

MINUTES

GLYNN COUNTY PLANNING COMMISSION SEPTEMBER 7, 2004 - 6:00 P.M.

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

STAFF PRESENT: John Peterson, Director
York Phillips, Planning Manager
Eric Landon, Planner II
Janet Loving, Admin/Recording Secretary

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.

For the benefit of those in attendance, Chairman Fields announced that the rezoning application for property located in River Ridge Subdivision has been pulled from the agenda by the applicant. A new advertisement will be posted with a future meeting date and residents will be notified in advance of the meeting.

Chairman Fields also advised that the County Administrator, Mr. Charles Stewart, is expected tonight to relay information on the *Oceanside Manor* site plan application (agenda item #5). Due to the number of people in attendance, this item would be moved up on the agenda upon Mr. Stewart's arrival.

Upon a motion made by Ms. Ann McCormick and seconded by Mr. Jay Kaufman, the agenda for the September 7th Planning Commission meeting was approved and unanimously adopted.

PP-2004-0730-1200 Town Park Glynn

Application for approval of a preliminary plat for a property located on Golden Isles Parkway (GA 25) approximately 1,500 feet north of Old Cate Road. The project consists of a 322 row house development on 48.33 acres. The property is zoned Planned Development and is located within the Golden Isles Gateway Tract.

Mr. Adam Ragsdale of Ward Edwards Engineering was present for discussion.

In presenting the staff's report, Mr. Phillips explained that staff has reviewed this proposed preliminary plat and has no significant comments that cannot be addressed during the construction plan review phase. However, the following issues should be pointed out for information purposes:

- The preliminary plat shows a road extending to the south into the adjacent Sawdog, LLC property. This is a desirable feature as it provides emergency and secondary access for a project with over 300 units. The connections will, however, require a connection to a street or temporary turnaround on the adjacent property, with an easement from the owner of that property.
- The preliminary plat also shows a recreation area as part of the project. Neither the PD text for the Golden Isles Gateway project or the GR zoning district (which is the referenced standard for development other than single family) includes subdivision recreation areas as permitted uses. Staff anticipates submission of the site plan for the recreation area to the Board of Commissioners, as was done for the Lexington Place recreation area.
- The location of the entrance is being coordinated with GDOT and the county and the outcome of this coordination will need to be reflected on the construction plans.

Staff recommends approval of the site plan subject to meeting all requirements.

Mr. Gary Nevill asked if density calculations were based upon developable areas that do not include rights-of-way. Mr. Phillips stated he believes that is correct. Mr. Nevill noted that there are no lot dimensions on the preliminary plat. Mr. Phillips explained that staff suggested providing a typical set of dimensions that may not be in this packet but would be included in the site plan submission, which would demonstrate the layout of the individual units and the lots. Mr. Nevill stated he wants to make sure that the zoning requirements are being met.

Chairman Fields stated that this has very dense calculations and he would like to know if this particular tract was allowed for when the PD for the Gateway project was approved. Mr. Phillips replied yes.

Mr. Adam Ragsdale, representing DJ Development, stated that they intend to submit the construction documents and specific site plans showing the public amenities relative to the typical layout of the units, dimensions, etc. Mr. Nevill stated that one of the requirements on the preliminary plat is to show lot dimensions, and he cannot be sure if that requirement is being met based on these plans.

Chairman Fields asked if there is a 20 ft. setback on the structure. Mr. Ragsdale replied yes.

Mr. Nevill wanted to know if DJ Development, L.L.C. is the owner and the developer of this project. Mr. Ragsdale stated that DJ Development is under contract to purchase the property and they will be the developer once they own the property, but at this point, they do not own the property. Mr. Nevill stated that it is also a minor requirement to list the owner and the developer including phone numbers and addresses on the preliminary plat. Chairman Fields pointed out that there is an agent authorization form on file with this application.

Following discussion, a motion was made by Ms. Ann McCormick to approve this request. The motion was seconded by Mr. Jonathan Williams. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Jay Kaufman, Ms. Ann McCormick, Mr. Robert Ussery and Mr. Jonathan Williams. Voting Nay: Mr. Gary Nevill.

SP-2004-0723-0900 Veranda Breeze Villas v.4b
Application by Kay P. Curry for site plan approval for a 19-unit row house development on property located on the north side of Olive Way and east of Beach Drive (an unopened street) and consisting of 1.5974 acres. The project is called Veranda Breeze Villas, and the property is zoned RR (Resort Residential).

Attorney Tom Lee and Mr. Tom Pruitt were present for discussion.

To avoid a conflict of interest, Chairman Fields turned the gavel over to Vice Chairman Robert Ussery and advised that he would not participate in the discussion or in voting on this agenda item.

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

This site is currently undeveloped. Existing residential developments are located to the west, north, and southwest. A section of Beach Drive within the Coast Cottages development was abandoned several years ago. Another section adjoining this site immediately to the west is proposed to be improved with public beach parking and as access to this site.

This is the fourth submittal of a site plan, each one having approached the project in a different manner. Following staff comments, this submittal was made and appears to address staff's concerns. The number of units has been reduced from 26 to 19 to reflect the use of the "development area" definition for determining the lot size, although the number of parking spaces has not been reduced accordingly. Any further technical changes can be handled in conjunction with the building plans.

Other approvals may be required to address improvement of the parking and access in the existing right-of-way of Beach Drive and Olive Way, and DNR approval may be required for modifications to the existing beach access. Staff's recommendation is for approval subject to meeting all requirements.

Mr. Nevill had questions about the unit layout. Mr. Phillips stated that this is a building that would have a parking area on the ground level and four levels above that, for a total of 19 units.

Mr. Ussery pointed out that this particular project is located behind the DNR line with the exception of the beach access. Mr. Phillips agreed and stated that the beach access exists but there are some improvements proposed for DNR purposes.

During a brief presentation, Attorney Tom Lee, representing the applicant, stated that this proposal has been refined to be acceptable to staff and to the developer.

Following discussion, a motion was made by Mr. Mike Aspinwall to approve this request. The motion was seconded by Mr. Gary Nevill. Voting Aye: Mr. Mike Aspinwall, Mr. Jay Kaufman, Ms. Ann McCormick, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. Abstained From Voting: Mr. Perry Fields.

Chairman Perry Fields presided over the remainder of the meeting. It was noted that the County Administrator had arrived, and therefore the Chairman called for agenda item #5 (*Oceanside Manor*) at this time.

SP-2004-0806-1015 Oceanside Manor

Application by Mike Black, owner, for site plan approval of a 176 unit multi-family development on 11.10 acres. The property is located on the west side of Andy Tostensen Road approximately 350 feet north of US Highway 17. The property is zoned Planned Development.

Attorney Tom Lee and Mr. Charles Stewart were present for discussion.

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

The proposed use of this property seems to be consistent with the approved planned development. While there is a planned development text, it appears that no master plan was submitted or approved in conjunction with the PD zoning. In addition, since the approval of the zoning, an issue was raised concerning the need for extension of a public street through this property to provide for emergency access to the west end of Fancy Bluff Road when the railroad crossings are blocked. It was discussed at the time that this issue could be resolved at the time the master plan is reviewed. Staff has presented these issues to the County Attorney's Office for advice. It is therefore staff's recommendation that this request be deferred until the issues of the master plan approval and the street extension are resolved.

Chairman Fields had several questions pertaining to this request as follows: 1) Does this project encompass the entire 11.1 acres? Mr. Phillips replied yes and added that the content of the master plan could be the same as the content of the site plan. The only difference would be procedural and that is if the master plan requires approval through the same process as the zoning. 2) Does the road come out of the backside of Boykin Ridge? Mr. Phillips replied yes. 3) Why is that an issue with this particular project if the Oceanside Manor is not to be a public road? Mr. Phillips stated that staff is not sure if that is an issue, which is why he conferred with the County Attorney's office.

Mr. Phillips explained that when Boykin Ridge was designed there was considerable interest by the Planning Commission and the Fire Department on having an emergency access to serve the west end of Fancy Bluff Road in situations where the trains had cut off access to the normal access. The Boykin Ridge developers designed a road to the property line for the opportunity to extend it to Andy Tostensen Road. During staff's research at that time it was discovered that there was no master plan for the adjacent property. Mr. Phillips stated that there are several possibilities of what might happen; one is that there could be a public road, and the other possibility is to have some sort of emergency access easement.

At this time, Mr. Charles Stewart, County Administrator, reported on the sewer capacity. He explained that the sewer plant is permitted by DNR at 300,000 gallons per day. At the 85-percentile level the county has to start working with EPD for capacity. Currently, the plant is running at 55% capacity. Additionally, aside from this particular issue tonight, either the Planning Commission, Board of Commissioners or staff is permitted an estimated 67,250 gallons through the final plat process. No one knows the

exact build-out and it is difficult to determine when the time may be when the county will actually max out the plant. The south end particularly, with the GA Ports Authority, is an area with high development potential in the county. The county is working with EPD to apply for a permit to consider going to the Satilla River, which is a very long process, but we have recently gotten to the first step to submit a permit.

Mr. Stewart stated that in working with the GA Ports Authority, the local Glynn-Brunswick Development Authority and the City of Brunswick, the other alternative is the sewer capacity going back to the city's Academy Creek. The city has already permitted the capacity of about 13 million gallons and is only using a little more than half of that right now, which is the preferred alternative of the County Commission. The engineering study has indicated that this is conceivable and EPD has also verbally given that as a preferred option. If that falls into place as the preferred option, it is estimated to be two and a half years before the sewer pipe would be tied into the city plant.

Mr. Stewart stated that we have 50% of the current small plant in use, we have maybe one-third of that capacity already pledged through the final plat, and we have signed an agreement to submit a grant to the state government for taking the GA Ports Authority usage off of septic tanks and steering it back short-term to the I-95 plant.

In conclusion, Mr. Stewart read a draft letter formulated for any potential applicant coming through Community Development relative to availability, capacity, etc. This letter will be reviewed by the County Attorney and may undergo several revisions before it is finalized.

Mr. Nevill wanted to know how many residences the sewer treatment facility currently supports. Mr. Phillips stated that staff does have some statistical information but not on hand at this time. Chairman Fields stated that a survey is needed to show how many lots are actually on line being used and how many are eligible.

Attorney Tom Lee addressed the road issue. He stated that the developer is willing to give the county an emergency access and a connection to the road in question. Regarding the sewer concerns, he would assume that the county would adopt a first come first served policy, which he feels would be the only policy that the county could follow. As far as the site plan is concerned, he stated that what is being presented at this time contains everything that was required by the master plan. He distributed the resolution on the zoning approved by the Planning Commission and the Board of Commissioners, adopted January 3, 2002.

Attorney Lee stated that he would like to resolve the issue with the County Attorney and bring the request back to the Planning Commission in two weeks. Mr. Nevill questioned whether or not two weeks would make a difference. However, Mr. Lee explained that he is only asking for the deferral because someone has asked for the County Attorney's opinion and he doesn't know if the Planning Commission needs that opinion in order to make a decision tonight. Mr. Nevill stated that based on what has

been presented tonight, a master plan would be a moot point. Mr. Lee agreed and added that the County Commission approved the zoning without the master plan.

At this time, Chairman Fields opened the floor for public comments. Mr. Rick Herndon of 180 Bluff Drive stated that his major concern is increased traffic and access in case of an emergency evacuation especially since he lives on the other side of the railroad tracks. He pointed out that there are two chemical facilities within 3 miles of where he lives with copious quantities of ammonia and chlorine. He stressed that it would be impossible to get emergency equipment in while at the same time evacuating people in an emergency situation. Mr. Herndon stated that he knows what he is talking about because he owns an environmental health and safety company that deals with emergency and disaster planning all over the United States. He stated that he is very familiar with this type of situation and it needs to be addressed.

Attorney Andrew Lakin stated that he represents the Royal Oaks Homeowners Association. It was noted that approximately 25 residents from Royal Oaks were in attendance. He stated that there are more than 100 homeowners in the area who have tremendous concerns regarding traffic and the sewage capacity, and they are all opposed to this project.

Mr. Tom Parker of Oak Grove Island explained that he currently has 250 flyers on hand regarding this subject matter but due to bad weather, he was unable to distribute them. However, they will go out on Wednesday (September 8th). Also, the public and all adjacent property owners are invited to attend a meeting on Thursday (September 9th) at Satilla Marsh Cafeteria at 6:00 p.m. The developer will be there to answer questions and address their concerns.

For clarification, Attorney Tom Lee stated that in case of a state of emergency, Glynn County could use whatever roads necessary for access. They were well prepared for this type scenario at the time of the G8 Summit.

Mrs. Marinette Herndon of 180 Bluff Drive stated that their concern is not for a national disaster. They are concerned about the fact that the two chemical facilities are located in the area. One of the facilities repackages chlorine and the other houses ammonia. She stated that the tankers for these facilities come through on the railroad tracks between the hours of 2:00 a.m. and 4:00 a.m.

Mrs. Herndon stated that the fact that she lives on the wrong side of the tracks, as pointed out by her husband's comments, can be demonstrated by a situation where she accidentally set off the alarm system to her house. The Fire Department responded but there was a train on the railroad tracks and they were unable to get across on Andy Tostensen Road or Fancy Bluff. Fortunately, she did not need them, but the emergency vehicles sat there for about 20 minutes. Mrs. Herndon stated that she is particularly concerned about her elderly parents who live next door relative to the necessity of emergency vehicles. She asked the Planning Commission to recognize that they are not in favor of a new development going up in their neighborhood.

Chairman Fields stated that he appreciates all of the comments and concerns but everyone needs to understand the fact that review of a site plan is an administrative act and if the site plan meets the criteria outline in the ordinance it will be approved by this body. He stated that the concerns expressed tonight should have been brought up at the rezoning stage.

Mr. Jay Kaufman stated that he would like for the property owners to have a chance to meet with the developer and perhaps resolve their issues before the Planning Commission takes action on this item. He therefore made a motion to defer this request for two weeks. The motion was seconded by Ms. Ann McCormick. Discussion continued.

Mr. Jonathan Williams stated that in order to avoid a conflict due to his affiliation as a member of the Brunswick City Commission, he would have to abstain from voting on this item. Mr. Nevill commented that this site plan appears to meet all of the requirements, and additionally the applicant is providing an emergency access easement. He agreed with Chairman Fields that if the site plan meets the criteria the Planning Commission has to approve it. Ms. McCormick stated that she would like for the residents to meet with the developer in an effort to satisfy their concerns before a decision is made.

After discussion, the following vote was taken on the motion for deferral: Voting Aye: Mr. Mike Aspinwall, Mr. Jay Kaufman and Ms. Ann McCormick. Voting Nay: Mr. Perry Fields, Mr. Gary Nevill and Mr. Robert Ussery. Abstained From Voting: Mr. Jonathan Williams. The motion for deferral failed to carry a majority vote. A new motion was made by Mr. Robert Ussery to approve this site plan. The motion was seconded by Mr. Gary Nevill. Voting Aye: Mr. Perry Fields, Ms. Ann McCormick, Mr. Gary Nevill and Mr. Robert Ussery. Voting Nay: Mr. Mike Aspinwall and Mr. Jay Kaufman. Abstained From Voting: Mr. Jonathan Williams. The motion carried for approval.

SP-2004-0803-1645 Sea Point Lodge-v.2

Application by Tommy Stewart, owner, for site plan approval of a 27-unit hotel (2 sleeping rooms each) located on a 1.074 acre parcel. This property is located on the south side of Ocean Boulevard between 6th Street and 7th Street. The property is zoned Resort Residential.

Mr. Larry Bryson and Mr. Tommy Stewart were present for discussion.

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

Staff reviewed the initial version of this site plan and made a number of comments. (These comments were included in the packages for review.) The latest version appears to resolve most of the issues. The density has been calculated based on the development area. Six units appear to have three sleeping rooms, which would increase the parking requirement. Most technical comments can be resolved during the building permit site plan review process. Staff's recommendation is for approval subject to meeting all requirements.

Mr. Ussery wanted to know if the units in this development are set aside primarily for transients purposes rather than for permanent living. Mr. Phillips explained that there are hotels that are occupied on a relatively permanent basis and there are also individual single-family dwellings that are used as transient purposes. He stated that staff has not received any complaints on either of these types of hotels but they do exist. Mr. Phillips stated that the line between a dwelling unit and a hotel unit has become very fuzzy since this ordinance was written because we have hotel units that are owned as condominium units, we have hotel suites that have full residential amenities that are frequently used on a weekly basis, and we have entire hotel chains that are devoted to a longer term occupancy. Mr. Phillips stated that if the definition is a problem staff is willing to assist in that area, but he does not think that there is a clear way of overcoming the presumption that this development is a hotel

Mr. Phillips pointed out that this development is similar to one in which an interpretation was more of a judgment call, and what you judge, based on the best evidence before the permit is issued, is then different from how the situation is handled after the project is built and in operation. Mr. Phillips stated that in this case, the applicant needs to point out the characteristics of the development. He stated that when reviewing the proposal as written, we have to take into account that what the applicant is saying is actually the intent of how the proposed development operates. However, Mr. Ussery stated that beyond that point, this particular site plan has an issue with the six parking spaces.

During a brief presentation, Mr. Larry Bryson, the architect for this development, stated that he has already responded in writing to the additional sleeping spaces. The owner has agreed to remove the ½ bath entirely that shows up on the floor plan. As pointed out at the last meeting, he stated that this facility would have one power meter and one water meter (one meter for the whole structure).

Chairman Fields wanted to know the difference in version one and this proposal. Mr. Bryson stated that this proposal has a different floor plan in that the footprint is a slightly different configuration and the room layouts are different. He stated that this is basically a new application and a new fee has been submitted. Chairman Fields asked if it is common in motel rooms to have a water heater per unit. Mr. Bryson stated that he does not know if it is common but they include them quite frequently in facilities that have multiple sleeping rooms. He stated that this is just a better distribution of hot water. Chairman Fields commented that he does not remember seeing a hot water heater on the other plans. Mr. Bryson indicated that there probably wasn't one on the other plans.

Mr. Ussery wanted to know if the issue regarding the DNR jurisdiction line had been resolved. Mr. Bryson stated that an application has been made but DNR will not act upon that application until after the county issues a zoning letter of approval.

Mr. Tommy Stewart, the developer, stated that he is a hotel operator, which is his intent for this development. He explained that he is responding to the demand of bigger and more spacious rooms for families. He operates a single-room hotel located near this proposed development. Mr. Stewart stated that the national hotel chains are building hotel suites exactly like the one he is proposing, and they have been doing so for quite some time. This is not new; it has also been done before on St. Simons Island.

Mr. Kaufman wanted to know if there would be an office or check-in area for this facility. Mr. Stewart stated that the office is actually located 200 yards down from this facility.

Mr. Phillips pointed out that staff received two letters via fax from property owners opposing this request: 1) Nancy E. Bauer of 17 Coast Cottage Lane, SSI; and 2) Cesar & Janis Rodriguez of 4218 Second Street, SSI. These letters were distributed for the Planning Commission's review.

At this time, Chairman Fields opened the floor for public comments. Mr. Ray Jarvis stated that he lives in the village area and he is opposed to anything that would increase the density on St. Simons Island. He pointed out that there seems to be an uncertainty about the definition of a hotel. Mr. Jarvis stated that the Planning Commission should allow the Georgia Judicial System to define what a hotel is before they take action on this request.

Ms. Leslie Lampkin was present representing the St. Simons/Sea Island Coalition. There were approximately eight members of this group also in attendance. Ms. Lampkin stated that this development consists of living units masquerading as a hotel and they are all opposed to it. If approved, this development would increase the density as well as compound the traffic problems. She is asking the Planning Commission to deny this request on the basis that it is not a hotel.

Ms. Kim Gollin, president of RUPA stated that this is a condominium coming in as a hotel to increase density and it should be denied. She agreed with Mr. Jarvis about allowing the courts to decide the definition of a hotel.

Ms. Thea Jarvis was also present to oppose this request due to increased density and traffic problems.

In rebuttal, Mr. Tommy Stewart explained that if he were to treat this development as 17 multi-family units or condominiums he could then have four bedroom units, which would allow 68 sleeping rooms and he would only be required to have 34 parking spaces. However, what he is proposing is 54 sleeping rooms with 60 parking

spaces. He stated that he is proposing something that would have less density, better traffic and more parking. Mr. Stewart stated that the property owners are against the concept but the fact remains that this proposal is not as dense as it could be. He stressed that he is just trying to build a good addition to the community.

Mr. Mike Aspinwall stated that in all due respect to staff, when there is doubt we should resort back to common sense. Common sense would dictate that what we are looking at is a multi-family unit masquerading as a hotel. In being consistent, he feels that it should be denied. Mr. Aspinwall commented that this request should be brought back as a hotel for approval, but if the developer continues to bring it back disguised as a hotel he will continue to vote against it. Thereupon, a motion was made by Mr. Aspinwall to deny this request. The motion was seconded by Mr. Robert Ussery. Discussion continued.

Mr. Nevill stated that this is a big development for the property and he is not necessarily in favor of it; however, it apparently meets the requirements. Chairman Fields stated that he cannot call the developer a liar. If the developer says that this is a hotel and will be operated as such, he has to take him at his word. He stated that this type of hotel does exist because in traveling, he has occupied one with his family. Chairman Fields stated that a condominium is a form of ownership; it is not a form of use. Mr. Ussery stated that it does not preclude people living in them. Mr. Aspinwall stated that in general practice, he tries to stay at larger more comfortable units, but he has never stayed at one that includes studies and foyers, and to ask him to agree that this development is a hotel is a leap. Ms. McCormick stated that she has stayed in hotel rooms with foyers but they did not include studies.

Mr. Kaufman stated that if the developer says that this is a hotel and staff feels that it meets the requirements, he would have to agree. Mr. Williams stated that this seems to be a traveling trend for families, and he has also stayed in hotels with his family just like the one being proposed. He too would have to take the developer at his word.

There being no further discussion, the following vote was taken on the motion for denial: Voting Aye (in favor of denial): Mr. Mike Aspinwall, Ms. Ann McCormick and Mr. Robert Ussery. Voting Nay (against denial): Mr. Perry Fields, Mr. Jay Kaufman, Mr. Gary Nevill and Mr. Jonathan Williams. The motion failed to carry a majority vote. A new motion was made by Mr. Gary Nevill to approve this request. The motion was seconded by Mr. Jay Kaufman. Voting Aye: Mr. Perry Fields, Mr. Kay Kaufman, Mr. Gary Nevill and Mr. Jonathan Williams. Voting Nay: Mr. Mike Aspinwall, Ms. Ann McCormick and Mr. Robert Ussery. The motion carried for approval.

Application by Kelly Langford, owner, for site plan approval of the expansion of the existing Fairhaven Assisted Living Center on a 4 acre parcel. The property is located on the east side of Glynco Parkway, approximately 2,500 feet south of Canal Road. The property is zoned Planned Development, located within the Golden Isles Gateway Tract.

Ms. Kelly Langford and Mr. Tom Pruitt were present for discussion.

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

Staff has reviewed the proposed plan and finds no significant issues. Technical comments can be resolved during the building permit site plan review process. Among the most significant issues are:

- The property lines may need to be adjusted and/or proposed buildings adjusted to meet setback requirements.
- There is a question about water service that needs to be worked out with the Utilities Division.

Staff recommends approval of the site plan subject to meeting all requirements.

After a brief presentation by Ms. Langford and a general discussion, a motion was made by Ms. Ann McCormick to approve this request subject to the technical issues being resolved. The motion was seconded by Mr. Robert Ussery and unanimously adopted.

SP-2004-0806-1330 Villas at Frederica River

Application by George Stewart, owner, for site plan approval of a 12 unit multi-family development on 0.805 acre. The property is located on the northeast corner of Hamilton Road and Arthur Moore Drive. The property is zoned Resort Residential.

Mr. Larry Bryson and Mr. George Stewart were present for discussion

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

Staff has reviewed the proposed plan and finds no significant issues. Technical comments can be resolved during the building permit site plan review process. Therefore, staff's recommendation is for approval subject to meeting all requirements.

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

SP-2004-504-630 Retreat Village-v.2

Application by Billy Ramsbottom, owner, for site plan approval of a redevelopment plan for the existing Retreat Village Shopping Center. The property is 12.06 acres and is located at the southwest intersection of Frederica Road and Demere Road. The property is zoned Planned Development.

Mr. Jim Bishop and Mr. Robert Ussery were present for discussion.

It was noted that Mr. Robert Ussery, architect, is representing the applicant in this development. He therefore stepped down from the table and joined the audience in order to avoid a conflict of interest.

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

At the time this property was rezoned (earlier this year) a number of issues were discussed and it was generally determined that they would be resolved as part of the site plan review process for the first phase of redevelopment for which a site plan was reviewed. These issues included:

- Arrangement of the on-site vehicular and pedestrian circulation - A traffic circulation plan has been included in the latest version, but has not yet received full staff review. The current plan shows improvements in front of the existing Winn Dixie entrance, and has resolved (to some extent) the choke point between the two new proposed buildings, but has not fully addressed the conflict where the cross drive behind Burger King meets the main north-south internal driveway. In addition, the driveway east of the new buildings (connecting to the SunTrust Bank) is workable, but not perfect.
- Landscaping and compliance with the 90% coverage requirement - The original site plan included considerable detail with respect to the different treatments of the different landscaped areas. The details need to be referenced to the various portions of this plan so that the specific proposals can be checked for consistency with lighting, fire hydrants, etc., and so that the landscaping improvements can be inspected.
- Signage for the two main entrances (Demere Road and Retreat Avenue) - An application has been made for sign permits for signs at the two main entrances.

The discussion at the time of rezoning was that these designs would be reviewed by the Planning Commission at the time of site plan review.

In addition to the substantive details, a decision needs to be made as to when some of the improvements are to be expected (inasmuch as the development will be reviewed at multiple stages).

Staff recommends that the Planning Commission review the plans and discuss these issues.

Chairman Fields stated that he is not sure what the Planning Commission is being asked to vote on; new building #1, new building #2, or an expansion. Mr. Ussery presented the concept plan and stated that the Planning Commission is being asked to vote on building #1, building #2 and the parking lot improvements. Mr. Phillips stated that with respect to parking lot improvements, the Planning Commission is being asked to vote on the general layout of the landscaping and the general layout of the traffic circulation in the parking lot. He pointed out that if the general layout of the landscaping, parking and vehicle circulation is adequate, then it may be appropriate to tie the actual construction of those to the new retail space north of Winn Dixie when it comes in, which would be a site plan approval.

For clarification, Mr. Ussery read the following items from the keynotes of sheet #1 of the site plan that the Planning Commission is being asked to look at:

- 1) Remove existing compact parking places, add terrace;
- 2) Re-align entrance drive as shown;
- 3) Add landscape islands to existing parking lot;
- 4) New parking area and drive-thru for new bank and commercial buildings;
- 5) Service area for new buildings with 6 to 8 ft. high screened wall (behind bldg.#2);
- 6) Loading zones for new buildings;
- 7) Dumpster for new buildings;
- 8) Drive-thru for dry cleaners; and new buildings 1 & 2.

Mr. Ussery then referred to sheet #2, which he stated shows more details regarding buildings 1 & 2. He stated that this is a large project with a lot of things already existing and they are adding the first part to many parts that will come later. The main element of this application is the new buildings.

Chairman Fields wanted to know if there is an easement agreement between the Ramsbottom property and the bank property. Mr. Ussery replied that there is an easement. The drive is actually for the service and benefits of Trust Company Bank. It serves no benefit for this particular project. For clarification, Attorney Jim Bishop elaborated on the easement agreement.

Following discussion, a motion was made by Mr. Mike Aspinwall to approve this request. The motion was seconded by Mr. Jay Kaufman. Voting Aye: Mr. Mike

Aspinwall, Mr. Perry Fields, Mr. Jay Kaufman, Ms. Ann McCormick, Mr. Gary Nevill and Mr. Jonathan Williams. Abstained From Voting: Mr. Robert Ussery. For clarification, approval is for the site layout for buildings 1 & 2, and for the general layout of the parking lot, landscaping, circulation and signage.

MINUTES

Regular Meeting: August 17, 2004

The Minutes of the August 17th Planning Commission meeting were approved and unanimously adopted subject to any necessary corrections.

STAFF ITEMS

a) Clarification of Planning Commission action on Beachview House Site Plan

Mr. Phillips explained that at the August 17th meeting, the Planning Commission voted to deny the Beachview House site plan. He stated that there are a number of points to clarify regarding this action. One of the concerns of staff is a procedure issue. The ordinance states that the Planning Commission will review and approve site plans or approve site plans with conditions. There is no provision for a denial.

Mr. Phillips would like to get some type of determination as to what considerations the Planning Commission would like staff to ask the applicant to provide in order to address any concerns that this Board may have. The applicant has spoken with staff several times and is concerned about having his project treated consistently with others that have been approved.

Mr. Ussery stated that his motion at that time was to deny the request, but perhaps his motion should have been that the request be brought into compliance with multi-family density. He stated that this would have been the instruction conveyed to the applicant since the units were multi-family units in his opinion.

Chairman Fields stated that if one has the power to approve, then one should have the power to object. Section 619 indicates that the Planning Commission could keep working at the review until they get something that they like. In his opinion, the only issue is that the Planning Commission needs to state that there are certain members of this Board who feel that this development consists of dwelling units, as opposed to hotel units. He stated that he does not see this as a resolvable issue. Perhaps the applicant needs to resubmit the site plan. Chairman Fields pointed out that he did offer an option at the August 17th meeting to wait until all members were present before taking action, to no

avail. Technically, the site plan is still pending if the Planning Commission cannot deny it.

Chairman Fields stressed that the Planning Commission needs to know if they can deny a site plan, or keep modifying it until they're satisfied that it meets the terms of the ordinance. The specify question that the County Attorney needs to answer is, "does the ordinance allow the Planning Commission to deny a site plan." If the answer is no, the ordinance anticipates that there will be approval of site plans with conditions, then the site plan in question needs to be brought back for another review.

At the end of discussion, staff was advised to pursue the County Attorney's opinion, confer with the applicant, and bring the request back to the Planning Commission in two weeks.

b) Board of Commissioners directive to Planning Commission to review parking requirements in GC-Core District

Mr. Phillips advised that he would provide additional material on this subject for the next meeting and perhaps schedule it for discussion at a workshop.

There being no further business to discuss, the meeting adjourned at 8:45 p.m.