

MINUTES

ISLANDS PLANNING COMMISSION

JUNE 21, 2011 - 6:00 P.M.

The Casino Bldg, 530 Beachview Drive, SSI

MEMBERS PRESENT: John Dow, Jr., Chairman
Stan Humphries
Preston Kirkendall
Patricia Laurens
Paul Sanders

ABSENT: William Lawrence
Desiree Watson

STAFF PRESENT: David Hainley, Community Development Director
Eric Landon, Planner II
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

May 17, 2011 **Regular Meeting**

Upon a motion made by Mr. Preston Kirkendall and seconded by Mr. Stan Humphries, the Minutes of the *May 17th Regular Meeting* were approved and unanimously adopted.

ZM2201 Hart Properties Development

Consider a request to rezone from PC (Planned Commercial) and FA (Forest Agricultural) to PD (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. *(This item was deferred from the May 17th meeting.)*

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

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

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 other limited retail and wholesale uses and no longer allows all LC uses as was previously requested. (A list of uses was included in the PD text for review.) The following design comments were made by the applicant after the May 17th IPC Meeting:

1. The driveway connection between the two new rear parking lots has been adjusted to the 20 ft. width to allow passing vehicles.
2. The gravel service driveway as shown to allow for two-way travel has been amended for right-exit only.
3. A 6 ft. high hedge/buffer has been provided along Mary Wan Road. In addition, an 8 ft. high solid fence is proposed on the property directly adjacent shown as Celia Buchanan’s property on the site plan.

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 (i.e. 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. Landon stated that staff recommends approval of **ZM2201**, the proposed rezoning to PD along with the proposed Planned Development Text and Master Plan.

Mr. Robert Ussery reported that the applicants do not have anything new to add at this time.

Chairman Dow opened the floor for public comments beginning with those speaking in favor of this request. There were approximately 20 residents in attendance to show their support. Mr. Steve Edwards stated that he has known the Hart's for 25 years. He feels that this proposal is a well thought-out family venture and he would highly recommend approval. Mr. Dave Snyder stated that the Hart's are a family of great creativity and honesty, and he can attest to their integrity and loyalty to this community. He feels that the Hart's should be supported in their endeavors.

There was no one present to oppose this request and no other comments were made from the floor.

Mr. Paul Sanders questioned Mr. Hart about the number of years he served as a member of the Planning Commission and his knowledge of the rules of engagement in Planning and Zoning. Mr. Hart stated that he served a total of 7 years (1.5 terms) on the Glynn County Planning Commission. He's not sure about how knowledgeable he is, but he is very experienced. Mr. Sanders stated that if Mr. Hart were knowledgeable, his next question to him would be that if he were to use this property for any use that is permitted under this zoning, is he aware of any use that would cause a diminution of value to any of the neighbors. Mr. Hart stated that he could not think of any.

There being no further discussion, a motion was made by Mr. Paul Sanders to recommend approval of **ZM2201**, the proposed rezoning to PD along with the proposed Planned Development Text and Master Plan. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

1155 Beachview Drive, SSI

Request for an interpretation of use by the Islands Planning Commission to allow a temporary structure to house a real estate office. The property is located at 1155 Beachview Drive, consists of one-half (0.52) acre, and is zoned RR, Rural Residential. Parcel ID: 04-03931. Property owned by Jones Lindgren.

Mr. Lindgren was present for discussion.

Mr. Hainley gave a brief history of the property. Specific concerns with this use includes the character and use of the surrounding properties, provisions for parking and the precedent of allowing sales offices in a residential neighborhood for very small

residential projects. Also, the building in question has the appearance of an accessory building which is incompatible with the surrounding area.

Section 905 of the Zoning Ordinance allows temporary uses if it is determined that the use “is clearly of a temporary nature, will cause no traffic congestion, and will not adversely affect surrounding areas.” Section 905.1(5) of the Ordinance specifies the use of a “real estate sales office in any district, for a period not to exceed six (6) months, provided no cooking or sleeping accommodations are maintained in the structure.”

Staff recommends that the use of a temporary structure not be approved for a real estate sales office because it would set a precedent that is not in keeping with uses allowed under the ordinance and is not in keeping with the area.

Mr. Hainley pointed out that this item will ultimately be heard and decided under the appeals process by the Zoning Board of Appeals. Depending upon that outcome, it will come back to this commission potentially as a site plan for approval under Section 619.

Mr. Jones Lindgren, owner of the property, explained that the Planning Commission approved the preliminary site plan for the development in April. This is a replacement approval to a previous project that he was attempting, which was approved several years ago. However, due to the economy it did not happen. This proposal is a different type of project. There are some unique features about the construction that would be demonstrated in the facility as well as the fact that it would benefit the sales process to have a place for potential buyers to go on the site. Mr. Lindgren then presented photographs for review and pointed out the landscaping that he has done on the property. He feels that the cottage type structure would actually improve the neighborhood. He stated that he is willing to work with the Planning Commission to figure out a way to make this proposal into a reality.

At this time, Chairman Dow opened the floor for public comments beginning with Mr. Doug Bangert of 1145 Beachview Drive who stated that he is opposed to relocating a temporary building in the area. He stated that he has difficulty connecting the building with the benefit that it is going to offer to the owner and the neighborhood with regard to sales. Mr. Bangert stated that the neighborhood is currently in distress with the number of unoccupied buildings and several vacant lots. He stated that he particularly has difficulties with any change in the zoning and he does not want to see a precedent set for people to use the lots for commercial purposes.

During a brief rebuttal, Mr. Lindgren stated that he might have created the wrong impression. He stated that the only thing that would be sold out of the building would be the units on the lots. He would not be selling other construction. He agrees that the neighborhood is in distress but he is trying to change that within the current zoning which is already approved to build the townhomes. This would raise the property values in the neighborhood. He is not asking to change the zoning but to allow this proposal under the current zoning provision.

Chairman Dow also expressed concerns about setting a precedent. He stated that the building is primarily being placed on the property to demonstrate a unique construction type material. It is not being placed there just as a sales office. The concept is cutting edge. However, what's to prevent someone else from having a temporary building with cutting edge electrical or cutting edge plumbing or flooring. Mr. Lindgren agreed that he would be demonstrating the construction but a much higher priority is as a sales office. He explained that his financial situation forces him to sell the units before they are built. Five years ago it was a lot easier, but not in today's economy. He pointed out that he is comfortable with removing the structure in six (6) months.

Mr. Kirkendall stated that according to the code you have a right to put a real estate sales office in any district subject to certain conditions, with the certain conditions in this case being that it's temporary, causes no traffic congestion and would not adversely affect surrounding area. Mr. Hainley stated that it is staff's opinion that it would adversely affect the surrounding area. He also pointed out that parking for this facility was shown to be on the county right-of-way.

Mr. Steve Bostic, project manager, elaborated on the type of building that would be located on the site, as well as the function of the building with respect to the surrounding area.

There was no further discussion from the floor. Chairman Dow then called for a motion, to which no one responded. He stated that the record should show that after full discussion, the Islands Planning Commission chose not to take any action on this item. The item will go forward to the Zoning Board of Appeals with no recommendation from the IPC.

There being no further business to discuss, the meeting was adjourned at 6:40 p.m.