

MINUTES

ISLANDS PLANNING COMMISSION FEBRUARY 17, 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
Iris Scheff, Planner III
Eric Landon, Planner II
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

January 13, 2009 Called Meeting

Upon a motion made by Mr. John Dow and seconded by Mr. Paul Sanders, the Minutes of the January 13th Called Meeting were approved and unanimously adopted.

January 20, 2009 Regular Meeting

Mr. Dow stated that under *Election of Officers*, his motion was to elect Mr. William Lawrence as Second Vice Chairman rather than Acting Vice Chairman as indicated in the Minutes. Mrs. Loving explained that when this appointment was established in 2007 (*IPC 3-20-07*) it was called Acting Vice Chairman; however, the correction would be noted. Thereupon, a motion was made by Ms. Watson, seconded by Mr. Dow and unanimously adopted to approve the Minutes of the January 20th Regular Meeting with the noted correction.

ZM1373 (I) Old Stables Tract

Consider a request to amend in its entirety the PD text and master plan for property consisting of 36.655 acres located on the north side of Sea Island Road, west of its intersection with Frederica Road. The property has approximately 650 ft. of frontage on Frederica Road and approximately 2,000 ft. of frontage on Sea Island Road. The current zoning is known as the Sea Island Support Campus Planned Development. The proposed change would permit retail commercial, hotel, and residential uses, and would reduce the area devoted to hotel and resort support activities. Parcel ID: 04-05060, 04-05141, 04-05142, and 04-06511. Sea Island Company, agent for Sea Island Company and JLV-VASI, LLC, owners. *(This item was deferred from the November 18, 2008 and December 16, 2008 meetings and was recommended for approval on January 13, 2009 but is being considered again to clarify tree protection issues.)*

Mr. Bill Edenfield was present for discussion.

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

This request was considered at a public hearing on November 18, 2008 and was deferred for further submittals and review. The Islands Planning Commission discussed this project further at a workshop on December 9, 2008, which focused on traffic and buffers. A more complete analysis of traffic was presented at a continued public hearing on December 16, 2008. After the December 16th hearing, the request was continued for further discussion and a final review of the revised development text. This was considered and the application was recommended for approval (with a number of changes to the PD Text) at a called meeting on January 13, 2009.

The applicant has requested an additional review in order to clarify provisions regarding tree protection. (The added language is included as a new Appendix D.)

The proposed use is consistent with historic development trends in the area. This intersection serves as a commercial node to support the north half of St. Simons Island. The proposed PD text allows a neighborhood scale shopping center, hotel, and residential uses, along with a continuation of the support campus at a reduced scale. The initial proposal for the planned development text included provisions allowing adjustments in the quantity of residential and commercial uses (i.e., residential could be traded for commercial and vice-versa within certain limits) but these have been removed. The most recent proposal has fixed limits on the individual uses, as follows:

Use	Quantity
Residential	100 dwelling units
Hotel	100 sleeping rooms
Commercial	200,000 sq. ft. (includes commercial activities within the hotel)
Sea Island Support Facilities	500 space parking lot or deck together with 30,000 square feet of support facility floor area OR 80,000 square feet of support facility floor area with no employee parking

The revised text addresses other issues that have been discussed with the Islands Planning Commission, including: (1) size of live oak trees to be shown on site plans set at 34 inches d.b.h.; (2) buffers and setbacks (particularly adjacent to Glynn Haven subdivision) have been clarified; (3) certain commercial uses have been excluded, such as liquor stores and adult uses; (4) maximum building heights have been clarified; and (5) confirmation that hotel “lock-out” units will be treated as sleeping rooms.

Engineering notes that more detailed review will occur at the site plan level, and will address issues of traffic circulation and drainage. The site is served by public water and sewer.

Based on generalized data and traffic models prepared in 2004 and 2005, Sea Island Road carried 11,900 average daily trips (ADT) in 2002 and is projected to carry 14,600 in 2030, according to the 2030 Long Range Transportation Plan (LRTP) adopted in 2005. Frederica Road had 9,100 ADT in 2002 and will have 13,600 in 2030. Both of these roads are projected to operate at Level of Service “F” in 2030, although the LRTP calls for studies to identify improvements that can be made to roads in this area. Note that these estimates and projections are based on countywide model data and are not necessarily the preferred method for dealing with more isolated locations.

A traffic study has been prepared by Thomas and Hutton for the applicant and submitted for review. This study included collection of traffic counts for existing conditions - these counts are presented as morning, mid-day, and afternoon counts for various intersections in the immediate vicinity.

In addition, the study presents trip generation projections for the development based on Institute of Traffic Engineers (ITE) data. Based on the development proposal, the project will yield approximately 9,000 daily trips. There is no estimate of the number of trips generated by the uses that are currently on this site.

The study evaluates “background” traffic for the year 2015 (i.e., traffic volumes that will be experienced without this development) as well as 2015 traffic with the development. The results are reported in tables on pages 3 and 6 of the traffic study. The comparisons indicate that the level of service for the various intersections will remain similar or slightly improve with the development. This is most likely due to the addition of traffic signals at the Sea Island Road/Frederica Road intersection and at the Sea Island Road entrance to Shops at Sea Island (i.e., the driveway in front of Harris-Teeter).

Note that consideration is given in the illustrative development plans to the possible construction of a roundabout at the Frederica Road/Sea Island Road intersection. Land for this project would be provided in part from this site.

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 development is consistent with development in the area.

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

The proposed development is consistent with developments in the area and will not adversely affect the usability of nearby property.

- 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.

The proposed use will not significantly impact existing county infrastructure. Attention will need to be given to traffic circulation during the site plan process to ensure smooth traffic flow. See also the discussion of traffic.

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

This site is located in the St. Simons/Sea Islands Future Development Area. This designation permits residential, small commercial, hotel, and resort uses, including, master planned resort communities.

- 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 **ZM1373** for Planned Development, including the PD Text (with amendments from the January 13th approval and the tree protection amendments as proposed) and the PD Master Plan.

Mr. William Lawrence stated that there is a discrepancy in the amount of acreage listed. Staff's descriptive indicates that there is a total of 36.655 acres; however, the PD Text has the amount of acreage listed as 29.914. Mr. Bill Edenfield stated that the acreage listed in the PD Text, 29.914, is the correct amount. He explained that tonight's request focuses solely on tree protection. It is his understanding that the balance of the PD Text

has been approved and represents all of the revisions. Mr. Edenfield distributed a three-page document containing “Tree Protection” information, along with a “Summary of the Proposed Tree Preservation at the Old Stables Tract.” He stated that the applicant was concerned that what the Islands Planning Commission approved on January 13th was not enough protection for the existing trees, which he stated is a very important part of the Island. He pointed out that there has been a lot of interest in preserving the trees around the Old Stables site as well as preserving trees in general.

Mr. Edenfield stated that it seemed reasonable to use “The Shops at Sea Island” as a pattern or model to show how they would proceed with the development of the property. He presented photographs and pointed out the similarities in the trees, the location, the land use, the soils and the vegetation. He explained how he used “The Shops at Sea Island” as the pattern in preserving the larger trees in the area as well as the formula for replacing any removed trees. He stated that there may be a circumstance where it would not be feasible to save a 34 inch tree, and in this case, the 34 inch tree would be replaced with three 6 inch trees. Another solution would be to relocate the tree if possible.

Referring to A. 3) Tree Protection, Ms. Desiree Watson stated that the 1.5 replacement ratio is based on commercial but part of the proposed development will be residential, so instead of 1.5 she would suggest 2 trees being the ratio for the residential portion. Mr. Edenfield concurred. The amended language would read ...on the basis of 1.5 replacement trees to 1 removed tree **except in residential development area the ratio shall be 2 to 1**. Ms. Watson also asked that this text be recorded in Glynn County Superior Court, filed and stamped public record (as previously stated at the January 13th meeting). Mr. Edenfield concurred.

It was noted that Ms. Carolyn Row of Glynn Haven Subdivision was present to oppose this request. She stated that she hopes that Glynn County will maintain its stewardship of the property.

Ms. Beth Schwartz of Riverview Drive expressed concerns about the trees around the stables and asked if the developer has the right to cut all of the other trees down. Chairman Kirkendall replied yes. She then wanted to know the size of the replacement trees and if there are any requirements for this procedure. Mr. Edenfield explained that in the event that a very large tree, 34 inches or greater, can’t be preserved on a 1 acre basis, the developer has to replace the tree with three 6 inch trees, 16 to 18 ft. tall.

Following discussion, a motion was made by Ms. Desiree Watson to recommend to the Board of Commissioners approval of application **ZM1373** for Planned Development, including the PD Text with amendments from the January 13th approval and the tree protection amendments as proposed, including additional amendments and the PD Master Plan. The motion was seconded by Mr. John Dow and unanimously adopted.

ZM1375 (I) Shops at Sea Island West

Consider a request to amend the PD text and master plan for property consisting of 10.175 acres located on the south side of Sea Island Road, approximately 1,900 ft. west of its intersection with Frederica Road. The property has approximately 506 ft. of frontage on Sea Island Road. The request is to amend a portion of the existing PD to allow additional uses and revise development standards. The proposed changes will consist of residential, hotel/motel, and commercial uses. Parcel ID: 04-12292, 04-01597. Sea Island Company, agent and owner.

Mr. Bill Edenfield was present for discussion.

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

This site is an existing PD and is partially developed. It is divided into two parts: Parcel A and Parcel B. The request is for Parcel A to remain unchanged and for the uses of Parcel B to be modified to allow a mix of residential, hotel/motel uses, and mixed commercial uses. The existing PD does not have a cap set on the maximum amount of development to take place. As stated in the proposed amendment the maximum amount of development on Parcel B cannot exceed 146,000 sq. ft.

No engineering changes are proposed as compared to the existing PD text. The site is to be served by public water and sewer.

The existing PD text does not set a limit to the square footage of development that can be placed on this site. The proposed change does set a maximum as measured by square footage. Possible daily trips generated by this project, keeping in mind that these are theoretical numbers and the data below is for informational purposes only:

- If developed as all single family residential: 730 daily trips (assuming 2,000 sq/ft per du)
- If developed as commercial space: 4,624 daily trips (assuming all retail space)
- If developed as an office park: 1,600 daily trips
- If developed as a hotel/motel: 1,300 daily trips (assuming 1,000 sq/ft dedicated to each room)

The impact on schools would be dependent on the number of dwelling units generated. For informational purposes only: Making the same assumptions as shown above for traffic if this site is developed solely as residential is could create 40 school aged children.

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 development is consistent with development in the area.

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

The proposed development is consistent with developments in the area and will not adversely affect the usability of nearby property. In fact a portion of this PD has already been developed with the Sea Island Offices.

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

Yes, but the proposed amendment sets a development maximum that does not exist in the current PD.

- 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.

The proposed amendment does not change the fact that this site can be developed. It is only a change in the type of use. Therefore it should provide no change to the existing infrastructure.

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

This proposed project is consistent with the Comprehensive Plan.

- 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. Landon stated that staff recommends approval of application *ZM1375* to amend the existing PD text for Shops at Sea Island West.

During a brief presentation, Mr. Edenfield stated that the applicant is amenable to making any off-site traffic improvements deemed necessary with regard to the acceleration lane. He also stated that the standards in this Planned Development are mirrored in the previous text with the only difference being the area and the density, but the uses are the same. He pointed out that the only uses currently allowed are mix commercial uses, but he feels that over time it would be necessary or prudent to have

other uses on the site, which is what drives this application. He stated that the applicant would like to expand the uses. He is asking for a total square footage and also asking that the market be allowed to determine what mix occurs in the area. Mr. Edenfield feels that having the flexibility of mix commercial/residential makes sense and is very reasonable.

Chairman Kirkendall noted that it was previously discussed that the language on Page 3 of the text would be changed from “single residence may have” to “single residence **shall** have...” Mr. Edenfield concurred.

Mr. Paul Sanders stated that an earlier report on the traffic study indicated 9,000 vehicles ADT. He would like to know if the study applies to this project. Mr. Doyle Kelly of Thomas & Hutton Engineering stated that the original study focused only on the Stables Tract across the street. He was asked to come back and add the traffic to the study. This information was passed on to staff and the study shows the additional traffic based on this particular development, of an additional 6,000 vehicles for a total of 15,000 between both in a 24 hour period. Mr. Kelly stated that an amended study was added and this information was included. Having made those traffic studies, Mr. Sanders asked if they now recommend the roundabout. Mr. Kelly stated that the roundabout at the intersection of Demere and Frederica seems to have worked pretty well with moving the traffic. With the additional traffic, it still would operate at an increased level of service with the roundabout. Mr. Sanders wanted to know the estimated construction cost. Mr. Kelly stated that the construction cost for the roundabout at the intersection of Demere and Frederica was approximately 2.5 million dollars.

Mr. Lawrence asked if the increased traffic goes from a Level C to Level E or from C to F. Mr. Kelly stated that the traffic at Sea Island and Frederica remains at Level D. Also, based on the usage and assuming that all of the improvements previously recommended have been met, the PM peak hour remains at Level D.

Chairman Kirkendall asked if this proposed change compared to the current zoning would be a reduction in traffic. Mr. Hainley replied yes, because there is no cap at this time.

Ms. Watson asked Mr. Edenfield if he would also be agreeable to making the exception for residential development area a ratio of 2 to1 as stated in the previous plan regarding the trees. Mr. Edenfield replied yes, as well as recording of the PD Text.

Following discussion, a motion was made by Mr. John Dow to recommend to the Board of Commissioners approval of application **ZM1375** to amend the existing PD text for Shops at Sea Island West as amended regarding the trees in the residential development area and subject to the language change on page 3 of the text, as well as recording of the PD Text. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

ZM1445 (I) Red Barn Development

Consider a request to amend the PD Text and Master Plan for the commercial portion of the Red Barn Development Planned Development, located at the intersection of Frederica Road and South Harrington Road. The property has approximately 302 ft. of frontage on Frederica Road and 339 ft. on South Harrington and consists of approximately 13+acres which includes the existing Red Barn Restaurant. The purpose of the amendment is to revise the building setbacks for commercial property fronting on Frederica Road. Parcel ID's 04-05348, 04-9952, 04-05347, & 04-05399. Joe Combs of Ussery / Rule Architects P.C., agent for Don and Diana Gentile, owners.

Mr. Robert Ussery and Mr. Gentile were present for discussion.

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

This rezoning request is the same as a previously approved one with two changes: 1) the setback for the property fronting on Frederica Road is decreased, and 2) a small strip of land internal to the property consisting of the right-of-way owned by Fred Davis is omitted from the rezoning and the master plan.

The decreased setback is requested because the applicant discovered the adopted setback to be larger than that of other adjacent and nearby development.

The exclusion of the private right-of-way internal to the property was necessary because an authorization from the right-of-way property owner was not included in the rezoning request. Rather than wait, the applicant chose to continue forward with the request to decrease the front setback. Paperwork may be submitted at some future point of development that would authorize inclusion of that right-of-way as part of the overall Master Plan and its development.

No objection was raised to the rezoning. An advisory comment was made regarding the possible dedication of additional right-of-way for Frederica Road at the time of future development.

As referenced above, a parcel consisting of a private right-of-way was not included in this proposal due to verification of ownership. This will be resolved in the future.

Public water and sewer is available and is currently in use on the property.

A portion of this property will not generate demand for school capacity. The residential portion will not be developed at present. It is being used in the interim for the parking of landscaping service equipment and temporary storage. The present request for a reduced setback will not affect school capacity in any way.

No life safety or fire protection issues were raised in conjunction with this request.

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.

Yes, the requested setback change will not hamper development and is not anticipated to cause problems. The previous Planned Development text and master plan were adopted and were considered suitable at that time.

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

No it should not adversely affect the existing use or usability of adjacent or nearby property.

- 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 change in the setback will not cause any of the above; it will allow a different configuration of use on the property, closer to the road than allowed under the present Planned Development Text.

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

Yes, it is in conformity with the Comprehensive Future Development Map.

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

Yes the current setback is more than commonly applied in other commercial zoning districts and decreasing it will make it more like other properties with similar uses along Frederica Road.

The requested change in setback is a reasonable one and would not be expected to have a negative impact. Therefore, staff's recommendation is for approval.

For clarification, Chairman Kirkendall pointed out that everything has been previously approved on the current PD Text with the exception of the changes to the frontage.

Mr. Lawrence stated that he's concerned about how difficult it is to get from South Harrington to Frederica because of the cars parked near the corner of the Red Barn. He stated that the visibility problem needs to be taken into consideration.

Ms. Watson had questions about the applicant excluding the private right-of-way. Mr. Hainley explained that there is an ownership issue involving that particular piece of property. Ms. Watson then questioned the comment in the report which states that "unless the ownership is verified as being Don Gentile for the right-of-way, the application cannot be considered." Mr. Hainley explained that the application was modified to address that particular issue. The parcel has a separate ID number and it is not part of this request.

Ms. Wilson also expressed concerns about the traffic hazards, such as cars that are parked less than a foot off of the asphalt. In addressing the parking concerns, Mr. Hainley referred to the map and pointed out the areas that are causing the problem. He stated that there won't be a real material change with the existing facility. Portions of the areas in grey are existing entrances that had to be improved based upon a Fire Marshall inspection.

At this time, Mr. Robert Ussery explained that the application is primarily about a fire place that is located over the setback line. The applicant wishes to amend the development text to allow the fire place. One solution was to change the setback for the Red Barn which is currently a blanket setback. The old text simply stated that existing portions of the Red Barn Restaurant may remain, but with that statement the fire place is beyond the existing envelope of the Red Barn. The solution was to say that "additions to the Red Barn shall have a 40 ft. minimum setback from Frederica Road." The other change was from the side setback which stated that "from Harrington Road, 30 ft., except for portions of the Red Barn Restaurant, may remain." A sentence was added that says "additions to the Red Barn shall have a minimum 10 ft. setback from South Harrington Road."

Mr. Ussery stated that this is a really simple request. He stated that they are not adding to the footprint of the restaurant or causing any additional parking problems.

Mr. Sanders asked Mr. Ussery to address Mr. Lawrence's concerns about the visibility problems near the corner of the Red Barn and how it could be alleviated. Mr. Ussery stated that when the development was started the idea was that all of the parking would be internal. Currently, the restaurant remains as it has for the last 50 years and no changes are contemplated. However, if anything is changed, the idea would be to

remove the parking from Frederica and South Harrington. Ms. Wilson asked Mr. Ussery if he had any suggestions for the visibility triangle. Mr. Ussery stated that the improvement that they are contemplating when the new development starts is that all of the area would be free of any parking. All of the parking would be internal to the site and there would not be any of the free flowing entrances. Mr. Hainley explained that what Ms. Wilson is referring to is the visibility triangle at the intersection and whether or not the applicant would be willing to provide some type of bollard protection to avoid worsening conditions at the intersection. Mr. Ussery replied yes, they would be willing to provide some type of protection in conjunction with any new development. He stated that they could place some sort of posts in the ground to prevent parking within 10 ft. of the corner. He pointed out that currently, Mr. Gentile has responded with some wishes of the Fire Marshall. He did decide to add a fire place to the deck and at the same time he improved the access.

Mr. Sanders asked if it is true that the applicant is not planning on any immediate construction due to the economic issues. Mr. Ussery replied yes. Mr. Sanders noted that in the meantime however, visibility is still a problem. Mr. Ussery then asked the members what they would like to see done to resolve this problem. Mr. Sanders suggested that there be no parking within 10 ft. of the corner in any direction. Mr. Ussery stated that he could install some posts in the ground at the site to take care of the 10 ft. in either direction of the intersection of Frederica and South Harrington.

Ms. Watson stated that the applicant is requesting to change the setback because he has already built something where he shouldn't have. She then asked how this happened and if a building permit was required. Mr. Ussery clarified that the construction is not complete; in fact, construction was stopped at the foundation of the fire place.

It was noted that no one from the public was present to oppose this request.

Following discussion, a motion was made by Mr. Paul Sanders to recommend approval of rezoning request **ZM1445 (I)** Red Barn Development. The motion was seconded by Mr. John Dow. During discussion, Mr. Hainley asked if the motion includes the requirement that the bollards be put in the ground for the visibility triangle. Mr. Sanders replied no. He and Mr. Dow commented that they would take the applicant at his word and not include the provision. There being no further comments, the following vote was taken on the motion recommending approval: Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Ms. Patricia Laurens and Mr. Paul Sanders. Voting Nay: Mr. William Lawrence, Ms. Desiree Watson and Ms. Joan Wilson. The motion carried for approval.

ZM1464 Island Professional Park

Consider a request to rezone from Office Commercial to Planned Development, property consisting of 1.43 acre located on the north side of Demere Road approximately 200 ft. east of its intersection with Frederica Road. The property is developed with 14 one-story and two-story units containing over 18,000 sq. ft. of space. The address is 100-126 Island Professional Park, St. Simons Island, Georgia. The purpose of the request is to add specific retail uses to the office uses that are presently allowed. Parcel ID 04-13401. Don Hutchinson, agent for Mr. Ed Mecchella of Golden Isles Enterprise, Inc., owners.

Mr. Hutchinson, Mr. Mecchella and Mr. Doyle Watson were present for discussion.

The following report from staff was included in the packages for the Planning Commission's review and was presented by Mrs. Iris Scheff:

Consideration of the rezoning of this parcel from R-9, One Family Residential to Office Commercial by the Islands Planning Commission on December 21, 2004 was debated based upon the property being in an area of low density residential use on the Future Land Use Map at that time.

Minutes of the meeting show that the Planning Commission recommended to the Board of Commissioners approval with conditions regarding curb cuts, buffers, parking, building configuration, building height, and use. The last condition was amended during the motion to state "Retail as a principle use shall not be allowed."

The action taken by the Board of Commissioners in January of 2004 was to approve the request to rezone to Office Commercial with "the conditions approved by the Planning Commission." The paper record contains an error in that it lists all of the conditions except for the one regarding retail use. The omission is thought to have been due to the end of a page being inadvertently cut off during printing. Whatever the reason, the videotape of the BOC meeting reveals that all of the conditions recommended by the Islands Planning Commission were read into the record by staff prior to the vote of approval with recommended conditions by the Board of Commissioners. Therefore, the condition prohibiting retail as a principle use was included with the other conditions (see Planning Commission minutes dated 12-21-04).

The current rezoning request is to add specific retail uses to the currently allowed office uses, so it is a direct challenge to the adopted Office Commercial zoning which includes the conditions. Since there is leaseable space under the current zoning, there is now and would be with retail uses added, variation in the uses. The site plan that was approved for the property utilized office parking requirements rather than retail use.

The Glynn County Zoning Ordinance makes only a slight distinction in parking requirements for offices from those for retail uses. The standard for offices is one space for each 200 square feet of floor area, while the standard for retail businesses is one space for each 200 square feet of retail floor area. Thus it is possible using the standard to require a lesser number of parking spaces with retail use than required for office use

because areas devoted to storage or to restroom facilities would be omitted from the total floor area in a retail facility, whereas office uses calculate based on the entire floor area.

Engineering requested that the boundary line of the zoning request be corrected to match the previous rezoning request.

The applicant prohibited high traffic generation uses to temper potential traffic generation.

The site is previously developed so utilities are already in place.

No fire protection or life safety issues were raised for this previously reviewed and approved site.

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.

No, based on the previous zoning approval, the conditions included a stipulation that no retail uses be allowed as a principle use. Nearby and adjacent property is low density residential, and previously retail use was objectionable to nearby residents.

Yes, based on the fact that although the site plan was developed allowing office use only, parking requirements are the same for either retail or office uses. Traffic generation impact may differ, but that is true for various office uses as well, which are currently allowed. To counter this objection, the applicant has proposed to prohibit some high traffic generation retail uses, thus tempering this possibility.

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

Admittedly it is possible to adversely affect the property, if the units were all occupied and traffic generated by the uses were too high for the characteristics of the site. On the other hand, this could also happen with currently allowed office uses; as for example, drive-through pharmacies, schools for art or music instruction, and the like, which are high traffic generators currently allowed in an Office Commercial zoning district.

- 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.

Yes, it is possible but as noted above, the uses allowed in Office Commercial zoning districts could also cause excessive use of nearby streets, and the present parking facilities; there is nothing to prevent this even if it retains the Office Commercial zoning category.

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

Yes. The intent is not specific for this area so there is conformity.

- Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or disapproval.
- **Yes, there are existing site characteristics that support approval, based on the similarity of parking requirements and traffic generation of allowable uses in Office Commercial zoning districts, compared to the proposed specific retail uses.**

In conclusion, the site was developed under the present zoning district of Office Commercial. The type of office uses allowed on the site at present include some uses that range from modest to high traffic generators as discussed above.

Zoning is a general way of limiting site use, and its framework does not specify office and retail uses to the degree that they are guaranteed not to exceed the provided parking or the ability of nearby streets to hand the fullest potential traffic generation. It is possible at present under Office Commercial zoning that every unit could be leased to contain high traffic generation office use, resulting in insufficient parking and excessive traffic trips. On the other hand, if specific limitations were placed on the property to prevent excessive traffic, or to prevent insufficient parking, the applicant would not be treated similar to other property owners that are allowed an array of office (or retail) uses. The unknown factor of who will lease units, combined with the general nature of zoning, prevents a predetermination of what specific array of uses “should” be established before the fact.

Given the circumstances, the requested planned development is a reasonable request and can be accommodated because the added uses are limited and are on par with and perhaps less intense than uses that are already allowed on the site under the current zoning.

Mrs. Scheff stated that staff recommends approval of *ZM1464 (I)*, Island Professional Park, based on currently allowed uses being similar to the requested retail uses, and office use parking standards being similar to those for retail uses.

The applicant distributed a list of current uses, acceptable additional uses, and non acceptable uses in the PD text. It was determined that this list was different than what the Planning Commission had received in their packages, which prompted Mr. Dow to suggest a deferral until the Planning Commission members get a PD text with all of the acceptable uses, permitted uses, etc. However, Mr. Hutchinson explained that the members have been given the all inclusive list with the noted changes. He gave a brief overview of the text and the list of acceptable uses. Afterward, the floor was opened for public comments beginning with Mr. Jon Hardwick of 103 St. Simons Avenue. Mr. Hardwick was present to oppose this request stating that the encroachment should not be allowed in the residential neighborhood; it is a burden as well as unethical. He also stated that the lighting is very disturbing to the residents and he is concerned about traffic.

During the course of discussion, Mr. Ed Mecchella pointed out that the proposed uses would not generate heavy traffic flow. Also, landscaping and buffers were installed to cut down on the noise. In addition, Mr. Mecchella agreed to adjust the lighting to accommodate the neighbors.

At this time, the text and the list of uses were discussed at length, with the applicant and the members making several adjustments. Afterward, a motion was made by Mr. Preston Kirkendall recommending that the Board of Commissioners approve *ZM1464 (I)* Island Professional Park based on currently allowed uses being similar to the requested retail uses, and office use parking standards being similar to those for retail uses, and subject to the following changes:

(Highlighted words within the text have been added; strikethrough words have been deleted)

A. General Description of the Proposal

This planned development will provide for the legal use of ~~some~~ of the 14 units in this existing 19,666 sq. ft. building to be used for retail as well as **office use**. ~~the current office use~~. The parking and driveway will remain the same as described herein, and the buffer adjacent to St. Simons Avenue will remain as described. No other significant changes will be made to the property without submittal and processing of an application and plans therefore.

C. Proposed Uses and Development Standards

The proposed uses will comply with all standards set forth in the Office Commercial district and the list of acceptable retail uses, ~~which is not necessarily in its entirety,~~ attached to this document.

D. Permitted Uses in the Development

The permitted uses shall be as set forth in the Office Commercial district and the list of acceptable retail uses, ~~which is not necessarily in its entirety,~~ attached to this document.

J. Plans for Parking, Loading, Access Ways, Signs, Buffers, etc.

The existing paved parking will remain with no changes. It is located in front of the building adjacent to Demere Road and is served by a paved two-way driveway from Demere Road. **Loading will be handled from the front parking of the building. Delivery will be from 7:00 a.m. to 9:00 p.m. The 20 ft. alley at the rear shall not be used for delivery.** ~~the 20 ft. alley at the rear of the building.~~ Signage will be as permitted in the Office Commercial district. The 10 ft. buffer that was required along St. Simons Avenue at the end of original development will remain.

Move the following from Acceptable Uses to Non Acceptable Uses

- Shipping/Mail Center (Non Acceptable)
- Pet Store w/o Pets (Non Acceptable)

The motion was seconded by Mr. John Dow. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Ms. Patricia Laurens, Mr. William Lawrence, Mr. Paul Sanders and Ms. Joan Wilson. Voting Nay: Ms. Desiree Watson.

ZM1467

Consider a request to adopt the GIS Zoning Layer as the Official Zoning Map of Glynn County. The Official Zoning Map will be maintained and administered under the direction of the Community Development Director as provided by Article XI of the Zoning Ordinance. Glynn County Board of Commissioners, applicant.

Mr. David Hainley, agent for Glynn County, was present for discussion.

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

The Zoning Ordinance establishes districts (zones) within which particular rules apply. The Ordinance also adopts by reference a map showing the boundaries of those districts. For the last few years, the changes to the map have been maintained in the GIS mapping system, but the GIS data has not been designated as the “official” Zoning Map.

In the meantime, the map data has been checked and procedures have been established to provide for corrections to the data when needed. This request would finally accomplish the step of officially adopting the GIS map data as the Zoning Map.

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 actually change map designations or uses.

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

No. The proposed will not actually change map designations or uses.

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

Yes. The proposed will not actually change map designations or uses.

- 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 not actually change map designations or uses.

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

Yes. The proposed will not actually change map designations or uses.

- 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 proposed will not actually change map designations or uses

Mr. Hainley stated that staff recommends approval of application **ZM1467** to establish the GIS zoning layer as the Official Zoning Map. He also noted that the Mainland Planning Commission recommended approval of this application at its February 3rd Regular Meeting.

Following review, a motion was made by Mr. Paul Sanders recommending that the Board of Commissioners approve application **ZM1467** to establish the GIS zoning layer as the Official Zoning Map. The motion was seconded by Ms. Joan Wilson and unanimously adopted.

SP1470 (I) Island Animal Hospital

Consider approval of a site plan for an addition to an existing animal hospital. The addition consists of 1,295 sq. ft. to the existing 3,854 sq. ft. building. The property is 1.34 acres and is located approximately 850 ft. east of the intersection of Brockington Drive and Demere Road. The property is zoned Forest Agricultural. Parcel ID: 04-02290. Larry Bryson, agent for Dr. Jan Rossiter, owner.

Mr. Larry Bryson was present for discussion.

In presenting the staff's report, Mr. Eric Landon explained that this proposal is consistent with the existing use of the property and the existing zoning. Several minor amendments were made to the plan during staff's review. Issues that need to be finalized include: location of hydrants, a possible reduction of impervious surface, widening of the existing driveway, and details of the drainage system. These will be addressed during the building permit process. The site is to be served by public water and sewer.

Taking into consideration the interest to reduce impervious surface and to protect open space, staff would like to suggest the consideration of a 25% parking reduction as specified in section 611.7(b). This would reduce the number of parking spaces by 7, possibly save some trees on-site, and reduce drainage issues. The applicant has adequate open space to meet the 450 sq/ft requirement as outlined in the ordinance. If the reduction is granted the applicant may use this reduction when a building permit is issued.

Engineering has determined the site plan to be compliant, but will deal with issues of access, and drainage (impervious surface) with the building permit.

This project will be served by a private driveway from Demere Road. The applicant may be asked by County Engineering to widen the driveway to accommodate two-way traffic. The expansion to the existing building will add approximately 22 daily trips for a total of 85 daily trips.

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 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 generally been met. Engineering indicates that it will continue to work with the applicant on issues of drainage and access.**
- 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 continued oversight by Engineering.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff comment: There do not appear to be any specimen trees being removed from the site as defined in the ordinance. However a parking reduction would assist with the preservation of trees in the rear parking lot.**
- 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. The property is surrounded on all sides by commercial property, with the exception of the adjacent property to the south. However the proposed project shows this area to remain natural for a minimum of 50 ft.**
- 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 will be met.**
- 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. However, the applicant does have adequate open space to accommodate a parking reduction is desired by this Board.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: This requirement has been generally met. The details of the water supply and fire hydrants will be further evaluated during the building permit plan review stage.**

Mr. Landon stated that staff recommends approval of the site plan *SP1470*, Island Animal Hospital, subject to meeting all requirements.

Following a brief presentation by Mr. Bryson and a general discussion, a motion was made by Mr. Paul Sanders for approval of the site plan *SPI470*, Island Animal Hospital, with the 25% reduction being determined as adequate parking. The motion was seconded by Mr. John Dow and unanimously adopted.

Consider a request to approve the Future Land Use Text and Future Land Use Map as Appendix A to the Glynn County Comprehensive Plan, adopted October 16, 2008. The Future Land Use Text and Map establish the distribution of land uses and densities and will be used to implement the goals, objectives, and policies of the adopted Comprehensive Plan. This request includes approval of the Future Development Map for use with the Coastal Comprehensive Plan.

According to the staff's report, the Comprehensive Plan was officially adopted and subsequently approved by the Georgia Department of Community Affairs as complying with applicable state rules for such plans. The Comprehensive Plan is a general document and does not give specific guidance on individual land use decisions. The purpose of Appendix A is to provide such guidance by establishing policies for land uses and densities for different areas depicted on the Future Land Use Map.

In connection with the approval of the Future Land Use Map is approval of the Future Development Map to be used as part of the Coastal Comprehensive Plan. The Future Development Map reflects the map in the Comprehensive Plan and the proposed Future Land Use Map.

Mr. Hainley stated that staff recommends approval of the Future Land Use Text and Future Land Use Map as Appendix A to the Glynn County Comprehensive Plan, adopted October 16, 2008, as well as approval of the Future Development Map for use with the Coastal Comprehensive Plan.

Following review, a motion was made by Ms. Patricia Laurens recommending to the Board of Commissioners approval of the Future Land Use Text and Future Land Use Map as Appendix A to the Glynn County Comprehensive Plan, adopted October 16, 2008, as well as approval of the Future Development Map for use with the Coastal Comprehensive Plan. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

There being no further business to discuss, the meeting was adjourned at 8:46 p.m.