

MINUTES
GLYNN COUNTY PLANNING COMMISSION
April 6, 2004 - 6:00 P.M.

MEMBERS PRESENT: Perry Fields, Chairman
Robert Ussery, Vice Chairman
Mike Aspinwall
Jay Kaufman
Ann McCormick
Gary Nevill
Jonathan Williams (arrived at 6:45 p.m.)

STAFF PRESENT: John Peterson, Director
York Phillips, Planning Manager
Paul Andrews, Asst. County Engineer
Carolynn Segers, Transportation
Ray Shell, Utilities Manager
Janet Loving, Admin/Recording Secretary

Chairman Perry Fields 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.

Upon a motion made by Mr. Jay Kaufman and seconded by Mr. Gary Nevill, the agenda for the April 6th Planning Commission meeting was approved and unanimously adopted.

GC-2004-03
Application by Jim Fucetola, agent for Frederica Baptist Church, to amend the Planned Development-General Text for Barnes Plantation (GC-30-94) to change the development standards for the commercial building and site located at 1700 Frederica Road on the east side of Frederica Road opposite Edwards Plaza, consisting of approximately 0.981 acres

with approximately 285.3 ft. of frontage on Frederica Road. The principal change would be to allow joint use of parking for church and commercial uses.

Mr. Jim Fucetola and Mr. Mike Warren were present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

Barnes Plantation is a mixed-use development consisting of several apartment buildings and a commercial building; all zoned Planned Development-General (PD-G). The two portions of the project were undertaken separately as stand-alone developments. The site plan for the commercial building was approved in 1999. This building consists of a "ground floor" level open from the rear side and originally planned for parking, two conventional floors (the first floor being at ground level on the front - or street - side), and an unfinished third floor. The original site design provided for 91 exterior parking space and 16 spaces under roof on the "ground floor" level.

The building has been purchased by a church, which has converted the ground floor (parking) level for a church sanctuary, and has converted a portion of the top floor for church offices. The church use is allowed per the PD Text. As originally proposed, the total development would consist of 298 seats in the sanctuary and approximately 13,960 square feet of office and retail space. These uses would require 75 parking spaces (church) and approximately 70 (office/retail) separately. Either one of these requirements is well within the 91 exterior parking spaces currently available on site, but the two uses combined would not meet the current ordinance requirements.

While Section 723 of the Zoning Ordinance allows the PD Text to provide for joint use of parking, no such provision was made for this project. This is a request to modify the PD Text to allow the same parking to be used for the church use and for the commercial use in view of the fact that the uses are operated at different times.

The original application to amend the Planned Development Text was withdrawn in lieu of a stipulation attached to the building permit application. This stipulation limited the number of seats in the church sanctuary and limited the commercial space to be occupied so that the resulting parking requirement would be met by the existing exterior parking spaces. This allowed the sanctuary to be completed and occupied.

The current rezoning request seeks to allow the joint use so that the remaining commercial space may be occupied and so the number of seats in the sanctuary may be increased.

The proposed Text also clarifies the original requirement that the Board of Commissioners review the site plan to indicate that further review of every change by the Board of Commissioners is not required.

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact were considered in making the recommendation:

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

Yes.

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

No.

- 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.

No.

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

The future land use map identifies this area as commercial.

- 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.

The joint use approach is reasonable for situations where different use will be made of the parking during different time periods. Allowing joint use obviates the need to over-build parking. The proposed Text amendment will ensure that future change in use will not create a parking deficiency.

Staff recommends that the proposed PD Text amendment be approved.

Mr. Robert Ussery asked if staff had a copy of the Development Text. Mr. Phillips replied no. He pointed out that the existing PD Text is rather lengthy and has no valued information relative to the topic except that the church is a permitted use. Mr. Ussery stated that the Planning Commission is being asked to vote on a revised Development Text but they need to see the Text first. Mr. Phillips stated that he could provide a copy of the Text for the Planning Commission's review.

Mr. Ussery stated that it appears that there is no limitation as to hours of operation and no reference to types of functions to take place at the church. Mr. Phillips stated that the church is the landlord for the commercial users. Mr. Ussery stated that it would be wise to have some type of language included in the Text about times of operation and the types of uses that the church would encompass, i.e., weddings and funerals. Mr. Phillips explained that the ordinance provision for parking for churches sets the parking standard based on seats in the main sanctuary. The various ancillary uses, i.e., classrooms, offices associated with the church and activity rooms are not covered in the ordinance.

Mr. Jay Kaufman wanted to know if the Planning Commission is being asked to change the current Text. Mr. Phillips stated that the Planning Commission is being asked to change the Text by including the addendum.

Mr. Mike Aspinwall stated that the language contained in 1b) of the Text which states, ***“total use during any particular time period shall be limited to that which can be supported by the parking available”*** needs to be spelled out for clarity. He stated that the neighborhood could be completely overloaded if the church activities that are going on at a particular time are changed. Mr. Phillips stated that the ordinance only addresses the issue in terms of the seats in the sanctuary and the square footage in the commercial area.

Regarding the “findings of fact,” Mr. Aspinwall stated that he does not understand why staff thinks that the ***zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property***. He wanted to know how staff reached that conclusion. Mr. Phillips explained that staff is using the proposition of the way the ordinance is structured. He stated that the ordinance does not take into account special events or unusual activities. The ordinance goes directly by the number of seats in the sanctuary and square footage of the commercial space. Chairman Fields stated that weddings and funerals are church functions that are conducted regularly and there is no way to curtail these activities without conflict. These activities are not special events; they are done regularly. Mr. Phillips stated that perhaps the ordinance needs to be revisited in terms of calculating parking. However, Mr. Ussery stated that parking calculation is not the issue. The issue is the joint use and dual parking. He stated there needs to be a way to separate the timing to legitimize the dual use of the parking lot.

Mr. Mike Warren, speaking on behalf of church, stated that the primary uses of the church with regard to operating time are Sunday morning services and services after 6:00 p.m. any day of the week for prayer service, choir practice, etc. He stated that they have two tenants with scheduled Sunday business hours; one starts at 12:00 and the other is a regularly scheduled time starting at 1:00 p.m. Only one tenant has a scheduled operating time after 6:00 p.m. and closes at 7:00 p.m. Mr. Warren pointed out that it would not be in their best interest to have special events that would compromise their tenants. He stated that they are in a position, as landlords, to stipulate hours of operation of future tenants. He added that they have been occupying that particular space since January, utilizing it for all types of church functions and they have not had any issues with the current parking.

Mr. Ussery asked if the applicant would be willing to specify hours of operation in the Development Text, either for the tenants or for the church. Chairman Fields stated the applicant would have to discuss that issue in detail with the tenants, but it will eventually have to be considered. Wednesday night prayer services may not be a problem but if someone wanted to have a wedding on a Saturday afternoon there would not be enough parking spaces to accommodate all of the cars. Also, parking for funeral services would be a problem.

By a show of hands, it was noted that approximately 30 people in favor of this request were in attendance. However, those in attendance did not wish to make a presentation.

Mr. Joel Pierce of Barnes Plantation Condominiums was present to oppose this request. He stated that the church congregation is fairly new and the current membership is small, but as it grows so will the parking, thus creating a bigger problem. Also, one of the two entrances/exits going into the building is commonly used by everybody at Barnes Plantation. If this were restricted to Sunday's perhaps it would not be a problem, but allowing the parking with no restrictions could cause a big "bottleneck," which would eventually affect the future value of the condominiums. He is asking that the request be denied.

Mr. Jack Overman of Unit 132 Barnes Plantation was present to oppose this request. He stated that a letter was sent to Mr. Phillips from Mr. Peterson concerning Barnes Center Frederica Baptist parking, October 29, 2003. The last paragraph of that letter, which is one of his major concerns, states that "the point to all of this is Community Development does not want this potential increase in density that requires an increase in the number of parking spaces for full office or commercial use." Mr. Overman stated that when he purchased his unit in May 2002 he was aware of the commercial property located in the front, with open parking in the back and underneath storage. That particular area is being filled in and it now looks like commercial space. His main concern is what happens with the commercial space when the church leaves. Mr. Overman also voiced the same concerns as Mr. Aspinwall regarding the findings of fact relative to ingress and egress.

Attorney John McKnight, representing owners of Barnes Plantation, was present to oppose this request. He presented a petition dated November 2003 containing approximately 76 signatures of owners asking that the rezoning requested at that time be denied for various reasons, i.e., parking and traffic problems, ingress/egress concerns, decrease in property value, and future use once the church sells the property. (Copies are contained in the files located in the Planning & Zoning office.)

In response to some of the concerns expressed, Mr. Warren stated that the long-term plan of the church is to move to the north end of St. Simons; therefore what they are proposing is not a permanent situation. He stated that they would be willing to specify having evening weddings only, and that funerals would be conducted in the local

mortuary until they move to the north end of the Island. He stated that they would also have no objection to putting in a stop sign to give residents of Barnes Plantation the right-of-way coming out of their location to help with the traffic congestion.

Mr. Ussery stated that he would like to see more detailed information in the Development Text, such as hours of operation and language indicating how the property would be used after the church leaves, or some type of "sunset clause." Mr. Aspinwall stated that he would like to give the neighbors an opportunity to see the detailed information and come to some type of agreement. Chairman Fields stated that a precedent has already been set with regard to dual use of parking so he doesn't think that would be a problem. However, he agrees that there needs to be some type of "sunset clause."

Following discussion, a motion was made by Mr. Jay Kaufman to defer this request until the April 20th Planning Commission meeting beginning at 6:00 p.m. The motion was seconded by Ms. Ann McCormick. Discussion continued. Chairman Fields stated he feels that the situation could be worked out to everyone's satisfaction so that the dual use does not conflict with the adjacent residents. Perhaps the applicant could include in the Development Text a sunset provision, hours of operation and limitation of use.

During the course of discussing the procedure for deferral, advertising and notification of adjacent property owners, Mr. Kaufman withdrew his motion for deferral and Ms. McCormick withdrew the second. At the end of discussion, Mr. Warren requested a deferral until the May 18th meeting beginning at 6:00 p.m. The Planning Commission concurred.

To avoid a conflict of interest, Chairman Fields stepped down and passed the gavel to Vice Chairman Robert Ussery to preside over the next two items. (Applications submitted by Kay P. Curry.)

SP-2004-0309-0900

Application by Kay P. Curry for site plan approval for a 24-unit multi-family development on property located on the north side of Olive Way and east of Beach Drive (an unopened street) and consisting of 1.5974 acres. The project is called Veranda Breeze Villas.

Mr. Ernest Curry was present for discussion.

In a memorandum addressed to the Planning Commission, Mr. Phillips explained that this site is currently undeveloped. Residential developments exist to the west, north, and southwest. A section of Beach Drive (the unopened right-of-way on the west side of this site) in the Coast Cottages development was abandoned several years ago.

This is the third submittal of a site plan, each one having approached the project differently. The plan is somewhat vague in terms of details of the site layout and compliance with zoning standards. Because of this, staff has difficulty in evaluating the plan. Staff comments are as follows:

- The plan indicates one parking space per unit; the requirement is two.
- It is unclear if the site coverage requirement is being met; the quality of the plan makes verification of the areas difficult.
- It appears that the plan is predicated on the abandonment of an unopened street on the northwest side of the project; any approval will be subject to this being done.
- The rearrangement of the street in the Olive Way right-of-way will require separate approval; the plan does not appear to conform to the existing arrangement of the street.
- The rearrangement of the beach access will need to be approved separately, including approval by DNR. Approval of this plan will be subject to obtaining that approval.
- The building setback from Olive Way needs to be 30 ft., not 20 ft. as shown.

Staff recommends that the Planning Commission review the plan and give its comments. A separate building permit site plan will be required, and the Planning Commission may wish to review that plan as well since the submitted site plan is vague.

During the course of discussion, it was determined that this application is incomplete. (lacking engineering details and location map, off-street parking not shown, etc.) Mr. Curry agreed and requested a deferral. The Planning Commission concurred.

SP-2004-0309-0915

Application by Kay P. Curry for site plan approval for a 10-unit row house development on property located on the west side of Woods Avenue and on the east side of Ocean Boulevard, approximately 50 feet north of Olive Way and consisting of 1.6175 acres. The project is called Veranda Breeze Cottages.

Mr. Ernest Curry was present for discussion.

In a memorandum addressed to the Planning Commission, Mr. Phillips explained that this site currently contains two or three dwelling units. To the south and north are residential developments. Beyond Ocean Boulevard to the west is a marsh area. The proposed arrangement is for two sets of five units each, one set facing Ocean Boulevard

and one set facing Woods Avenue. If it is the applicant's intent to plat these units, subdivision approval will be required.

The plans reviewed by staff are somewhat simplistic, although they appear to basically meet the requirements for review. Staff has met with the applicant on several occasions to discuss issues. These issues are summarized and generally reflected in the plans submitted. More detailed plans will need to be submitted prior to issuance of the building permits.

Staff recommends that the site plan be approved, subject to review of more detailed plans meeting all requirements prior to issuance of building permits.

During the course of discussion, it was determined that this application is also incomplete. (lacking architectural and engineering details) Mr. Curry stated that he took all previous comments into consideration and redesigned the project. He stated that the entire structure would be concrete. He further stated that he had some discussions with the fire department regarding the walls between the units and pointed out that he is using non-combustible materials. Mr. Curry stated that he does have an engineering firm (EMC) and he thought that all of the previous issues had been addressed, but perhaps he does need additional details. Therefore, he would like to defer this request at this time. The Planning Commission concurred.

(Chairman Fields presided over the remainder of the meeting.)

SP-2001-1212-0851

Request by Joe McDonough for approval of a revised site plan for Ocean Lodge (formerly St. Simons Beach Villa Inn) on property located on the northwest corner of Third Street and Beachview Drive and consisting of 20,597 square feet.

Mr. Joe McDonough and Attorney Carroll Palmatary were present for discussion.

In a memorandum addressed to the Planning Commission, Mr. Phillips explained that this is a request for approval of a revised site plan for a hotel located on the northwest side of Beachview Drive, west of its intersection with Third Street. The Planning Commission approved a site plan in January 2002, and staff approved the building permit later that year. The footprint of the building was not changed during this process, but the parking was relocated under the building.

Late in 2003, the applicant approached staff about adding a story to the building to utilize the additional height that is permitted under the recent change in the height definition. Staff advised that revised building plans and a revised site plan would be required. These plans have been submitted. The hotel contains the same number of suites (15) as originally shown, but some accessory use areas have been enlarged. The

overall area within the building has been increased by more than 1,000 square feet, thus requiring Planning Commission review.

Staff has reviewed the modified plan. The principal zoning issues relate to the calculation of the number of parking spaces and the provision of a marked loading space. The modified plan shows a loading area.

As to the parking standards, it is not entirely clear as to how the proposed plans should be evaluated. The standard for hotel is "1.1 spaces per sleeping room." The arrangement of the suites does not make it clear as to how the "sleeping rooms" will be arranged. The new plans show doors added to some of the sleeping rooms to allow a lockout arrangement, which could permit the number of separate rental units to be increased. In addition, the standard indicates that parking spaces for accessory uses will be counted in addition to the requirement for sleeping rooms.

Through discussions with the applicant, it was determined that compliance with these provisions can be achieved if (1) it is clear that rooms without a sleeping room will not be rented separately or be capable of being rented separately; and (2) activities within the common facilities will be limited to use by guests of the hotel only. This will ensure that the number of parking spaces provided will be adequate to serve the uses depicted on the site plan. This can be handled by having the applicant supply a statement to be attached to the site plan (and considered as a condition of site plan approval) and to accompany the building permit application.

Staff's recommendation is for approval subject to the submittal of a statement as described above.

Mr. Ussery asked if the building meets the setback requirements for multi-family zoning. Mr. Phillips explained that he was not a member of staff when the original site plan was approved. In reviewing previous videotapes, there was specific discussion regarding the setbacks but he is not sure if the former staff gave the correct information. However, those are the setbacks that the Planning Commission approved at that time. Chairman Fields pointed out that in January 2002 he made a motion to approve the request and he knew exactly what he was voting for.

Mr. Carroll Palmatary, attorney for Mr. Joe McDonough, gave a brief presentation. He stated that they are in agreement with the staff's recommendations. Mr. McDonough will enter into a written agreement stipulating that the Inn would be limited to a total of 15 sleeping rooms. He stated that they have met with staff on several occasions and verbally assured them of this stipulation. Mr. McDonough will also agree to the stipulation that the activities within the Inn will be limited to the activities of the guests of the Inn.

Mr. McDonough presented pamphlets and photographs of the interior and exterior of the building for the Planning Commission's review. He then gave a brief history of the project since its inception. He also elaborated on the construction plans, design

standards of each suite, types of anticipated clientele, finances, and the quality of the Inn. Afterward, a general discussion ensued.

Mr. Mike Aspinwall expressed concerns about the building height and parking. He stated it appears that we have subsequently changed how we define the height of a building. He feels that this might set off a chain reaction of roof raisings, which would ultimately exacerbate the parking problem. He stated that although the site plan has not changed, the building size has changed. Mr. Palmatary explained that the change that Mr. McDonough is making does not increase the number of rooms. However, Mr. Aspinwall argued that it changes the skyline and the economics, and this is just the beginning of these kinds of requests; all of which would have parking problems associated with them, thus impacting the lower East Beach area. Mr. McDonough pointed out that the parking is not changing because of the extra floor. They still have the same number of units. Mr. Aspinwall stressed that the building is terrific and no one is questioning its quality, but it is higher.

There was further discussion regarding the parking issue. Chairman Fields stated that he understands both points of view, but we need to consider the proposal that is before us at this time. He stated that Mr. McDonough is no different than any other builder in that he is doing what the law allows him to do. Ms. McCormick stated that the applicant seems to be telling us what we need to hear, and he is trying to work with us on the parking. However, the enforcement is not just up to this body. We have to evaluate the request along with the proposed solution.

Ms. Kim Gollin wanted to know if the new space at the top of the building is going to be used as a conference center. Mr. McDonough replied no. It was noted that the space is for corporate meeting rooms.

Following discussion, a motion was made by Mr. Jay Kaufman to approve this site plan subject to the following: 1) The Inn will be limited to fifteen (15) sleeping rooms; and 2) Activities within the Inn will be limited to the activities of the guests of the Inn. The motion was seconded by Ms. Ann McCormick. Voting Aye: Mr. Perry Fields, Mr. Jay Kaufman, Ms. Ann McCormick, Mr. Gary Nevill and Mr. Jonathan Williams. Voting Nay: Mr. Mike Aspinwall and Mr. Robert Ussery.

MINUTES

Regular Meeting: March 16, 2004

The Minutes of the March 16th Planning Commission meeting were approved and unanimously adopted.

Under **Chairman Items**, Mr. Fields advised staff to provide all of the Planning Commission members with a copy of the letter from Assistant County Attorney Jerry Hegstrom containing a legal opinion on the changes in the plans for PAWS/Steamboat City Project. There will be continuous discussions on this project at a later date.

Under **Staff Items**, Mr. Ray Richard and the Utilities Manager for Glynn County, Mr. Ray Shell were on hand to discuss the utilities in the buffer along SR 99. The county has entered into an arrangement with developers in the vicinity of SR 99 between Canal Road and the Sterling area for a joint project to extend water and sewer. Design work on this project has begun and an issue has been identified that requires consideration. At some future date, SR 99 will need to be widened. While there is a concept for widening this road as part of the Long Range Transportation Plan, no design work has ever been done.

Additional right-of-way (100 ft.) has been planned along the south side of this road as part of projects within the Golden Isles Gateway Planned Development. No similar plan has been made for any projects west of this portion of the roadway. Conceptually, the best design for the sewer and water lines would be to locate them along the rear of a strip reserved for road widening. This affects the layout of development projects along the road, particularly, the Tanglewood Development.

Mr. Phillips stated that staff needs direction from the Planning Commission on how to proceed. The most logical option discussed was consideration of a variance. At the end of the discussion, it was the consensus of the Planning Commission to consider submittal for a variance request and to proceed with the design work.

Also under **Staff Items**, Mrs.Carolynn Segers presented an update of the process for the Long Range Transportation Plan (LRTP), which is a 20-year plan that outlines the major transportation projects for the area that are to be financed through federal, state and local funds. Developing and updating the LRTP is one of several requirements of a Metropolitan Planning Organization under federal transportation policy.

The LRTP includes six topics of information, and each topic includes a description of existing conditions, analysis of needs and issues, and plan recommendations. These six topics are:

- 1) Roads & Bridges
- 2) Public Transportation
- 3) Bicycle & Pedestrian
- 4) Intermodal (port, air, rail, etc.)
- 5) Freight & Goods Movement
- 6) Operations & Maintenance.

Staff will make periodic reports to the Planning Commission regarding the update process and ask the Planning Commission to participate in public information meetings relative to selection of alternative road improvements and recommended projects.

There being no further business to discuss, the meeting adjourned at 8:30 p.m.