

MINUTES

ISLANDS PLANNING COMMISSION

AUGUST 17, 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
Iris Scheff, Planner III
Paul Andrews, Assistant County Engineer
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

June 8, 2010 Joint PC Meeting

June 15, 2010 Regular Meeting

A motion was made by Mr. William Lawrence to approve the Minutes of the *June 8th Joint PC Meeting*. The motion was seconded by Ms. Desiree Watson. Voting Aye: Mr. Dow, Mr. Kirkendall, Mr. Lawrence and Ms. Watson. The following members did not attend the June 8th Meeting and therefore abstained from voting: Ms. Laurens, Mr. Sanders and Ms. Wilson.

Upon a motion made by Mr. John Dow and seconded by Mr. Paul Sanders, the Minutes of the *June 15th Regular Meeting* were approved and unanimously adopted.

ZM1953 (I) Cordell Property

Consider a request to rezone from Medium Residential (MR) to Planned Development (PD), property consisting of a 1.24 acres located on the north side of Demere Road approximately 375 feet east of its intersection with Island Square Drive. The property address is 2280 Demere Road. The property has 226.53 feet of frontage on Demere Road. The purpose of the request is to allow a restaurant use. Parcel ID 04-13636. James A. Bishop, agent for Cordell Properties, LLC, owner.

Messrs. James Bishop, Robert Ussery, Bobby Shupe and Chris Amos were present for discussion.

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

This site is shown on the Future Land Use Map and is located along a Mixed Use Corridor within a quarter mile radius identified as a Village Center. The property is presently undeveloped and marsh area, but is being proposed to support a restaurant.

The application for this rezoning was received by Community Development on Wednesday, June 23rd and distributed June 30, 2010 for staff's review. The application stated that the rezoning from MR to PD would be in harmony with the character of the neighborhood because - *"In this area of Demere Road is the Burger King, Chick-fil-A, Starbucks, McDonalds, and Waffle House, as well as other commercial uses. All are a similar type commercial use."*

The reason given on the application for the rezoning that it would not be detrimental to property or persons in the area was - *"A type 'A' buffer as defined in the Zoning Ordinance will be provided between this property and the adjoining residential use to the west. Building height would be limited to single story buildings."*

The property adjacent to this parcel has a long zoning history. Both the subject site and the adjacent property to the east were identified in the past Glynn County Comprehensive Plan as being appropriate land for conservation and medium density residential development based on site characteristics including their natural boundary features consisting of Dunbar Creek and Marsh area, which served to separate residential from commercial districts. When the Comprehensive Plan was updated, the area was shown as Mixed Use Corridor.

Considering both the subject and adjacent property together, there have been multiple requests for reclassification from residential to commercial zoning [*adjacent property File GC-34-73, GC-54-74, GC-53-77, GC-53-85, GC-27-87; **subject property File ZM-2007-11 (I)] Most requests were declined by Glynn County; there was also a deferral and a withdrawal by the applicant. Two times Glynn County's denials of commercial zoning requests on the adjacent property were challenged, taken to Supreme Court, and denials were upheld by the Court.

Such a residential-commercial boundary view was realized in a stipulation for the rezoning of the adjacent (now Waffle House Restaurant) property in 1987. It was required of the owners to dedicate and convey the westernmost portion of its parcel to Glynn County as a public park to serve as a buffer, with a small portion to be used for sewer. The stipulated park was conveyed to the county; however, disagreement over the type and extent of development of the park resulted in a revisiting of the 1987 decision by Waffle House Restaurant in 1995, wherein the actual park plans languished after the rezoning and did not come to fruition.

In the recent rezoning request for the subject property [ZM-2007-11 (I)], buffering of residential from commercial property, along with drainage, delivery of utility services to the property, and traffic were issues, with most neighbor objections based on maintaining the residential-commercial boundary.

The present rezoning request is the first request for Planned Development zoning for the subject property. It contains a proposed buffer that would be in-keeping with existing adopted buffer requirements for such circumstances. A Type “A” buffer as described in Article VI, Section 613(3) of the Glynn County Zoning Ordinance is a buffer not less than 20 ft. wide planted strip or in the alternate – a buffer not less than 12 ft. wide planted strip with a landscape wall on the exterior side of the buffer.

Planning staff considers that a residential-commercial boundary is no longer the most challenging of issues for Cordell Property due to the addition of buffer regulations to the Zoning Ordinance, combined with a change in the Comprehensive Plan designation for St. Simons Island. As noted previously under “Comprehensive Plan Land Use Designation” this site is shown in the Future Land Use Map located along a Mixed Use Corridor and within a quarter mile radius identified as a Village Center.

Traffic is still an aspect to be considered. It should be noted that the most recent data for Demere Road places its Level of Service at “D”; however, that level does not reflect the installation of the roundabout feature at the intersection of Frederica and Demere to the east of the subject site. With that improvement in place, the Level of Service, which is a vehicle to capacity ratio, could be higher when new data with the roundabout in place is assessed.

It was a valid staff observation that inter-site traffic flow in the future would improve if a quasi-frontage road using cross access easements with adjacent property were created if the property is zoned commercial.

Engineering initially commented on the master site plan submitted with the rezoning request, which has since been revised taking into account the comments. A deceleration lane has now been depicted at the entrance, plus the existing bike path reconfigured with potential right-of-way widening taken into account. As for all development, the site will have to meet the Water Resources Protection Ordinance requirements in the case of a restaurant with practices specific to the kitchen and parking area. A statement to that effect has been noted on the utility concept plan. A DNR

Jurisdiction Line approved by the State of Georgia Department of Natural Resources with the date of approval must be on the construction plans.

According to Engineering, additional right-of-way may be required for Demere Road. There will be an impact of conveyance of additional right-of-way on the subject site for development of a restaurant.

Staff’s estimate of traffic (based on the 7th Edition of the Transportation Engineering Manual) is anticipated to be generated by a restaurant using the 3,543 sq. ft. building footprint as provided on the master site plan are as follows:

496 traffic trips per 1,000 square feet of building $[3,543/1000 = 3.543 \times 496] = 1,757$ average daily traffic trips (ADT’s).

The following is an excerpt of the staff’s report submitted for the proposed rezoning of the subject property from MR and CP to LC in July 2007.

“...The applicant submitted additional data for expected traffic trips to the Planning Department May 1, 2007. The source of the data was a survey of multiple ...Restaurants (99 in various locations) and the number of sales per restaurant made between 12 and 1 pm during approximately two weeks from April 3rd through April 16th [2007].

“The hours of 12-1 are considered to be ‘peak hour’ or high numbers during a given day for a fast food restaurant. Calculating an average number of sales during the lunch hour of 99 ... restaurants on Monday April 16th yields an average of 50.36 with a high of 210 sales at store number 70 on the data sheet, and a low of 9 sales at store number 57. Friday April 6, 2007 during the lunch hour has an average of 55.39 sales for the 99 total stores surveyed, with 220 sales at store number 70 and 42 sales at store number 57. Wednesday April 11, 2007 yields an average of 50.05 with 208 sales at store number 70 and 10 sales at store number 57.

	High Rstrnt # 70	Low Rstrnt # 57	Average 99 Restaurants
April 16, Monday	210 sales	9 sales	50.36 sales
April 11, Wednesday	208 sales	10 sales	50.05 sales
April 6, Friday	220 sales	42 sales	55.39 sales

“Using the submitted data as reflected in the above figures, and taking into consideration that the stores open at approximately 10:30 am and close at 10:30 pm most days of the week, the average daily trips for the store would be estimated to be close to 350 ADT...”

Demere Road carries 16,030 daily traffic trips according to the Georgia Department of Transportation. The road is at a Level of Service (LOS) of “D.” (As mentioned previously, the data is from the year 2007 when there was no traffic roundabout feature.) By way of comparison to the present zoning, a maximum density of 16 dwelling units per acre limits this site to 20 dwelling units, which are calculated to produce an average of ten traffic trips per day or 200 traffic trips at full residential development capacity.

The shopping center and all the existing development on the south side of Demere across from the site drains its storm water to the south, and uses sewer facilities south of the southernmost part of that property away from the subject site. Waffle House is hooked up to sewer facilities in back of the property near Frederica Road.

Development on the subject site will have to accommodate the drainage from the residential properties to the west. Site development issues are site topography, storm water collection and disposal, overall drainage of the site in proximity to the marsh and particularly the drainage of storm water from the dumpster and pad, and provision of food service specific accommodations related to water runoff to meet requirements.

The Planned Development request references Limited Commercial and does not impact educational public service demand. Also, a note on the master site plan indicates that there is an existing fire hydrant in the northern side of the right-of-way of Demere Road approximately 250 ft. to the west of the site. Fire Department staff had no objections to the rezoning request.

A total of 8.6 tree canopy credits are proposed for the master site plan, exceeding the 8 point tree canopy credits minimum requirement. The site plan proposes to retain an existing 40 inch DBH (Diameter at Breast Height) Pecan Tree in the southeast corner of the property.

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, as pointed out in application statements, the proposed restaurant use would be similar with the use and development of adjacent and nearby property; its suitability depends on how well site development issues of traffic, drainage, storm water, and utility provision are addressed.

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

The zoning proposal will increase traffic and will affect adjacent or nearby property. This impact is proposed to be handled by the realignment of ingress/egress with that existing on the opposite side of the road, use of a deceleration lane, and agreement to provide cross access with the county to the east and the property to the west, in the event that property is rezoned to commercial in the future.

- 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.

As noted above, there will be more traffic generated by another restaurant within this subject site area.

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

The zoning proposal is in conformity in that it is in the St. Simons Future Development Area.

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

The existing or changing conditions that affect the use and development of the property giving supporting grounds for approval or disapproval depend upon the development addressing adequate control of traffic, right-of-way, the ability in the future to achieve cross access between adjacent commercially zoned properties, storm water drainage, water quality control, and water and sewer utility provision. Based on existing or changing conditions, specific stipulations have been recommended to be included for approval of the rezoning request.

Planned Development zoning consists of two controlling documents: 1) a master site plan; and 2) a planned development text, which together set out zoning requirements for the property. Stipulations need to be set in place, a fact exemplified by the Waffle House site in which a public park was stipulated but then not developed. Therefore, staff recommends approval of the Cordell Property rezoning from Medium Residential to Commercial with specific stipulations for the Planned Development Master Site Plan and Planned Development Text to be implemented. Stipulations include the following:

1. The Planned Development Master Site Plan together with the Planned Development Text shall depict the manner in which the owner shall provide utility services.
2. The Master Site Plan shall depict and state the date of approval of the Georgia Department of Natural Resources Jurisdiction Line.
3. The property owner shall agree to implement a cross-access easement between the property to the west of the subject site in the event of rezoning or use of the property to commercial.

At the end of staff's presentation, Mr. Paul Sanders noted that staff included several documents in the planning packages, i.e., minutes from past meetings, staff reports and print out of legal cases. However, he stated that there are no reports or correspondence from the County Attorney. He also stated that about 25 years ago Judge Killian made a decision in which he stated that the north side of the road (which is where the property in question is located) was residential. This was appealed to the Supreme Court and upheld. Since the property is on the residential side, he would like to know where this leaves the Planning Commission from a legal standpoint.

Mr. Hainley explained that since the decision was handed down, there have been two master plans adopted by the Board of Commissioners that would and should have immortalized that zoning decision. It was not done by any other decisions. The actions of the Boards at that time have not been immortalized so there is nothing binding that staff can find. The action of one commission cannot bind the action of another except through modification and approval of an adopted plan such as the Comp Plan. The line should have been immortalized in a Comp Plan. Those actions were not taken and there have been two adoptions of the Comp Plan since that time. Mr. William Lawrence then asked if it is possible to hear from the County Attorney on this action. Mr. Hainley replied yes, staff can get an opinion if the Planning Commission renders one to that affect.

Mr. John Dow wanted to know the zoning of the property inside of the triangle that was shown in staff's presentation. Mr. Hainley stated that the property that Mr. Dow is referring to is zoned MR; it was MR when it was purchased and it has been MR since the original zoning. After Mr. Hainley explained the difference between Local Commercial and Planned Development, Mr. Dow asked if the net result is that there are more restrictions than if this was just strictly a rezoning issue. Mr. Hainley stated that there are more performance requirements put in place from 2007 to the current year of 2010 pertaining to Sections 619, 613 and 622.

Mr. Dow had additional questions about the Level of Service relative to the traffic count. Mr. Hainley stated that while the vehicle count may have gone up, the actual Service Level may have improved because of the way the roundabout works in handling traffic. He explained that Service Levels refer back to the time it takes to move through a point of passage. This has improved tremendously since the installation of the

roundabout. He stated that the county will get an updated count and ranking system on the roads by next spring.

Mr. Dow asked who would be responsible for payment of the deceleration lane. Mr. Hainley stated that the developer is responsible for paying all required site improvements, including the deceleration lane, relocation of the sidewalk, water & sewer, etc.

Referring back to traffic, Mr. Dow stated that it would be good if data could be obtained from the existing Chick-fil-A on the Island just to see if we are looking at accurate Trip Generations during peak hours rather than getting information from other locations. Mr. Hainley stated that staff could probably request traffic information from Chick-fil-A, but ITE's data is conducted across the nation and is based on a random sampling of multiple types of restaurants with the same classification of fast food with limited seating. Mr. Dow stated that in his opinion, Chick-fil-A, the local restaurant on Demere Road would appear to be the most logical example to use for Trip Generations on St. Simons.

Mr. Dow had additional questions concerning drainage which were addressed by Mr. Paul Andrews, Assistant County Engineer, who explained that there had been some questions in the past as to whether certain sites in the process of being developed prior to adoption of the new Water Resources Protection Ordinance would fall under the ordinance. For clarification, he pointed out that in this case the new ordinance would be applicable.

Mr. Williams Lawrence stated that he is very concerned about the traffic on Demere Road. According to the staff's report, he stated that traffic will increase to 17,787 daily trips. He wanted to know the maximum number of cars that Demere Road could handle daily. Mr. Hainley stated that there is no formula for calculating the maximum number of cars, but he explained that 10% of the total traffic on Demere will turn into the facility in question. Mr. Lawrence stated that the roundabout is working in some areas and in other areas it is not working. He stated that he has seen several near accidents on the roundabout including a recent incident of a vehicle running him off of the road. He stressed that "we have to be a little more objective and realistic." He is also concerned about setting a precedent by changing this zoning to PD in an established residential area.

Mr. Hainley explained that staff recommended the mixed use corridors to address the issue where there are several midblock zoning cases with a mixture of residential and commercial/office in order to provide for flexibility to transition down to other zoning districts. Ms. Joan Wilson asked if staff took into consideration that the Board of Commissioners had already approved a hotel and condominiums near this proposed development, which is going to produce more traffic into the area. Mr. Hainley replied yes, but staff does not have the traffic count because the facility has not yet been constructed. The traffic however will impact the area to some extent.

Ms. Desiree Watson stated that she also has issues with the traffic. She pointed out that lunch time seems to be the height of the traffic problem especially at the roundabout. During her lunch hour she stated that she witnessed so many cars darting in and out of the various driveways that you have to drive really slow to make sure that everybody could “jockey for a position,” and now with what is being proposed cars will dart straight across the street and back and forth. She wanted to know if there is any way to stop this from happening. Also, staff indicated that this particular area is the edge of the quarter mile node. She asked if it would be better to not transition so that the residential nature is protected and have the office space at another area. Mr. Hainley stated that it would be an alternative, but midblock zonings do not follow the recommendations that are listed in the Zoning Ordinance as to where the lines are drawn. Ms. Watson then suggested some type of barrier to prevent cars from darting in and out. She also expressed concerns about the marsh relative to drainage from the paved asphalt area.

Mr. Paul Andrews stated that the paved asphalt will affect the marsh and staff is very interested and will pay close attention to this with the engineering design that deals specifically with pollutants. He stated that some type of filtration can be added, which is part of the detailed construction plans. Mr. Andrews pointed out that the county operates under a state permit and monitors a portion of all of the water quality improvements in the county on an annual basis and reports back as to whether they’re functioning or not. He stated that last year staff actually monitored the outfall ditch between the Waffle House and the hotel. Staff will be looking to the owners to maintain the system.

For clarification, Chairman Kirkendall stated that the PD Text says that the property would be eligible for anything within the LC District. He then asked if this is correct. Mr. Hainley replied yes.

At this time, Mr. Jim Bishop, representing the applicant, introduced all of the local professional staff working on this project; Mr. Bobby Shupe, Surveyor; Mr. Chris Amos, Engineer; and the lead person, Mr. Robert Ussery, Architect.

During his presentation, Mr. Ussery stated that in developing the property as a commercial site adjacent to a residential use they recognized that they needed to mitigate the conflict of uses, and as such, they tailor made a buffer. He noted that they are in compliance with the Type A buffer but made the buffer 16 ft. wide instead of 12 ft. wide and moved the required fence 8 ft. off of the property line. The next thing they did was increase the setback along the western property line to 30 ft. as opposed to the required 15 ft., and no matter what is done, if the zoning goes through the 30 ft. setback will be in place to ensure that no structure will come within 30 ft. of the property line. Mr. Ussery stated that they also placed a height limitation of 25 ft. and one-story structure. Currently under the MR zoning, there could be a four-story structure at 45 ft. tall, which would loom over the existing residences. He stated that they feel like these requirements along with recognition of the new lighting ordinance would go a long way to mitigate the affect of a commercial structure next to a single-family structure.

Mr. Ussery stated that they recognize that Demere Road is a very busy road. They have set aside 25 ft. along Demere Road for right-of-way improvements only. He stated that they have used part of the property for the deceleration lane and to move the bike path over. He also stated that they agree with staff that if for some reason the property is exchanged back to the county, the sign location would need to be moved in order to comply with the sign ordinance. Mr. Ussery stated that from a philosophical standpoint, all of the property along Demere Road is set aside for future development. The zoning that's in place for the property next door to the site in question is medium residential, not single residential and it is anticipated that at some point it will be developed.

Mr. Ussery stated that if for some reason the property next door goes commercial, they have agreed to have a cross easement to further eliminate some of the traffic issues on Demere Road. He pointed out that there will be very little cross traffic and the idea of cars jetting across is less likely to happen. For clarification, he stated that the site down the road was not approved for a hotel. It was actually approved for condominiums.

Mr. Dow asked if the applicant would be willing to do a traffic study using Chick-fil-A to more accurately depict the Trip Generations. He also wanted to know if the 25 ft. right-of-way would be dedicated and if so, would the applicant be willing to do this at no charge. Mr. Ussery stated that he cannot answer that directly but he stated that if the county had an overall plan for Demere Road in which the right-of-way would be required, he would certainly entertain that. Currently, the county has no exact plan for how the improvements would be made.

Mr. Dow feels that the existing zoning should not be changed until the county looks at the entire corridor and traffic and decides what to do. The county could then go to the applicant and perhaps request the 25 ft. Mr. Dow stated that the site coverage requirement is 70% but the text indicates that the site coverage is only at 60%. He then asked if this includes or excludes the 25 ft. Mr. Ussery stated that he is not sure. He would have to go back and measure the site. However, after conferring with other representatives, he stated that they would be willing to dedicate the 25 ft. right-of-way.

Ms. Desiree Watson stated that according to the drawing there is a house sitting on the edge of the property adjacent to the proposed site. She stated if there is going to be a lot of cooking from the restaurant she'd like to know if there is a way to put extra filters in to control the odor. Mr. Ussery stated that he is not qualified to answer the question. A mechanical engineer would have to address that issue as to how it could be accomplished. He noted that there are other restaurants along the strip. Ms. Watson stated that the applicant is in a residential area asking to change the zoning to commercial and she's asking for some accommodations for the residents in terms of odor control. Again, she asked if the applicant is willing to put in extra effort into the odor control. Mr. Ussery replied yes, depending on availability.

Ms. Watson had questions about crossing Demere Road with the sewer. She asked if they would have to cut the road going underneath. Mr. Chris Amos with CA Engineering stated that they have actually done some preliminary designs to get the sewer across the road. It would all be bored under Demere. There will be no open cuts. He stated that they may have to do some open cutting at the connection to the manhole but that area is outside of the roadway; all at a cost to the applicant.

Referring back to the odor control, Ms. Watson asked if they would be willing to put something in the PD Text stating that they would utilize the maximum available odor control in consideration for the residents. Mr. Ussery replied yes.

Mr. Paul Sanders asked Mr. Ussery if they have a Phase I Environmental Study on the site, to which Mr. Ussery replied no. Mr. Lawrence stated that in view of the drainage that's going into the marsh, he feels that it is very necessary to have an Environmental Impact Study. Mr. Chris Amos stated that the county's water quality manual deals with water quality drainage into the marsh affectively and if they do not comply with the ordinance they will not get a permit. He stressed that they have to comply with the ordinance, and the ordinance specifically talks about reducing the pollutants that will be going into the marsh. Other than the dumpster area, he stated that the parking lot runoff is the only thing they'd be dealing with. He anticipates putting a filtration structure on the end of the storm drainage system before the water exits the site and goes into the marsh, and this is all a part of the conceptual plan.

At this time, Chairman Kirkendall opened the floor for public comments beginning with Ms. Ruthie Cobb of St. Simons Island who stated that she is opposed to this request. Ms. Cobb stated that she built her home on LaCosta Lane in 1970 and she does not want a fast food restaurant next to her property. She stated that the residents have gone to the county several times and requested a sewer system and each time they've been turned down, but others seem to get it. Ms. Cobb stated that traffic in the area is already a big problem and adding this commercial development would only worsen this problem. She stated that when the Waffle House was built the county promised the residents that there would be no more commercialization on that particular side of Demere Road. Ms. Cobb spoke passionately about this situation stating that "it hurts me to my heart to hear people say that it's going to be commercial anyway." She stated that she and the other residents have worked very hard for their property and would like to leave something for their children. She is asking that this request be denied.

Ms. Beth Schwartz of St. Simons Island spoke in opposition to this request. She stated that "enough is enough; we don't need any more fast food restaurants on Demere Road."

Mrs. Berthenia Gibson stated that she has lived next to this proposed property site for more than 65 years. She wanted to know what happened to the promise that there would be no more commercialization on the west side of Demere Road. She stated that "23 years ago, Case Number GC-27-87, the County Commission stated that the western edge of the Waffle House property would be a demarcation line between residential and

commercial zoning.” She again asked, “What happened to that promise?” Mr. Hainley stated that in order to do that legally and binding, the Board would have had to change the Comprehensive Plan. Based upon research, he stated that staff did not find a Board action to that affect.

Mrs. Gibson stated that traffic on Demere Road is terrible early in the morning, midday and in the afternoons. She noted the amount of time it takes her to safely get on to Demere Road. She also stated that the roundabout is not very successful in handling traffic. The red light that was once at the intersection was helpful because vehicles would stop to allow others to enter Demere Road, but with the roundabout, there is continuous traffic and it is very dangerous.

Mrs. Gibson stated that she is not against Zaxby’s but she is against the proposed location of Zaxby’s, which is right next door to her property. She stated that she believes in progress and she believes in development; in the right places. She has a problem with the situation because the residents were told that there would be no more commercialization on the west side of Demere Road and they have worked very hard putting tax dollars into this community for years.

Mrs. Gibson stated that when the shopping center was put in across the street, the residents were told that there would be a buffer; there is no buffer. When McDonald’s was built, again, the county said there would be a buffer; there is no buffer. Buffers just don’t stand up in Glynn County. She stated that she had to install tall hedges on her property because the lights from McDonald’s shine into her house at night. Mrs. Gibson pleaded with the county to stop encroaching into old established residential neighborhoods with commercial businesses.

Mr. Bill Hooker, local architect, stated that he’s concerned about the long-term impact and the short-term implications of approving this application. Dealing with the short-term first, he stated that there are several things on the site plan that are required before it can be approved. Also, the site coverage needs to be evaluated very closely.

Mr. Hooker stated that the long-term impact deals with the traffic. He is very disappointed that the county does not have a long-range plan of what the traffic should be like on Demere Road. If this request is approved tonight, it could be logical to say that each parcel could have a curb cut. There is no way to handle the traffic; how could you say no. He stated that the owner of the property in question has another parcel of commercial land across from Harris Teeter. Perhaps the proposed development could go there.

Mr. Hooker pointed out that another long-term aspect is utilities. The area is still served by septic tanks. Perhaps a plan could be extended for sewer for other areas along Demere Road and not just for this proposed facility. He stated that the county has to look at the much bigger picture and plan instead of just rush to judgment. The residents adjacent to this proposal are being affected and he thinks that Glynn County has neglected them for years and years. He does not want to see it happen one more time.

Mr. Dick Wiederhorn was also present to oppose this request. He agreed with Mrs. Gibson regarding the lack of buffers in Glynn County. "Buffers do not stay in this county." He listed the shopping center and Locos Grill & Pub to prove his point. Mr. Wiederhorn also referenced a comment made by the applicant's agent that under the current zoning a four-story building could be built on the property. He stated that it really irritates him to hear the applicant's architect make such a threat because if they could have built a "four-story whore house there" they would have done it already. Mr. Wiederhorn stated that what really bothers him is the fact that the county made a promise to stop commercial rezoning along that particular side of Demere Road, right at the line of demarcation behind the Waffle House. He stated that he was at the meeting when they made that promise and they did not say maybe there wouldn't be; they said there would be none. Mr. Wiederhorn stressed that it doesn't matter if it was immortalized or not, the county should back up its promises.

In a brief rebuttal, Mr. Ussery reiterated that they would be willing to give the additional 25 ft. of right-of-way. They have also conceded that they would do whatever the maximum is to reduce the odor in an effort to mitigate the use. Other than that, he stated that the application stands as is and they don't have anything further to add.

Mr. Paul Sanders stated that Mrs. Gibson has been consistent over the last 25 years in opposing all commercialization along Demere Road. In view of the fact that this rezoning appears to have a possibility of causing a loss of value to the adjacent property, he is opposed to it.

Mr. Dow stated that there are only three points of ingress and egress off of St. Simons Island. Not to lay blame, but "Demere Road is a mess." He's concerned about the prospect of Mrs. Gibson being surrounded by commercial. If this request is denied tonight it just continues to put off the question of Demere Road. Mr. Dow feels like it would be in everyone's best interest to defer or withdraw this and allow the county to work diligently to come up with a comprehensive plan for that particular stretch of road. Otherwise, he would have to concur with Mr. Sanders and vote against this request.

Ms. Watson stated that she would like to see the property be used for a less intensive purpose. She is not necessarily opposed to it being commercial, but would like for it to be the last commercial, and this time she would like to put something in writing to that affect. Ms. Watson stated that she is very concerned about the promises that the county made to the residents. However, traffic is her big issue and therefore she cannot support this request.

Mr. Jim Bishop stated that he realizes the sensitive nature of this request, and Demere Road is a challenge. He pointed out that the owner, Mr. Cordell, could not be here for this meeting but on his behalf, he would like to defer this item until next month so that the owner could be present for discussion.

There being no further discussion, a motion was made by Mr. John Dow to defer this item until the September 21st IPC meeting beginning at 6:00 p.m. However, the motion died for lack of a second. A motion was then made by Ms. Desiree Watson to deny this request. The motion was seconded by Mr. William Lawrence and unanimously adopted.

VP1957 229 Mallery Street, Suite 202

Consider approval of two signs for a new business located at 229 Mallery Street, at the southwest corner of Mallery Street and Lord Avenue. The requested signs meet the provisions of the Zoning Ordinance, but require approval by the Planning Commission because each exceeds 6 sq. ft. in area. The property is zoned Village Mixed Use (VMU). Parcel ID: 04-04633. Karen Gregory, agent for Don Hogan, owner.

Ms. Gregory was present for discussion.

According to the staff's report, the applicant proposes that three signs be added to the building to identify a business located within the building. The proposed signage meets the provisions of the Sign Regulations (Article VIII) as to the number, types, and sizes of signs. The Sign Regulations require that signs over 6 sq. ft. in area "are subject to the prior approval of the Planning Commission with regard to material, size, construction, color, face type, location and setback." Two of the signs (the ones located on the building) each exceed 6 sq. ft. The Sign Regulations also provide that such review and approval be per the requirements of Section 709 (Island Preservation District).

Section 709.4 in the Island Preservation District gives the standards for review, as follows:

(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.

In addition, note that the signs were erected prior to the issuance of a permit. The applicant was advised to remove or cover the signs until the Planning Commission could give its approval and a permit could be issued, and did not comply.

Mr. Phillips stated that staff recommends approval of **VP1957** to allow the two signs as requested.

Ms. Karen Gregory gave a brief presentation and a general discussion followed. It was during this discussion that Ms. Watson and Mr. Dow expressed concerns about the location of the signs, one in particular. However, Chairman Kirkendall reminded the members that their purview at this time deals with the size of the sign and not the location, in accordance with the requirements of Section 709.

At the end of discussion, a motion was made by Mr. Paul Sanders to approve application **VP1957** to allow the two signs as requested. The motion was seconded by Mr. William Lawrence. Voting Aye: Mr. Preston Kirkendall, Ms. Patricia Laurens, Mr. William Lawrence and Mr. Paul Sanders. Voting Nay: Mr. John Dow, Ms. Desiree Watson and Ms. Joan Wilson. The motion carried for approval.

There being no further business to discuss, the meeting was adjourned at 8:00 p.m.