

MINUTES
ISLANDS PLANNING COMMISSION
SEPTEMBER 20, 2005 – 6:00 P.M.
St. William's Church, St. Simons Island

MEMBERS PRESENT: Robert Ussery, Chairman
Mike Aspinwall, Vice-Chairman
Preston Kirkendall
William Lawrence
Paul H. Sanders
Joan D. Wilson

MEMBERS ABSENT: G. Millard Allen, Jr.

STAFF PRESENT: York Phillips, Planning Official
Eric Landon, Planner
Gail Wendel, Administrative Tech/Acting Secretary

Chairman Ussery called the meeting to order and the invocation was given, followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

Chairman Ussery asked Mr. Phillips if there were any corrections to the agenda to which he replied no. Chairman Ussery asked for a motion to approve the agenda, motion was made by Mr. Kirkendall, seconded by Ms. Wilson, and all present voted aye. Chairman Ussery amended the motion to allow items 1 & 3 to be heard simultaneously and all present voted in favor of the amended motion.

Chairman Ussery gave a brief recap of the rules and procedures.

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.

Chairman Ussery asked if Mr. Benefield was present and he indicated that he was.

Mr. Phillips stated that the item is continued from the last meeting and the only new information to add is that we received a report on the parking and this evening we received a supplement to that report. In addition, we received a revised site plan which has been trimmed back so that it does not show the sanctuary expansion and therefore the parking issues we discussed at the last meeting are no longer on the table. He stated that staff's recommendation is for approval of the special use permit and of the site plan subject to meeting all of the requirements.

Chairman Ussery asked if the parking is still 1 space for each 4 seats in the sanctuary and Mr. Phillips stated that is correct. Chairman Ussery stated then that there is no additional parking required and Mr. Phillips said that is also correct. Mr. Phillips stated that the question came up at the last meeting and they have agreed that this is the case.

Chairman Ussery asked the applicant if he would like to speak. Jim Benefield approached the microphone and introduced himself. He spoke of the history of this application and of parking in general at the church. He stated that they have met all of the zoning criteria and they have done an extensive parking study which verifies what he said before. He stated there are some people who do not park in the correct place and that the church should try harder to make sure that does not happen, particularly for weddings and funerals when some people are from out of town and don't know where to park. He asked that at this time that the board approve the church's recommendation to add on to the church. Chairman Ussery asked Mr. Benefield about the traffic study which had some plans for future actions which may help the neighborhood. Chairman Ussery stated that the church had put some notices in the bulletins and notes on cars. There was further discussion.

Tom Bosell, a member of the building commission for the church, introduced himself. He stated that the thing he wants to emphasize is that in their planning and designing for this addition, they were certainly aware of the poor use of the parking lot because of the poor access to it. He stated that their whole effort here is to provide a new primary entrance through the pre-school that will draw the congregation from using the main parking lot, they will come through the church buildings. He stated that this construction should eventually ease the situation. Mr. Lawrence asked how long will they continue to monitor the traffic and parking and Mr. Bosell stated that they will continue to monitor Sunday mornings.

Chairman Ussery asked if there was anyone present who wished to speak for the application. Hearing none he asked if there was anyone present who wished to speak against the application.

Lisa Norton, resident of Kings Terrace, introduced herself and asked that any board members who are members of the Presbyterian Church or have a conflict of interest to please refrain from voting. She also reminded the board that they are the safety net and asked that they remove the emotional aspect from this issue, there are zoning violations. She stated that there is insufficient parking for the church facility as it exists today, a good rainstorm or a sickness or a death in the family can keep the traffic monitor from being present at the church. The church is here because it wants something, the residents have welcomed the church but the church has not been a good

neighbor in taking care of their parking situation. She stated that asking the church to do a traffic study is like asking the fox to guard the hen house. She further discussed the traffic safety issue and the bias present. She asked the board to deny to request and suggested that the school expansion may be connected to expansion of Frederica Academy. Chairman Ussery asked if in the past month was the situation better. Ms. Norton stated that it could be tolerated but it was not as it should be. Mr. Aspinwall stated that for the record he will abstain from voting but that with regard to the traffic study, the church supplied a great deal of information. He also studied the situation and took pictures and his conclusions were the same as the church's study.

Bruce Taylor, resident of Anguilla Ave., introduced himself and asked Mr. Phillips if he could give him the street classifications and Chairman Ussery told Mr. Taylor to direct his comments to the chairman. Mr. Taylor questioned the use of the right-of-way for parking and ingress and egress. He also questioned the pre-school as an accessory use being that it was not based in religious doctrine; it is a business being offered to the general public. He stated that there is already a porte-cochere on that serves the church and has not been used and he questioned how building another one on the other side of the preschool will solve anything other than taking away 5 more parking spaces. He stated that over the three weeks that he observed, there were a total of 639 people in attendance at the church and there were 480 vehicles parked in the lot. Based on the ordinance requirements, they do not have nearly enough parking. He discussed this further and pointed out that the original conveyance of the property was in 1953 and consisted of 5 residential lots to be used for a church. Part of the conveyance was the agreement to abide by the restrictions, conditions, limitations, and reservations. In 1980 the church applied for the abandonment of Magnolia Avenue, which was originally platted to intersect with Ashantilly and Anguilla to create a four way intersection.

In 1993 the church requested the abandonment of the right-of-way on the east side of Ashantilly. There is no special use permit on file for this property as it was pre-zoning ordinance, it was deemed non-conforming and should have been subject to those guidelines when the gym was built and again when the preschool was built. Instead, the church has achieved record growth by getting exemptions, exceptions, and less restrictive interpretations of the language in the ordinances. The current facility occupies approximately 11 residential lots, 1 abandoned road, and 1 abandoned right-of-way. When the preschool was built and a lot set aside for parking, the owners of said off-street parking areas relinquished all developmental rights over this property until such time that parking space is provided elsewhere, that was one of the ordinances. Are they asking for an exemption from this ordinance, are they asking that all of the guidelines for parking not apply to them or do we let them decide if the parking is a problem?

Mr. Taylor stated that he has a letter of agreement and was wondering if the church was willing to sign a request that the Glynn County Police enforce all of the parking regulations on the streets of Ashantilly, Anguilla, & Delegal, if they are he stated that he will be available at his table for them to come and sign it. He stated that the preschool should not be considered an accessory use of the church because the ordinance states religious education or activity buildings. The preschool is not a religious education nor is it a religious activity; it is fee based and available to the general public. Providing a service or product to the general public for a fee is a business. Do we again allow a less restrictive interpretation of the ordinance to accommodate the church? Mr. Taylor stated he is here asking the board to protect the neighborhood and the

church is here to ask for more exemptions, exceptions, and less restrictive interpretations of the ordinance.

Chairman Ussery asked Mr. Taylor if the parking was better this last month and he replied that based on half capacity of the church, yes. There were 5 vehicles parked off the street and in our parks or on the right-of-ways.

Chairman Ussery asked if there was anyone else who would like to speak against this application and hearing none, he asked if anyone would like to make a comment.

Joey Strength, Deacon of the church, introduced himself and stated that he has served as a parking official in the last few weeks. He stated that part of plan is for the deacons assigned to usher on a particular Sunday to also share the responsibilities for overseeing some of the parking issues as a continuing practice of the church. He stated the design is intended to encourage people to use the back parking lot. He further stated that the parking they have does meet the Glynn County requirements and there is no conspiracy by the church or the school to have any type of school with Frederica Academy or any other school. The preschool is a Christian preschool and is a mission of the church and is not a profit venture. He also stated that there are a large number of members present tonight and he asked them to stand.

Chairman Ussery asked Mr. Phillips if the calculations concerning Delegal would still mean that they meet the ordinance and Mr. Phillips stated that they do. Chairman Ussery stated that the figure used excludes the spaces on Delegal and Ashantilly and Mr. Phillips stated that is correct. Chairman Ussery asked about the ordinance concerning the preschool. Mr. Phillips stated that this issue came up a few years ago and extensive study was done of churches throughout the county and it appears that schools, day cares, nursery schools are customary and it was concluded that it was a common occurrence.

Chairman Ussery said it is up to the board and Mr. Sanders moved to approve the application and suggested that board members who are also members of the church abstain from voting. Mr. Kirkendall seconded the motion. Chairman Ussery commented on the documentation provided by the church and if they should continue to provide it in the future. Chairman Ussery asked if Mr. Sanders wanted to make that part of the motion and he replied that he did not. There was further discussion on the issue of conditions. Chairman Ussery called the question and Chairman Ussery, Mr. Kirkendall, Mr. Lawrence, Mr. Sanders, and Ms. Wilson all voted in favor of the motion. Mr. Aspinwall abstained.

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 7,270 square foot addition/remodel of an existing church on 3.642 acres. The site is zoned R-6.

Mr. Phillips presented the site plan and stated that staff recommends approval. Mr. Aspinwall asked how many parking spaces there are and Mr. Phillips replied 105 are required and 119 are provided (not including those in the right-of-way).

Chairman Ussery asked if anyone would like to make a presentation or if anyone would like to make any comments. No one replied.

Mr. Sanders made a motion to approve the application and Ms. Wilson seconded it. Chairman Ussery called the question and Chairman Ussery, Mr. Kirkendall, Mr. Lawrence, Mr. Sanders, and Ms. Wilson all voted in favor of the motion. Mr. Aspinwall abstained.

Mr. Phillips stated that this item will be on the County Commission agenda for October 6th.

VP-2005-009 Reagan - 318 Mallory

Application by Eric Reagan for approval to make renovations to a property located at 318 Mallory on the northeast corner of Mallory and Oglethorpe.

Mr. Landon presented the item stating that the location was once Frannie's Restaurant and that the applicant is not asking for an increase in the building footprint or for an increase in building height. He further pointed out that the parking would not be an issue because this is an existing structure. The applicant is asking for exterior changes and for a new sign to be placed there. Since Frannie's was in operation until August and therefore they will not be required to get a special use permit since they will open their doors within the six month deadline. Eric Reagan introduced himself and Chairman Ussery stated that the information provided is wonderful. There was further discussion. Mr. Reagan explained the colors and the sign.

Chairman Ussery asked for a motion and Mr. Kirkendall made a motion to approve and Mr. Sanders seconded. Chairman Ussery called the question and all present voted to approve.

SP-2005-023(I) Island Business Center (Condominiums)

This is a request for site plan approval for a property located on the north side of Wilson Circle approximately 200 feet west of its intersection with Demere Road. The proposal consists of a 3,640 square foot expansion to an existing commercial center. The property is zoned GC (General Commercial) and is approximately 0.6 acre.

Mr. Landon presented the item and stated the applicant is asking to put a roof over a parking area. There was further discussion. Mr. Landon stated that the staff recommends approval.

Mr. Kirkendall made a motion to approve and Mr. Aspinwall made the second. Chairman Ussery called the question and all present voted to approve.

SP-2004-0723-0900 Veranda Breeze Villas

Application by Kay P. Curry for site plan extension approval for a 19-unit row house development on property located on the north side of Olive Way and east of Beach Drive (an unopened street), and consisting of 1.5974 acres. The project is called Veranda Breeze Villas, and the property is zoned RR (Resort Residential).

Mr. Phillips stated that this was a site plan that was approved in September of 2004 and was the 4th version that was approved. He further described the history of the site plan and the parking issues. He stated that the staff recommends approval of the extension for the site plan. However, staff further recommends the extension be granted only for 6 months which would carry it to March 7, 2006.

Chairman Ussery asked why the short time and Mr. Phillips stated that the ordinance allows for an extension of up to 1 year, but it can be for less time. The recommendation of 6 months is to keep a tighter rein on this project because of the questions that need to be answered. There was further discussion on this.

Mr. Aspinwall asked if the developers were talking to the neighbors and Mr. Phillips stated he was not familiar with that other than the complaint we had received.

Judy Phillips introduced herself and stated that they already have the completed mechanical site plan from DWG in Savannah and Ray Richard is working on the actual site plan and should be finished in a few weeks. She further stated that the engineering company in Savannah should be through in a few weeks also. Chairman Ussery asked Ms. Phillips if she felt they could be ready in 6 months and she replied that they could. Mr. Sanders asked if it was going to be row-houses or a three or four story building. Mr. Phillips stated that this is, under our ordinance, a multi-family development.

Chairman Ussery asked for a motion. Mr. Sanders made a motion to extend the site plan 6 months and Mr. Kirkendall seconded. Chairman Ussery called the question and all present voted approval.

MINUTES

August 16, 2005 Regular Meeting

Chairman Ussery asked if everyone had reviewed the minutes of August 16th. Ms. Wilson made a motion to accept the minutes and Mr. Aspinwall seconded. Chairman Ussery called the question and all present voted to accept the minutes.

Under *Chairman Items*, Chairman Ussery asked Mr. Phillips about the status of the height ordinance and he replied that the board had discussed this at the ordinance committee meeting on September 6th and it was also discussed this morning at the Mainland Planning Commission

ordinance committee. He stated that we are forwarding it to the attorney for drafting and will put it on an agenda as soon as we get it back. There was further discussion.

Chairman Ussery asked Mr. Phillips about someone coming to speak to the board about right-of-ways and he replied that they are working on that for the October 4th ordinance committee meeting. He stated that we will have someone from the County Attorney's office and from Public Works present. There was further discussion.

Under *Ordinance Committee Report*, Mr. Phillips presented the ordinance items. There was discussion on the items. Tom Brubaker, with Montessori School at Lord of Life Lutheran Church spoke on their operation. There was further discussion.

Mr. Phillips stated that both committees are in favor of John Peterson's offer to look at the home occupation ordinance.

There was further discussion on the parking issue and the possibility of parking on grassed areas during peak operating times. Chairman Ussery asked if the ordinance required paving now. Mr. Phillips replied that if you have 10 spaces or more, they are required to be paved. There was further discussion.

Mr. Phillips stated that the amendments to the Subdivision Regulations, sections 801 and 802, have been prepared by a committee of the Community Development Advisory Board. Those went to the board last week and they deferred them. There was further discussion on this and on fees.

Mr. Phillips stated that the Mainland Planning Commission is still dealing with, and coming close to a conclusion, on the dead end street issue. There was further discussion and a special setback for GA. Highway 99.

Mr. Sanders suggested a proclamation of appreciation to the St. Williams Church for allowing the Islands Planning Commission to use their meeting space. Mr. Phillips stated that we will be meeting at the new Fire Station next time and he discussed other upcoming meetings.

Mr. Sanders made a motion to adjourn and Mr. Kirkendall seconded. The meeting adjourned at 7:45 P.M.