

DRAFT/MINUTES
ISLANDS PLANNING COMMISSION
JANUARY 19, 2016 - 6:00 P.M.
Casino Bldg., 530 Beachview Drive, SSI

- MEMBERS PRESENT:** Karen Ward, Chairman
Desiree Watson, Vice Chairman
Stan Humphries
Preston Kirkendall
William Lawrence
Robert Ussery
Joel Willis
- STAFF PRESENT:** David Hainley, Community Development Director
Cayce Dagenhart, Planner II
Karl Bursa, Planner II
Julie Grimm, Planner I
Janet Loving, Admin/Recording Secretary
- ALSO PRESENT:** Commissioner Dale Provenzano, BOC

Chairman Karen Ward called the meeting to order and the invocation was given, followed by the Pledge of Allegiance. She then gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

MINUTES
December 15, 2015 Regular Meeting
A motion was made by Mr. Stan Humphries to approve the Minutes of the *December 15th Regular Meeting*. The motion was seconded by Ms. Desiree Watson. During discussion, Mr. Robert Ussery stated that at the December 15th Meeting, approval of application *PP3156* (Glynn Oaks) included an amendment that the applicant had agreed to install a 6 ft. fence. Although this amendment was not part of the motion, the applicant did agree to it and therefore Mr. Ussery feels that the minutes should reflect this agreement. Thereupon, the motion for approval was amended and unanimously adopted to include this agreement in the December 15th Minutes.

AGENDA - Additions, Deferrals, Corrections, Postponements

Mr. Hainley explained that due to a technical legal challenge regarding the location of the rezoning sign that was posted on property for application **ZM3126**, staff is requesting that this item be deferred until the February 16th IPC Meeting. Mr. Austin Catts, the applicant's attorney, stated that they were informed late Thursday afternoon that there was an issue as to whether or not this application could be heard. They were informed by Ms. Cayce Dagenhart via e-mail that there was an issue about the location of the sign posted for this application. Mr. Catts stated that he met with the associate County Attorney, Mr. Hainley and a Commissioner and they all discussed this issue. Mr. Catts stressed that this application is complete, ready to be heard and he was informed this morning that it would be heard. Therefore, on behalf of Lucas property, he does not consent to a deferral and would like to go forward with this request.

Mr. Catts pointed out that Section 619.2 c) of the Glynn County Zoning Ordinance provides that a sign will be posted on the subject property by county staff to inform the public of the application at least 12 calendar days, but no more than 30 days before the Planning Commission Meeting. Everything about this section of the Ordinance has been complied with. The question that was raised was whether or not the sign was placed on the "subject property." Mr. Catts presented photographs showing that the sign was placed on the right-of-way next to a sign identifying the Lucas property. He stated that the sign posted by staff is complete in accordance with the Ordinance, which lists the property, date and location of the meeting. Again, he stated that the question was raised as to whether or not the sign was posted on the subject property. The sign is located beside the sign which identifies the Lucas property, and it is obvious that it is within the control of the Lucas property. Also according to the Ordinance, the sign must be placed so as to be reasonably visible from the street.

Mr. Catts stated that this is a "due process right." He believes that the Ordinance has been fully complied with and he is requesting the opportunity to go forward with this application.

Mr. Hainley elaborated on the fact that staff received a challenge from an attorney representing a tenant in the building who advised that staff was in error of the code. However, the Glynn County Code mirrors the Georgia Code regarding placement of the rezoning signs. He explained that staff has always attempted to place the signs in the most visible location on the property. This particular sign may not have gotten on the property but it was placed in plain sight of the property and it contained the correct information about this meeting. Mr. Hainley stated that it was the County Attorney's initial opinion that the purpose and intent of the law had been satisfied and he was going to look into a deferral. Mr. Catts stated that it is very clear that the sign was placed on the "subject property." However, Ms. Desiree Watson pointed out that the sign was placed on the county right-of-way and you cannot prescribe against county property. According to the Ordinance, the sign is supposed to be posted on the "subject property" and it must be visible from the street, but in this case if the sign is posted on the "subject property" with a number of hedges in front of it, it is therefore not visible from the street, which Ms. Watson stated is a conflict.

Mr. Humphries stated that the IPC members received information from Mr. Will Worley in which he stated that the safest course of action is to defer this item until the next meeting and to re-post the sign on the property. Mr. Catts advised that he did not receive any calls, any e-mails or any communication from anyone from the county reversing the decision that had been made to hear this item tonight. Mr. Humphries stated that apparently the representative of the person objecting was not informed that the item was going to be postponed. Mr. Willis pointed out that as he understands it, they were not told that the item would be deferred; instead, they were told that there would be a recommendation for a deferral. He also feels that the applicant should not be penalized for staff's mistake and if the applicant is willing to go forward with this request and accept the outcome of the vote, then he is also willing to go forward. He stressed that in his opinion, anything that happens with this property will probably result in a lawsuit. From that prospective, Chairman Ward stated that technically, she feels that the applicant would suffer more than the county. However, Mr. Catts stated that they are willing to take that chance and would like to move forward with this application tonight.

At the end of discussion, it was pointed out that the motion on the floor from Mr. Humphries is to defer application **ZM3126** until the February 16th IPC Meeting; however the motion failed for lack of a second. Therefore, the item will be heard as advertised.

Upon a request from the applicant, a motion was made by Mr. Preston Kirkendall, seconded by Mr. Robert Ussery and unanimously adopted to defer application **ZM3161**, McKinnon St. Simons Airport, until the February 16th IPC Meeting beginning at 6:00 p.m. at the Strickland Auditorium, 100 Arthur J. Moore Drive, Epworth-by-the-Sea, St. Simons Island.

ZM3126 The Lucas Office Building: Consider a request to rezone lot 4 of Sea Marsh Professional Site from OC Office Commercial, to PD Planned Development. This lot is located at 301 Sea Island Road, approximately 900 feet east of its intersection with Frederica Road. Parcel ID: 04-14404. Austin E. Catts with Catts and Brooks LLC., agent for Lucas Properties Holdings, LLC.

Mr. Austin Catts and Mr. Larry Bryson, architect, were present for discussion. Mr. Lucas was also on hand to answer questions.

The staff's report was included in the packages for the Planning Commission's review and was presented by Ms. Cayce Dagenhart.

Following discussion by the Planning Commission and a brief presentation from the applicant, Chairman Ward opened the floor for public comments beginning with Mr. Ken Rogers of Black Banks who spoke passionately about his concerns as well as his family's concerns about the drainage problems, dumpster noise, lighting and buffer issues. Mr. George Ragsdale was present to oppose the zoning process relative to this application. Ms. Jane Frazier also complained about the process and stated that she and the other homeowners are not represented by legal counsel because they were told that this item would be deferred. She expressed concerns about parking and buffers and she commented that the restricted easements and covenants should be in the hands of the Planning Commission members before they vote on this item. Mr. David Zimmerman, President of Black Banks Homeowners Association, also expressed concerns about lighting, drainage and parking; however, he stated that Black Banks is neutral and want to work with Mr. Lucas to resolve these issues.

A brief rebuttal from Mr. Bryson prompted additional discussion. Afterward, a motion was made by Mr. Joel Willis to approve application **ZM3126** subject to removal of storage from the PD text. The motion was seconded by Ms. Desiree Watson. However, Mr. Kirkendall asked that the motion be amended to include that the applicant will resolve the drainage problem on the north side of the property. The applicant concurred and the amendment was accepted. The following vote was then taken: Voting Aye: Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Robert Ussery, Ms. Desiree Watson and Mr. Joel Willis. Voting Nay: Mr. Stan Humphries and Ms. Karen Ward.

PP3121 Stillwater Lots 101, 102 & 103: Consider approval of a preliminary plat for a three lot subdivision on 2.829 acres. The proposed subdivision is located in the Stillwater Subdivision, along Stillwater Drive. Parcel ID: 04-14757. M. Frank DeLoach, Jr., applicant and owner.

Mr. Frank DeLoach and Mr. Gary Nevill were present for discussion.

The staff's report was included in the packages for review and was presented by Mr. Karl Bursa.

Following discussion by the Planning Commission and a brief presentation from the applicant, a motion was made by Ms. Desiree Watson to approve application **PP3121**, Stillwater Lots 101, 102, 103, subject to the preliminary plat meeting the requirements of all applicable codes and regulations. The motion was seconded by Mr. Robert Ussery and unanimously adopted.

SP3147 Southern Soul - Consider site plan approval for the Southern Soul Restaurant and Love Golf Designs to increase parking, and install a sidewalk. On the site plan there is also a proposed covered outdoor dining area for the Southern Soul Restaurant. Love Golf Designs is located at 100 Brunswick Avenue, at the corner of Brunswick Avenue and Circle Drive. Southern Soul is located at 2020 Demere Road, at the corner of Demere Road and Brunswick Avenue. Parcel IDs: 04-02788 & 04-02801. Larry Bryson with Larry Bryson Architect, agent for Southern Soul Land Co. LLC, applicant. Southern Soul Land Co. LLC, owner of 100 Brunswick Avenue; Quarantine 1 LLC, owner of 2020 Demere Road.

Mr. Larry Bryson was present for discussion.

The staff's report was included in the packages for review and was presented by Ms. Dagenhart. Afterward, Mr. Larry Bryson gave a brief presentation and a general discussion followed. During discussion, Mr. Barrack Suther was present to express concerns about parking, specifically, Southern Soul customers utilizing his parking spaces at a nearby gas/convenience store. In an effort to improve the parking situation, the applicant advised that there will be additional parking around the Love Golf Design building. They also intend to create more parking along the alley behind the restaurant and the former package store, as well as block off the old drive thru on their property to all vehicle traffic in an effort to improve circulation. There were additional questions about relocating the existing Palm Trees. However, Mr. Bryson assured the members that a suitable site will be designated to plug in the Palm Trees. Mr. Lisa Norton expressed concerns about ownership of the alleyway, which was then addressed by Mr. Hainley.

At the end of discussion, a motion was made by Ms. Desiree Watson, seconded by Mr. Joel Willis and unanimously adopted to approve application **SP3147** subject to the following: 1) bollards to be placed behind the mini mart building on the alley property line to protect the building; 2) bollards to be placed at the end of the former liquor store to the alley approximately 6 ft. or less apart; and 3) fencing to be placed from one bollard behind the liquor store over to the building so that it cuts off the thoroughfare.

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