. Mr. Warren stated that they have one tenant with normal business hours on Sunday's from 12:00 p.m. until 6:00 p.m., and another tenant has office hours by appointments on Sunday's.

Mr. Jay Kaufman expressed concerns about overlapping relative to the hours of operation. He wanted to know if the people leasing the retail stores were allowed to dictate the hours of operation. Mr. Warren replied no, not the current leases. The leases currently in affect are three-year leases assumed when the property was purchased. Chairman Fields asked what time would the retail stores close. Mr. Warren replied that they are open Monday through Saturday with only one tenant being open after 6:00 p.m. These hours are not listed in the lease agreement; they are operating hours located on the store windows.

For clarification, Mr. Jim Fucetola pointed out that according to the parking regulations, there is enough space to overlap at times with the current retail tenants.

Mr. Gary Thorsen of Frederica Baptist Church was present to speak in favor of this request. He stated that the church is generally not operating at the same time as the retail stores, so he doesn't see where there would be a problem.

Mr. Jack Overman stated that he appreciates what the Planning Commission did to encourage Mr. Warren and the homeowners to come to some type of agreement. He feels that the current proposal meets their needs with regard to the commercial use and the sunset provision. He stated however that they are still concerned about the traffic, particularly going out in front of Barnes, versus going out on Frederica Road. Mr. Overman pointed out that Mr. Warren previously discussed putting in a stop sign possibly coming out of the shopping center into the Barnes easement, which he feels would be a good idea. He stated that they are also concerned about the flood plane. A FEMA inquiry was made but he doesn't know the results of their findings and he would appreciate some consideration in this area. Overall, he feels that this proposal is a good compromise and he thanked the Planning Commission and the church for their cooperation.

Mr. Jeff Nolan of 228 Sea Island Lake Cottages Drive and current member of the Barnes Plantation Homeowners Association stated that the pump station, which cost approximately \$800,000.00, was not related to Barnes Plantation but was paid 100% by the developers of Barnes Plantation to benefit other people besides Barnes Plantation. He stated that they also created a tax base when they converted from apartments to condominiums at an extra \$125,000.00 dollars a year of tax collections with no additional services. Mr. Nolan's point being that they obeyed the rules and they did it correctly. He is hoping that this project will be monitored and enforced properly by Glynn County Government. He also feels that there should be deed restrictions to go with this particular property to avoid any future problems relative to the recommended conditions.

Ms. Betsey Barnes of Barnes Plantation expressed concerns about the future use of the space once the church leaves. She would like to know what would happen if another church decided to move into the space, and what size church would be allowed. Chairman Fields stated that he had the same question in mind. He also asked what other uses could be envisioned for the property under the PD Text. As far as non-commercial uses, Mr. Phillips stated that a private or semi-private club, lodge, union hall, social center or perhaps a non-profit daycare facility would be allowed on the property. Mr. Ussery stated that by virtue of the site plan, the intended prior use was parking; however, storage would be more appropriate since the owners do have the parking spaces that were originally planned for the development. It was planned for 90 spaces including the 16 spaces under the building. He stated that this space would not be appropriate in his opinion for a civic club or a lodge.

Mr. Warren stated that they would not have a problem further stipulating that the space could only be used for church purposes and/or storage. Chairman Fields suggested stating the "joint use is specific to Frederica Baptist Church only, and as such time as Frederica Baptist Church no longer uses the bottom floor as a church sanctuary, any joint use of any parking is terminated." In his mind, this language would solve the problem. However, Mr. Warren disagreed and stated that the language would preclude them from selling the property to another church. In tweaking the language, Chairman Fields suggested stating that "any dual use beyond Frederica Baptist Church would require the approval of the Planning Commission." He stressed that the overall concern is the area underneath becoming some type of retail space in the future. He stated that if the church no longer uses the facility, then the only other use would be either storage or another church. Mr. Warren stated they would not have a problem changing the wording to stipulate that the bottom floor can only be used for church purposes and/or on site storage for tenants of the building itself.

At the end of discussion, Chairman Fields elected to appoint a standing committee consisting of himself, Mr. Overman and Mr. Warren to study all of the suggested dialogue and bring the request back for the June 1st Planning Commission meeting, beginning at 6:00 p.m.

GC-2003-16

Application by J. Thomas Whelchel, agent for the Estate of Mittie B. Hendrix, to rezone from R-6 One-Family Residential to Office Commercial, property located at 2010-2012 Demere Road and consisting of 27,000 square feet with 200 feet frontage along Demere Road. The application includes proposed stipulations that would apply to the development of the property. (This item was continued from the April 20th and May 4th Planning Commission Meetings.)

Mr. Brad Watkins and Mr. Larry Phillips were present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

The site was developed as an art school and gallery prior to the adoption of the current zoning map in 1966. At that time, the property was designated R-6. The art center is therefore a non-conforming use that has ceased more than 12 months and cannot be re-established under Section 607.2. During the creation of the electronic zoning map, a mapping error was created which depicted this and other adjacent properties as General Commercial.

This request is to change zoning to permit uses appropriate for the site. Initially, the request was to change to General Commercial, although following discussions with the Planning Commission and neighbors, the request was amended to Office Commercial with proposed stipulations limiting uses and requiring a buffer.

The character of the area is mixed use with residential uses to the north and east (zoned R-6). Adjacent property to the northwest is zoned Highway Commercial and developed as a convenience store with a mix of Local Commercial, with Highway Commercial and General Commercial beyond. Across Demere Road to the south is Malcolm McKinnon Airport.

The future land use map indicates this area as low-density residential.

The subject property is located approximately 500 feet from the end of the primary runway for the airport, and places the property within the approach zone. Development in this area is subject to Article 13 Airport Zoning Ordinance. Section 1306.2 states the following uses are prohibited in any approach or transitional zone: 1) churches, schools, theaters and other places of public assembly; 2) multi-family dwellings in excess of 4 units; 3) hospitals and other institutions; 4) any other similar uses where concentrations of people are customary. Height limit under zoning is sufficient for FAA regulations for this property (FAA regulations limit the height to approximately 50 feet).

The applicant has submitted a general layout plan showing the possible layout of buildings on the site. Any development of the site would require Planning Commission review of the site plan. In addition, the proposed stipulations would require a buffer to be shown, subject to review by the Planning Commission as part of the site plan review.

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact were considered in making the recommendation:

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Generally yes, since the property has been in non-residential use since before the mid-1960s.

- Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Unlikely, given the nature of the proposed use. Redevelopment of the property, however, should respect the safety needs of the airport approach zone and the residential character of adjacent property to the east.

- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Yes.

- Whether the zoning proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

No.

- Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan.

The future land use map identifies this area as low-density residential.

- Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or disapproval.

No.

The proposed use is appropriate for the site since it will generate less traffic than retail or similar uses and will operate during traditional business hours. After discussion, the applicant revised the proposed stipulations to include an offer to limit the number of buildings to three. Staff has also suggested wording for the stipulations and recommends that the proposed zoning be approved with the stipulations.

Mr. Brad Watkins stated that the parties involved have unanimously agreed to all of the stipulations except one. He stated that the potential buyer is concerned about the stipulation regarding the buffer zone being 7 ft. as opposed to a lesser number. The potential buyer is a client of Mr. Larry Phillips.

At this time, Mr. Larry Phillips explained that his client intends to build office buildings on the property. An application has been submitted for Office Commercial zoning, which has certain permitted uses and general conditions as well. He stated that whenever there is residential property immediately adjacent to commercial usage there are buffer requirements that must be adhered to. He pointed out that the buffer could consist of a fence, a wall or it could be a vegetative buffer. Mr. Phillips feels that the type of buffer to be provided should be handled by staff during the site plan approval process. Personally, he feels that a 6 ft. high vegetative wall would be more appropriate. He stated that he is concerned about losing any small amount of the property that could otherwise be available for parking, and in this case, a 7 ft. buffer with no parking would cause them to lose some of the property.

Mr. Phillips stated that they have made a lot of concessions and have agreed to limit the number of buildings to three. He would like for the Planning Commission to revisit the buffer issue and perhaps limit them to the buffer requirements in accordance with the Zoning Ordinance.

Ms. Kim Gollin, St. Simons Island resident and the president of RUPA was present to oppose this request. She stated that she is not necessarily against the project but she is against rezoning the property to Office Commercial. She is asking the Planning Commission to not treat this property as a singular event, but to look more to the fact that the entire block would eventually become a commercial area as opposed to the residential area that it is now.

Chairman Fields stated that he is somewhat in agreement with Mr. Larry Phillips about the size of the buffer. He stated that Mr. Phillips is also asking that the buffer be approved at the site plan approval stage. However, Chairman Fields explained that the Planning Commission, not staff, is responsible for approving site plans. He stated that since Mr. Phillips is not interested in having a 7 ft. size buffer, he would like to know what size buffer he or the buyer would consider being an appropriate size. Mr. Larry Phillips stated that Section 613 adequately addresses the buffer standards. He then elaborated on the different types listed under this section of the ordinance, and a general discussion followed.

There being no further comments, a motion was made by Mr. Robert Ussery, seconded by Mr. Gary Nevill and unanimously adopted to recommend approval of this rezoning with the following stipulations:

- A) Retail sales shall not be a permitted principal use of the property.
- B) There will be no vehicular access to the property from the rear alley. The alley will continue to be the access for garbage collection and other necessary utilities, but there will be no vehicular access.
- C) A buffer shall be provided along the southeast property line. Specifications for the buffer shall be presented on the site plan and approved at the time of site plan approval by the Planning Commission.
- D) There shall be no more than three (3) principal buildings on the property.

PP-2004-0331-1430

Application by Village Green Properties, LLC, owner, for approval of a revised preliminary plat for Tanglewood Subdivision consisting of 134 lots on 48.12 acres located on the south side of SR 99 approximately 6,500 feet west of its intersection with Canal Road and 10,500 feet east of its intersection with Jesup Highway (US 341). This subdivision would be served by public streets and by county water and sewer. The property is zoned PD-R Planned Development-Residential.

Mr. Kip Goodbread was present for discussion.

In a memorandum addressed to the Planning Commission, Mr. York Phillips explained that this site is part of a planned development approved in 2003. This portion represents less than 40% of the total site, with the remaining 80+/- acres lying to the west. The buffer along the SR99 frontage reflects a recommendation of the Planning Commission made at the time of the planned development zoning.

The revision primarily consolidates the lots on the more northerly portion of the site and the open space and ponds (retention) on the southerly portion. Since the date of the original approval, the Planning Commission has informally approved the concept of incorporating a 30 ft. utility (water and sewer) easement along the rear portion of the 100 ft. buffer. Under the language of the Board of Commissioners' action approving the rezoning, the Planning Commission is delegated the responsibility for approval of plantings within the buffer. The Planning Commission may wish to request a plan showing how this will be accomplished.

Staff has reviewed this proposed preliminary plat and has no significant comments that cannot be addressed during the construction plan review phase. Staff's recommendation is for approval of the revised preliminary plat.

Following a brief discussion, a motion was made by Mr. Gary Nevill to approve this request subject to the technical issues being addressed at the construction plan phase. The motion was seconded by Mr. Robert Ussery. Discussion continued. Chairman

Fields asked if the 100 ft. buffer would be traversed at the entrance. Mr. Phillips replied yes. He stated that this would be shown on the construction plans, which would have to be consistent with the planned development and the preliminary plat. He added that there would be excavation and construction of the utility lines, and once this is constructed some re-vegetation of the area could be accomplished.

There being no further discussion, the motion for approval was unanimously adopted.

**Discussion of traffic circulation issues related to Fox Run, Phases I and II
And Lexington Place, Phases I and II.**

Messrs. Bobby Blake, Wayne Neal and Chris Amos were present for discussion.

Mr. York Phillips explained in a memo addressed to the Planning Commission that the original concept for development of this area included a continuous roadway from Harry Driggers Boulevard through the subdivision(s) and connecting to another road providing access from Harry Driggers Boulevard. Accordingly, Lexington Place Phase I showed the road and provided that all roads would be public. Lexington Place Phase I has been platted and lots (and homes) are being sold. A diagram showing the affected developments was included in the packages for review.

Staff has received an application for approval of a revised preliminary plat for Fox Run Phase I and an application for approval of the preliminary plat for Fox Run Phase II. These plans are now predicated on making the roads within Fox Run private and gating the development. If a road connection is maintained with Lexington Place, either the roads would all have to remain public, or the roads in Lexington Place would have to become private and another gate installed.

The applicant seeks to maintain a separation for vehicular traffic. Staff is willing to accept this approach and recommends approval, subject to the following:

1. A connection to be provided for emergency vehicle access and maintenance vehicles (utilities, electric, etc.), subject to the technical requirements of the Fire Department and other agencies involved.
2. The connection to be provided within a recorded right-of-way.
3. The connection to include a driveway section adequate for heavy vehicle use, with necessary gating, but that a stabilized grass surface not be acceptable.
4. A revised construction plan to be submitted for staff's approval showing a standard turnaround to end the public street within Lexington Place.

Once the concept for traffic circulation is determined, action can be taken on the pending preliminary plats.

It was noted that Mr. Wayne Neal had no objection to terminating Freedom Trail and a cul-de-sac rather than continuing it on to the next subdivision. Also, for the record, Chairman Fields addressed each condition (1 thru 4) individually with Mr. Wayne Neal and Mr. Bobby Blake. They both acknowledged the conditions and stated they have no problems with the conditions. It was the consensus of the Planning Commission to move forward with this approach to separate the two subdivisions.

PP-2004-0427-1130

Application by Jason Boatwright, agent for Fox Run Properties, LLC, owner, for approval of a revised preliminary plat for Fox Run Subdivision Phase I.

Mr. Phillip Jackson was present for discussion.

As explained in a memorandum from Mr. Phillips, this is a request is for a 64-lot subdivision on 23.28 acres located on Harry Driggers Boulevard adjacent to the Walden Shores apartment complex. The lots in the subdivision would be capable of being developed with one-family attached dwellings and re-subdivided for a potential of 128 dwelling units. The proposed subdivision would be served by public water and sewer and private streets. The property is zoned PD-G Planned Development-General and is located in the Golden Isles Gateway Planned Development district.

This phase received preliminary plat approval in 2003. The only essential change since that time is the proposal to serve the project with private streets in lieu of public streets. A separate discussion has been arranged to address this issue and the connection of Fox Run and Lexington Place.

Staff has reviewed this proposed preliminary plat and has no significant comments other than those related to the traffic circulation issue. Staff's recommendation is for approval of the revised preliminary plat subject to the traffic circulation being resolved.

Following review, a motion was made by Mr. Robert Ussery to approve the revised preliminary plat for Fox Run, Phase I subject to the technical details being addressed. The motion was seconded by Ms. Ann McCormick and unanimously adopted.

PP-2004-0331-1400

Application by Jason Boatwright, agent for Fox Run Properties, LLC, owner, for approval of a preliminary plat for Fox Run Subdivision Phase II.

Mr. Phillip Jackson was present for discussion.

In a memorandum addressed to the Planning Commission, Mr. Phillips explained that this request is for a 61-lot subdivision on 28.01 acres located approximately 1,000 feet north of Harry Driggers Boulevard and lying between Fox Run Phase I and Lexington Place Phase I. The lots in the subdivision would be capable of being developed with one-family attached dwellings and re-subdivided for a potential of 122 dwelling units. The proposed subdivision would be served by public water and sewer and private streets. The property is zoned PD-G Planned Development-General and is located in the Golden Isles Gateway Planned Development district.

Staff has reviewed this proposed preliminary plat and has no significant comments other than those related to the traffic circulation issue, along with technical comments that can be resolved in the construction plan phase and/or the final plat phase. A separate discussion has been arranged to address this issue and the connection of Fox Run and Lexington Place.

Staff's recommendation is for approval of the preliminary plat subject to the traffic circulation issue being resolved.

Regarding the connection access between Lexington and Fox Run relative to the right-of-way, Chairman Fields suggested that if Mr. Blake is in agreement, the area should become a common area for the homeowners association with an easement granted to the county for purposes of utility maintenance, installation and emergency access, and he stated that this should be included on the plat. Mr. Blake concurred.

Following discussion, a motion was made by Mr. Gary Nevill to approve the preliminary plat for Fox Run, Phase II. The motion was seconded by Mr. Jay Kaufman and unanimously adopted.

SP-2004-0421-0945

Request by Frederica Academy, Inc., for site plan approval for a gymnasium addition located on the north side of Hamilton Road, west of its intersection with Sea Island Causeway. The addition is on the west, south, and east sides of the existing gymnasium. The property is zoned PD-G Planned Development-General.

Mr. Jim Benefield and Mr. Ray Richard were present for discussion.

Mr. Phillips explained in a memo that this is an application for approval of a site plan for an 11,214 sq. ft. addition to the existing Frederica Academy Gym. This property is located adjacent to Frederica Academy on the northeast corner of Sea Island Causeway and Hamilton Road on St. Simons Island.

Staff has reviewed the proposed plan and finds no significant issues. Technical comments can be resolved during the building permit, site plan review process. The site plan will require an access road from the parking area to the gym expansion. Also, a fire hydrant will need to be located at the northeast corner of the gym.

Staff's recommendation is for approval of the site plan subject to meeting all requirements.

Mr. Ussery asked what would the addition consist of. Mr. Benefield stated that the expansion is to add a larger weight room, concession stand, lobby area and bathrooms. It was pointed out that this expansion would not require any additional parking.

Following discussion, a motion was made by Mr. Robert Ussery to approve this request. The motion was seconded by Mr. Jay Kaufman and unanimously adopted.

SP-2004-0429-1000

Request by Stonestreet Investments, LLC, for site plan approval for a hotel consisting of 20 suites (39 sleeping rooms) on .77 acres located at 760 Ocean Boulevard. The site lies between Ocean Boulevard and Oglethorpe Avenue, and is approximately mid-way between Seventh Street and Ninth Street. The property is zoned RR Resort Residential.

Ms. Cathy Dunn and Mr. Mark Gompels were present for discussion.

Mr. Phillips explained in a memo that this site is made up of three lots currently containing three single-family dwellings that are to be removed. The applicant has resubmitted a site plan based on the Planning Commission's comments on May 4th meeting. The applicant has reduced the size of the building footprint and the total number of units. The number of parking spaces provided in the most recent submission (5/10/04) is compliant with county regulations.

Staff has not made a complete review of the revised version of the site plan. The zoning issues appear to have been resolved. Certain technical details (such as drainage and utilities) won't be addressed fully until the building permit site plan review stage. However, Mr. Phillips stated that one thing that might be of some concern is the

enclosure for trash receptacles located against the right-of-way. He stated that perhaps a better location would be closer to the end of the building.

Mr. Phillips stated that staff recommends approval of the site plan subject to meeting all requirements during the building permit site plan review.

Mr. Ussery stated that part of the May 4th discussion was about the density and whether this is consistent with previous interpretation for structures like this particular one. The plans for the units appear to be very similar to what we've seen at the Beach Club, King & Prince Villas, etc. He asked if the density was calculated in the same way for the Beach Club, King & Prince and other projects. Mr. Phillips stated that the only other project of this similar style that he is familiar with is "Ocean Lodge." He stated that he is not familiar with any others.

Mr. Nevill asked Mr. Phillips if he knew how density requirements had been traditionally looked at. Mr. Phillips stated that the RR District has a variety of uses; one being a hotel and another is multi-family. There are different density provisions for the two uses. Also, there is a definition in the ordinance of a hotel and a definition of a dwelling unit. When the ordinance was written the traditional hotel would have been a Days Inn, fairly straightforward. However, the hotel/condominium concept in recent years has gotten to be very popular and it is very difficult to differentiate between hotel and multi-family use.

Mr. Ussery stated that this particular unit is obviously set up for full-time living. It is a dwelling with two bedrooms, two bathrooms, walk-in closets, laundry room, full-size kitchen, living room, etc. and it is over 1700 square feet. He stated that there have been other projects with similar plans and perhaps calculated in the same way. Mr. Ussery stated that he is concerned about being consistent. If those projects were calculated in the same way as this project, then obviously a precedent has been set, which makes this legitimate. The applicant in this case should then be held to the same standards as others before him. If however a precedent has not been set and we're now breaking new ground, he feels that we need to take a step back and carefully examine this request. Mr. Phillips stated that he is not familiar with the other projects or how they were handled. He is also not familiar with anything in the ordinance other than the basic language of the definition of dwelling unit versus hotel. Chairman Fields wanted to know why would a motel need individual trashcans as opposed to a dumpster. Mr. Phillips stated that the applicant would have to address the issue of trash receptacles.

At this time, Mr. Mark Gompels explained that he is coordinating this project on behalf of the owners. He stated that upon recognizing some of the concerns previously expressed, he has reformatted the footprint of the building to conform with every aspect of the ordinance. In so doing, this reduces the number of units from 24 to 20 and the requirements for parking have been met.

In addressing Chairman Fields question about the trashcans, Mr. Gompels explained that in the first meeting with staff, one of the things he wanted to do was to put the trash receptacles in a structure so that it would not look offensive, which was really in response to the community. He stated that this was something that the architect felt would enhance many of the features being proposed for the building. He stated the fact that it is represented on the site plan is really schematic in nature. Mr. Gompels stated that the owner would not object to a dumpster.

Mr. Ussery asked if the units are going to be separately metered. Mr. Gompels replied no. He also stated that a water and sewer plan was submitted, and they have recently been notified by the Water & Sewer Department about certain applications that they would have to make.

Mr. Ussery was very adamant about being consistent. He reiterated that if a precedent has already been set for similar projects, he feels that the applicant in this case should then be held to the same standards as others before him. Until such time as this can be verified, he suggested that this request be deferred. Thereupon, Mr. Ussery made a motion to defer this request. The motion was seconded by Ms. Ann McCormick.

Voting Aye: Ms. Ann McCormick and Mr. Robert Ussery. Voting Nay: Mr. Perry Fields, Mr. Jay Kaufman and Mr. Gary Nevill. The motion was defeated. A motion was then made by Mr. Jay Kaufman to approve this request. The motion was seconded by Mr. Gary Nevill. Voting Aye: Mr. Perry Fields, Mr. Jay Kaufman and Mr. Gary Nevill. Voting Nay: Ms. Ann McCormick and Mr. Robert Ussery. The motion carried for approval.

MINUTES

Regular Meeting: April 20, 2004

The Minutes of the April 20th Planning Commission meeting were approved and unanimously adopted.

There being no further business to discuss, the meeting adjourned at 8:18 p.m.