

# MINUTES

## GLYNN COUNTY PLANNING COMMISSION AUGUST 17, 2004 - 6:00 P.M.

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**MEMBERS PRESENT:** Perry Fields, Chairman  
Robert Ussery, Vice Chairman  
Mike Aspinwall  
Gary Nevill  
Jonathan Williams

**ABSENT:** Jay Kaufman  
Ann McCormick

**STAFF PRESENT:** John Peterson, Director  
York Phillips, Planning Manager  
Carolynn Segers, Transportation/Planner II  
Janet Loving, Admin/Recording Secretary

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Chairman 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.

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Before proceeding with the meeting, the agenda was amended as follows:  
1) Addendum to Item #5 (*Frederica Township, Phase II*) Handout from applicant requesting a variance to Section 602.2g Permanent Dead End Streets; and 2) Addendum to Staff Items: d) Status Report on "*Ocean Lodge*," property owned by Joe McDonough.

There being no further changes to the agenda, a motion was made by Mr. Gary Nevill, seconded by Mr. Robert Ussery and unanimously adopted to accept the changes and approve the agenda for the August 17<sup>th</sup> Planning Commission meeting.

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SUP-2004-02

Consider a request for a special use permit for a restaurant at 121 Mallory Street, Unit 101. The property is located on the west side of Mallory Street approximately 100 feet south of its intersection with Butler Avenue. Zoning is GC-Core. Application by Jeff Rentz, agent for Hinnants In Common, Inc.

Mr. Jeff Rentz was present for discussion.

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

At the August 3<sup>rd</sup> meeting, the Planning Commission requested information about the actual availability of parking to serve uses within the GC-Core District along Mallory Street. At which time, the request was deferred to allow staff to gather this information and report back to today's meeting. The intent of the Planning Commission's request for this information was to see how the demand for parking (as established under the zoning regulations) compared with the actual availability of parking that would meet the qualifications established in the regulations.

This analysis (presented in the form of a chart by Mr. Phillips) shows that there are 565 parking spaces that could be used to meet the requirement for parking under the ordinance. This number includes 329 spaces in the GC-Core District proper and an additional 236 public spaces within 500 feet of the district. Under the ordinance, only amusement centers and restaurants/drinking establishments require parking. There are no amusement centers and 16 restaurant/drinking establishments in the district. The table shows that the combined requirement for parking for these establishments under §611.6 is 530 spaces. Under the provisions of the GC-Core District, the requirement is for ½ of the number of spaces under §611.6, or 262 (one establishment falls below the threshold). Two establishments have some on-site parking; so that the net demand for parking based on the requirements of the ordinance is 240 spaces. (The remainder of the staff's report is contained in the August 3<sup>rd</sup> Minutes as part of the record.)

Mr. Ussery reminded staff that at the August 3<sup>rd</sup> meeting, he had also requested information on the last few special use permits issued in the GC Core District. However, Mr. Phillips explained that staff did not get a chance to obtain that particular information. Mr. Ussery stated that he is aware of two permits being issued in that area, one was an addition to Dressners and the other one was Rafters. He believes that GA Sea Grill may have also been issued a permit. In all three cases, additional parking was required to be found. The issue of public parking from practice was that if you were 500 ft. away, the parking found would be public parking.

During a brief presentation, Mr. Jeff Rentz explained that the supply of the parking lot far exceeds the demand of the restaurant. He stated that the property in question only requires 10 spaces; therefore, he is asking the Planning Commission to approve the application conditioned upon him having the opportunity to try to find additional space to lease if deemed necessary by this Commission.

Mr. Ussery stated he believes that this request has special circumstances and he is concerned about the aftermath, largely because it has been a requirement in the past to provide additional parking.

Following discussion, a motion was made by Mr. Gary Nevill to recommend approval of this request. The motion was seconded by Mr. Mike Aspinwall. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Gary Nevill and Mr. Jonathan Williams. Voting Nay: Mr. Robert Ussery.

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#### GC-2004-ZT1

An Amendment to the Glynn County Zoning Ordinance, Article III (Definition and Interpretation of Terms Used in This Ordinance), Section 302 (Definitions), so as to add a definition for "Sleeping Room;" and an amendment to Article VII, Section 705 (Resort Residential District), subsection 705.4 (Other Requirements) to change the maximum density from 35 units per acre to 35 sleeping rooms per acre; and for other purposes.

Mr. Phillips reported that the Planning Commission has reviewed a number of site plans with which there have been questions as to the actual nature of the use. This issue has resulted from changes in practice over the years that have reduced the distinction between a multi-family dwelling and a hotel. This in turn has resulted from the increased prevalence of "condo-hotels" in which the units are individually owned and may or may not be included in a hotel rental pool. In addition, traditional one-room hotel units have been replaced in some cases by suite hotels that may have more sleeping rooms in each unit.

The Planning Commission has discussed the addition of a definition for sleeping rooms as a means of addressing this issue. As a result of the informal discussion at the July 20<sup>th</sup> Public Hearing, the proposed definition has been changed to reference bathrooms as follows:

1) Definition of Sleeping Room

**Sleeping Room**

A room within a hotel suite or hotel unit principally designed to provide sleeping accommodations, and usually having a separate bathroom. A room that is not designated on a floor plan as a sleeping room, but which has a separate **bathroom** or direct access to a shared **bathroom** shall be construed to be a sleeping room. A room not principally designed for sleeping which incidentally can be used for sleeping (such as a living room with a sofa-bed or cot) shall not be considered as a sleeping room unless there are no sleeping rooms associated with the suite or unit.

2) Change density in RR (Resort Residential) to read as follows:

**705.4 Other Requirements.**

1) Maximum Density:

Motel, hotel or other transient residences:	35 <del>units</del> <b>sleeping rooms</b> /acre
Other uses:	16 units/acre

Mr. Phillips stated that he discussed this proposal with the County Attorney who suggested that staff conduct a word search throughout the ordinance to ensure that the proposed definition does not affect other situations that staff may not be aware of. Due to the County Attorney’s suggestion, Mr. Phillips stated that perhaps the Planning Commission should discuss the proposal but delay action to allow staff to conduct the word search.

At this time, Chairman Fields opened the floor for public comments. Ms. Leslie Lampkin, St. Simons Island resident, stated that she is speaking on behalf of the St. Simons/Sea Island Coalition. She stated that they have become very concerned about planning & zoning issues on the island, and although she has not seen the last minute changes, she is in favor of the proposed amendment in that it gives a precise definition of what a sleeping room is. She stressed that the SS/Sea Island Coalition feels very strongly that density ordinances should be followed to the letter. They were very dismayed about what was done with the property located on Ocean Boulevard with regard to density, etc. but perhaps this amendment will help to solve such issues in the future.

Chairman Fields commented that the Planning Commission is constantly being criticized and accused of not listening to residents of St. Simons. However, for the record, he emphasized that this amendment was initiated by this Commission. “We saw the problem two months ago and acted on it and this needs to be acknowledged.” He stated that people on St. Simons have legitimate concerns, but to say that this Commission does not consider them is very hurtful. (Chairman Fields noted that his comments were not directed at Ms. Lampkin.)

Ms. Kim Gollin, president of RUPA, echoed Chairman Fields’ sentiments and added that she appreciates the fact that the Planning Commission identified this problem and acted very quickly. She stated that the Commissioners have done a great job and she supports this amendment.

Following discussion, a motion was made by Mr. Robert Ussery to recommend approval of this amendment. The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

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GC-2004-ZT 2

An Amendment to the Glynn County Zoning Ordinance, Article VII, Section 723 (Planned Development District), subsection 723.2 (Eligibility Requirements) by striking items 1) and 2) so as to delete the minimum parcel size and the minimum width requirements; and for other purposes.

Mr. Phillips reported that the Planning Commission has had a number of instances where development review problems could be satisfactorily resolved through the use of the Planned Development Zoning District. In some cases, however, this is not possible because the district requires a minimum area of three acres and a minimum lot width of 300 feet. These minimums are appropriate (and in fact should probably be larger) where the intent of the district is to provide for a true integrated, multi-use development. Unfortunately, the ordinance does not give much choice but to use the PD District in some cases, and the simple solution is to eliminate the minimums so that the district can help serve this purpose.

Staff recommends that the Planning Commission make a determination as to what recommendation will be forwarded to the Board of Commissioners for action.

Mr. Aspinwall asked if the proposal would do away with all size requirements. Mr. Phillips replied yes, unless there is some other alternative. He stated that the Planned Commercial District has a maximum size of three acres, but there are also a lot of other requirements in this district which makes it unfeasible for certain situations.

Mr. Bobby Shupe stated that a Planned Development Text is suppose to emulate a specific zoning section with the items listed that you would like to alter from that particular text. He would recommend having the size and the width consistent with whatever text is being used, unless you want to change something, which would then be part of the change that is being suggested in the PD Text.

Chairman Fields stated that the problem is that some zoning cases have come about that are in the transition phase, and what we are trying to do is tailor a use that would be appropriate for an applicant, but not open "Pandora's Box" to what the general zoning text would be, which is why we were looking to eliminate the three acres. Mr. Ussery stated that there have been situations that could not be solved and a PD would be the solution. Chairman Fields stated that perhaps one option could be to write in a minimum size with a variance. However, he is also concerned about the point of having a PD Text on at least one major thoroughfare and having adequate access for Highway Commercial and General Commercial.

Ms. Kim Gollin stated that she understands what the Planning Commission is trying to accomplish by changing the ordinance but she is not sure that bastardizing the present Planned Development District is a good idea. She stated that there are other things within the ordinance that are going to adversely affect small parcels, such as the setback, etc. Perhaps something could be set up to handle little parcels outside of the current Planned Development District.

Mr. Phillips reminded the Planning Commission that the issue is having the ability to initiate an application. Once initiated, it is up to the Planning Commission and the applicant to work out details that may affect the design of a project.

At the end of discussion, the Planning Commission concluded that they would like to have more public input on this proposal and additional information. Some issues of concern are setbacks, thoroughfares and adequate access points. This item will be continued at the September 7<sup>th</sup> meeting beginning at 6:00 p.m. In the meantime, Chairman Fields stated that all comments and suggested verbiage should be submitted to staff.

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An Amendment to the Glynn County Zoning Ordinance, Article X (Appeals, How Taken), Section 1008 (Public Hearings on Appeals), so as to provide for mailed notices and so as to allow expedited hearings on certain items; and for other purposes.

Mr. Phillips reported that these requested changes result from discussions by the Board of Appeals. One issue is notice to nearby property owners. The notice requirements for Board of Appeals actions do not include mailed notices as do the requirements for a rezoning. The Board of Appeals feels that this will remove a problem with failure of nearby owners to be aware of pending actions.

Mr. Phillips stated that the other issue deals with finding ways to expedite simple variance cases (recently prompted by requests from closing attorneys). There is no provision for administrative variances or other shortcuts. The proposed solutions will not appreciably affect the overall time required, but may expedite cases once they come to the Board of Appeals meetings. Mr. Phillips pointed out that staff is still waiting for feedback from the County Attorney's office on this provision but any suggestions from the Planning Commission would be helpful. The following are the proposed changes:

### **Section 1008. Public Hearings on Appeals**

#### **(A) NOTICE**

If an application is filed with the ~~Building Inspection Department~~ **Director of Community Development** for request for hearing before the Board of Appeals, in accordance with Section 1004, all interested parties shall be notified at least fifteen (15) days, but not more than forty-five (45) days, prior to the meeting by placement of notice in the ~~Brunswick News~~ **official organ designated by the Board of Commissioners.**

*The Director of Community Development shall also use his or her best efforts to mail notice of public hearing to all property owners of record within two hundred (200) feet of the property involved in the request, as their names appear on the records of the Glynn County Board of Tax Assessors.*

#### **(B) CONDUCT OF HEARING**

***9) If, following the presentation of the request by the applicant, the Board of Appeals determines that a valid case has been made for the request and when no opposition has been presented, the Board of Appeals may immediately close the hearing and act.***

Referring to notice of an application being filed with the "Director of Community Development," Ms. Kim Gollin stated that there is a conflict within another section of the ordinance, which states that the appeal will be filed with the "Building Administrator." She wanted to know if this would require additional advertising to clean up the conflicts with the numerous titles, etc. Mr. Phillips stated that perhaps more work is needed on the proposal relative to cross-referencing and the meanings of some sections. He pointed out that at one time the Building Inspections Office did all of the administrative work on appeals. He noted that as a practical matter, the definition of "Community Development Director" is the Director or his designee, which is prevalent throughout the ordinance.

Chairman Fields suggested postponing action on this amendment until the September 21<sup>st</sup> meeting to allow staff to complete the technical corrections and perhaps get comments from the Appeals Board members. Mr. Phillips stated that instead of continuing the request, he suggested that staff re-write some of the language, confer with the County Attorney's office and the Board of Appeals, and bring the item back to the Planning Commission for review. The Planning Commission concurred. (For the record,

the Planning Commission had no objection to adding the provision for mailing notices to adjoining property owners within 200 feet of the property involved in a variance, nor with the official organ for advertisements.)

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Variance Request

**Request for a variance of the Glynn County Subdivision Regulations; Section 602.2g), Permanent Dead End Streets**

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

According to a letter submitted by Mr. Edenfield, the applicant is requesting the above referenced variance relating to the proposed roads in Phase II of Frederica Township, St. Simons Island. Specifically, three proposed roads; Harris Lane, Alfred Lane and Perth Lane are designated with temporary cul-de-sacs all located a distance greater than 1200 ft. from the nearest intersection of a thru street. The final configuration for both Harris Lane and Alfred Lane is undetermined; therefore, there is the potential for the elimination of a cul-de-sac on both roads. However, the planning associated with Perth Lane is more advanced and a permanent cul-de-sac will be required upon its final extension.

Mr. Edenfield presented an overall scheme of the proposal for the Planning Commission's review and a general discussion ensued. Afterward, a motion was made by Mr. Robert Ussery to approve the variance for the cul-de-sac as drawn on the preliminary plat. The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

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PP-2004-0721-1640 Frederica Township, Phase II  
Application by Sea Island Coastal Properties, LLC, owner, for the approval of a preliminary plat for the second phase of Frederica Township. The property is located on Pike's Bluff Parkway approximately 1,500 feet south of Hampton Point Drive. The project consists of 16 lots on 83.727 acres. The property is zoned Planned Development and is part of the St. Simons Island North End Planned Development.

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

According to the staff's report, this is an application for the approval of a preliminary plat for the second phase of development within the North End project. This phase is called Frederica Township, Phase II, although the first phase was officially approved as "North End, Phase I."

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 subject to meeting all requirements.

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

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SP-2004-0726-1530 Beachview House Inn

Application by James Timbes, owner, for site plan approval of a 15-unit hotel (2 sleeping rooms each) consisting of 0.622 acre. This property is located on the east side of Neptune Drive between Forrest Street and Beachview Drive. The property is zoned Resort Residential.

Mr. James Timbes and Mr. Larry Bryson were present for discussion.

According to the staff's report, this is a site plan approval application for a 15-unit (30 sleeping room) hotel. The site project site consists of 27,098 square feet and the building will be three stories over parking.

Staff has reviewed the proposed plan and finds no significant issues. This application has been revised slightly from a previous submission that was denied by the Planning Commission on July 6, 2004. Technical comments can be resolved during the building permit site plan review process.

The principle issue involves the current discussion about the definition of "hotel" and the determination as to whether certain projects should be reviewed as hotels vs. residential. While this project has 15 units or suites, each consists of two sleeping rooms for a total of 30 sleeping rooms. Under the density standard based on units, the density is 24.12 units per acre, which is under the 35-unit/acre density permitted under the current regulations. Under the density standard based on sleeping rooms, the density is 48.23, which exceeds the proposed standard. If the units are treated as residential, the density limit is 16 units/acre. Staff recommends approval of the site plan subject to meeting all requirements.

Chairman Fields questioned whether or not construction plans are required to be submitted with the site plan. Mr. Phillips stated that the applicant does not have detailed construction plans. He explained that typically, an applicant does not actually have to submit the building layout plans, but these plans are frequently submitted at staff's request because they are helpful in supporting parking calculations, etc. When applicants submit the building permit plans, they have to submit another set of site plans. These plans are reviewed by staff and are usually much more detailed.

During a brief presentation, Mr. Larry Bryson confirmed that this is a 15, two-bedroom hotel/motel unit with 30 sleeping rooms. He stated that they have provided 33 parking spaces, 1.1 per sleeping room. The site coverage is 45.3%. The density is 24.1%. He stated that the plan has been revised to incorporate the comments and concerns expressed at the previous meeting. They have also answered all of the questions and they feel that this plan meets the current zoning requirements.

Mr. Nevill asked if this project has the same number of units as the plans submitted previously. Mr. Bryson replied yes.

Mr. Ussery asked if there would be one electric meter. Mr. Bryson replied yes, and one water meter. Mr. Ussery stated that he would have to be consistent and vote against this project because his interpretation is that this is residential. Mr. Aspinwall agreed and added that in his mind this is a condominium and he cannot support it.

Following discussion, a motion was made by Mr. Robert Ussery to deny this request. The motion was seconded by Mr. Mike Aspinwall. Voting Aye (in favor of denial): Mr. Mike Aspinwall, Mr. Robert Ussery and Mr. Jonathan Williams. Voting Nay (against denial): Mr. Perry Fields and Mr. Gary Nevill. The motion carried for denial.

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At this time, the Planning Commission took a 10-minute recess. The meeting resumed at 7:45 p.m.

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## MINUTES

### **Regular Meeting: August 3, 2004**

The Minutes of the August 3<sup>rd</sup> Planning Commission meeting were approved and unanimously adopted subject to any necessary corrections.

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Under **Staff Items**, Mrs.Carolynn Segers gave a status briefing on the Long Range Transportation Plan and Transit Feasibility Study, which she stated is a follow-up to the April report concerning the transportation process. The presentation included the following transportation issues identified in both the city and the county: Freight Movement, Bicycle & Pedestrian, Road & Bridge Improvements, Enhancements and Public Transportation. At the end of the presentation, Mrs. Segers asked the Planning Commission to please consider submitting comments and suggestions to her regarding their thoughts on these issues.

Also under **Staff Items**, Mr. Phillips distributed excerpts from the April 6<sup>th</sup> Minutes containing discussion on the revised site plan for Ocean Lodge Inn, owned by Joe McDonough, along with a portion of the yellow pages advertising wedding chapels/receptions. Mr. Phillips reminded the members that Mr. McDonough's attorney, Mr. Carroll Palmatary, stated that his client would enter into a written agreement stipulating that the Inn would be limited to a total of 15 sleeping rooms and that the activities within the Inn would be limited to the activities of the guests of the Inn. Staff has not received this written agreement from the applicant or from his attorney, and did not approve the building permit for additional construction on the 4<sup>th</sup> floor of this facility. For many months, nothing happened. However, the applicant has recently started construction on the 4<sup>th</sup> floor. Mr. Phillips stated that he is bringing this to the Planning Commission's attention because there will be further action and the Planning Commission may be asked to revisit this issue.

Mr. Phillips stated that staff has also discovered that there is an entry in the yellow pages of the local telephone book describing the activities that are available at the Ocean Lodge Inn, i.e., wedding receptions, parties, banquets, small intimate groups, larger parties to 300, etc. Staff is concerned about the implications of this advertisement and wanted the Planning Commission to be aware of this. He stated that staff will continue looking into this situation and will have more information at a later date.

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There being no further business to discuss, the meeting adjourned at 8:10 p.m.