

MINUTES

ISLANDS PLANNING COMMISSION

JUNE 15, 2010 - 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 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

April 20, 2010 Regular Meeting

Upon a motion made by Mr. John Dow and seconded by Mr. William Lawrence, the Minutes of the April 20th Regular Meeting were approved and unanimously adopted.

ZM1930 SSI Fun

Consider a request to rezone from R-6 One-Family Residential to Planned Development, property consisting of 1.157 acres located on the southwest side of Arnold Road, approximately 540 ft. southeast of its intersection with Demere Road and 700 ft. northwest of its intersection with Ocean Boulevard. The proposed uses include short term rental of two cottages with the ability to operate a “reception facility” with social

gatherings of up to 120 persons. Parcel ID: 04-03504, 04-03507, 04-11622, and 04-12632. Robert Ussery, agent for Dr. Harvey Simpson III, and SSI Fun LLC, owner.

Mr. Ussery and Ms. Debbie Fry were present for discussion.

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

The proposed use is similar to activities that have been operating at this location in the past. Among other changes, the proposal provides additional on-site grass and gravel parking areas, and estimates that the number of spaces provided will accommodate up to 120 in attendance at a social event. Another change is to restrict the use so that it will be allowed only as long as the property is under a single ownership. The alternate use is proposed to be R-9 residential development.

The PD Text states specifically that the purpose of this proposal “*as a Reception Facility is a facility meant solely for banquets, wedding receptions, recitals, corporate functions, nonprofit fund raisers, bar mitzvahs, anniversary celebrations and the like; by reservation only, with food and beverage brought on site or prepared in an approved kitchen on site; but not used as a Bed and Breakfast. Entertainment scheduled in conjunction with the reserved events may be permitted as an accessory activity of the use. A reception facility shall not be operated as a restaurant with entertainment, and cannot be used as such.*”

There have been issues with the similar use of this property in the past raising concerns in the areas of noise, traffic, and buffers.

Noise: The previous activities have resulted in a number of calls for police service. Issues involve noise, particularly late at night. This issue may relate to the number of participants in a social event, the presence of bands and other amplified music, the overall hours of operation and the hours for music, and frequency of events. It is noted that there are approximately 50 single family dwellings within 500 ft. of the site.

Traffic: There are no clear statistics on traffic generation from this type of use, although it is noted that peak use times will not coincide with normal peak times on the adjoining roads. Arnold Road does not have a large capacity, so at the beginning and end of an event the street will be impacted. Note that the plan does, however, include a reservation of a strip for possible future widening of Arnold Road. There is also a related concern about parking. The proposal shows 34 parking spaces. After assigning some parking to occupants of the two houses (who will also usually be participants in a social event), and services providers, such as caterers, the proposal expects each arriving car to carry as many as four people. This ratio is not likely to be achieved, so either additional off-site parking would need to be provided, or the number of participants at each event needs to be reduced.

Finally, the plan shows a rear entrance on the south side of the property connecting the property to Union Street. The street system does not meet ordinance standards to accommodate commercial traffic.

Buffers: The plan includes 10 ft. buffer strips adjacent to the west and south lines with fences, and shows a fence (but no buffer strip) along the east line. These buffers are noted as being specific to this proposal but are not consistent with the general requirements of Section 613. While the Zoning Ordinance allows buffers in Planned Developments to be specified in the text, the normal requirement for a commercial development adjacent to residentially zoned property is a Type “A” buffer, consisting of a 20 ft. landscaped strip or, alternatively, a 12 ft. landscaped strip with a landscape wall.

There is also a continuing policy issue of how this type of activity (Reception Facility) should be permitted and managed in various zoning districts.

Engineering raised a number of concerns, including the need for a drainage easement along the south property line, and over the number of access points on Arnold Road.

This site is served by Arnold Road, which had a 2002 traffic count of 1,300 ADT and is projected in 2030 to have 1,600 ADT. Initial projections for the 2035 Long-Range Transportation Plan update indicate that the road is expected to maintain level-of-service C or better.

Fire Department staff noted that the site plan is compliant. Issues will be addressed through the building permit review process.

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 previous use of the property. Past activity has indicated that nearby residential properties may be affected.

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

If impacts on nearby residential property are significant, the use might be construed as adversely affecting use or usability.

- 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 proposal could have a detrimental effect on streets during periods of maximum operation.

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

Yes, subject to consideration of impacts on neighboring 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, although the proposed use is similar to previous use of the property.

Staff notes that there is no defining policy to address this type of use (“Reception Facility”) and recommends that a policy be established for use in resolving this application. Mr. Phillips pointed out the zoning for the surrounding properties.

Members of the Planning Commission expressed concerns about alcohol sales and usage, parking in the right-of-way and noise with respect to 120 people congregating in the area for a party. Mr. Sanders wanted to know if any type of assessment had been done on neighboring property values. Mr. Phillips stated that staff did not make any type of analysis regarding property value. They mainly concentrated on the issues of noise, access, traffic and the possibility of setting a precedent with this type of facility and the activities involved.

Ms. Watson wanted to know if the owner/applicant had ever received any citations for noise, traffic or buffer violations. Mr. Phillips stated that staff checked with the Police Department who indicated that they have had numerous complaints and responded in the area, but their process is to log the complaint by the location of the person making the complaint. They were unable to produce a list of complaints for this property and therefore staff does not have any statistics. Mr. Hainley added that part of this came to staff’s attention when a pavilion associated with this property was built by an out-of-town general contractor who did not obtain a building permit. The building has since been tagged and will not be permitted by Community Development. Staff has taken appropriate action against the general contractor with the State of Georgia on licensing issues.

Referring to staff's comment that the proposed use is similar to activities that have been operating at this location in the past, Ms. Watson asked if this means that they've already been having these types of social events. Mr. Hainley replied yes, and to his knowledge this site is known as being one of the many "party houses" on St. Simons Island with on-going issues of large outside receptions involving amplified music, consumption of alcohol, etc.

At this time, Mr. Robert Ussery introduced Ms. Debbie Fry who is the manager for SSI Fun. During his presentation, Mr. Ussery explained that in discussing several points with staff, he concurs that the emergency exit is not necessary and can be removed, which is something that he would discuss in detail with the Fire Chief. He elaborated on the history of the property and the evolution of the proposal. As noted by Mr. Hainley, Mr. Ussery stated that this began with the construction of the pavilion. He was approached by Ms. Fry who asked him for assistance in addressing some of the complaints, and at the same time making sure that everything is legitimate. This in turn meant that compromises would have to be made on the operation of the facility.

Mr. Ussery stated that the first thing they looked at was how to accommodate parking. The grass parking with the re-enforced mesh would allow enough space for the cars, especially given the fact that events wouldn't be held every single day. He stated that he arbitrarily listed 120 people; 34 vehicles on the site, multiplied times 4, which is the maximum number of people estimated per vehicle. He stated however that he could lower the number of people to 80.

Mr. Ussery stated that one suggestion that he would endorse as a way to control the crowd is that any group would be required to have a security guard present at the event. The other issue brought up by staff was the width of the buffer. After reviewing the plans, he stated that they could probably accommodate the 12 ft. in lieu of the 10 ft. buffer. He also stated that a 15 ft. area has been allowed on the front of the site to be used for future improvements to the right-of-way on Arnold Road if and when the county deems necessary.

Mr. Ussery stated that there won't be any loud speakers or amplified noise and they would also be willing to downsize to allowing family reunions as opposed to wedding receptions, etc.

Mr. Lawrence asked Mr. Ussery if there would be adequate parking to accommodate the overflow of guests. Mr. Ussery stated there shouldn't be a problem with overflow parking if they reduce the number of people to 80. He stated that downsizing adds another layer of control and it provides protection for the neighborhood. He stated that the applicant wants to compromise and take care of the current concerns. He further explained that a PD Text allows them to put everything in writing with respect to hours of operation, buffer requirements, the 15 ft. that they are willing to allow for Arnold Road, etc., all of which provides added protection for the neighborhood.

Ms. Joan Wilson stated that if they're so concerned about their neighbors regarding the noise, the late hours, etc. then they should have done something to control the situation within their own management. Mr. Ussery explained that this all sort of evolved; it was never planned. It started with two rental houses, then in order to rent the houses a swimming pool was built as an added attraction, and later a volleyball court was added; all within the zoning. Finally, somebody who was renting the houses said it would be a great place for a party; that's how this situation evolved.

Ms. Watson feels that merely saying that this just all "evolved" seems a bit disingenuous. She stressed that nothing was done about any of the complaints, and now that they've been caught trying to build a pavilion they've decided to do something. She wanted to know how many ongoing events have been held over a period of time. Ms. Debbie Fry stated that she's only been involved with the property for the last three years and since that time there may have been three a year. She stated that the property is rented as a rental house and there is no charge or fee collected for an event. Therefore, she does not know at the time of rental that an event or a party is being planned, which is why she is trying to have some control by asking for the zoning change so that there will be written rules and guidelines for these functions.

If approved, Ms. Patricia Laurens asked Mr. Ussery what would happen if an overflow of people showed up for an event or a party, would the party shut down at that point. Mr. Ussery replied yes. He also stated that a security guard would be on duty to ensure that order is maintained.

Ms. Wilson asked Mr. Ussery if he would be willing to defer this request until these issues are addressed and resolved, to which Mr. Ussery replied yes.

Discussion continued among the Planning Commission members, afterward, Chairman Kirkendall opened the floor for public comments beginning with Mr. Edwin Fendig, Jr., owner of property located at 419 Arnold Road.

Mr. Fendig gave a brief history of the Arnold Road property dating back to 1960. He stated that he is opposed to this request because he feels that it would be inappropriate for the neighborhood. He explained that he and his family depend on the income from his rental property and he does not want to lose his tenants, Mr. & Mrs. Pettway, who he stated would be adversely affected by this proposal.

Mrs. Diane Pettway stated that she and her family reside at 419 Arnold Road and they are opposed to this request for the following number of reasons:

1)Noise: Mrs. Pettway stated that because of the music blasting from the parties, her school age children do not get to sleep until late. "Sometimes the music is so loud the windows shake." She stated that for four days straight while her children were taking the CRCT tests she had to go next door to ask the neighbors to turn the music down. She stated that both of her children are honor students and she does not want their education hindered in anyway. She and her husband are trying to raise productive citizens.

2) Underage Drinking: Mrs. Pettway stated that she has witnessed the underage drinking and partying in the neighborhood. It appears that the adults are at the “King & Prince” and the minors are at these two houses partying, drinking and trashing the neighborhood with beer cans, bottles, etc. She also stated that there had been 25 parties on the property during the past 15 months and when she called management for help she was told to call the police. In fact, she stated that management seemed a bit “put-out” by her phone calls.

3) Parking: Mrs. Pettway stated that parked cars overflow from the property on to Arnold Road. She pointed out that St. Simons economy depends on tourism and she sees 100 bike riders a day during the summer. She stated that she’s concerned about the potential accidents that could occur with the amount of parking associated with this rezoning. For her children’s sake and for the sake of the neighborhood, she is asking that this request be denied.

Mr. Roland Daniel, owner of property at 124 and 126 Follins Lane, was present to oppose this request. He stated that there are many reasons why it should be denied, i.e., noise, parking, alcohol consumption, traffic congestion, bicycle accidents, and trash accumulating everywhere. Additionally, he stated that residents would suffer the effects of their property being devalued.

Ms. Bonnie Moon of 428 Union Street presented a petition on behalf of adjacent residents opposed to this request. The petition in part states that “...a reception facility combined with vacation cottages destroys the tranquility of our neighborhood.” Also present to speak in opposition were Ms. Renee Kirk on behalf of the Island Cottage Board of Directors and Mr. Charles Stewart of 1171 College Street who stated that there are many other existing sites better suited for these activities.

During a brief rebuttal, Mr. Ussery pointed out that he understands that this is an emotional issue and certain kinds of functions would offend the neighbors, but the applicant is willing to make adjustments to accommodate the activities that have been going on for several years. Mr. Dow stated that if nothing is done by way of controlling the situation through rezoning the property, he’d like to know what other recourse the neighbors would have. Mr. Hainley explained that the only other alternative for the residents would be to call the police and report violations; basically, just as they do now.

Mr. Dow asked Mr. Ussery if he could put together a list of restrictions with everything outlined in writing and bring them back for review at another meeting. Mr. Ussery replied yes. He stated that he could put together a very limited use with guidelines and rules to govern the use. He believes that downsizing the events to family reunions would perhaps be better suited for the neighborhood.

Ms. Watson stated that the applicant has had an opportunity to be a good neighbor and failed. Mr. Sanders reiterated his concerns about the depreciation of the surrounding residential property if this rezoning is approved. Mr. Dow feels that the applicant should be allowed to assess the situation and come back with restrictions.

After discussion, a motion was made by Mr. John Dow to defer this request until the July 20th IPC Meeting. The motion was seconded by Ms. Patricia Laurens. Voting Aye: Mr. John Dow, Ms. Patricia Laurens and Ms. Joan Wilson. Voting Nay: Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders and Ms. Desiree Watson. The motion failed to carry a majority vote.

A motion was then made by Mr. Paul Sanders to deny this request. The motion was seconded by Mr. William Lawrence. Voting Aye (in favor of denial): Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders and Ms. Desiree Watson. Voting Nay (against denial): Mr. John Dow, Ms. Patricia Laurens and Ms. Joan Wilson. The motion carried for denial.

There being no further business to discuss, the meeting was adjourned at 7:33 p.m.