

# MINUTES

## ISLANDS PLANNING COMMISSION DECEMBER 18, 2012 - 6:00 P.M. The Casino Bldg, 530 Beachview Drive, SSI

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**MEMBERS PRESENT:** John Dow, Chairman  
Stan Humphries, Vice Chairman  
Preston Kirkendall  
Patricia Laurens  
William Lawrence  
Paul Sanders

**ABSENT:** Desiree Watson

**STAFF PRESENT:** David Hainley, Community Development Director  
Janet Loving, Admin/Recording Secretary

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Chairman Dow called the meeting to order. He then requested a moment of silence in memory of the late Commissioner Tom Sublett; afterward, the invocation was given, followed by the Pledge of Allegiance. Chairman Dow gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

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### **AGENDA**

Mr. Hainley reported that the following items will be added at the end of the agenda. The IPC members concurred:

- a) 2013 IPC Meeting Schedule*
- b) Written Request for Deferral*

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**SP2505 Frederica Academy Gym and Field House:** Consider a request to approve a site plan for a 20,879 building addition on a 31 acre parcel. The property is zoned PD Planned Development and is located on the east side of Sea Island Road about 750 feet north from its intersection with Demere Road. Parcel ID: 04-01718. Bill Edenfield, agent for Frederica Academy, owner.

Mr. Bill Edenfield was present for discussion.

According to the staff's report, this site plan is a proposed expansion to the existing campus consisting of a gymnasium and locker rooms. The proposal is compliant with the requirements of the adopted Planned Development.

At the time of the building permit, additional access and fire hydrants are to be provided.

Under Section 619.4 (a) of the Zoning Ordinance, the Planning Commission's review shall be guided by the following standards and criteria:

- 1) The application, site plan, and other submitted information contain all the items required under this Section. **Staff comment: This requirement has been met.**
- 2) The proposed uses, buildings and structures are in accordance with the requirements of this Ordinance and other ordinances of Glynn County. **Staff comment: This requirement has been met.**
- 3) Adequate provisions are made for ingress and egress, off-street parking, loading, and the flow of traffic, which may reasonably be anticipated. **Staff comment: This requirement has been met.**
- 4) Adequate provisions are made to control the flow of storm water from and across the site. **Staff comment: This requirement has been met, subject to review by Engineering as part of the building permit process.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff comment: The applicant states that trees are not to be removed within the building site.**
- 6) Adequate provisions are made to buffer intensive uses and to screen all service areas from view of the adjacent properties and streets. **Staff comment: The property has already established a buffer/setback along the perimeter of the school campus as shown on the site plan.**
- 7) Adequate provisions are made to control the location, intensity, and direction of all outdoor lighting so that it will not have an adverse effect upon adjoining properties. **Staff comment: The applicant will be required to meet this provision at all times.**

- 8) Open space, as required, has been provided and appropriate means are proposed to assure maintenance of common areas and facilities. **Staff comment: Not applicable.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: Fire and JWSC will be required prior to the issuance of any permits for construction.**

Mr. Landon stated that staff recommends approval of *SP2505* for the Frederica Academy Gym and Field House.

During a brief presentation, Mr. Edenfield pointed out that the old gym will be for school use only. It will not be a gathering place or meeting place for public use.

At the end of discussion, a motion was made by Mr. Paul Sanders to approve *SP2505* for the Frederica Academy Gym and Field House. The motion was seconded by Ms. Patricia Laurens and unanimously adopted.

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**CUP2512 Dog Day School:** Consider a request for a conditional use permit for an animal boarding facility under Section 712.3 of the Zoning Ordinance. The property is located to the west of Frederica Road at 133 Center Street. The purpose of the conditional use permit is to allow a day care and training facility for dogs with overnight accommodations. Parcel ID: 04-05160. Thomas Stark, agent for Edward Collins, owner.

Mr. Thomas Stark was present for discussion. Ms. Tina Sportschuetz was also present to answer questions.

According to the staff's report, this request is to expand the existing dog daycare to allow overnight accommodations. The dog daycare use was approved by this Board in April of 2012 but did not permit overnight accommodations at that time.

**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 conditional use is not substantially different from the previously approved use. Section 712.3 4) allows as a conditional use "Animal hospital and/or boarding facility provided all boarding arrangements are maintained*

***within a building and no noise connected with the operation of the facility is perceptible beyond the premises.”***

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

***Provided noise and sanitation are controlled, the proposal would not create an adverse environment for adjacent or nearby property.***

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

***Yes, it has a reasonable economic use as currently zoned.***

- 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.

***While the proposed conditional use will generate some additional traffic to the area, permitted General Commercial uses would generate similar increases.***

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

***Yes, this is consistent with Village Center uses by providing services to neighborhood residents and businesses.***

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

***The property has been used for the daytime boarding of dogs without any zoning issues or complaints for many months. The expansion of overnight hours should not cause an adverse effect due to the fact that the property is surrounded by commercial businesses that will not be occupied at night.***

Mr. Landon stated that staff recommends that ***CUP2512*** be approved subject to meeting all requirements.

Ms. Patricia Laurens wanted to know why this Commission did not approve overnight hours in the previous request. Mr. Landon explained that the request at that time was not for overnight accommodations.

During a brief presentation, Mr. Stark stated that nothing has really changed in the operation of the facility. He is just requesting that he be allowed to board the dogs overnight. He then presented a petition consisting of approximately 46 signatures of area

residents who are in favor of this request. The petition states that “we, the undersigned, are concerned citizens who urge our leaders to act now to approve Paws at Play for overnight boarding.” He also received a written letter of approval from Ms. Ann Williams. (The petition and letter were included in the packages for review and are contained in the file in their entirety.)

Chairman Dow asked Mr. Stark if there is an outside area for exercising the animals. Mr. Stark replied yes, there is a small area the length of the building and it is bricked-in all around. It is however not a play area but an area for the dogs to relieve themselves. Chairman Dow asked if there is someone who stays with the dogs at night. Mr. Stark replied no. He has a very hi-tech reliable monitor (webcam) and he only lives 6 minutes away from the facility.

Mr. William Lawrence wanted to know how many dogs the facility can accommodate overnight. Mr. Stark stated that the amount of dogs that he can care for depends on the size of the dogs.

At this time, Chairman Dow opened the floor for public comments beginning with Mrs. Lee Roberts of 260 Sylvan Boulevard, SSI.

Mrs. Roberts stated that she is not present to contest this request or to be unreasonable, but she does have some concerns. She stressed that she is an animal lover and she loves what the applicants are doing, as long as the dogs are small and in a limited amount.

Mrs. Roberts stated that one of her concerns is with the noise. There are five rented apartments in the area (one tenant has a baby and four or five others have dogs). Since the applicant has been in the area she has noticed two dogs in her yard. She stated that she suffers from a severe health problem that is life threatening if she were to be attacked by a large dog or even if the dog is being playful. Therefore, she wants to make sure that the applicant does not have large dogs that can get into her yard.

Mrs. Roberts stated that she is also concerned about waste and parking, and she does not want either on her property. She pointed out that she had to have her white vinyl fence replaced because of parking problems from a business that was previously located in the area and she does not want this to happen again.

In conclusion, Mrs. Roberts expressed concerns about liability and insurance. For instance, if a dog that the applicant is caring for were to attack her grandchild, would the trainer be liable or would the owner of the dog be liable. Mrs. Roberts asked that the members of the Planning Commission visit the site before making a decision on this proposal.

Regarding the two dogs in her yard, Mr. Humphries wanted to know how Mrs. Roberts could distinguish the difference between neighborhood dogs and dogs from the facility. Mrs. Roberts stated that she has seen the dogs from the facility and when the applicant does his dog trainings on Saturday, he has to train them in the roadway because there is not enough room on the property. She has also seen the clients walking across

the area with the dogs on leashes, which she appreciates. She pointed out that the only time that she hasn't seen the dogs on leashes is when they were in her yard. She was told by her neighbor that they were Rottweilers.

Chairman Dow asked Mr. Stark if the loose dogs were his and if so, how did they get loose if they are supposed to be confined. He also asked if the dogs are being exercised or trained in the neighborhood, and he asked Mr. Stark to address the noise issue.

Mr. Stark stated that the two loose dogs that Mrs. Roberts referred to were his breeding female Rottweilers that were on the side of the building while he was moving into another house some time ago. Secondly, the cars that are parking in the area are not from his business. People drop off their dogs and there are no more than two or three cars in his parking lot at any one time, except on Saturdays when dogs are training. No cars are parked close to Mrs. Roberts' house. He stated that he knows all of the tenants in the apartments and some have even signed the petition in favor of his proposal.

Regarding the noise, Mr. Stark stated that the dogs will be quiet at night because the building is shut down and the dogs will be sleeping. Regarding walking the dogs and leaving waste, he stated that those are his personal dogs that are not in the daycare. He stated that he does not allow Rottweilers or Pit-bulls to be mixed in with the other dogs. Those are his personal dogs that stay in crates in the personal area and they will not run or jump onto people. They are service dogs and therapy dogs. He stressed that he does not allow aggressive dogs, or dogs that are not social and he has certifications on all of his dogs.

Chairman Dow wanted to know how the dogs got out while Mr. Stark was moving. Mr. Stark stated that one of the dogs can actually open a door. To prevent this from happening in the future he will deadbolt the doors. He also stated that when he walks his personal dogs he cleans up all waste. He stressed that he carries "poop bags" and he always picks up after his dogs. None of the other dogs in the facility are walked outside of the compound. He only walks his personal dogs just like any other citizen.

Mr. Humphries wanted to know what could be done if these occurrences, i.e., sanitation problems and noise were to continue. Mr. Hainley stated that staff could perhaps pursue some of the problems by way of the nuisance clause. However, he pointed out that staff has not received any complaints about noise. He stated also that if the dogs are defecating in public, Animal Control should be contacted.

At the end of discussion, a motion was made by Ms. Patricia Laurens to approve **CUP2512** subject to meeting all requirements. The motion was seconded by Mr. Paul Sanders. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Ms. Patricia Laurens, Mr. William Lawrence and Mr. Paul Sanders. Abstained From Voting: Mr. Stan Humphries.

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**VP2509 The Half Shell:** Consider approval of a new 10 square foot sign. The property is located at 504 Beachview Drive on the south side of Beachview, just east of its intersection with Mallery Street in the Island Preservation District.

Mr. Blake Merrill was present for discussion.

According to the staff's report, the applicant is proposing to add a new 10 sq. ft. sign above the entrance to the existing restaurant. A proposed elevation and photographs of the sign as well as the building were included in the packages for review.

Section 709.4 in the Island Preservation District gives the standards for review, as follows:

(a) Construction, or remodeling or enlargement of an existing building in a manner inconsistent with the existing building massing (the three-dimensional bulk of a building: height, width, and depth), articulation (the pattern of the building base, middle and top, created by variations in detailing, color and materials or stepping back or extending forward a portion of the facade) and fenestration (the arrangement, proportioning, and design of windows and doors in a building) in the immediate area; or

(b) An absence of unity or coherence in composition which is in opposition to the character of the present structure in the case of repair; or

(c) Violent contrasts of materials or intense colors not representative of the existing buildings in the immediate area; or

(d) A multiplicity or incongruity of details resulting in a disturbing appearance.

Mr. Landon stated that staff recommends approval of **VP2509** to allow a new 10 sq. ft. sign at 504 Beachview Drive, The Half Shell restaurant.

Chairman Dow asked if this would be a lighted sign, and if so, would it be internal or external. Mr. Merrill stated that he would like to have external low wattage lighting on the sign. (There were no objections.)

At the end of discussion, a motion was made by Mr. Preston Kirkendall to approve application **VP2509** to allow a new 10 sq. ft. sign at 504 Beachview Drive, The Half Shell restaurant. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

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**VP2514 501 Ocean:** Consider approval of a new 18 square foot sign. The property is located on the northeast corner of Ocean Boulevard and Mallery Street in the Island Preservation District.

Mr. Ken Snope was present for discussion.

According to the staff's report, the applicant is proposing to add a new 18 sq. ft. internally lit sign to the gas canopy. (A photograph and proposed elevation were included in the packages for review.)

Section 709.4 in the Island Preservation District gives the standards for review, as follows:

(a) Construction, or remodeling or enlargement of an existing building in a manner inconsistent with the existing building massing (the three-dimensional bulk of a building: height, width, and depth), articulation (the pattern of the building base, middle and top, created by variations in detailing, color and materials or stepping back or extending forward a portion of the facade) and fenestration (the arrangement, proportioning, and design of windows and doors in a building) in the immediate area; or

(b) An absence of unity or coherence in composition which is in opposition to the character of the present structure in the case of repair; or

(c) Violent contrasts of materials or intense colors not representative of the existing buildings in the immediate area; or

(d) A multiplicity or incongruity of details resulting in a disturbing appearance.

Mr. Landon stated that staff recommends approval of application **VP2514** to allow a new 18 sq. ft. sign at 501 Ocean Boulevard. (No one objected.)

Following review, a motion was made by Ms. Patricia Laurens to approve application **VP2514** to allow a new 18 sq. ft. sign at 501 Ocean Boulevard. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

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**Withdrawal Request/ZM2483**

Upon a motion made by Mr. Paul Sanders and seconded by Mr. Preston Kirkendall, the written request from Attorney Taylor Haley to withdraw application **ZM2483**, St. Simons Island North End, was accepted and the motion was unanimously adopted.

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**2013 Meeting Schedule**

A motion was made by Mr. Preston Kirkendall, seconded by Mr. Paul Sanders and unanimously adopted to approve the *2013 IPC Meeting Schedule*.

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There being no further business to discuss, the meeting was adjourned at 6:50 p.m.