

MINUTES
ISLANDS PLANNING COMMISSION
AUGUST 16, 2005 - 6:00 P.M.
St. William's Church, St. Simons Island

MEMBERS PRESENT: Robert Ussery, Chairman
Mike Aspinwall, Vice Chairman
Millard Allen
Preston Kirkendall
William Lawrence
Paul Sanders
Joan Wilson

STAFF PRESENT: York Phillips, Planning Manager
Eric Landon, Planner II
Paul Andrews, Assistant County Engineer
Janet Loving, Admin/Recording Secretary

ALSO PRESENT: Uli Keller, County Commissioner

Chairman Robert Ussery 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.

ADOPTION OF AGENDA

Upon a motion made by Mr. Preston Kirkendall and seconded by Mr. Millard Allen, the Agenda for the August 16th Islands Planning Commission meeting was approved and unanimously adopted.

ZM-2005-026 (I)
Consider a request to rezone from Forest Agricultural and R-6 to R-9, property located on the west side of Wyley Street. The property begins approximately 110 feet south of the

intersection of Butler and Wyley and extends south to the Atlantic Ocean. The property consists of 0.96 acre and has approximately 100 feet of frontage on Wyley Street, and 82 feet of frontage on Gould Street.

Mr. L. B. “Buzzy” Pickren was present for discussion.

The staff’s report was included in the packages for review and was present by Mr. Eric Landon as follows:

The proposed application is a zoning request to provide a single zoning district to a portion of residential property. The property is currently zoned a combination of R-6 and Forest Agricultural. The property also has an existing approved plat that shows 10 buildable 40 ft. x 80 ft. lots, and a single ocean front lot.

The county’s adopted Comprehensive Plan designates this area for Low Density Residential.

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact were considered in making the recommendation:

- 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 will be consistent with surrounding uses.

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

The proposed use will not adversely affect the existing use of adjacent or nearby property.

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

Yes.

- Whether the zoning proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed use will require service by Glynn County water and sewer. The property has frontage on both Wyley and Gould.

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

The future land use map identifies this area as Low Density Residential.

- 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 requested use is consistent with the residential development patterns.

This property is currently subdivided into nonconforming lots under two zoning classifications. This application will provide uniformity to the property by bringing it into a single zoning. A re-subdivision of this property will require conformance to the zoning ordinance and will result in a reduction in the number of lots. Staff's recommendation is for approval.

Following a presentation by Mr. Pickren and a brief discussion, a motion was made by Mr. Preston Kirkendall to recommend approval of this request. The motion was seconded by Mr. Millard Allen and unanimously adopted.

It was noted that Applications *SU-2005-002 (I)* and *SP-2005-025 (I)* would be discussed simultaneously but require separate action. Mr. James Benefield was present for discussion.

SU-2005-002 (I)

Consider a request for a special use permit for a church at 205 Kings Way. The property is located on the east side of Kings Way on the southeast corner of Kings Way and Ashantilly. Zoning is R-6. Application by James Benefield, agent for St. Simons Presbyterian Church, owner.

SP-2005-025(I) St. Simons Presbyterian

This is a request for site plan approval for a property located on the east side of Kings Way between Ashantilly and Delegal. The proposal consists of an approximate 18,800 square foot addition/remodel of an existing church on 3.642 acres. The site is zoned R-6.

According to the staff's report, the *Special Use Permit* application is for a request to remodel/or do an addition to the existing St. Simons Island Presbyterian Church. The proposed remodel will consist of an approximate 18,000 square foot addition in the form of a new porte-cochere (pedestrian drop off area), classroom connector building, new administration building, and modification of the existing preschool. Also, the sanctuary will be enlarged and the seating capacity will be increased.

The county's adopted Comprehensive Plan designates this area for Low Density Residential. The site is zoned R-6, which requires approval of a Special Use Permit to allow a church. Specific requirements of the site will be addressed with the site plan

review, and a building permit. The proposed use is consistent with the existing use on the site. The technical issues can be addressed during the site plan, and building permit phase. Staff's recommendation is for approval.

According to the site plan application, this proposal consists of an approximate 18,800 square foot addition/remodel of an existing church on 3.642 acres. The site is zoned R-6. Staff comments have either been addressed or can be addressed with the building permit site plan. However, there is one issue that needs to be addressed prior to approval of this plan. Based on the data provided on the plan, this site is required to have 156 parking spaces. It appears that 126 on-site spaces are provided in addition to 51 spaces located in the county right-of-way. Parking required by the ordinance must be met by parking located on site. In addition, the location of parking spaces in the right-of-way would require approval from Public Works.

Mr. Landon explained that there are some parking spaces located in Delegal right-of-way. With the addition or the increase, the church would need to include those parking spaces in order to meet the parking requirement. He elaborated on how the parking was calculated and included his findings in the report.

Mr. Landon stated that staff recommends approval of the site plan subject to meeting all requirements, the parking issue being resolved, and that the Planning Official be directed to give final approval to the site plan consistent with the Planning Commission's action.

Chairman Ussery asked Mr. Landon if the parking spaces that are located on Delegal are existing spaces or if they are being proposed. Mr. Landon stated that those are existing spaces. He stated that there might be some modification to one or two spaces with the entryway located on Delegal Way. For clarification, Mr. Phillips pointed out that there are some existing spaces and there are some additional spaces being proposed. The driveway entrance will be removed and replaced with parking.

Mr. Paul Sanders asked if staff had received approval on the right-of-way issue from Public Works. Mr. Phillips replied no, but he believes that the existing parking in the right-of-way would probably remain. The question is whether new spaces can be created in the right-of-way. Chairman Ussery asked if there were any new curb cuts being proposed. Mr. Landon stated that there are none that he is aware of.

Chairman Ussery questioned why the special use is being requested. Mr. Phillips explained that a church is a use but it is not permitted in this particular zoning district. A non-conforming use cannot be expanded without being in compliance. If the applicants were not expanding the church, there are certain things that could be done under the non-conforming provisions. However, the expansion necessitates the special use permit. Without a special use permit, the use is non-conforming, the use of parking spaces in the right-of-way is non-conforming and the use of parking spaces that require direct entry and exit from the right-of-way is also non-conforming, although it is permissible.

Mr. Millard Allen had additional questions about the parking calculations. Mr. Landon explained that in his calculations of the expansion, which included impervious surfaces, he arrived at an 18,000 sq. ft. expansion. Mr. Allen stated that the ordinance indicates one parking space for every four seats in a sanctuary. He then asked if the calculations were based on the proposed expansion of the sanctuary. Mr. Landon replied yes.

The architect for this project pointed out that the sanctuary is not part of this particular plan at this time. He stated that they have applied for an additional youth classroom, renovation of the pre-school and an administration wing only. He stated that plans for the sanctuary is three to five years down the road and is not included in the plans at this time. Mr. Landon stated that if the sanctuary remains the same, the parking requirement would then be met.

Reverend Bob Brearley, Pastor of SSI Presbyterian Church, explained that they have an ongoing phenomenon with the parking and the residents have been very patient, but this problem is not due to a lack of parking spaces. He stated that this is especially true when there are weddings and funerals hosted by people who are not familiar with the sanctuary. The church parking always seems to appear to some people to be on Ashantilly, but the church only has street parking and two small places on Ashantilly. When those spaces are filled, people begin parking on the sides of Ashantilly onto the neighbors' parking. He stated that signs have been placed in the area stating that "if this parking lot is full please circle the block to the parking lot behind the church." Reverend Brearley stated that the guests sometime do not bother to find the rest of the parking. They just park on Ashantilly, which the church disapproves of also. He stated that the signs were put up in the area about a year and a half ago to help people find the paved parking so that they won't park on the neighbors.

Mr. Aspinwall pointed out to Reverend Brearley that one of the letters that the Planning Commission received states that the church does a very poor job in parking practices. Reverend Brearley indicated that he needs to know if the parking has worsened. He stated that if this is occurring on Sunday mornings it is due to his congregation and visitors to the church. From time to time he advises his congregation to not park on the neighbors, but perhaps he is not telling them often enough. He stated that the signs are a major improvement to directing the people to the right parking, but if this is continuing to be a problem, he could include something in writing in the church's newsletter. He stressed that the problem does not result directly from the number of parking spaces; it's just that when the spaces are filled up, the congregation begins to park on the neighbors. Again, he stated that the church does not condone this practice.

Chairman Ussery asked Reverend Brearley if it is his opinion that there is adequate parking, but the parking is just not being utilized. Reverend Brearley replied yes.

At this time, the floor was opened for public comments beginning with Ms. Lisa Norton of 303 Anguilla Avenue who is the Kings Terrace spokesperson. Ms. Norton stated that Reverend Brearley is telling “half truths.” She stressed that the residents have called the church numerous times over the years to complain about the parking problems and asked that something be done, but the problem still exists. She stated that when the church parking lot fills up, the congregation parks in the neighbors’ yards and along the streets, blocking not only people’s driveways, but making it impossible for emergency vehicles to get by. Ms. Norton stated that the church just recently (not a year ago) put signs up about parking. She stated that they have endured years of frustration trying to get something done about the problem. They have even called the police but the police have turned a deaf ear to their calls, largely due to the influential members in the church.

Ms. Norton stated that this is a serious parking issue and it presents a clear danger to the neighborhood. She also disagrees with the county’s claim that the church currently has adequate parking and pointed out that the church has approximately 900 members and just a little over 170 parking spaces. Other churches on the Island have grown larger but they have moved to larger pieces of property. The parking at this church is insufficient. Ms. Norton stated that no one has a problem with the church itself, but they are asking that this site plan be denied until the parking issue is solved.

Other residents present to oppose this request due to parking issues and safety concerns were Nolan Harrison, Carter Ramsey, Ron Eulenfeld and Bruce Taylor. They each contend that they are not against the church, but the parking should be dealt with and the problems should be resolved before approving any type of request.

Mr. Henry Johnson of Kings Terrace stated that he is neither for nor against this request. He pointed out however, that the church is a good neighbor and the congregation is parking on the right-of-way; not in the neighbors’ front yards.

Mr. Aspinwall suggested that the church appoint people to stay outside to monitor and direct the cars to the church’s parking spaces. Mr. Ron Eulenfeld stated that this suggestion would work only if the church has sufficient parking. Mr. Aspinwall then suggested that the neighbors meet with the church board and perhaps come up with a plausible solution.

Mr. Millard Allen stated that in terms of the ordinance and based on the parking per seat, this request meets the requirement. Mr. Phillips agreed, but elaborated on the other issues of concern. Chairman Ussery acknowledged that parking in this area is an ongoing problem. He then asked Reverend Brearley if he would be amenable to having someone direct parking at the church as suggested by Mr. Aspinwall. Reverend Brearley replied yes; he would be willing to do whatever he can. Chairman Ussery stated that he does not know enough about the history of the parking to make a recommendation at this time and he would like to see some type of traffic analysis or parking study of the area. Mr. Aspinwall agreed. Chairman Ussery then asked if the Planning Commission is obligated to allow the special use permit. Mr. Phillips explained that the Planning Commission could either recommend approval of the special use permit with or without

conditions or recommend denial. If the special use permits is denied, then the site plan would not be considered; however, if the special use permit is granted with changes, the site plan would then have to be modified to coincide with those changes.

Following a lengthy discussion, Chairman Ussery passed the gavel to Vice Chairman Mike Aspinwall and proceeded to make a motion to defer the Special Use Permit and the Site Plan for the St. Simons Presbyterian Church to allow the applicant to monitor the parking in the area for at least four consecutive Sunday's (and days in between) to demonstrate that there is adequate parking for the functions of the church. The motion was seconded by Mr. Preston Kirkendall. Voting Aye: Mr. William Lawrence, Mr. Preston Kirkendall, Mr. Paul Sanders and Mr. Robert Ussery. Abstained From Voting (due to being parishioners of the church): Mr. Millard Allen, Mr. Mike Aspinwall and Ms. Joan Wilson. This application will be re-addressed at the September 20th Islands Planning Commission Meeting beginning at 6:00 p.m.

At this time, the Planning Commission took a 5 minute recess. The meeting resumed at 7:35 p.m.

PP-2005-013 (I) Simonton Court Phase II

Application by Veta Hill Construction, owner for approval of a preliminary plat for property located on Simonton Lane, approximately 525 feet northeast of its intersection with North Harrington Road. The proposed project consists of 9 single-family lots on 1.67 acres. The property is zoned R-6.

Mr. Ernie Johns was present for discussion.

In presenting the staff's report, Mr. Landon explained that there is an existing subdivision of Simonton Court and this would be Phase II of that subdivision. One issue of concern is that some of the lots and the proposed right-of-way are located within the jurisdictional wetland area. Staff wanted it clear that approval of this request should be conditioned on any necessary permitting, relative to wetlands, being completed prior to construction plan review.

Mr. Millard Allen stated that it concerns him that there are a lot of e-mails and issues included in the staff's comments, but there are no answers or solutions included. Ms. Joan Wilson voiced the same concerns. Mr. Landon explained that typically, the majority of staff's comments and issues get resolved during the construction plan phase of the project. However, the applicant is present and could perhaps address some of the issues.

Mr. Ernie Johns, representing the applicant, explained that the wetlands permit has been received. He stated that the water and sewer easement will be inside the right-of-way, which is the permitted area on the plat. Mr. James Herndon added that the permit from the Army Corps is in hand and the only thing left to do is the mitigation, which will be done within the next few weeks. Mr. Phillips noted that there aren't any other permits relative to wetlands that would be necessary for the project.

Regarding the e-mails included in the report, Mr. Johns explained that his response to staff's comments is always in the form of the plans that he prepares for the Planning Commission's review. The plans include revisions and revision dates to correspond with staff's comments.

Mr. Paul Sanders stated that the plat indicates 1.982 acres for Phase II, but it also lists in the written area, 1.67 acres. He then asked if the difference is the additional lot that the applicant is not building on. Mr. Johns replied no; the 1.67 acres is the total area of the lots, excluding the roads and common areas.

Mr. Paul Andrews of the County Engineer's office gave a brief explanation on design issues relative to staff's comments about the water that drains from Musgrove Lake.

Following discussion, a motion was made by Mr. Paul Sanders to approve this request. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

SP-2005-017 (I)

This is a request for site plan approval for property located on the west side of Frederica Road between Holly Street and Maple Street. The proposal consists of a 24,500 square foot office/furniture sales showroom on 0.91 acre. The site is zoned Local Commercial.

Mr. Brad Brumbach was present for discussion.

According to the staff's report, comments from staff have either been addressed or can be addressed with the building permit site plan and therefore staff's recommendation is for approval of the site plan subject to meeting all requirements. Staff also recommends that the Planning Official be directed to give final approval to the site plan consistent with the Planning Commission's action subject to the following conditions:

- 1) This proposal includes a request for a parking reduction in an attempt to preserve existing trees on the site. This site would require 70 parking spaces under section 611 of the Zoning Ordinance. The applicant has requested a 25% reduction, which would decrease the number of parking spaces required to 53. A request of this

nature is within the authority of the Planning Commission to approve in conjunction with the site plan approval.

- 2) The applicant is in the process of abandoning a portion of First Avenue as shown on the site plan. Approval of this site plan will need to be conditioned on the approval of this abandonment.

Mr. Brumbach, representing IDAC, stated that he is asking for the 25 % reduction in order to save the additional trees needed on the site. The facility will be available by appointments only and will not be opened to the public. He stated that the applicant has some parking spaces in the Frederica House parking lot that are currently being utilized. Instead of taking down the trees and moving those parking spaces to the applicant's property, the applicant just utilizes those current spaces.

Regarding the right-of-way issue and the abandonment, Mr. Brumbach stated that he met with the neighbors and he has obtained legal documents indicating that both neighbors would quit claim the property, which would allow him to get the parking. It was noted that Frederica House is aware of the proposal. He pointed out that his establishment is a 9 to 5 operation and the Frederica House operates between 6 and 10.

There was additional discussion mainly focusing on the parking situation with the Frederica House and the applicant. Afterward, Chairman Ussery passed the gavel to Vice Chairman Mike Aspinwall and proceeded to make a motion to approve this site plan request conditioned on the 25% reduction in parking to save the trees and conditioned on a letter being received from the owners of the Frederica House property indicating that 18 spaces of their parking lot would be available for use during day time hours by the design center. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

MINUTES

July 19, 2005 Regular Meeting

Upon a motion made by Mr. Millard Allen and seconded by Mr. Preston Kirkendall, the Minutes of the July 19th Islands Planning Commission meeting were approved and unanimously adopted.

Under *Staff Items*, Mr. Phillips presented preliminary language to the Building Height Ordinance Amendment for the Planning Commission's review, afterward a general discussion ensued. Revisions to this amendment will be reviewed at the next ordinance subcommittee meeting and subsequently a public hearing will be conducted. The next subcommittee meeting is scheduled for September 6th at 9:00 a.m. in Room 234 of the Office Park Building.

Under *Committee Reports*, Mr. Mike Aspinwall gave a brief update on the subcommittee meeting in which weddings and events in general were discussed. A written report was included in the packages for the Planning Commission's review. Mr. Millard Allen stated that the Mainland and Islands Subcommittees have had approximately three meetings and both groups have decided to tackle one issue at a time relative to ordinance amendments. He stated that they would like to invite Public Works Officials as well as a representative from the Police Department to attend the next ordinance subcommittee meeting to help address the parking issues.

There being no further business to discuss, the meeting was adjourned at 8:45 p.m.