

MINUTES

**ISLANDS PLANNING COMMISSION
FEBRUARY 16, 2016 - 6:00 P.M.
Strickland Auditorium, Epworth-By-The-Sea, 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
Will Worley, Senior Assistant County Attorney
Cayce Dagenhart, Planner II
Karl Bursa, Planner II
Julie Grimm, Planner I
Janet Loving, Admin/Recording Secretary

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

January 19, 2016 Regular Meeting

Upon a motion made by Ms. Desiree Watson and seconded by Mr. William Lawrence, the Minutes of the *January 19th Regular Meeting* were approved and unanimously adopted subject to a correction on page 3 line 5 (Mr. Humphries stated that...representative of the person objecting was ~~not~~ informed...) It was noted that Mr. Humphries was not in attendance at this time to offer in-put or to vote on the Minutes.

ZM3161 McKinnon St. Simons Airport: Consider a request to amend the Planned Development text for the McKinnon Saint Simons Airport located on Kings Way, Frederica Road and Demere Road. The purpose of the request is to add ‘Restaurants’ and ‘Hotels with restaurant, conference rooms, gift shop space, and swimming pool/spa,’ as allowed uses in Tract B of the existing planned development; and to add ‘Banquet Hall/Reception Facility’ as a Conditional Use in Tracts B & C of the existing planned development. Parcel IDs: 04-02803, 04-02924, and 04-02922. David Hainley, RLA, ASLA, agent, for Glynn County Board of Commissioners, applicant and owner.

Mr. David Hainley was present for discussion. Mr. Robert Burr, Executive Director of the Glynn County Airport Commission, was also on hand to answer questions.

The staff’s report was presented by Mr. Karl Bursa, followed by an in-depth discussion among the IPC members and staff. After a presentation by Mr. Hainley and clarification of the request by Mr. Burr, Chairman Ward opened the floor for public comments beginning with Mr. Michael Johnson who expressed support for the restaurant. Mr. Brad Brumbach of Golden Isles Custom Homes stated that this development would generate more jobs for the area and therefore he is in favor of this request. Mr. Ed Strickland stated that he is sick and tired of new folks moving to the island and complaining about development. He stressed that the island will continue to be developed over time so “just get over it.” He supports the request for a hotel and he feels that we should vote for progress.

The following residents were present to speak in opposition to this request: Ms. Sally Hardman, Mr. John Dow, Ms. Mary Helen Moses (representing Mr. Donald McCaskill), Ms. Lisa Norton, Mr. Jeff Kilgore, Mr. William Lueckel, Mr. Jim Royal, Ms. Fran Owen, Mr. Julian Smith, Mr. Bill Gussman, Mr. Bill Hilton, and Mr. David Allison. The opponents expressed concerns about an increase of traffic and noise, a lack of parking, the infrastructure, dumpsters, excessive waste, jet fumes, and the negative impact that this proposal would have on a well-established neighborhood.

Mr. John Dow stressed that there should be some consideration for the youth in the area. Instead of having to bring his children to Brunswick for sporting activities, he stated that a recreation facility, i.e. gymnasium, would be beneficial for the area. He also stated that we should try to attract more businesses like ‘Rich-SeaPak.’ Mr. Jim Royal and Mr. Bill Hilton agreed that a gym would be a great idea.

At the end of the public comment period, discussion continued among the Planning Commission members. For the record, the following prepared comments were presented by Mr. Humphries:

“The existing SSI Airport PD already has 45 permitted uses for many different purposes, from A to Z, including operating a catering commissary that can service airport needs. What is not currently permitted is high traffic uses such as restaurants, hotels, banquet halls and reception facilities. To permit an unknown number of restaurants,

hotels, banquet halls and reception facilities on already overcrowded streets would be completely contrary to the Comprehensive Plan for the island, and would be a dereliction of my duty as an Islands Planning Commissioner.

“The main thoroughfare for the airport is also the principal gateway to the beaches. During many summer days Demere Road is one long parking lot of visitors and residents trying to get to the beach or return home. To add to this burden is to further alienate the tourist industry, on which the economy of the island depends.

“Overdevelopment of the airport property would also adversely affect the quiet enjoyment of the many residential areas adjoining the airport, clearly in violation of the policy and intent of the Comprehensive Land Use Plan.

“Specific uses might be considered individually, however there should not be ‘blank check’ approvals. There have been too many abuses of such authority in the past.

“A government agency such as the Airport Authority should concentrate on specialty airport related uses, and not compete with private property owners for popular uses in a resort community, such as hotels and restaurants.

“Until the island’s infrastructure problems have been resolved, it is the height of folly to continue approving more and more and more development.”

At the end of discussion, a motion was made by Mr. Preston Kirkendall to recommend denial of application **ZM3161**. The motion was seconded by Mr. William Lawrence. Voting Aye: Mr. Stan Humphries, Mr. Preston Kirkendall, Mr. William Lawrence, Ms. Karen Ward and Ms. Desiree Watson. Voting Nay: Mr. Robert Ussery and Mr. Joel Willis.

SP2934 Marshall Building Modification: Consider modifications to the landscaping plan for Site Plan Approval SP2934 to retroactively permit the removal of two trees identified on the site plan as ‘retained’ and to permit the corrective planting of additional trees as requested by the applicant. The property is zoned VMU Village Mixed Use and located in the Island Preservation District. Parcel IDs: 04-11674, 04-04921, 04-13640, 04-04922, 04-04923, and 04-04924. Johnathan Roberts with Roberts Civil Engineering, PC, agent for Village Holdings, LLC, owner.

Mr. Johnathan Roberts was present for discussion. Mr. Vassa Cate was also on hand to answer questions.

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

The subject property is comprised of six parcels. On January 19, 2016, Community Development staff received complaints of unauthorized tree removal at the Marshall Building site. Staff performed a site visit in order to determine the validity of the complaints and discovered that two of the trees listed for retention on the site plan had been removed.

Discussions with the contractor revealed that these trees were removed some months prior. In addition, the contractor had provided no tree protection for any of the oak trees on site that were marked for protection, and heavy equipment was observed moving in and about the root zones of at least one of the protected trees. The removal of these trees without prior authorization constituted a violation of the village preservation approval (*VP2943*), the site plan approval (*SP2934*), and the conditions set forth in the commercial building permit for the site (*CSHL21167*). Furthermore, removal of the trees and the lack of protective fencing around the root zones of the trees proposed for retention constituted a violation of the Glynn County Tree Ordinance.

A “*stop work order*” was issued for this project and the applicant was required to bring forward a new landscaping plan as part of a modification to site plan approval application *SP2934*.

Under Section 619.4 (a) of the Glynn County 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 criterion is not affected by the proposed modification.**
- 2) The proposed uses, buildings and structures are in accordance with the requirements of this ordinance and other ordinances of Glynn County. **This criterion is not affected by the proposed modification.**
- 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 criterion is not affected by the proposed modification.**
- 4) Adequate provisions are made to control the flow of storm water from and across the site. Staff comment: **This criterion is not affected by the proposed modification.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff comment: This requirement has been met. While two of the trees proposed for retention have been removed, the applicant has noted that the site contains three mature trees previously not shown on the plans along the south and east property lines. These trees include a 30” specimen and two 24” specimens, and they have been proposed**

to remain as mitigation for the removed trees. Additional tree protection is currently in place and shall remain in place throughout the duration of construction. The combination of newly planted trees and existing trees to remain would exceed the minimum caliper inches required by Section 624 of the Zoning Ordinance and compensate for the loss of the two trees marked for retention that have been removed.

- 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: This criterion is not affected by the proposed modification.**
- 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: This criterion is not affected by the proposed modification.**
- 8) Open space, as required, has been provided and appropriate means are proposed to assure maintenance of common areas and facilities. **Staff comment: This criterion is not affected by the proposed modification.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: This criterion is not affected by the proposed modification.**

Mr. Bursa stated that staff believes that all of the site plan requirements for the proposed modification have been adequately addressed and any outstanding issues can be further addressed at the time of permitting.

During discussion, Mr. Kirkendall compared this request to a previous request made by Mr. Ed Mecchella. In that instance, Mr. Kirkendall stated that trees were removed without a permit. The solution in that situation was that Mr. Mecchella had to replant trees and pay a fine. Mr. Kirkendall feels that this request (*SP2934*) should be handled in the same manner.

Assistant County Attorney Will Worley explained that in the previous situation, Mr. Mecchella was seeking a demolition permit and he had removed two trees without prior approval. He had no way of remedying that situation or complying with the ordinance. The County Attorney's Office, in conjunction with Mr. Mecchella's attorney, came to a resolution wherein Mr. Mecchella would submit funds to have trees planted in other areas to make up for the trees that he had removed. This application (*SP2934*) differs in that the property owner has a method of complying with the ordinance requirements whereas Mr. Mecchella did not.

Mr. Joel Willis wanted to know if this proposal is better than what was originally proposed and approved. Mr. Bursa replied that the remedy that the applicant is proposing is indeed larger than the initial landscaping plan that was submitted.

Mr. Stan Humphries wanted to know if the new plantings are approximately equal in caliber to the trees that were removed. Mr. Bursa explained that the total caliber exceeds the total caliber of the two trees that were removed.

During a brief presentation, Mr. Vassa Cate stated that generally this request would have been handled by staff. He stated that he received a demolition permit for the front portion and tore down the old Marshall Building. There were two non-indigenous trees (maple and sweet gum) that were on an old survey. One was removed by the bank and the other was probably removed by his demolition person. Mr. Cate stated that this situation was his fault, his engineer's fault and his surveyor's fault because they did not get a new survey done and the trees were on the site. However, he stated that it was also the county's fault for not inspecting the site and for not properly reviewing the plans.

Although this application is not a public hearing item, Chairman Ward allowed Ms. Miriam Lancaster and Mr. Julian Smith to express their concerns and opposing views about this request.

There was a brief discussion about the applicant's tree plan not having the seal of the design and Ms. Watson asked staff to address this issue. However, at this time Mr. Johnathan Roberts of Roberts Civil Engineering elaborated on the tree credit calculations. He explained that the original application was required to have 9.2 tree credits for this size site. The proposal is for 15.82 tree credits. The proposal has 18.33 tree credits. The retained trees today consist of 10.33 tree credits, previously 7.82 tree credits. Mr. Roberts stated that the applicant is proposing to have a better landscaped plan than what was originally proposed, and as such, he is seeking approval so that the project is allowed to continue.

Ms. Watson stated that it appears that the applicant's new plan is to plant eight live oaks. The old plan only required the applicant to plant two live oaks. Also in the new plan the applicant is proposing to plant six evergreens and seven hollies which weren't required before. She stated that therefore it does appear that there will be new plantings, including many live oak trees.

At this time, Mr. Bursa addressed Mr. Cates comments about staff not properly reviewing the site or the applicant's plans. He pointed out that according to Section 624.4, "the tree plan shall be scaled not less than 1 to 30 inches and shall be prepared by a surveyor, landscape architect, engineer, or architect registered in the State of Georgia and shall provide the seal of the design professional with signature and date." Ms. Watson asked if the new plan has the seal, to which Mr. Bursa replied no; the old plan has the seal but the new plan does not. Assistant County Attorney Will Worley stated that the ordinance requires the plan to be sealed. There would be a question of

legality of approval of the plan without the seal, but if the Planning Commission members are concerned about this, perhaps the proper action would be to defer consideration of the plan until a plan is submitted with the seal. Ms. Watson asked if the plan could be approved subject to obtaining the seal. However, Assistant County Attorney Worley feels that this type of action leaves the validity in question.

Mr. Johnathan Roberts pointed out that staff reviewed the plans and did not mention the fact that it did not contain the seal. The owner is a registered landscape architect and it would be very easy to get him to stamp and seal the drawing. It is also apparent that when this request was presented in December of 2014 the staff at that time failed to review the site. Mr. Roberts stated that he would like for the Planning Commission to keep in mind that the action at this point could be skewed to prevent this developer from completing his project at a time when he has already spent several hundred thousand dollars in the foundation.

Mr. Humphries asked the developer what his responsibility is, along with the other consultants, in this situation with respect to the seal requirement. Mr. Roberts stated that he is aware of the seal requirement. However, he questions why this is brought up at the eleventh-hour and not three weeks ago when the plans were originally submitted. He stated that often times professionals will not seal their drawings until there is an approval because there is a certain liability on sealed drawings. Unless there is an approval the architects, engineers and landscaped architects often as a practice will submit drawings that are not sealed until everything is satisfied. He stated that the landscaped architect could sign the plans tonight.

Ms. Watson asked that if this item is deferred does the “*stop work order*” stay in effect. Mr. Hainley replied yes. Chairman Ward wanted to know if the deferral would be until the next IPC Meeting. Assistant County Attorney Worley replied yes, but Mr. Roberts has stated that it would not be a problem to get the plan sealed tonight. He suggested that the Planning Commission may want to defer this item until the end of the meeting to allow the applicant to obtain a sealed plan.

At the end of discussion, a motion was made by Mr. Joel Willis to defer application **SP2934** until the end of tonight’s meeting to allow the applicant to obtain a sealed copy of the proposed landscaped plan. The motion was seconded by Ms. Desiree Watson. Voting Aye: Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Robert Ussery, Ms. Karen Ward, Ms. Desiree Watson and Mr. Joel Willis. Voting Nay: Mr. Stan Humphries.

VP3184 407 Mallery Street: Consider a request to approve two signs for the Georgia Sea Grill Restaurant. The site is located at 407 Mallery Street, approximately 130 feet north of the intersection of Mallery Street and Ocean Blvd. Parcel ID: 04-04448. Dorothy McCaskill, applicant and owner.

Ms. Teri Fendig was present for discussion.

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

Ms. Teri Fendig gave a brief presentation and a general discussion followed. Afterward, a motion was made by Mr. Robert Ussery to approve application **VP3184**. The motion was seconded by Ms. Desiree Watson and unanimously adopted.

ORDINANCE AMENDMENTS

TA3178: Consider an amendment to Section 809 of the Zoning Ordinance of Glynn County, Georgia to amend the Special Provisions to address outdoor advertising signs on Altama Avenue, and for other purposes.

Mr. David Hainley presented background information on the proposed amendment and a general discussion followed. Mr. Julian Smith and Ms. Mimi Waite were present to oppose this amendment.

At the end of discussion, a motion was made by Mr. Preston Kirkendall to recommend approval of **TA3178**. The motion was seconded by Mr. Joel Willis. Voting Aye: Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Robert Ussery, Ms. Desiree Watson and Mr. Joel Willis. Voting Nay: Ms. Karen Ward. Abstained: Mr. Stan Humphries.

TA3179: Consider amendments to Sections 805.1, 809(d)(1)i, and 809(d)(2)ii(d)3 of the Zoning Ordinance of Glynn County, Georgia to update spacing requirements and permissible locations of signs relative to Interstate Highway ramps, and for other purposes.

Mr. David Hainley presented background information on the proposed amendment and a general discussion followed. There were no public comments.

At the end of discussion, a motion was made by Mr. Robert Ussery to recommend approval of **TA3179**. The motion was seconded by Mr. Preston Kirkendall. Voting Aye: Mr. Stan Humphries, Mr. Preston Kirkendall, Mr. Robert Ussery, Ms. Karen Ward and Mr. Joel Willis. Voting Nay: Mr. William Lawrence and Ms. Desiree Watson.

TA3180: Consider an amendment to Section 808.1, and an amendment to add Section 803.44 to the Zoning Ordinance of Glynn County, Georgia to revise the Scope of Regulations and to provide for the regulation of feather signs, and for other purposes.

Mr. David Hainley presented background information on the proposed amendment and a general discussion followed. There were no public comments.

At the end of discussion, a motion was made by Ms. Desiree Watson to recommend approval of **TA3180** subject to no Feather Signs being allowed on St. Simons Island as proposed in **Section 803.44**. The motion was seconded by Mr. Joel Willis and unanimously adopted.

TA3181: Consider an amendment to add Section 803.15.1, and to amend Sections 804.1 and 808.1 of the Zoning Ordinance of Glynn County, Georgia to add a definition for inflatable sign, to provide regulations for the use of inflatable signs, and for other purposes.

Mr. David Hainley presented background information on the proposed amendment and a general discussion followed. Mr. Julian Smith and Ms. Mimi Waite were present to oppose this amendment.

At the end of discussion, a motion was made by Mr. Joel Willis to recommend approval of **TA3181** with said signs being prohibited on St. Simons Island. The motion was seconded by Ms. Desiree Watson and unanimously adopted.

SP2934 Marshall Building Modification

At this time, Mr. Johnathan Roberts and Mr. Vassa Cate returned to the meeting and presented a sealed copy of the proposed landscaped plan for the Marshall Building Modification. Following review, a motion was made by Mr. Stan Humphries, seconded by Mr. Robert Ussery and unanimously adopted to approve **SP2934** subject to the following:

- 1) All plantings shall be complete and in place prior to the issuance of any Certificate of Occupancy (CO) for this project;
- 2) Applicant shall be required to maintain all protection barriers for proposed retained trees throughout the course of construction; and
- 3) Any further deviations from the approved site plan shall require compliance with the notification and application procedures set forth in *Sections 619.5 & 619.6* of the Glynn County Zoning Ordinance.

There being no further business to discuss, the meeting was adjourned at 8:26 p.m.