

MINUTES

ISLANDS PLANNING COMMISSION

JULY 21, 2009 - 6:00 P.M.

The Casino Bldg, 530 Beachview Drive, SSI

MEMBERS PRESENT: Preston Kirkendall, Chairman
Desiree Watson, Vice Chairman
John Dow, Jr.
Patricia Laurens
William Lawrence
Paul Sanders
Joan Wilson

STAFF PRESENT: David Hainley, Community Development Director
York Phillips, Planning Manager
Janet Loving, Admin/Recording Secretary

Chairman Preston Kirkendall 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.

MINUTES

June 16, 2009 Regular Meeting

Upon a motion made by Mr. John Dow and seconded by Ms. Joan Wilson, the Minutes of the June 16th Regular Meeting were approved and unanimously adopted.

SP1632 Frederica Academy Expansion Access Road

Consider approval of a site plan for roads to serve the expansion of the Frederica Academy campus. The roads are located between Hamilton Road and Demere Road, and east of Sea Island Road. The property is zoned Planned Development and is part of the Frederica Academy Planned Development. Parcel ID: 04-05984. Golden Isles Engineering, agent for Frederica Academy, Inc., owner.

Mr. Ray Richard was present for discussion.

According to the staff's report, on November 18, 2004 the Board of Commissioners acted to abandon Hamilton Road effective upon completion of the improvements to Demere Road and Sea Island Road (i.e. the "Gateway" project now under construction). The new roads provide access from Demere to Frederica Academy and the Georgia Power facility on Hamilton Road.

On May 15, 2008, the Board of Commissioners approved the rezoning of the subject property annexing it to the existing Frederica Academy Planned Development. A stipulation in the rezoning was that no site plan would be approved for the area included within the Hamilton Road right-of-way until that right-of-way had been officially abandoned. The subject request does not deal with areas within the Hamilton Road right-of-way, but addresses only the access roads within the "triangle" area south of Hamilton Road.

This site plan does not address specific buildings or site improvements (other than roads). These will be shown on site plans for individual buildings or groups of buildings at a later date. After the completion of the "Gateway" project improvements, these plans may show buildings and improvements within the Hamilton Road right-of-way.

The site plan reflects a minor encroachment into the buffer area along Sea Island Road. The applicant notes that this reflects a necessary adjustment to protect a significant tree shown just east of the road adjacent to a wetland. Staff recommends approval of this encroachment.

Engineering has raised a number of technical design issues, but these can be addressed in subsequent individual site plans and building permit site plans. The arrangement of utilities is generally consistent with the approved PD Master Plan. These facilities will also be reviewed when the building permit site plans are reviewed.

The proposed project does not have a direct affect on traffic demand or circulation. Subsequent plans that represent expansion of the school itself will be evaluated for traffic impact.

Under Section 619.4 (a) of the Zoning Ordinance, the Planning Commission 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 not been fully met. Because of the technical nature of most of the information, some of the missing items will be more appropriately addressed in the reviews of the individual building site plans.**
- 2) The proposed uses, buildings and structures are in accordance with the requirements of this Ordinance and other ordinances of Glynn County. **Staff Comment: To the extent information is available, 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, subject to review as part of the review of the individual site plans and building permit site plans.**
- 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 review of the individual site plans and building permit site plans.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff Comment: This requirement will be addressed after review of the detailed tree information for areas affected by proposed roads.**
- 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 requirement has been met. Minor adjustments will be reviewed in conjunction with the detailed tree survey.**
- 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 requirement has been met or will be met through the building permit process.**
- 8) Open space, as required, has been provided and appropriate means are proposed to assure maintenance of common areas and facilities. **Staff comment: N/A**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff Comment: This requirement has been met subject to review as part of the review of the individual site plans and building permit site plans.**

Mr. Phillips stated that staff recommends that application **SP1632** for Frederica Academy Expansion Access Roads be approved subject to meeting all ordinance and PD requirements through the site plan process for individual buildings. In addition, staff recommends approval of the minor encroachment into the buffer area on the west side of the site.

Mr. William Lawrence wanted to know the length and width of the buffer encroachment. He also wanted to know if the circle could have been moved over to eliminate the encroachment in the buffer area. Mr. Phillips stated that Mr. Richard would have to address the size of the encroachment, but he stated that several factors went into the road location and one is that it needed to line up with the other entrance on the north side of Hamilton Road where it serves the parking area adjacent to the high school. In order to have the proper alignment and to miss the tree which is located on the eastern side of the road, there had to be a certain curb and alignment. Mr. Phillips stated that Mr. Richard would have to expound on these issues.

Ms. Desiree Watson had questions about engineering comments indicating that the driveway width on Demere Road appears to exceed the maximum driveway allowed under the Zoning Ordinance. Ms. Watson asked if this is still the case. Mr. Phillips replied yes. He stated that these were taken into account with the design of the Gateway project. Ms. Watson asked if there would be a traffic light in that particular area. Chairman Kirkendall replied yes.

Mr. Dow stated that the entrance off of Demere going into the site has a divided ingress and egress and the alignment with the health club located across the street is offset. He wanted to know if any of this is going to change as part of the Gateway project when it is signalized; is the entrance across the street going to match.

During a brief presentation, Mr. Ray Richard explained that this project has been in the planning stage for 5 to 6 years. They have an architect on board who specializes in school projects as well as construction. He stated that it became evident very early on that in order to expand Frederica Academy a couple of issues had to be addressed. One issue was that Frederica Academy needed to acquire the piece of property known as the Hamilton Triangle. The parcel was acquired from Sea Island Company last year. The other issue was the existing Hamilton Road, which is a county road that provides a lot of thru-traffic. However, an abandonment was approved in 2004 and this problem was somewhat eliminated. There was also a stacking issue of existing vehicles due to children being picked up from school.

Additionally, Mr. Richard stated that there were three primary concerns that they had to deal with: 1) the 50 ft. buffer; 2) impact to the jurisdictional wetlands of which they have obtained a permit; and 3) aligning the circular road with the existing access that goes to the high school. He stated that if they moved the road to get completely out of the buffer, they would end up with a very severe angle which would also have a lot more impact to the wetlands. Instead, they looked for specimen trees in the area to see what was more valuable; the trees in the buffer or other trees. He pointed out that the

specimen oak tree indicated staff's presentation is the only nice tree in the entire area. The other trees in the buffer are primarily pine trees.

Mr. Richard stated that a portion of the encroachment is about 12 to 15 ft. and the entire area that is going to be encroached upon in the clearing operation is about 60 to 70 ft. long. The other option to stay completely out of the buffer would be to remove the tree and encroach more into the wetlands.

Mr. Lawrence felt that the curb could have been extended out a little further to avoid the encroachment on the buffer area. Mr. Richard explained that with the initial design there was no encroachment on the buffer but the tree was about 4 to 6 ft. off the edge of the road. He stated that with the size of the tree and the fill work that they would have had to do for the roadway, the tree would have been destroyed.

Regarding Ms. Watson's concerns about the size of the entrance, Mr. Richard stated that the entrance is wider for two reasons; one is that there is a small median section so that they can include signage; the other reason is that they have two egress lanes with one being a right-turn only and the other is for left turns or for vehicles to go straight across to the health club. However, the main reason for the extra widening of the entrance is because of the ingress so that they can provide access for the large GA Power trucks. Mr. Richard stated that they also have a good "stacking plan" in place that would prevent cars from backing up in the GA Power drive or out toward Demere Road.

Mr. Paul Sanders expressed concerns about the elevation. He stated that the larger tract on the left has the elevation listed between 4 and 5 ft. and the right being listed between 5 and 6 ft. He wanted to know if this is consistent with note number 12 which states that "this is not in a special flood hazard zone." Mr. Richard stated that the note that Mr. Sanders is referring to is the surveyor's note. He stated that the entire property is in the 100 year flood zone and he will make the correction tonight.

Mr. Frank Dineen, owner of the Health and Fitness Club, stated that currently there is a safety hazard for students walking from Frederica to the Club because of the heavy traffic on Demere. A traffic signal and the other adjustments will be tremendous safety improvements for the students as well as alleviate the stacking problem with regard to the cars leaving the Club during heavy traffic.

At the end of discussion, a motion was made by Mr. Paul Sanders to approve application **SP1632** for Frederica Academy Expansion Access Roads subject to meeting all ordinance and PD requirements through the site plan process for individual buildings. In addition, the motion includes approval of the minor encroachment into the buffer on the west side of the site. The motion was seconded by Mr. John Dow and unanimously adopted.

TA1536

Consider an amendment to Section 709 of the Zoning Ordinance of Glynn County, Georgia, to establish Overlay Districts, plan submission standards and administration and for other purposes. *This item was deferred from the May 19, 2009 meeting.*

This is an amendment to the Glynn County Zoning Ordinance to revise the existing St. Simons Village Preservation District. Among the changes are: 1) within the existing Village Preservation area, replaces the current system of regulating new buildings and building expansions based on the footprint and height of adjacent buildings; 2) creates the new Island Corridor District along major streets on St. Simons Island to manage appearance of buildings (other than single family dwellings). The new section establishes design guidelines. These changes implement the recommendations of the Village Master Plan.

Mr. Hainley explained that this is the updated version of the amendment that was deferred at the May 19th meeting. It reflects the changes that were discussed at the workshop and retains the two corridors, as well as establishes certain review standards for those areas. He stated that they are attempting to address the needs for the corridors and for the village.

Mr. Hainley stressed that this is an overlay and it does not affect the existing zoning. There is also no design review board, which has been removed at the Planning Commission's request. The review procedure continues to rest upon the Planning Commission's shoulders.

At the Chairman's request, Mr. Hainley gave a brief synopsis of the changes in the proposed amendment. Afterward, the floor was opened for public comments. Mr. Robert Ussery submitted the following comments:

"I realize this has been a long time coming and that I was part of the origin of this proposed revision. However, now that I have had a chance to review this from an 'outsiders' point of view I am not so sure this is something the county should adopt.

"Going back to the very beginning, the initial thought was to 'fix' the existing Section 709 that called for height averaging and footprint averaging to determine the restrictions on new development in the overlay district. These concepts have always presented problems for the Planning Commission. Other issues such as determining architectural compatibility within the district is called for but there is no real guidance or qualifications for those to make these determinations.

"Because of some projects that were highly criticized for the lack of architectural oversight at the time the revisions were first contemplated, i.e. the new church on Frederica and the IDAC building, the thought was to extend the design review process to include the corridors. Since then both of these buildings have been completed and turned out to be well designed and thought out. This was somewhat because of the existing

ordinances and oversight of the planning staff and commission. Perhaps the thought of adding the corridors to the design review process was unwarranted.

“I believe the Planning Commission should consider only revising 709 to address the problems that have been identified and keep the current boundary of the overlay district where it is.”

In conclusion, Mr. Ussery stated that as it stands now, this is simply an extension of site plan approval, and as such, he suggests that they allow the site plan approval process to do its job.

Mr. Hal Hart, former Planning Commission member, was also present to express concerns, stating that he doesn't believe that combining both districts into one is in the best interest of either district. He stated that “the village district is primarily one of redevelopment as it is mostly built-out and compacted. The island corridor is greatly spread out and is primarily a district of new development requiring site plan approval before development begins so that most problems can be addressed before construction.”

Mr. Hart stated that he is also concerned about the language in the regulations that he found to be subjective as well as confusing. Specifically, he inquired about the definition of “violent contrasts of materials or intense colors, disturbing appearance and non-typical island color or materials.” He pointed out that one section of the regulations referred to the “alteration of any structure.” Mr. Hart stated that the definition of structure is basically anything that penetrates the ground, which could be a mailbox, flagpoles, light posts, porch swings, etc. He stated that most of the language included in this proposal is open to interpretation. It is also unclear as to what triggers site plan approval. Overall, Mr. Hart feels that tonight's version of the proposed amendment is a much improved version compared to the one presented a few months ago but some of his concerns still exist. He thanked the members for listening to him and expressed his love and appreciation for his community. Chairman Kirkendall returned the sentiments and added that Mr. Hart's comments had a big impact on tonight's version of the proposed amendment.

Mr. Jerry Edwards, one of the owners of Dunbar Center, stated that he was just recently made aware of this amendment and therefore he cannot comment on how it will affect future development, but if possible, he would like for the commission to delay its decision to allow more time for review.

Ms. Desiree Watson stated that she worked with Mr. Ussery on the initial design review and she was very much in favor of the corridor, thinking that it was an outstanding idea and a way to address many of the concerns at that time. However, she is now inclined to agree with Mr. Ussery. She feels that eliminating the architectural review board means that design issues will just fall to county staff. She stated that community expertise is extremely important, and that has been lost in this ordinance. Ms. Watson stated that she would have to withdraw her support for the corridor at this time.

Mr. John Dow stated that the most objection that he has heard to this proposal is that it is “creating another layer of bureaucracy; the design review committee was the single most offensive thing in this ordinance.” He stated that he understands the value of professionals and experts, but having another layer just prolongs the process. “The proposed ordinance before us eliminates the design review committee.” He pointed out that when this first started he was very indifferent, but that is no longer the case for two reasons. He stated that Mr. Ussery indicated that this was primarily precipitated by two buildings, IDAC and the church. Both buildings turned out well, but if they hadn’t, opinions would be different. Using another example, he cited the southwest corner of Frederica Road and Demere Road which turned from being a convenience store, to a parking lot painted orange with vans parked in it.

Mr. Dow stated that everyone in this community was outraged that one of the two main entrances to St. Simons was presenting an offensive public image. At the time, there was nothing to prevent this, which is why he feels that this proposal should be approved. If there is nothing in place and an objectionable design issue comes along there is no recourse. This proposal creates an opportunity for the Planning Commission to do something that it would not have otherwise. Mr. Dow stated that he would rather have something in place to deal with problems, and then if it creates a problem it could be tweaked or abolished. Chairman Kirkendall somewhat agreed, stating that it gives them a tool to deny offensive or objectionable site plans.

Ms. Watson stated it appears to her that the village overlay is not tailored to the corridors and perhaps they should work on a corridor ordinance. Ms. Joan Wilson agreed and added that in her opinion, she is not sure that the planning members have the ability to make some of the necessary decisions without expertise guidance or knowledge.

Mr. Paul Sanders stated that this amendment skirts closely toward taking away property rights without due compensation and the Planning Commission needs to be careful not to intrude into private property rights with this amendment or with any such actions.

Following discussion, a motion was made by Mr. John Dow recommending to the Board of Commissioners, approval of the amendment adopting the replacement Section 709 to create the Village District and the Island Corridor District along with regulations and procedures. The motion was seconded by Ms. Patricia Laurens. Discussion continued.

Chairman Kirkendall was concerned about how the action of this item would affect other items listed on the agenda. Mr. Hainley explained that staff would recommend that the Planning Commission take action on the rezoning item listed on the agenda that deals with the change in the district boundaries.

At the end of discussion, the following vote was taken on the motion for approval: Voting Aye: Mr. John Dow, Mr. Preston Kirkendall and Ms. Patricia Laurens. Voting Nay: Mr. William Lawrence, Mr. Paul Sanders, Ms. Desiree Watson and Ms. Joan Wilson. The motion was defeated. A motion was then made by Ms. Desiree Watson recommending to the Board of Commissioners, approval of the amendment adopting the replacement Section 709 to create the Village District with the deletion of the Island Corridor District and to have Mr. Hainley word it accordingly and forward it to the Mainland Planning Commission for approval. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

ZM1531 Village Rezoning

Consider a proposal to rezone various lands within the Village Overlay Zone to new zoning districts specifically created for this purpose in accordance with the Village Master Plan recommendations. The area affected is generally described as being bounded on the west by Georgia Lane and by the east lines of The Grove Subdivision and Village Oaks Subdivision; on the northwest by Anne Street to the north line of the County parks lying on the north side of Park Avenue; on the northeast side by Park Avenue east of the County park and by Demere Way; on the east side by Demere Road north of Beachview Drive and by the east line of parcel 04-04758; and on the south side by St. Simons Sound. The new zoning districts within this area will include Village Residential (VR), Village Mixed Use (VMU), and Public (P). The zoning of some property within this area will not change. Glynn County Board of Commissioners, applicant. *This item was deferred from the May 19, 2009 meeting.*

According to the staff's report, this is a request to make changes to the Zoning Map to implement various text changes currently under consideration. These changes occur within the St. Simons Village Preservation Overlay District in the vicinity of the Village on St. Simons.

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 will not significantly change uses, but will increase compatibility with adjoining and nearby property.

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

No. The proposed will not affect the use or usability of adjacent or nearby properties.

- 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. The proposed will generally improve monitoring of development to ensure the ability to provide adequate infrastructure and services.

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

Yes. The adopted Comprehensive Plan supports management of uses and development within the Village area.

- 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.

Mr. Phillips stated that staff recommends approval of application **ZM1531** to modify the zoning map in the Village area to implement corresponding changes to the Zoning Ordinance consistent with the recommendations of the Village Master Plan.

Following a brief discussion, a motion was made by Ms. Joan Wilson recommending that the Board of Commissioners approve application **ZM1531** to modify the zoning map in the Village area to implement corresponding changes to the Zoning Ordinance consistent with the recommendations of the Village Master Plan. The motion was seconded by Ms. Desiree Watson and unanimously adopted.

Upon staff's request, a motion was made by Ms. Desiree Watson to withdraw application **ZM1532**. The motion was seconded by Ms. Joan Wilson and unanimously adopted.

There being no further business to discuss, the meeting was adjourned at 7:20 p.m.