

MINUTES

ISLANDS PLANNING COMMISSION

MAY 17, 2011 - 6:00 P.M.

The Casino Bldg, 530 Beachview Drive, SSI

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

STAFF PRESENT: York Phillips, Planning Manager
Janet Loving, Admin/Recording Secretary

Chairman John Dow 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

April 19, 2011 Regular Meeting

A motion was made by Mr. William Lawrence to approve the Minutes of the *April 19th Regular Meeting*. The motion was seconded by Ms. Desiree Watson. Voting Aye: Mr. John Dow, Mr. Stan Humphries, Mr. William Lawrence, Mr. Paul Sanders and Ms. Desiree Watson. Mr. Preston Kirkendall and Ms. Patricia Laurens did not attend the April 19th meeting and therefore abstained from voting.

ZM2201 Hart Properties Development

Consider a request to rezone from Planned Commercial and Forest Agricultural to Planned Development, and revise the existing Planned Commercial Text and Master Plan to serve as the Planned Development Text and Master Plan for property consisting of 2.34 acres located on the south side of Demere Road just west of its intersection with Brockinton Drive. The request would bring the project into compliance with the updated Planned Development district requirements and add property so as to provide for the expansion of the development. Parcel ID: 04-05834, 04-05873, and 04-07894. Robert Ussery, agent for H.H. Hart and Dawn Hart, owners.

Mr. Ussery and Mr. & Mrs. Hart were present for discussion.

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

This site is located in the Islands Future Development Area. This designation is considered appropriate for small commercial activities, particularly where clustered in commercial nodes and separated from other commercial nodes by attractive residential development or open space. The adopted Future Land Use Map shows this site within a Mixed Use Corridor.

The site includes the existing Ace Garden Center, along with adjoining undeveloped land. The proposed use is similar in character and potential impact to the existing garden center use. The additional parking will provide for the needs of the expanded garden center. The gravel “service driveway” will facilitate access by trucks and service vehicles. The proposed PD text also allows some uses permitted in the Local Commercial District, excluding adult uses. Staff has the following design comments:

1. The driveway connection between the two new rear parking lot areas chokes down to an 18 ft. pavement. This dimension should be adjusted to accommodate at least a 20 ft. width to allow two vehicles to pass.
2. The gravel service driveway as shown allows for two-way travel. If a truck must wait on Demere Road to allow another truck to exit, it will create a problem for traffic on Demere Road. Staff suggests that the truck service entrance be at the main entrance and that only exiting truck traffic use the gravel driveway (i.e. exit only). This exit should maintain the proposed right-turn only traffic pattern. Note that the main entrance is at a traffic signal, which facilitates trucks getting off of Demere Road.
3. The property line adjacent to the northwest side (i.e. shown as N/F Celia Buchanan) does not show a buffer. In addition, the west property line along Mary Wan Road is adjacent to an undeveloped, but approved residential planned development. A Type “A” buffer is required in both these situations. The original Planned Commercial zoning called for a 10 ft. buffer on the sides and rear of the development. In consideration of this, staff recommends that a specification be

proposed by the applicant for a buffer that is functionally equivalent to a Type “A” buffer, but in a 10 ft. space. Engineering concurs.

This site is served by Demere Road, which had a 2007 traffic count of 16,030 ADT. Based on Institute of Traffic Engineers (ITE) data, the total traffic generated by the proposed development (after the expansion) will range from 226 to 516 on weekdays, with weekend traffic ranging from 337 to 1040 on Saturdays and 271 to 836 on Sundays. Note that the proposal involves an increase in the total development on the site by approximately 16%. Consequently, it can be inferred that the projected traffic volumes will represent an approximately 16% increase over the current traffic generation.

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 use is consistent with current use of the property and compatible with other uses in the vicinity.

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

No, provided that traffic circulation is carefully planned.

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

Yes. The proposal expands the existing 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, provided that traffic circulation is carefully planned. Other infrastructure should not be adversely affected.

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

Yes.

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

The existing use has proven not to be a detriment to the area. More recent concern about development in this corridor suggests that this is an appropriate land use and development solution.

Mr. Phillips stated that staff recommends that the Islands Planning Commission recommend approval of **ZM2201**, the proposed rezoning to PD, along with the proposed Planned Development Text and Master Plan, subject to the following:

1. Adjust the hardware center addition to allow the adjacent choke point in the driveway to be a minimum of 20 ft. in width;
2. Make the gravel service driveway one way (as an exit) with a right turn-only at Demere Road; and
3. Require a Type “A” buffer in a 10 ft. width along the northwest and west property lines.

Chairman Dow asked if it is part of staff’s recommendation to have a right-in only driveway. Mr. Phillips stated that the recommendation is that it be one-way. He stated that staff will work with the engineers to determine which way is the best way. A question for the applicant is “where do most of the trucks come from and go to when they’re servicing the site.” Mr. Phillips stated that basically, they would like for traffic to clear the intersection, so as not to impede the highway. Ms. Watson asked that if there is a right-in only would a truck have to swing out into the on-coming lane to make the turn. Mr. Phillips stated that the engineers would have to work out the details of the curb radius and the geometrics of the intersection, but a stipulation could be included.

Mr. Humphries stated that according to staff, the proposed land use is for the extension of the garden center and a new greenhouse, but the map shows that a hardware store is being added which in his opinion, is a “different animal.” Mr. Phillips explained that the Planned Commercial Text that was adopted in the early 90’s indicated garden center as a use. The proposed PD text covers more information than the original Planned Commercial (PC) Text. The text included in the packages indicates a garden center and local commercial type uses. Mr. Humphries asked if it is the applicant’s intent to put a hardware store on the property. Mr. Phillips did not know and stated that he would have to confer with the applicant for clarification.

Mr. Kirkendall had questions about the modified buffer. Mr. Phillips stated that the proposed is a Type A buffer which is defined in the ordinance. There is also an alternant Type A buffer, which is 12 ft. with certain additional improvements. He explained that the original PC listed a 10 ft. buffer but this would be addressed if a diagram can be developed showing the specifications for a Type A alternant buffer that fits in a 10 ft. area. A lot of the frontage where the buffer would be located along the southwest side (Mary Wan Road) is also shown as a retention area which would interfere

with the strict purpose of a buffer. Mr. Kirkendall stated that he doesn't have a problem with the 10 ft. buffer but he would like for the language to be clearly stated as to whatever the buffer type is.

During a brief presentation, Mr. Robert Ussery first explained that this is a family business and the Hart's are making plans for the future by requesting a zoning change. He then cleared up a point about the area identified on the map as a vegetative area by stating that it is currently a plant nursery. It does not contain natural vegetation. The entire area is being used and the plants are moved around from time to time. A detention area is in place for the most part with the exception of two additional areas that the engineer had required in his re-calculations of the new asphalt.

Mr. Ussery stated that the applicants are in agreement with staff's proposed recommendations. He stated that the only complication with the one-way drive would be a gate, which he would probably put on the service road to prevent people from turning in the wrong way. Making the drive a right-in only would be difficult because of the control factor and in the long-run he feels that the Hart's are going to prefer a right-out only. They do however agree with the one-way drive.

Regarding the choke point, Mr. Ussery stated that there is enough room on the plan to increase the radius on the turn, have enough space for the sidewalk, and still be able to add two or three feet to the width of the choke point. He stated that they are somewhat in agreement with having a buffer in a couple of locations, but he pointed out that the adjacent property on Demere Road is currently zoned FA. There is no residence on the property and it has been vacant since 1986 according to Mr. Hart. He stated that the area will eventually have to be rezoned regardless of the use, but there isn't anything in the ordinance indicating that it will definitely be residential. It could possibly be rezoned to commercial and in that case, the necessity would not be there for a buffer.

Mr. Ussery stated that according to all of the research done by several parties, Mary Wan Road is a county road. It is not open and it is currently heavily vegetated. "Chances of it ever becoming a road are practically nil." He stated that if anything changes with the status of the road it would probably be a request for an abandonment, in which case, half of the property would go to the Hart's and the other half would go to the Athens Land Group. Again, he stated that the area in question is heavily vegetated and currently serves as an adequate buffer. He stated that there is already a detention area in place and he would rather not have to relocate it. Ms. Patricia Laurens wanted to know how wide the road in the detention area is. Mr. Ussery replied that the road is 15 ft. wide.

Mr. William Lawrence asked how many additional parking spaces would be picked up in the proposed area. Mr. Ussery stated that there are a total of 54 parking spaces. Ms. Tracy Moreland who works with Mr. Ussery stated that there are 35 existing spaces in the old area [approximately 19 additional parking spaces, for a total of 54 spaces].

Chairman Dow asked if the applicant is willing to include in the PD text that the gravel road will serve as a right-out only. Mr. Ussery replied yes, but no right-in due to the gate issue. Chairman Dow then asked what is precluding the applicant or the county from taking action to have Mary Wan Road abandoned. Mr. Phillips explained that there is a procedure for abandonments, which ensures that utility companies and others who might have an interest in that road are notified; it requires a hearing by the Board of Commissioners; paperwork and fees. Afterward, if there are no problems or objections, the county conveys half of the right-of-way to each of the abutting owners through a quit claim deed.

Chairman Dow had questions about the dedicated easement with respect to the 25 ft. wide strip of land along Demere Road. Mr. Ussery explained that if for some reason the county needs the 25 ft. it is there and they can negotiate with the Hart's for the use. It also means that if that does happen, then the building is setback a minimum of 25 ft. from the new property line. Ms. Watson asked if it would be advantageous to have an acceleration lane coming out on the right instead of coming out onto Demere Road. Mr. Ussery stated that on the plans there is an attempt to show an acceleration lane. Ms. Watson asked if the area is sufficient for trucks. Mr. Ussery replied yes. Regarding the site access right-out only, Ms. Watson asked if language could be added that the area would be gated when not in use. Mr. Ussery replied yes, that is their intention. He pointed out that if approved, the language in the text would be modified and a sentence would be added which states that the delivery access will be gated. Also, an attendant will be on site.

Mr. Humphries reiterated his concerns about the proposed use possibly being an expansion of the garden center or a hardware store. Mr. Ussery explained that under Land Uses and Development Standards the permitted uses lists garden and hardware center. The use that is being requested at this time is for a garden and hardware center. Mr. Humphries stated that it is his impression that a hardware store would have a lot more daily traffic than that of a garden center. Mr. Ussery stated that Mr. Hart would have to address this issue.

At this time, Mr. Hal Hart introduced his wife Dawn, his brother Steve, and his two sons stating that this is the fifth generation of his family in the hardware business, which began with his great-grandfather. Mr. Hart stated that he has been working in the current location since 1980 and he feels that it is the best location on the Island. He stressed that he is trying to prepare for the future in order to help keep the family business going after he retires.

In addressing Mr. Humphries concerns about the proposed hardware center and daily traffic, Mr. Hart stated that it really depends on the month and the season. It is very hard to predict if there would be an increase in traffic. He stated that the hardware center and the garden center are very active and having both in the same area would actually eliminate some of the traffic. Customers would be able to purchase what they need from one place. Mr. Humphries asked if both were taken into consideration in the traffic

count. Mr. Ussery stated that the traffic information was based on the national standards for traffic and was prepared by the planning staff. Mr. Phillips added that the ITE Manuals make a point of noting that weekend use for a garden center is considerably higher than the regular daily use and less for a hardware center. Mr. Ussery also pointed out that traffic on Demere Road is actually less on weekends. There won't be a rush-hour routine like you would see during the middle of the week.

Ms. Watson had additional questions about truck traffic relative to the number of deliveries the business receives. Mr. Hart stated that he has been averaging one delivery per day, but it basically depends on what he's ordered for the store. Mrs. Dawn Hart stated that they have a lot of shared deliveries between the garden center and the hardware store. The garden center usually averages two deliveries per day, Monday through Friday; some days there are no deliveries and other days there might be four.

At this time, Chairman Dow opened the floor for public comments beginning with Ms. Joann Cook who expressed concerns about the possibility of Mary Wan Road being abandoned. She stated that during the development of another project in the area, the Fire Marshall indicated that a secondary emergency exit was needed for the proposed residential project. Ms. Cook feels that Mary Wan Road may come into play at some point in the future and if they choose to abandon the road now, it might cause a problem later.

Ms. Cook is very concerned about parking and stated that the existing parking is not all available to cars. She pointed out that Mr. Ussery has confirmed that a hardware store is planned. She stated that parking is difficult now and adding a hardware store would only add to the problem of traffic and parking. She further stated that there needs to be some clarification as to where the ingress would be to the new building. Ms. Cook also stated that she is very uncomfortable with the zoning change especially with the recent problems with trying to curtail commercialization in the Jewtown area. She feels that the Commission needs to be more attentive to this situation.

At this time, Mr. Robert Ussery gave a brief rebuttal and a general discussion followed mostly pertaining to objectionable uses that Mr. Hart agreed to exclude from the text, as well as retail uses that would be permitted. Afterward, Chairman Dow suggested a deferral to allow Mr. Ussery to come back with a revised PD text to include a list of permitted uses and a list of uses that Mr. Hart is willing to eliminate, i.e., package store, gas station, convenience store, adult establishments, etc. Mr. Sanders stated that he doesn't see the need for a deferral. Ms. Laurens agreed with Mr. Sanders and stated that she doesn't want to place too many restrictions on the property. However, Mr. Ussery consented to the deferral, which prompted a motion by Mr. Sanders to defer this request until the June 21st IPC meeting beginning at 6:00 p.m. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

VP2211 - 229 Mallery Street

Consider approval of a modified color scheme for an existing commercial building located southwest of the intersection of Mallery Street and Lord Avenue (address 229 Mallery Street). The modifications to the exterior of the building do not require a building permit, but the Islands Planning Commission has jurisdiction over alterations to an existing building to the extent that it may disapprove a proposal that fails to meet certain prescribed standards. The property is zoned Village Mixed Use (VMU). Parcel ID: 04-04633. Tony and Sharon Clark, agents for 229 Mallery Street Property, LLC, owner.

Tony and Sharon Clark were present for discussion.

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

This proposal is to allow repainting of various features of the building. Specifically, the downstairs columns are to remain the purple color that they have been painted, the benches are to remain red, and the front door is to remain the light purple color it has been painted. The applicant proposes to restore the upstairs columns to the original white. In addition, the applicant wishes to install six flags across the entire upstairs width of the building similar to the flags shown in the submitted photographs. (The flags were removed after notice by the county that they are not permitted).

The current regulations applicable to the Village Area (Section 709 of the Zoning Ordinance) do not require issuance of permits for painting of buildings, but restrict changes in building appearance that, among other things, represent "...violent contrasts of materials or intense colors not representative of the existing buildings in the immediate area..." The Islands Planning Commission is charged with determining if the conformity of the proposed changes the criteria.

Some buildings in the Village are painted white, off-white, or other muted colors. In addition, some buildings are painted in earth tones (dark greens, browns, or tan). As pointed out by the applicant, the most dramatic departures from white or muted earth tones include:

- 225 Mallery (next door to the subject property) "Beach Bum" retail store - red walls and trim and green awning;
- 405 Mallery "CJ's Italian Restaurant" - bright green wall with red trim; and
- 415 Mallery "Murphy's Tavern" restaurant - green walls, green and white striped awning, and red door.

The paint schemes for these buildings predated the current ordinance requirements. The subject request is the first one which addresses appearance other than signage.

As provided in Section 709.4, the following are the standards for review:

(a) Construction, or remodeling or enlargement of an existing building in a manner inconsistent with the existing building massing (the three-dimensional bulk of a building: height, width, and depth), articulation (the pattern of the building base, middle and top, created by variations in detailing, color and materials or stepping back or extending forward a portion of the facade) and fenestration (the arrangement, proportioning, and design of windows and doors in a building) in the immediate area; or

(b) An absence of unity or coherence in composition which is in opposition to the character of the present structure in the case of repair; or

(c) Violent contrasts of materials or intense colors not representative of the existing buildings in the immediate area; or

(d) A multiplicity or incongruity of details resulting in a disturbing appearance.

The most relevant standard is included in section (c), above, which addresses “violent contrasts of materials or intense colors...” The Islands Planning Commission is to determine if the proposed changes for 229 Mallery Street constitute “...violent contrasts of materials or intense colors not representative of the existing buildings in the immediate area...” If the finding is that they are not violent contrasts, the proposed scheme should be approved. If they are found to be violent contrasts, the Planning Commission may suggest alternatives, which might include (a) reduction of the area that is painted in these colors, or (b) changing colors to less dramatic colors, or (c) some combination of these solutions.

The requested flags are addressed in the sign provisions of the Zoning Ordinance (Article VIII), which clearly includes such flags in the following definition of “sign.”

803.34 Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors which is used to advertise, identify, display, direct, or attract attention to an object, person, belief, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

As such, the number, size, location, and (in the Village) appearance of the flags are regulated.

Mr. Phillips stated that staff recommends that the Islands Planning Commission determine if the proposed changes for 229 Mallery Street constitute “...violent contrasts of materials or intense colors not representative of the existing buildings in the immediate area...” If the finding is that they are not violent contrasts, the proposed scheme should be approved. If they are found to be violent contrasts, the Planning Commission may suggest alternatives, such as reducing the area to be painted or changing the colors to

more muted colors, or both. The flags cannot be approved without a change in the Sign Regulations.

The Clark's gave a brief presentation and a general discussion followed. After a debate among the members on the overall color alternatives, a consensus was reached. At the end of discussion, a motion was made by Mr. Preston Kirkendall, seconded by Ms. Desiree Watson and unanimously adopted to approve **VP2211** subject to the following:

- a) The doors to remain existing color*
- b) Upstairs painted white*
- c) Benches painted white*
- d) Bottom columns painted purple*
- e) Outside shutters a brown tone*
- f) No Flags*

There being no further business to discuss, the meeting was adjourned at 7:45 p.m.