

# MINUTES

## ISLANDS PLANNING COMMISSION NOVEMBER 18, 2008 - 6:00 P.M. The Casino Bldg, 530 Beachview Drive, SSI

-----

- MEMBERS PRESENT:** Robert Ussery, Chairman  
Preston Kirkendall, Vice Chairman  
John Dow, Jr.  
William Lawrence  
Paul Sanders  
Desiree Watson  
Joan Wilson
- STAFF PRESENT:** David Hainley, Community Development Director  
York Phillips, Planning Manager  
Iris Scheff, Planner III  
Eric Landon, Planner II  
Janet Loving, Admin/Recording Secretary
- ALSO PRESENT:** Commissioner Uli Keller, BOC  
Commissioner Don Hogan, BOC Chairman

-----

Chairman Robert Ussery 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 procedures and audience participation in discussing agenda items.

-----

### **Minutes**

**October 21, 2008 Regular Meeting**

**October 28, 2008 Joint Meeting**

A motion was made by Mr. John Dow to approve the Minutes of the *October 21<sup>st</sup> Regular Meeting*. The motion was seconded by Mr. Preston Kirkendall. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Robert Ussery, Ms. Desiree Watson and Ms. Joan Wilson. Mr. Paul Sanders did not attend the October 21<sup>st</sup> meeting and therefore abstained from voting.

A motion was made by Mr. William Lawrence to approve the Minutes of the *October 28<sup>th</sup> Joint Meeting*. The motion was seconded by Ms. Joan Wilson. Voting Aye: Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery, Ms. Desiree Watson and Ms. Joan Wilson. Mr. Dow and Mr. Kirkendall did not attend the October 28<sup>th</sup> meeting and therefore abstained from voting.

-----

**ZM1373 (I) Old Stables Tract**

Consider a request to amend, in its entirety, the PD Text and Master Plan for property consisting of 36.655 acres located on the north side of Sea Island Road, west of its intersection with Frederica Road. The property has approximately 650 ft. of frontage on Frederica Road and approximately 2,000 ft. of frontage on Sea Island Road. The current zoning is known as the Sea Island Support Campus Planned Development. The proposed change would permit retail commercial, hotel, and residential uses, and would reduce the area devoted to hotel and resort support activities. Parcel ID: 04-05060, 04-05141, 04-05142, 04-06511. Sea Island Co., agent for Sea Island Co., LV-VASI, LLC, owners.

Mr. Bill Edenfield and Attorney Jim Gilbert were present for discussion.

Before allowing Mr. Phillips to commence with the staff's report, Chairman Robert Ussery announced that no action would be taken on this application at this time due to its complexity; however presentations and discussion will be allowed. This item will be re-advertised for additional discussion and subsequent action at a later date.

At this time, Mr. Phillips proceeded with the staff's report as follows:

The proposed use is consistent with historic development trends in the area. This intersection serves as a commercial node to support the north half of St. Simons Island. The proposed PD text allows a neighborhood scale shopping center, hotel, and residential uses, along with a continuation of the support campus at a reduced scale. The proposed text accommodates some flexibility to adjust the quantities of particular uses without dramatically changing the nature of the mix. The proposed mix includes: residential with not more than 150 units, hotel with not more than 100 sleeping rooms, commercial with not more than 200,000 square feet, and resort operations support facilities with not more than 80,000 square feet of building area and 500 parking spaces.

The site is served by public water and sewer. Engineering notes that more detailed review will occur at the site plan level, and issues concerning traffic circulation and drainage will be addressed at that time.

Sea Island Road carried 11,900 average daily trips (ADT) in 2002 and will carry 14,600 in 2030, according to the 2030 Long Range Transportation Plan (LRTP) adopted in 2005. Frederica Road had 9,100 ADT in 2002 and will have 13,600 in 2030. Both of

these roads are projected to operate at Level of Service “F” in 2030, although the LRTP calls for studies to identify improvements that can be made to roads in this area.

Based on Institute of Traffic Engineers (ITE) data, the proposed uses (shopping center, hotel, residential, and support facilities) in this project will yield approximately 8,900 daily trips. This estimate may be high, since no adjustment is made for internal (or “capture”) trips (i.e. trips that go from one use to another use within the project). In addition, staff does not have an estimate of the number of trips currently generated by the uses on this site.

Note that consideration is given to the possible development of a roundabout at the Frederica Road/Sea Island Road intersection. Land for this project would be provided from this site.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:**

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

**The proposed development is consistent with development in the area.**

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

**The proposed development is consistent with developments in the area and will not adversely affect the usability of nearby property.**

- 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.

**The proposed use will not significantly impact existing county infrastructure. Attention will need to be given to traffic circulation during the site plan process to ensure smooth traffic flow.**

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

**This site is located in the St. Simons/Sea Islands Future Development Area. This designation permits residential, small commercial, hotel, and resort uses, including, master planned resort communities.**

- 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.**

Mr. Phillips stated that staff recommends approval of application **ZM1373** for Planned Development, including the PD Text and the PD Master Plan.

Mr. William Lawrence expressed concerns about the number of Average Daily Trips (ADT) on Frederica Road. Mr. Phillips stated that he doesn't have the current data. He would have to do additional research. He pointed out however that the Sea Island Company has been working with a traffic consultant on this issue. Mr. Lawrence is concerned that the 2030 estimate will be exceeded by 8900 vehicles. Mr. Phillips stated that it is possible, but this does not take into account deducting for the trips that are created by the existing development nor does it take into account the distribution of trips or any changes in traffic patterns that result from other activities in the area.

At this time Attorney Jim Gilbert, representing Sea Island Company, gave a brief overview of the project along with background history of the property, pointing out that the key elements of discussion are issues concerning traffic, density and uses. He then introduced the traffic engineer for this project, Mr. Doyle Kelly of Thomas and Hutton Engineers. Mr. Kelly explained that Sea Island Company asked him to take a look at some of the previous work that had been done in the area. A traffic study was done in 2006 that showed some different alternatives for this particular area. The volumes examined at that time were peak hours which are generally about 10% of the ADT. Mr. Kelly stated that there were peak hour counts done at the intersection of Sea Island and Frederica Road which were included in the 2006 study. He expounded on the formula used in calculating the total number of vehicles entering the intersection during the peak hours.

Mr. Edenfield pointed out the existing curb cuts and the requested access points for clarification. Mr. Kelly described the traffic circle design in relation to all access points including customer and delivery. Also discussed at this time, was the possibility of eliminating one of the access points near Frederica Road as a means of controlling traffic, which Mr. Edenfield stated they would take into consideration. He then briefly discussed the formula used in calculating density. Chairman Ussery stated that it would be helpful to have a capacity study done in order to determine the amount of square feet of commercial uses that would be allowed. This would give a better understanding of the proposed density.

Chairman Ussery explained that another component of the new PD is the residential, which the applicants have made allowances of up to 250 residential units. This does not include the area near the Sea Island Support Facilities. He stated that it is hard for the county to plan not knowing if the development will be all commercial or all residential or something in between. There needs to be a selection. Currently as it stands now, the text is a little too broad. Chairman Ussery stated that perhaps a geographic designation would help, which would give the residents in Glynn Haven a little more assurance of having residential near them rather than a grocery store. Ms. Desiree Watson added that since this is hypothetical, we could end up having commercial where the residential is planned, and if there is just a vegetative buffer, the debris will fly through from the commercial into the residential. She stated that she would like to see an actual fence (if it is going to be commercial) to prevent debris from getting through.

Mr. Kirkendall asked if the buffer meets the ordinance requirements, to which Mr. Hainley replied yes. Mr. Edenfield stated that the buffer actually exceeds the requirements.

Mr. Dow wanted to know if the setbacks and the minimum lot sizes are all consistent with the current ordinance. Mr. Edenfield stated that there are two that are consistent with the current ordinance and two that are consistent with previously approved planned development projects. Mr. Dow suggested discussing the exceptions during the next review of this proposal. He also had questions about open storage space, but Mr. Edenfield advised that the reference to open storage will be eliminated. Mr. Dow stated that there is a sliding scale from commercial to residential but there is no sliding scale showing the hotel rooms where they are anticipating 100. He asked if there would be a scale attached in the event this number goes lower or higher. Mr. Edenfield stated that they had not considered it but perhaps it would be a good idea to have a scale. Mr. Dow asked if the commercial space within the hotel count toward the overall commercial in the mix use. Mr. Edenfield replied yes.

Mr. Paul Sanders wanted to know if the developer plans to have a Phase I Environmental Study available with regard to the underground fuel storage tanks. Mr. Edenfield stated that they already have the Phase I Environmental Study.

Ms. Watson stated that she would like for the developers to make sure that the exterior lighting complies with the current lighting ordinance and that the common off-street parking be reduced by 20% and not by 80%. Mr. Edenfield concurred.

At this time, the floor was opened for public comments beginning with Ms. Stephanie Schleicher of 409 Pine Street, St. Simons Island who stated that as an adjacent property owner, she is opposed to this request. Ms. Schleicher also complained that the Long-Range Transportation Plan, which references the 2002 study, is inadequate and does not make reference to the fact that the master plan wasn't written until 2003. She stated that we need to have an up-to-date plan to address the transportation issues for St. Simons Island before anything is actually proposed or in writing.

Mr. Cesar Rodriguez of 4218 Second Street, SSI agreed with Chairman Ussery that the proposed text is too broad. It needs to be more defined and more specific. He stated that the mixed use development could be converted from residential to a 300,000 sq. ft. development. To indicate that 300,000 sq. ft. plus 280,000 sq. ft. at the same intersection would not have a significant impact on the infrastructure is somewhat of a stretch. He stated that most of his concerns relate to the text itself because it sets a precedent. What occurs here can occur anywhere else on the Island and this development will serve as a standard for other PD developments that are being proposed on St. Simons.

Attorney Gilbert stated that they prepared the text in this manner so that there would be a lot of flexibility, but after listening to the comments and concerns, he agrees that the document needs to be tightened up a great deal. Therefore, he will meet with the owner, take out some of the flexibility and prepare a more specific document.

Chairman Ussery suggested that the developer avoid the terms “meet or exceed,” as noted in several places of the text, and include language that states “comply with.” He would also like to see site coverage standards implied for all uses.

There being no further discussion, a motion was made by Mr. Paul Sanders to defer application **ZM1373 (I)** for 30 days. The motion was seconded by Ms. Desiree Watson and unanimously adopted. (This item will be placed on the December 16<sup>th</sup> IPC Agenda.)

-----

Chairman Ussery moved application **SP1285 Ocean Lodge** up on the agenda at this time in order to accommodate the considerable amount of people present for this item.

**SP1285 (I) Ocean Lodge**

Consider a request to approve a revised site plan for a fifteen-room hotel and a restaurant on .61 acres located on the north side of Beachview Drive, west of its intersection with Third Street. The existing facility is served by 22 parking spaces. The revised plan proposes an increase in the parking to 33 spaces to allow the restaurant. The property is zoned Resort Residential. Parcel ID: 04-04006 and 04-04009. Joe McDonough, LLC, owner.

Mr. McDonough and Attorney Jim Durham were present for discussion.

Mr. Phillips presented the most recent version of the proposed plan. The site is located in the St. Simons/Sea Islands Future Development Area and is within an existing Activity Center. This designation is appropriate for hotel and related uses.

The existing facility is served by 22 parking spaces. The revised plan proposes an increase in the parking to 32 spaces to allow the restaurant. The Resort Residential

district has a limitation of 50% for site coverage. This affects the amount of parking area that can be provided on the site. The plan submitted for Planning Commission use complies with this limitation.

This project has been under development review since 2001. During this time, a principal issue has been the degree to which this facility is adequately designed to accommodate activities beyond the permitted principal uses. Hotels are permitted uses in the Resort Residential district. Hotels frequently have accessory facilities to accommodate related functions, including restaurants, ballrooms, meeting rooms, etc. The Zoning Ordinance accommodates this by requiring that parking be calculated separately for these facilities and that these parking spaces be added to the parking required for rooms. At the time of its last review (i.e. the revised plan which added a fourth story to the building), the Planning Commission specified and the applicant agreed that activities in the hotel would be limited to guests of the hotel. This insistence was driven, in part, by the concern that the parking provided was calculated for the hotel only.

The current request would allow a restaurant as an accessory use. The restaurant would occupy a space on the top floor previously set up as a function area. The principal issue for the site plan review is whether the proposal to add the additional parking meets the requirements of the Zoning Ordinance. The existing utilization of the restaurant space for special events typically exceeds the proposed additional parking.

During its review, Engineering raised issues with (1) the limited width of the driveway serving the two angled parking spaces near Beachview Drive (2) the access for the added parking, and (3) the number of handicapped spaces. These features of the plan were revised and are now determined by Engineering to be in compliance.

This project will be served by Beachview Drive and Third Street, both of which are existing streets. The proposed change will add 81 trips, although a portion of these trips will be “internal” or “capture” trips (i.e. originating from within the site) and will not add to the traffic on the adjacent streets.

The site is served by public water and sewer. The Fire Department has indicated that hydrants will need to be shown as required by the regulations.

Mr. Phillips stated that staff recommends approval of this request subject to meeting all requirements including the following stipulations:

- 1) If the applicant seeks to utilize the restaurant space for events which by normal occurrence attract more customers/attendees to the facility than the proposed parking will handle, then the applicant shall provide the Community Development Director with signed agreements providing off-site parking; and
- 2) The site plan shall remain valid as long as the Ocean Lodge parcel and the parcel intended for additional parking for the restaurant, which is the subject of this request, remain under one ownership.

Mr. Phillips advised that staff received two letters from individuals in support of this request. (Mr. Larry Arndt of 1121 D Beachview Drive and Mr. Ted Havlik of 928 Beachview Drive) Staff also received phone calls from several residents for and against this request.

Mr. Preston Kirkendall asked if staff received any type of letter regarding the additional parking. Mr. Hainley replied no, not at this time. He explained that prior to an event, if the applicant believes that the capacity of the parking is adequate, then the applicant does not have to provide a letter, but on the other hand, if they believe that the attendees' ratio would exceed the parking, then a letter is required from the applicant. This is expected on a case-by-case basis as the events occur.

Attorney Jim Durham, representing Mr. McDonough, explained that this is a site plan for additional parking spaces. As he understands it, his client has met the requirements of the site plan pursuant to the county. The additional requirement deals with when his client has a special event, which is estimated to last for about three hours. He stated that since the hotel has opened, they have had eight weddings and four of them have actually exceeded the capacity.

Mr. Durham stated that at the time that they anticipate having a special event, they are more than willing to notify the Community Development office and provide to them the location of where the parking will take place. He stated that he currently has an e-mail (not a signed document) from Mr. Lewis Newman which would allow parking on a particular vacant lot located in the area that has been utilized in the past. Mr. Newman is the owner of 915, 917 Beachview Drive and basically his statements says, "As owner of the 915, 917 Beachview Drive, I support the Ocean Lodge. I own a vacant lot behind my house at the corner of Ocean Road and Fourth Street. On occasion, I have allowed the Ocean Lodge to use my lot for overflow parking and will continue to do so if needed. There is easy access to the lot from Ocean Road and Fourth Street."

Mr. Durham stated that there have also been issues about parking on the county right-of-way. He had the understanding that they could park on the county right-of-way and believed that they had permission to do so at the St. Simons Elementary School. Mr. Durham stated that what he understands is that the county does not stop you from parking on the right-of-way. It's just that you can't reserve the spot. He stated that he does have a letter from the principal as of today, which indicates that she cannot give permission to park on the Glynn County right-of-way, but they have absolutely no objection to that taking place.

Mr. Durham stated that his client is more than willing to meet the conditions to contact the Community Development Department and let them know where they are going to be parking. He stated that they are also willing to set up a program in which the participants and guests can be brought in by trolley or other locations from the site of the church and then taken back to their cars so that there is no parking. He stated that he has discussed this with Mr. Hainley and pointed out that his client is trying everything to keep any excess parking outside of the area. They have "car parkers" if in fact it is going

to be a situation that exceeds the parking capacity. Mr. Durham stated that these events would take place on an average of one time a month for about three hours. He stated that they are also willing to meet the conditions with respect to the site plan and the transfer of any property. They will not transfer the site that they have purchased to have the additional parking spaces.

Mr. Durham stated that on behalf of his client, he is requesting that the Islands Planning Commission approve the site plan and approve the parking for the use that is intended.

Ms. Joan Wilson asked if the parking on site will be paved. Mr. Durham replied yes. She then asked how the patrons would enter the building from the outside. Mr. Don Hutchinson of Thomas & Hutton Engineering explained that there is a driveway coming in from Third Street and there is an elevator on site. Mr. Joe McDonough added that for the day-to-day operation of the hotel the guest would come to the front of the hotel. Once they come inside the hotel through the access door and front entry to the concierge station, the concierge will arrange the code for the patron to be able to access the driveway. The valet then parks the car on the first instance.

Ms. Watson raised questions about parking for restaurant patrons. Mr. McDonough stated that parking for restaurant patrons would basically follow the same procedure as parking for the special events. He stated that they have a valet agreement with Mack Transport Company. Mack delivers the drivers to the site in his van to avoid a parking problem with them, but they control the parking by taking the patron's car and parking it for the individual. They then give the patron access to the elevator or to the front entry. Ms. Watson asked about the hours of operation for the restaurant. Mr. McDonough stated that hours of operation for breakfast will be 7:30 to 9:30. The evening restaurant schedule has not been set yet but it would probably be from 6:30 to 10:00 or 6:30 to 9:30; something in a three to four hour period in the evening. Mr. Durham stated that there would have to be some flexibility depending on the flow of patrons. They would then have to adjust the hours accordingly.

Ms. Wilson had questions about the controlled access for disabled persons. Mr. McDonough explained that once the person is in the garage they can use the telephone that's on site and will be assisted into the building. He stated that all of the handicap regulated items have been provided. The handicap parking is located next to the elevator shaft and there is a ramp from the parking space to allow wheel chair access as per code. In addition to the parking, he stated that they have specified handicap rooms located on the main level of the hotel. Mr. McDonough stated that there would be no modifications to the restaurant. The only modifications that they are doing are on-site and contained within the specific areas of the site plan. Ms. Wilson wanted to know what the seating capacity will be for the restaurant. Mr. McDonough stated that when they open the restaurant to the public the maximum seating capacity would probably be 45 due to the amount of available space, and the minimum seating capacity would probably be 15 to 30.

Mr. Kirkendall wanted to know if the Fire Marshall set a certain level for a restaurant, and if so, what is the level set for this particular size restaurant. Mr. McDonough stated that the Fire Marshall has set the level at 75. Ms. Wilson asked if the outdoor area is included in the 75. Mr. McDonough replied yes; 75 is the total.

Ms. Watson expressed concerns about deliveries to the restaurant. She stated that there is a loading zone currently for deliveries in the driveway but it is not marked as a loading zone and it actually blocks two parking spaces along with the ingress/egress to the parking lot. She asked if the owner intends to mark the driveway as a loading/unloading area. Mr. McDonough stated that they have done several things to accommodate the suppliers as well as the refuse pickup. This was accomplished by means of container sizes and location for pickup. They also have an agreement with the trash collector to put the containers on wheels, making it easier for his workers to place the containers on the curb.

At this time Chairman Ussery opened the floor for public comments beginning with Ms. Word Train who stated that she and her sister, Jean McDonald, own a house on 1022 Beachview Drive, located one block up from Ocean Lodge. She cited several sections of the ordinance which she felt were not being enforced by allowing the proposed restaurant and increased parking for Ocean Lodge, particularly Section 705.1 - *Intent of the Resort Residential District*, which states that “the regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy and compatible environment for various types of accommodations and uses for the convenience of seasonal and part-time residents and visitors, and to discourage encroachment by commercial, industrial and other uses which might detract from the resort character of the district.”

Ms. Train distributed photographs of the area, including her residence, and emphasized that she and her sister are the owners of a single-family residence and not a three-story condo. She stated that this proposal will directly affect her property and if approved, it would open up a “Pandora’s Box.” It would in essence set a precedent that would allow other businesses to apply for a restaurant and lounge (next door to her) thereby adversely affecting her property as well as surrounding property in the Beachview area.

Mr. David Crawford of 903 Beachview Drive provided a handout containing several unanswered questions and points for discussion. He also distributed photographs showing different activities in the area. Mr. Crawford stated that he reviewed the video tape of the 2004 Planning Commission meeting in which the site plan was first approved. At that time, the facility was limited to only 15 sleeping rooms and only activities of those guests. Since that time, somehow the numbers have increased and now include special functions. He pointed out that at the April 6, 2008 Planning Commission meeting the words restaurant, lounge, alcohol license, wedding receptions and valet parking were never used in the applicant’s presentation.

Mr. Crawford stated that the parking noted on the current site plan is inconsistent with the existing Zoning Ordinance. He stated that permitting valet parking, trolley parking, school parking, church parking or right-of-way parking for this facility is also against the ordinance.

Mr. Crawford listed several deficiencies that he feels exist within this proposal including, but not limited to, building dimensions, parking dimensions, site contours, signage, lighting, restaurant patron space, etc. He agrees with Ms. Train that this proposal is not in-keeping with a stable, healthy and compatible environment and should not be approved.

Mr. William McCarty was present to oppose this request on behalf of his mother, Mrs. Marion Ford, and himself. He stated that his mother has been very tolerant of the odor, noise and traffic for the last five years. She has been a resident in the area since 1972, and lives next door to this establishment. She is therefore the most affected by it. Mr. McCarty distributed pictures showing the vent from the restaurant, which is 15 ft. from his mother's bedroom window. The odor from the restaurant is constant. He pointed out that deliveries from 18-wheelers are being made on Third Street, which blocks the right-of-way. He stressed that he is very concerned about this proposal being approved because the situation with traffic, noise and odor would worsen. Mr. McCarty noted that Joe McDonough has done a good job, but he cannot contain all of the foot traffic, vehicle traffic or parking from these special events that he is proposing.

Mr. Charles Hodges, Mr. Doug Bangers and Mr. Bill Hooker were also present to speak in opposition to this proposal, with their issues of concern being traffic, parking, noise, odor, as well as the deviation from the intent of the RR District. Mr. Bill Hooker made reference to existing structures not being shown on the site plan, which he stated would clearly show that this exceeds the 50% site coverage.

Mr. Bill Kirby presented a parking analysis showing the previous motel parking calculations and the proposed parking. He feels that a mistake has been made and stated that this request should be deferred until the calculations are corrected.

Attorney Foster Lindberg was present to speak on behalf of 19 property owners in attendance that live in the immediate vicinity of Ocean Lodge. He explained that there is a bare minimum of requirements of the ordinance to be met, all of which have been stretched to the maximum. "Now there is a situation on the ground where people live and own property, and what's on paper does not work." Mr. Lindberg stated that there is simply not enough parking for a restaurant and the Planning Commission should not allow this to pass. He stressed that "it is a fiction to think that you can have only two parking spaces for four employees. There is no way on God's green earth that only four employees can operate an Ocean Lodge Resort Hotel and Restaurant that can accommodate 75 people at a given time." He stated that if approved, this restaurant would devalue all of the property in the vicinity. He cited examples of other restaurants near residential property and the difference in the property value. Mr. Lindberg urged the Planning Commission to deny this request.

Brenda Kilgore, local resident, stated that her husband is the President of Rich Sea Pak and he has several meetings throughout the year. These meetings are held at four and five-star resorts all over the country. Just recently, he conducted a North American Steering Team meeting at Ocean Lodge and she was there for dinner, which she stated was absolutely charming and elegant. She stated that they had dinner on the third floor which spilled out onto the patio. The walls are high enough that you don't see anyone and at the most there were perhaps 10 tables. Mrs. Kilgore stressed that Ocean Lodge is very elegant for adults only with no happy hour and no "Spring Break Kids." She stated that it is very, very nice. In fact, she feels that it is one of the nicest places on the Island other than Sea Island. She applauds Joe McDonough for being able to produce this type of place and environment in this community.

Mrs. Kilgore stated that she and her husband live in the Island Club behind the shopping center. When they moved there, there were no restaurants, but they are there now. When she entertains in her backyard she simply calls the restaurant and asked that their staff remain inside. They are always cooperative and very polite and there has never been a problem. Mrs. Kilgore attributes this as being part of the charm of the Island. She encouraged everyone to visit Ocean Lodge and see firsthand that all Joe is trying to do is provide an elegant adult atmosphere for people to enjoy. She asked for everyone who is in favor of this proposal to please stand, and at that point many in the audience stood up.

Mr. Stan Kyker stated that it is speculated that the building on Lot #212 will be torn down which perhaps then becomes apart of the overall site. He questioned if it makes sense to approve a site plan at this stage without having any idea of what is going to happen on the rest of the site, which is Lot 212. It concerns him about what the future might hold relative to the lot. Chairman Ussery stated that Mr. McDonough is not going to be able to develop that particular site at all. Once that building is torn down, the applicant is at his limitation for site coverage. Therefore, nothing will be allowed to be built on the referenced site under the current ordinance.

In a brief rebuttal, Mr. McDonough stated that only the last couple of sentences were recited regarding the "Intent of the Resort Residential District," but what wasn't recited was the first part of the intent which all works together. He explained that he did not create this. He has operated within the rules to build the hotel. He didn't have to get any zoning to build the hotel because it was already zoned. It is the intent of this section that the Resort Residential Zoning District be developed and reserved primarily for St. Simons and Sea Island for resort purposes and specific living and recreational facilities. Mr. McDonough stated that Resort Residential is a neighborhood that deals with the uses and convenience of seasonal and part-time residents. He pointed out that hotels, motels, inns, restaurants and a host of other things are allowed under Resort Residential. However, one thing that is not listed is single-family homes. He stated that he's lived in the area for 30 years because he loves the eclectic nature of the neighborhood.

Mr. McDonough elaborated on what he has done to accommodate the residents and to enhance the neighborhood relative to this development. He also expounded on the proper procedures that he had to operate under, with the guidance of county staff, to get

his project to this point. Mr. McDonough stated that a lot of tonight's "comments were probably suggested out of FEAR; False Evidence Appearing Real."

Chairman Ussery asked Mr. McDonough to address the issue of the kitchen vent near Mrs. Ford's house. Mr. McDonough stated that there is a vent on the building that is part of the original plan. The vent draws from the side and blows in the direction of the apartment complex. However, the building has been built to code, it has passed all of the inspections and he has obtained a complete Certificate of Occupancy.

As this time, Mr. Don Hutchinson of Korb Engineering addressed issues raised by Mr. Bill Hooker and Mr. Bill Kirby relative to the site plan. Mr. Hutchinson explained that the site plan shows all of the parking spaces. The building that is shown on the plan is an as-built. "This is an as-built plan." The parking is underneath the building and drawn exactly to where it is. All of the new parking dimensions are on the plan, as well as the fire hydrant, which is located on Beachview Drive.

Chairman Ussery thanked everyone for their comments and stated that the remainder of the discussion would be with the planning members and staff. He advised that he received several phone calls from the following citizens in support of this proposal: Pam Timbes, Bubba Timbes, Paul Martin, Henry Hudson, Ted Havlik and Lewis Newman. As stated by Mr. Phillips, staff also received letters from citizens in support of this proposal as well as opposition.

Mr. Kirkendall stated that the two issues of concern appear to be the hotel/restaurant and large events. In his opinion, the only thing under the Planning Commission's control at this time is the hotel/restaurant issue. The large event issue has nothing to do with the parking that the applicant is requesting. He is asking for parking for the restaurant. The large event is a Code Enforcement issue. He stated that if there are more people than what the Fire Marshall allows, or if they are parking cars on the street, these become code violations. However, Ms. Watson disagreed. She stated that during her site visit, Mr. McDonough advised that part of the restaurant use would be used for the special events, which she stated to him would require some off-street parking, to which he acknowledge and pointed out that he would have the valet handle this by parking vehicles at the First Baptist Church and at the elementary school.

Ms. Watson stated that she later found out that the First Baptist Church is located at Ninth Street and Mr. McDonough's property is located at Third and Beachview, which is more than the required 400 feet. She stated that she received a phone call from the First Baptist Church and an e-mail memo from the church stating that under no circumstances would they ever allow the Beach Bed & Breakfast or the Ocean Lodge to use their parking lot. Despite that, she still thinks that it is beyond the 400 feet and would not qualify for the off-street parking. In addition, she stated that the school voted in September to not allow the use of the school for off-street parking because it is county right-of-way and therefore beyond their authority.

Ms. Watson explained that the ordinance requires that when you have off-street parking, you have to have an agreement by which the owner of the property relinquishes their development rights. She feels that asking someone to give up their development rights for parking for a special event is not the purpose of requiring an agreement within 400 ft. of the primary use.

Ms. Watson further stated that according to Mr. McDonough's website, his luxury boutique hotel can accommodate 325 guests, which means more vehicles and she is not sure if Mr. McDonough has any one lot within 400 ft. anywhere that would accommodate sufficient parking for 325 guests. Ms. Watson stated that she is concerned about the off-street parking and the use of the restaurant besides just being a public restaurant. She pointed out that she is not sure how the special events came about because in 2004 Mr. McDonough submitted a letter stating that the "activities within the Inn will be limited to the guests of the Inn." The Planning Commission contemplated at that time that the activities of the guests would be the people that are the overnight guests. She feels that there has been a misunderstanding of what "guests" means because having 325 guests at a hotel is not a 15 room overnight guest. She also feels that the number of employees is not representative of the service that's being offered or provided for the luxury boutique hotel.

Regarding the intent of the district, Ms. Watson agrees that lounges, bars, restaurants, and hotels are allowed in Resort Residential because that is the nature of resort, but resort requires a compatibility with residential and this does not mean that one function is more important than the other. She stressed that her issue with this proposal is inadequate parking, along with the fact that the applicant has not been completely candid with this commission throughout this process. Therefore, Ms. Watson stated that she cannot support this request.

Referring to the website referenced by Ms. Watson that the facility could accommodate 325 guests; Mr. Kirkendall stated that the restaurant, according to the Fire Marshall, can only have 75 people. "If there are more than 75 people in the restaurant the Fire Marshall should shut him down."

Ms. Joan Wilson asked staff if the proposal meets the parking requirement. Mr. Hainley stated that based upon the analysis of the floor plan of the area assigned to the restaurant, the applicant does meet the parking requirement.

Mr. John Dow asked Mr. McDonough for the amount of total space available on the floor for the restaurant. Mr. McDonough replied 900 ft. but he stated that the balcony is not included in this total. Mr. Dow expressed concern about the plan not showing where the 900 sq. ft. is or the location of the other common areas, balconies, decks or patios. He also questioned valet parking and stated that it is not part of any recognized parking requirement in the Glynn County Ordinance. He stated that "we are dignifying a process that does not exist." Mr. Dow stated that valet parking does not exist for a reason and if carried to the ultimate absurdity, anyone can exceed any on-site parking requirement by saying they are going to have valet parking.

Following additional discussion about off-site and on-site parking, valet parking and special events for the use of the restaurant, a motion was made by Mr. Preston Kirkendall to approve the site plan for Ocean Lodge, *SPI285*, subject to meeting all requirements and subject to the following:

- 1) If the applicant seeks to utilize the restaurant space for events which by normal occurrence attract more customers/attendees to the facility than the proposed parking will handle, then the applicant shall provide the Community Development Director with signed agreements providing off-site parking; and
- 2) The site plan shall remain valid as long as the Ocean Lodge parcel and the parcel intended for additional parking for the restaurant, which is the subject of this request, remain under one ownership.

The motion was seconded by Ms. Joan Wilson. Voting Aye: Mr. Preston Kirkendall, Mr. Paul Sanders, Mr. Robert Ussery and Ms. Joan Wilson. Voting Nay: Ms. Desiree Watson. Abstained From Voting: Mr. John Dow and Mr. William Lawrence.

-----

The Planning Commission took a 10 minute recess. The meeting resumed at 8:50 p.m.

-----

**ZM1374 (I) Forest Cottages at Ocean Forest**

Consider a request to rezone a 0.67 acre parcel, Lot 34, from R-12 Residential to Planned Development. The property is located at 306 56th Street, Sea Island. Parcel ID: 05-00643. Property owned by Sea Island Company.

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

The following report from staff was included in the packages for review and was presented by Mr. Phillips:

This proposal is to extend the adjacent Forest Cottages Planned Development to include Lot 34 and to create access through the development as opposed to using 56<sup>th</sup> Street, which is adjacent. This will allow the parcel to be served by the street system which is internal to the Forest Cottages development and is a gated community.

Engineering has indicated that the project is compliant. According to the Transportation Department, this development will generate approximately 10 daily trips. While the access to this lot will change, there will be no difference in impact on the overall road system.

The site is served by the Sea Island water and sewer system. The proposal will produce no overall change in demand.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:**

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

**The proposed development is consistent with development in the area.**

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

**The proposed development is consistent with development in the area and will not adversely affect the usability of nearby property.**

- 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.

**The proposed use will not impact existing infrastructure.**

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

**This site is located in the St. Simons/Sea Islands Future Development Area. This designation permits single-family residential uses.**

- 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.**

Mr. Phillips reported that this proposal is consistent with the character of development in the area and therefore staff recommends approval of application **ZM1374** for Planned Development including the PD Text and the PD Master Plan.

It was noted that no one was present to oppose this request.

Following review, a motion was made by Mr. Preston Kirkendall recommending that the Board of Commissioners approve application **ZM1374** for Planned Development including the PD Text and the PD Master Plan. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

-----

**SUP1387 (I) Subway**

Consider a request for a special use permit to allow a restaurant within the General Commercial-Core (GC-Core) Zoning District. The property is located at 315 Mallery Street on the west side of Mallery Street south of Ocean Boulevard and north of Lord Avenue. The property is zoned GC-Core. Parcel ID: 04-11672. Chris Brazell, agent for Shirley and Edward Ralston, owners.

Mr. Chris Brazell was present for discussion.

In presenting the staff's report, Mr. Eric Landon explained that the property is currently zoned GC-Core, which allows a restaurant by special use permit once heard before and approved by the Planning Commission and the Board of Commissioners. This property is currently vacant and is located on the first floor of a two-story structure.

The Zoning Ordinance provides criteria for consideration of Special Use Permits generally as follows:

904.3 Approval/Denial

*The County Commission and the Planning Commission in reviewing the application for a special use permit should consider the following:*

- a. The effect the proposed activity will have on traffic flow along adjoining streets;*

According to the Institute of Transportation Engineers (ITE) manual this location is anticipated to generate between 127 to 158 daily trips. However, due to its location in the village, these trips could be reduced due to customers walking or riding their bicycle to this location.

b. *The location of off-street parking facilities;*

The applicant is proposing to utilize the existing parking facilities and will preserve the current building footprint. Glynn County Zoning Ordinance §715.4.7 Off-street Parking:

c. *The number, size and types of signs proposed for the site;*

The applicant will be required to complete a Village Preservation application prior to a sign being approved for this location.

d. *The amount and location of open space;*

Not applicable

e. *Protective screening;*

Not applicable

f. *Hours and manner of operation;*

The restaurant will operate between the hours of 9 a.m. until 10 p.m. except for Friday and Saturdays, which may stay open until 12 a.m.

g. *Outdoor lighting;*

The applicant is proposing no additional lighting to the site.

h. *Ingress and egress to the property; and*

The building is located on the west side of Mallery Street, serving as ingress and egress to the site.

i. *Compatibility with surrounding land use.*

The restaurant is compatible with surrounding land uses within the St. Simons Village Overlay District.

Mr. Landon stated that staff recommends approval of application *SUPI387* to allow a restaurant within the GC-Core Zoning District.

Following review, a motion was made by Mr. Paul Sanders recommending that the Board of Commissioners approve application *SUPI387* to allow a restaurant within the GC-Core Zoning District. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

-----

### **SUP1393 (I) Village Inn and Pub**

Consider a request for a special use permit to allow a drinking establishment in a General Commercial district on property located at 500 Mallery Street, on the east side of Mallery Street north of its intersection with Magnolia Avenue. This request is to allow continuation of an existing activity without expansion of the use. Parcel ID: 04-04475. Village Hotel Partners, LLC, owner.

Mr. George Stewart was present for discussion.

In presenting the staff's report, Mr. Phillips stated that the proposed land use is for operation of a drinking establishment in an existing hotel. Both the hotel and the drinking establishment have been in existence for approximately eight years, but the drinking establishment has not technically complied with the zoning requirements. The proposed use is actually the existing use. The hotel was permitted in 2000 based on 33 sleeping rooms and 31 parking spaces. The hotel included a small "lounge" although additional parking to serve the lounge was not provided. The original parking arrangement used grass-ring pavers, which were approved by the Board of Appeals and the Planning Commission. Soil conditions and usage caused a change to lime-rock. To meet the parking requirements for the drinking establishment, the applicant has secured an off-site parking agreement under Section 611.

The Zoning Ordinance provides criteria for consideration of Special Use Permits generally as follows:

#### 904.3 Approval/Denial

*The County Commission and the Planning Commission in reviewing the application for a special use permit should consider the following:*

*a. The effect the proposed activity will have on traffic flow along adjoining streets;*

There is no actual proposed change to the existing operation. In addition, some portion of the trips generated by this use is expected to come from on-site (i.e., the existing patrons of the hotel).

*b. The location of off-street parking facilities;*

The applicant is proposing to utilize the existing parking facilities in combination with off-site parking in compliance with the Zoning Ordinance.

*c. The number, size and types of signs proposed for the site;*

No change is proposed.

*d. The amount and location of open space;*

Not applicable

*e. Protective screening;*

Not applicable

*f. Hours and manner of operation;*  
There is no change proposed.

*g. Outdoor lighting;*  
The applicant is proposing no additional lighting to the site.

*h. Ingress and egress to the property; and*  
The use is located within the existing hotel building.

*i. Compatibility with surrounding land use.*  
The hotel is in a fringe area, adjoining both commercial and residential uses. The drinking establishment is located within the hotel building and has not presented any land use conflicts in the past.

The site is served by public water and sewer. There are no physical changes proposed for the site or for the existing operation.

Mr. Phillips stated that this proposal is consistent with the character of development in the area and therefore staff's recommendation is for approval.

Mr. Dow asked for clarification of staff's comment that "the drinking establishment has not technically complied." He also questioned the statement indicating that the "applicant has secured an off-site parking agreement under Section 611," if so, he'd like to know where the off-site parking is located. Finally, he wanted to know if there had been any complaints from the nearby residents.

Mr. Phillips stated that staff has a copy of the parking agreement on file which indicates that there is parking at an office building on Ocean Boulevard containing surplus parking within the prescribed distance. He stated that to his knowledge, there have been no complaints about the Pub. There were some complaints regarding outside activities but no recent complaints have been reported. (Staff received letters of approval from two adjacent property owners - Ms. Jolaine Hall Battey and Ms. Harryette Johnson.) Regarding the phrase "not technically complied," Mr. Phillips explained that the applicant actually needs to have the special use permit in hand, which is the subject of this request. Also, the applicant needs to meet the parking requirement, which has been addressed through the off-site parking agreement.

It was noted that no one was present to oppose this request.

Following discussion, a motion was made by Mr. Paul Sanders recommending that the Board of Commissioners approve application **SUP1393**, Village Inn and Pub, subject to meeting all requirements. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

-----

**SP1343 (I) The Beachview on St. Simons**

Request for approval of a site plan for a 22,861 square foot (+/- 0.52 acre) property located at the intersection of Neptune Road and Beachview Drive (115 Beachview Drive and 307 Neptune Road). The project consists of two three-story buildings containing eight condominium units above parking. The property is zoned Resort Residential. Parcel ID: 04-03931. Chris Amos of P & A Engineering, agent for Jones and Barbara Jo Lindgren of The Beachview on St. Simons, LLC, owners.

It was noted that no one was present to represent this request. Therefore, a motion was made by Mr. Paul Sanders, seconded by Mr. John Dow and unanimously adopted to defer this item until the December 16<sup>th</sup> Islands Planning Commission meeting, beginning at 6:00 p.m.

-----

As agent for the next agenda item, Chairman Ussery turned the meeting over to Vice Chairman Preston Kirkendall and joined his colleagues in the audience.

**SP1384 (I) Red Barn Development**

Consider approval of a site plan for a temporary use for property located at 5514 Frederica Road on the south of South Harrington Road. The property is zoned Planned Development. Parcel IDs: 04-05348, 04-09952, 04-05347, 04-05399 and 04-05447. Ussery-Rule Architects, agent for Don and Diana Gentile, owners.

Mr. Joe Combs and Mr. Robert Ussery were present for discussion. Don and Diana Gentile were also present.

Mr. Phillips reported that this proposal is part of a site that was rezoned to PD in 2005 (ZM 2005-007 I). While plans for the permanent development are being prepared, the owner wishes to make interim use of the property for parking of landscaping service equipment and temporary storage. An amendment to the PD text was made in July, 2008 (ZM1225) allowing the interim use, subject to a 100 ft. perimeter buffer and site plan approval. This request is the site plan request for the temporary use. The proposed site plan provides for a storage area on a part of the site near its center, with 100 ft. buffers on all sides except the front (north side), where there is a 200 ft. buffer. The use area is the part of the site with fewer trees, and the wooded areas are more prominent in the buffer areas. Two issues that are not resolved by the site plan need to be addressed: (1) is there a limitation as to the location of the debris storage areas (either delineated on the plan or articulated by some standard); and (2) what is the limitation on the size of the debris storage areas and what standard will determine when or how often any surplus debris (i.e., that quantity of debris in excess of the limitation) must be removed.

Engineering notes that drainage easements will need to be established during the review of the plans for derangement development. According to transportation staff, the interim use will create no appreciable impact.

Mr. Phillips stated that staff recommends approval of site plan *SP1384*, Red Barn Development, subject to determining the location and maximum size of the debris storage areas and the standards for removal of debris, and subject to meeting all requirements.

During a brief presentation, Mr. Combs explained that debris stored within the landscape storage and equipment area will be temporary in nature. At no time would any debris pile remain in place for a period of more than 60 days without being removed. Only debris related to the landscape and landscape maintenance operations utilizing the site would be allowed. Also, debris would be unloaded and stored in such a manner to protect existing trees from damage.

Following discussion, a motion was made by Mr. John Dow to approve site plan *SP1384*, Red Barn Development, subject to determining the location and maximum size of the debris storage areas and the standards for removal of debris, and subject to meeting all requirements. The motion was seconded by Mr. Paul Sanders. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders, Ms. Desiree Watson and Ms. Joan Wilson.

-----

Chairman Ussery presided over the remainder of the meeting.

**SP1391 (I) Village Villas**

Request for approval of a site plan for a 0.87 acre property located at 420 Ocean Boulevard on St. Simons Island. The project consists of twelve condominium units contained in four three-story buildings above ground level parking. The buildings total 12,667 square feet of footprint area. The property is zoned Planned Development. Parcel ID: 01-04464. James Bishop of Bishop Law Firm, agent for John W. Ramsey of Kings Way Ventures, LLC, owners.

Mr. Larry Bryson was present for discussion.

Mrs. Iris Scheff reported that this site is developed with multi-family residential, based on an approved site plan. The project consists of twelve condominium units contained in four three-story buildings. The plans were previously approved and the buildings constructed; however, the previously approved plans did not depict the locations of the A/C units or the swimming pool. A variance to allow the A/C units was approved by the Board of Appeals (10-9-08). The issue on the site plan at this time is the swimming pool.

Mrs. Scheff stated that staff recommends approval of site plan *SP1391 (I)*, Village Villas, subject to meeting all requirements.

Following review, a motion was made by Ms. Desiree Watson for approval of site plan *SP1391 (I)*, Village Villas, subject to meeting all requirements. The motion was seconded by Mr. John Dow and unanimously adopted.

-----

There being no further business to discuss, the meeting was adjourned at 9:25 p.m.