

**MINUTES**  
**ISLANDS PLANNING COMMISSION**  
**MAY 17, 2005 - 6:00 P.M.**  
**St. William's Church, St. Simons Island**

-----

**MEMBERS PRESENT:** Robert Ussery, Chairman  
Millard Allen  
Preston Kirkendall  
Paul Sanders  
Joan Wilson

**ABSENT:** Mike Aspinwall  
William Lawrence

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

-----

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 procedure and audience participation in discussing agenda items.

-----

The following changes were made to the agenda: Item 6 (*SP-2005-011 Beach Bed & Breakfast*) deferred until the June 21<sup>st</sup> meeting; Items 1, 3, 5 (*Barberito's/Special Use Permit, VP Application & Site Plan*) to be discussed simultaneously but require separate action.

There being no further changes to the agenda, a motion was made by Mr. Preston Kirkendall, seconded by Mr. Paul Sanders and unanimously adopted to accept the changes and approve the agenda for the May 17<sup>th</sup> Islands Planning Commission meeting.

-----

SUP-2005-001

Consider a request for a special use permit for a restaurant at 509 Ocean Boulevard. The property is located on the north side of Ocean Boulevard on the northwest corner of

Ocean Boulevard. and Neptune Way. The property is zoned General Commercial. Application by Harry Williams, agent for William Downey, owner.

VP-2005-006

Barberito's Southwestern Grille and Cantina: Application by Harry Williams for approval to make renovations to a property located at 509 Ocean Boulevard, on the northwest corner of Ocean Boulevard and Neptune Way.

SP-2005-010

Barberito's Southwestern Grille: Request for site plan approval for a property located at 509 Ocean Boulevard, on the northwest corner of Ocean Boulevard and Neptune Way. The proposal consists of a renovation to an existing structure to provide a restaurant. The property is zoned General Commercial. Application by Harry Williams, agent for William Downey, owner

Mr. Harry Williams and Mr. William Downey were present for discussion.

### **Special Use Permit**

This particular building was a convenience store/gas station that is being remodeled to create a restaurant. An existing restaurant is already attached to this structure and was previously approved with a Special Use Permit and a Village Preservation Application in 2002.

The proposed application will create a 2,000 sq. ft. restaurant with 1,069 sq. ft. of patron space. The proposed project (both restaurants) will require 12 on-site parking spaces. The applicant proposes to share the parking lot with the existing Subway Restaurant and re-stripe the existing spaces to create a total of 14 spaces on the site. Staff is pursuing a method for providing more spaces and improving traffic flow, subject to approval of the Traffic Safety Engineering Division.

The county's adopted Comprehensive Plan designates this area for commercial use. The site is subject to the provisions of the GC zoning district and the Village Preservation overlay district. Specific issues raised by these regulations address building appearance and parking.

The proposed use is consistent with the uses in the area. There are some technical issues that need to be addressed during the building permit phase, including the potential rearrangement of parking and driveways. Staff's recommendation is for approval subject to meeting all conditions.

Chairman Ussery asked staff to explain why a special use permit is required. Mr. Phillips stated that a restaurant is a permitted use in General Commercial except when it is in the Village Preservation District, which then requires a special use permit. The main issue is parking. There is a different set of parking standards, but this particular project meets the parking standards. When the GC Core District was amended last year, which eliminated similar parking requirements, the General Commercial District was not addressed in order to avoid confusion. This particular request is not in the Core District.

It is in the regular General Commercial District but it is within the Village Preservation Overlay.

Mr. Phillips pointed out that there is no physical change to the building other than making sure that the colors and the appearance of the building are in compliance. Three years ago, the Subway Restaurant portion of the building was approved under Village Preservation. Since that time, the remainder of the building has been approved in order to have a consistent design and color scheme. Site plan review is automatically required for a special use permit.

Chairman Ussery stated he feels that everyone understands how the special use permit relates to the site plan. Also, the parking requirements have been met but there appears to be some issues with where the parking spaces are positioned although they have existed in that state for some time. He further stated that perhaps some consideration should be given to the open curb located all the way around the property. Under Section 614.1 the maximum curb cut is listed at 40 ft. with no more than two. The applicant has proposed no additional work to be done on the site, but Chairman Ussery stated that he would like to see something in place as a safety precaution.

Mr. Phillips explained that the spaces that are shown are partially in the right-of-way and have been there for a long time. Staff has had some preliminary discussions with the Traffic Safety Engineer about the possibility of installing bumper blocks so that there would actually be two or three more spaces, and also cut off the traffic movement onto and off of the site. Since the improvement would technically be within the right-of-way, the Public Works Department would have to issue an approval. He stated that staff is hoping to get this resolved before the building permits are issued.

Mr. Paul Sanders asked if all of the underground storage tanks have been removed from the site. Mr. William Downey replied yes.

Chairman Ussery expressed concerns about improving the appearance of the area and stated that narrowing up the curb cuts and removing some of the paving along the right-of-way would make a difference, especially if it is landscaped. Mr. Harry Williams, agent for the property owner, stated that they are willing to do whatever is necessary to conform to the standards and improve the exterior appearance of the parking area. Chairman Ussery also suggested that the dumpster be pushed back and accessed from the side road rather than from the front road. Mr. Williams stated that they had actually planned to move the dumpster back into the rear corner and have it be accessible from the side road. He assured the members that there will be a tremendous improvement in the overall appearance of the area.

Chairman Ussery stated that he would like for the curb cut to be limited to 40 ft. by some type of mechanism, i.e., wheel-stops. Mr. Downey stated that as the project progresses, if he finds that things are not continuing to work well relative to safety, etc., he will do whatever is necessary to keep the proper flow. However, at this point he is

reluctant to give up any curb cuts that have been in existence for a number of years. He stressed that he wants to do whatever is most practical for the property.

There being no further discussion, a motion was made by Mr. Paul Sanders to approve the special use permit. The motion was seconded by Mr. Millard Allen and unanimously adopted.

-----

### **Village Preservation**

The application is for renovations to an old convenience store/gas station. A previous Village Preservation application was approved altering the roof pitch to the existing building. This application is a request for the façade of the structure to be renovated, but specifically as a restaurant.

Under Section 709.5 of the Village Preservation, alteration of existing construction of a principal building must remain within certain limitations regarding building height and footprint. The proposal does not conflict with the regulations. In addition to the size limitations, the Village Preservation provisions require the Planning Commission to review the appearance of the proposed improvements according to the following criteria:

- A) Conformity of the plans submitted to the purpose and provision of this Ordinance.
- B) Conformity and harmony of external material and design with existing and neighboring structures.
- C) The effect of the improvements on neighboring structures or sites.
- D) The consistence and compatibility with existing architectural design building exterior finishes used on neighboring properties or in the overlay zone.
- E) Exterior materials, exterior doors and windows, color schemes and other building elements which are considered compatible with neighboring structures in the overlay zone and appropriate for the area.
- F) The use of landscaping to cause the improvement to conform to the character of the area or to buffer the improvement from the neighboring sites.

The proposed exterior alterations include a glass storefront, a white tabby façade, cream colored vinyl siding, a metal hunter green roof, and a proposed sign.

This proposal appears to be consistent with the requirements of the Village Preservation regulations and the applicable zoning district. Therefore, staff's recommendation is for approval.

Following review, a motion was made by Mr. Millard Allen to approve this request. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

-----

**Site Plan**

This is a request for site plan approval (for a restaurant) for property located on the north side of Ocean Blvd on the northwest corner of Ocean Blvd and Neptune Way. Staff's comments have either been addressed or can be addressed during the building permit stage of the proposal. Therefore, staff's recommendation is for approval subject to meeting all requirements. Staff also recommends that the Planning Official be directed to give final approval to the site plan consistent with the Planning Commission's action.

Chairman Ussery stated that the site plan references technical requirements, such as the parking, curb cuts, location of dumpster, etc. Although he agrees with Mr. Downey that the open curb cut has been in place for a number of years and seems to be working well, technically there could possibly be a safety issue in this regard.

Mr. Downey was concerned about how or if certain changes to the site would affect his leasing the property. Mr. Phillips explained that when the calculations were done, Mr. Hutchinson included both restaurants and carefully measured the floor space so that the number of spaces would be accurate. There is the same number of parking available for the Subway Restaurant now as there were three years ago. He stated that relocating the dumpster should not present a problem. Limiting the width of the access points will be done in the right-of-way, not in the leased area and therefore requires approval from Public Works. Mr. Phillips stated that if the Planning Commission decides to include a condition limiting the width of the access point, he suggests that it be subject to approval by Public Works for any work that would be done in the right-of-way. Chairman Ussery stated that his only concern is that with the anticipated success of the restaurant there could be unanticipated parking. He merely wants to make sure that the right thing is done, and in order to technically meet the requirement, the applicant would have to limit the size of the curb cut.

Mr. Allen expressed concerns about signage for the proposed restaurant in comparison with the Subway sign, which he feels is very distasteful, and asked if there is a standard sign recommended for "Barberito's." Mr. Williams replied yes there is a standard sign that they use, and he assured Mr. Allen that it would be more appealing than the Subway sign.

There being no further discussion, a motion was made by Mr. Millard Allen to approve this site plan subject to Public Works review of the access (ingress/egress and bike path) relative to the parking issue. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

-----

VP-2005-005

Application by William and Kara Stowers for approval to make renovations and additions to a residence located at 106 Mews Circle, 300 feet north of its intersection with Butler Avenue.

Mr. Van Waters, contractor, was present for discussion.

The staff's report was included in the packages for review and was presented by Mr. Landon as follows:

The proposed alterations are limited in nature and will not increase the building height, or the existing building footprint. The only visible alteration to the property will be the addition of new dormers on each side of the home.

Under Section 709.5 of the Village Preservation, alteration to existing construction must remain within certain size limitations based on the size of structures on the property and neighboring structures as they existed at the time of the adoption of the Village Preservation provisions.

#### 709.5 General Provisions

In all zoning districts except General Commercial Core Districts, no new construction or alteration to existing construction of a principal building or accessory building or structure will be allowed which will result in lot coverage of greater than fifty percent (50%). Furthermore, no building footprint may be increased more than the average of the building footprint of the building and structures located on the adjacent side lots existing at the time of the adoption of this Ordinance.

In all zoning districts, no new construction or alteration to existing construction of a principal building or accessory building or structure will be allowed which will increase the height more than ten (10) feet from the building or structure originally located on the property at the time of adoption of this Ordinance or from the average height of the principle structures located on the adjacent side lots at the time of adoption of this Ordinance.

For vacant lots which have been vacant for a period of one (1) year or longer, the footprint of new buildings or structures on the lot shall be no greater than the average footprint of the buildings or structures located on the adjacent side lots of the new construction. The height shall be no more than ten (10) feet greater than the average height of the principle structures located on the adjacent side lots at the time of adoption of this Ordinance.

When no building or structure is located on adjacent lots, the nearest building or structure will be considered to determine allowable scale of new construction.

The application indicates that the building height and footprint will not be changed. In addition, Section 709.8 provides that the Planning Commission will review the plans according to the following criteria:

- A) Conformity of the plans submitted to the purpose and provision of this Ordinance.
- B) Conformity and harmony of external material and design with existing and neighboring structures.
- C) The effect of the improvements on neighboring structures or sites.
- D) The consistence and compatibility with existing architectural design building exterior finishes used on neighboring properties or in the overlay zone.
- E) Exterior materials, exterior doors and windows, color schemes and other building elements which are considered compatible with neighboring structures in the overlay zone and appropriate for the area.
- F) The use of landscaping to cause the improvement to conform to the character of the area or to buffer the improvement from the neighboring sites.

Provisions of Section 709 appear to have been met and therefore, staff's recommendation is for approval.

Following a brief presentation by Mr. Waters, a motion was made by Mr. Paul Sanders to approve this request. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

-----

VP-2005-007

Application by Roland Daniel for approval to construct a single-family residence on property located at 623 May Joe Street, approximately 350 ft. west of its intersection with Demere Road.

Mr. Roland Daniel and Mr. Larry Evans were present for discussion.

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

The proposed house is 37 feet in height and will have a footprint of 2,377 square feet (less connector screened porch).

Under Section 709.5 of the Village Preservation, new construction must remain within certain size limitations based on the size of structures on the property and neighboring structures as they existed at the time of the adoption of the Village Preservation provisions.

#### 709.5 General Provisions

In all zoning districts except General Commercial Core Districts, no new construction or alteration to existing construction of a principal building or accessory building or structure will be allowed which will result in lot coverage of greater than fifty percent (50%). Furthermore, no building footprint may be increased more than the average of the building footprint of the building and structures located on the adjacent side lots existing at the time of the adoption of this Ordinance.

In all zoning districts, no new construction or alteration to existing construction of a principal building or accessory building or structure will be allowed which will increase the height more than ten (10) feet from the building or structure originally located on the property at the time of adoption of this Ordinance or from the average height of the principle structures located on the adjacent side lots at the time of adoption of this Ordinance.

For vacant lots which have been vacant for a period of one (1) year or longer, the footprint of new buildings or structures on the lot shall be no greater than the average footprint of the buildings or structures located on the adjacent side lots of the new construction. The height shall be no more than ten (10) feet greater than the average height of the principle structures located on the adjacent side lots at the time of adoption of this Ordinance.

When no building or structure is located on adjacent lots, the nearest building or structure will be considered to determine allowable scale of new construction.

The application indicates that the average height of the adjacent buildings is 28.5 feet. This height may be increased by 10 feet to establish the maximum height for the new structure.

Information was provided as to the footprints of the structures on the adjoining lots. The footprints for the 4 adjacent properties were calculated by the applicant and averaged 2,414. Therefore the applicant's proposal meets the requirement if the porch shown on the plan is removed and the proposed footprint is 2,377.

In addition, Section 709.8 provides that the Planning Commission will review the plans according to the following criteria:

- A) Conformity of the plans submitted to the purpose and provision of this Ordinance.

- B) Conformity and harmony of external material and design with existing and neighboring structures.
- C) The effect of the improvements on neighboring structures or sites.
- D) The consistence and compatibility with existing architectural design building exterior finishes used on neighboring properties or in the overlay zone.
- E) Exterior materials, exterior doors and windows, color schemes and other building elements which are considered compatible with neighboring structures in the overlay zone and appropriate for the area.
- F) The use of landscaping to cause the improvement to conform to the character of the area or to buffer the improvement from the neighboring sites.

Provisions of Section 709 appear to have been met. The applicant's original submittal exceeded the footprint requirements. The applicant now wishes to remove a porch shown on the original plan, which reduces the building footprint and meets the requirements. Staff recommends that the application be approved, conditioned on the porch shown on the plan being removed and the building footprint being reduced to 2,377 square feet.

During the course of discussion, new information was provided on the height calculations and discussed at length. There was also discussion on the interpretation of the language contained in the ordinance and the possibility of the applicant requesting a variance. Mr. Phillips suggested that this request be continued to allow staff to meet with the applicant and review the new information. For the record, Mr. Roland Daniel stated that he is not trying to do anything out of character with the neighborhood.

Following discussion, a motion was made by Ms. Joan Wilson to defer this request until the next meeting. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

-----

**MINUTES**

**March 29, 2005 Regular Meeting**

A motion was made by Mr. Paul Sanders to approve the Minutes of the March 29<sup>th</sup> meeting with minor corrections. The motion was seconded by Ms. Joan Wilson and unanimously adopted.

**April 19, 2005 Regular Meeting**

A motion was made by Mr. Paul Sanders to approve the Minutes of the April 19<sup>th</sup> meeting. The motion was seconded by Ms. Joan Wilson and unanimously adopted.

-----

Under *Chairman Items*, Chairman Ussery stated that he would like for staff to move toward establishing a definition of “net acre.” His definition of “net acre” is one acre of development area, but he would like to hear staff’s interpretation. He stated that this issue affects both Planning Commissions.

Under *Planning Commission Items*, Mr. Allen stated that there have been some discussions relative to what ordinances may be good for the Island and what ordinances would be appropriate for the Mainland, and also whether or not the ordinances could be separated. He stated that both Planning Commissions need to know the legal limitations of modifying the ordinances. A number of issues will probably have to be decided by the County Attorney. Chairman Ussery stated that he had previously solicited staff’s guidance in establishing a routing procedure for ordinance changes. Mr. Allen stated that perhaps it would be helpful to have a sub-committee meet with the County Attorney. Chairman Ussery agreed and added that it is also essential to have both Planning Commissions present for this particular discussion because we are all still “Glynn County.”

Mr. Phillips stated that the initial position was that if we did not create two separate ordinances we were safe, provided we apply the ordinances equally. There are different development standards that apply on the Island versus the Mainland. He stated that the ordinance has three parts; procedural, regulatory and standards. He stated that the standards in the ordinance are not clear and at this point he does not know if we can have entirely different ordinances.

Chairman Ussery stated that the Island community is looking to the Islands Planning Commission to slowly make some additions and changes that affect St. Simons specifically. However, it is very difficult to get much of this done by meeting once a month. Perhaps they could schedule workshops and subcommittee meetings separate from the regular meetings in order to discuss specific items. Mr. Phillips pointed out that the Mainland Planning Commission has actually created four standing committees and one of those will deal with ordinances. It might be helpful for this commission to do the same.

Chairman Ussery stated that some commissioners have approached him about the height issue on the Island, but he’s concerned about what procedures to follow to address this in the ordinance and also the procedure for conducting informal discussions, as opposed to regular public hearings on ordinance changes. Mrs. Loving explained that for informal discussions with no action expected, a record of attendance is required along with a brief synopsis of the discussion. Mr. Peterson expounded on the subject and added that if there is a quorum and formal action is expected, a public notice is required to be posted in the newspaper at least 24 hours in advance and should include the date, time, location and substance of the meeting.

During the course of discussion, Mr. Millard Allen and Mr. Preston Kirkendall volunteered to serve as the Islands Ordinance Committee. Chairman Ussery stated that he would like to meet with the Mainland Planning Commission to discuss procedures in making ordinance changes. Mr. Kirkendall stated that he would like for St. Simons to have its own set of regulations but the only logical way to accomplish this is to involve everyone. Mr. Phillips stated that he would make arrangements for a joint meeting preferably on the mainland in Room 234 of the Office Park Building, and he would notify everyone when this is finalized.

-----

Under *Staff Items*, Mr. Phillips advised that at the March 29<sup>th</sup> Planning Commission meeting, Application #VP-2005-004 (Bluewater Bistro) was approved conditioned on the applicant providing staff with a site plan indicating the location and the number of parking spaces as required by Section 611.3 of the Zoning Ordinance. The site plan has been provided and includes an aerial photograph of the site and a general layout map of the 13 parking spaces provided. (This information was also included in the packages for the Planning Commission's review.)

Also under *Staff Items*, a list of ordinance amendments in process was included in the packages and there was a brief discussion on each item. It was noted that site coverage is a very important issue for St. Simons. It was also requested that the PD zoning issue be placed on the forefront for future discussion.

-----

In other business, Mr. Millard Allen (Transportation Representative) reported briefly on the two meetings recently held by the Technical Coordinating Committee.

Mr. Phillips advised that he is in the process of trying to schedule a comprehensive training session to help familiarize the planning members with the terminology, rules and regulations of planning. Everyone will be notified when the training is finalized. All members are urged to attend.

-----

There being no further business to discuss, the meeting adjourned at 7:50 p.m.