

MINUTES
GLYNN COUNTY PLANNING COMMISSION
May 20, 2003 - 6:00 P.M.

MEMBERS PRESENT: Hal Hart, Chairman
Perry Fields (arrived at 6:40)
Ann McCormick
Gary Nevill
Robert Ussery
Jonathan Williams

ABSENT: Mike Aspinwall

STAFF PRESENT: York Phillips, Planning Manager
Carolynn Segers, Planner II
Tyler Frazier, Planner II
Janet Loving, Admin/Recording Secretary

Chairman Hal Hart 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.

Mr. Phillips advised that staff is not prepared to discuss agenda item *11a) Sales Trailers in Subdivisions*. The Planning Commission concurred.

There being no further changes to the agenda, a motion was made by Mr. Gary Nevill to adopt the agenda for the May 20th Planning Commission meeting. The motion was seconded by Ms. Ann McCormick. Voting Aye: Mr. Hal Hart, Ms. Ann McCormick, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. (Mr. Fields had not arrived yet.)

GC-2003-06

Application by William Edenfield, agent for Sea Island Company and Diane Bowen, to amend the Island Health Medical Park Planned Development Zoning Text for property located in the northwest quadrant of the intersection of Sea Island Road and Demere Road, and consisting of 19.7 acres, to provide for a reduction of parking requirements for medical offices.

Mr. William Edenfield was present for discussion.

In a memorandum addressed to the Planning Commission, Mr. Phillips stated that this request was presented at the May 6th Planning Commission meeting and continued to today's meeting. Staff's original report (included in the packages for review) outlines the specific merits of the proposed amendment. This request was deferred to allow a further examination of the meaning of the limitation in §723.7 (2) (d), which addresses provisions for parking standards in planned developments. Read one way, this limitation appears to limit the ability of the Planning Commission and the Board of Commissioners to change parking standards through the planned development process.

Staff suggests; however, that the provision be read differently, i.e., that the provision be read as an example of the kinds of considerations that can be given to the determination of an appropriate parking standard. In taking this approach, staff notes that: (1) §723.1 describes, in part, the intent of the PD District to be "...to permit the greatest latitude possible in respect to...internal site planning considerations..." (2) §723.4 (2) (d) provides for identification within the PD text of "Exceptions or variations from the requirements of the Zoning Ordinance..." and (3) §723.7 (2) (d) provides that "Parking, loading, and other requirements for each PD District may be set by the County Commission, upon the recommendation of the Planning Commission. The standards of Article VI, Sections 611 and 612 shall serve as a general guide to such requirements, except that, the number of off-street parking spaces may be modified in consideration of the flowing factors: Probable number of cars owned by dwelling unit occupants; and Varying time periods of use, when use of common parking areas is proposed."

With the exception of the last phrase (underlined), the entire flow of the planned development regulation is to allow for greater flexibility. This greater flexibility is a well-recognized component of the planned development approach, and is balanced by the much more involved procedural requirements for obtaining specific PD zoning approval, submittal of a detailed PD text and master plan for review and approval, and separate submittal of a site plan to ensure specific consistency with the master plan and text.

Staff's suggested interpretation does not create any precedent other than the opportunity for any owner with PD zoning to request that the parking standard be changed, and that such request will be separately evaluated on its merits in the context of an advertised hearing wherein the public can give comments and observe the debate of the merits. As a matter of record, Mr. Phillips read the following criteria in accordance with the ordinance.

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.

Yes. The proposed amendment makes no change in land uses.

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

No. The proposed reduction of off-street parking requirements would provide no adverse effect related to use of 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.

No. Reduction of off-street parking for medical offices developed within the limited space of the subject property would not be seen to cause a burdensome use of streets, etc.

- 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 Public Institutional.

- 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 2003 St. Simons Island Traffic Study, conducted by Day Wilburn, identified the increasing traffic congestion along Sea Island Road and proposes improvements to the Sea Island and Hamilton Road intersection. The development area for this proposal will access from Hamilton Road and Arthur J. Moore Drive, and the Planning Commission has an opportunity to address any other traffic or entry problems at the site plan approval process.

Mr. Phillips stated that staff's recommendation is for approval.

Following review, a motion was made by Mr. Gary Nevill to recommend approval of this request. The motion was seconded by Mr. Robert Ussery. Voting Aye: Ms. Ann McCormick, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. Abstained From Voting: Mr. Hal Hart.

GC-2003-01

Application by Scott Markowitz, agent for Simon One Properties, LLC, to rezone from FA Forest Agriculture to OC Office Commercial property located at 2915 Demere Road near the intersection of Main Street and consisting of .62 acres with 132.32 feet of frontage on Demere Road.

Mr. Scott Markowitz and Debi Mason were present for discussion.

The staff's report was included in the packages for review and was presented by Mrs. Segers as follows:

This application was first heard by the Planning Commission February 4, 2003. At that time, adjacent landowners Raymond and Mary Johnson indicated their opinion that a portion of the subject property was in their ownership rather than the applicant's. The Planning Commission asked that the hearing be deferred until a time such that the property ownership dispute was clarified. In a response to a request from planning staff, Assistant County Attorney Jerry Hegstrom indicated in a May 13, 2003 memo that the legal issues of the title dispute itself provides no basis for denial of a zoning application. The burden of deciding disputed title issues must remain with the courts and with the individuals disputing over private property rights.

Adjacent properties to the east, west and south are zoned FA Forest Agriculture. There are a few scattered single-family dwellings on these parcels, and nearby properties are vacant. A short distance to the west is the "Focus by the Sea" treatment facility. The nearest retail commercial is the Ace Garden Center and the Island Car Wash located a short distance to the west on the south side of Demere Road. Property to the north across Demere Road is a mixture of Office Commercial, MR Medium Residential, and PDG Planned Development General. This property to the north contains offices and two business motels, beyond which is residential development. This proposal limits the commercial use to office type uses so as to limit the impacts (particularly traffic) on the area.

The parcel is served by public water. There is a private sewage collection system in the property to the north, which in turn is connected to the county system. Demere Road is characterized by relatively high traffic volumes and limited right-of-way.

The future land use map identifies this area as residential. The plan contains a policy calling for future rezonings on Demere Road, Frederica Road and Kings Way to be Planned Development or Planned Commercial. The subject property is too small for

PD requirements, and would have difficulty meeting the buffer standard contained in the Planned Commercial district.

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.

Yes. While the immediately adjacent property is residential, the overall character of the area is non-retail commercial and institutional.

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

Development of office use will not impair either the continued enjoyment of residential or the ability of adjoining parcels to be redeveloped as similar (office) uses.

- 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 (office) does not present an inherent problem, although care will have to be taken to coordinate development of these properties to ensure adequate access without overburdening traffic flow on Demere Road.

- 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 residential. The Plan contains a policy calling for future rezonings on Demere Road to be Planned Development or Planned Commercial.

- 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.

The development pattern in the area has evolved so as to include non-retail commercial uses (particularly office) and institutional uses. The development of this property will have to resolve issues of adequate sewage treatment and drainage. There is a concern for traffic flow and adequate access. Staff recommends that access be limited to the northeast corner of this property and that properties to the east and west be allowed to use the same access.

Staff recommends that the rezoning be approved with a condition that access be limited and that other adjacent parcels be allowed access through this access point.

Mrs. Ruthie Cobb of 114 LaCosta Lane was present to oppose this request. She expressed concerns about traffic and stated that it is already very difficult to get onto Demere Road from LaCosta in the Jewtown area. She stated that this development would add to the existing traffic problems. Mrs. Cobb further stated that the applicant is proposing to put an office building in front of the residential property where a family has lived for years. She stated that no one wants an office in his or her front door. She asked the Planning Commission to do the right thing and deny this request.

Mr. & Mrs. Johnson of 2919 Demere Road reiterated their concerns about the property dispute and traffic problems in the area. They further stressed that they do not want an office building in their front door.

Mr. Frank Quinby with the Southeast GA Sierra Club reminded the Planning Commission that when the Waffle House site was approved, the Board at that time agreed that there would be no further encroachment of commercial property on that side of the road in the Jewtown area. Mr. Quinby stated that he is not particularly against this proposal but if the Board made a promise to those residents that there would be no further commercial encroachment, then they should abide by that promise.

Mr. Scott Markowitz stated that there is no property dispute. He stated that he purchased the property and the title insurance. He stated that the attorney denies representing the Johnson's. The property was surveyed by Bobby Shupe and several other people prior to his purchasing the property. The boundary lines are clearly reflected on the county maps. Mr. Markowitz pointed out that several other adjacent pieces of property are all presently advertised for sale as commercial property.

Ms. Debi Mason, realtor representing Mr. Markowitz on the previous proposed sale of the property, stated that surrounding property to the east of the applicant's property is currently listed for sale at commercial prices. She also cited the market value of the property being offered for commercial developments. She further stated that Mr. Markowitz had not been served with papers from any attorney regarding a dispute.

At this time, Mr. Perry Fields apologized for being late. Having not heard all of the dialogue, he stated that he would not participate in the vote. He does however, have some concerns. He then posed the following question: "If Mr. Markowitz were asked to sell his property today and asked to sign an affidavit asking if he knows of any adverse claim to the property, how would he respond?" Mr. Markowitz stated he would say, "absolutely, positively not; there has been no claim." Mr. Fields stated that Mr. Markowitz is on notice that there is a dispute about the line boundary of the property.

Ms. Mason asked the Chairman if he would like to see the listing agreements of the surrounding property that is being offered as commercial. Chairman Hart explained that the properties may be offered as commercial, but they are not commercially zoned. Ms. Mason replied, "not yet."

Mr. Jonathan Williams stated that today's argument is a continuation of 20-year argument and it seems as if things can be made legal where citizens have no say into the situation. He stated that the interest is not whether the applicant is going to disenfranchise the citizen, but whether he is going to get his business deal. Mr. Williams stated that he is concerned about the proposed commercial business being very close to the residential property and regulating access to the business with no regard for the rights of the adjacent property owner. He stressed that it seems as if the pattern of Jewtown being destroyed still exists.

Mr. Robert Ussery asked the applicant if he had given any thought to adding some type of buffer due to the proximity of the adjacent residential property. Mr. Markowitz stated that he would not object to a reasonable buffer, if buffers were required. Mr. Ussery stated that it is not required in this zoning district, but there is a home that is very close to his property. He stated that a prudent developer would want to take that into consideration as he develops the property. He then asked Mr. Markowitz if he had put any type of preliminary plan together which would demonstrate how the property would be developed. Mr. Markowitz replied that he did not because it was not required.

Chairman Hart wanted to know why a Planned Commercial zoning was not considered for the property. Mrs. Segers explained that when the applicant prepared his application and met with staff, staff was unaware of the section in the Comprehensive Plan that was specific to the policy for Planned Development or Planned Commercial along that particular corridor. Based on the absence of that knowledge, staff concluded that Office Commercial would meet the applicant's needs. However, in the interim this

policy was brought forward and the applicant had ample time to amend his application, but he chose not to.

Mr. Ussery stated that obviously the entire area over a period of time will be some sort of commercial, but currently there is a scattering of existing residential property, and to zone a piece of property without considering the proximity of these residences would be a mistake. He stated that the proper buffers, setbacks, etc. need to be part of the zoning as they are applied for, which was the reasoning behind the policy of considering Planned Development and Planned Commercial along that corridor. Mr. Ussery stated that he is very concerned about the way this application is currently being handled.

Mr. Markowitz stated that in the FA zoning he could put a veterinary clinic or a pig farm on the property or some other permitted commercial use. He feels that he is asking for the best use. Mr. Ussery stated that perhaps Office Commercial is the best use for that size parcel on Demere Road, but at the same time, there is no consideration for the neighbors. Ms. Mason stated that the adjacent property to the left of the applicant's property is valued at having great commercial potential. Mr. Ussery stated that what Ms. Mason is alluding to is a real estate transaction that this Board is not considering.

Mr. Gary Nevill stated that he sympathizes with the Johnson's because eventually the area will be commercial, but the residential proximity needs to be addressed and taken into consideration.

Following discussion, a motion was made by Mr. Robert Ussery to recommend denial of this request. The motion was seconded by Mr. Jonathan Williams. Voting Aye: Mr. Hal Hart, Ms. Ann McCormick, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. Abstained From Voting: Mr. Perry Fields.

GC-2003-07

Application by Mike Clements, agent for Nina Lewis, to rezone from R6 Residential to MR Medium Residential property located at 1107 George Lotson Ave. near the intersection of Cumming Lane and consisting of 2.595 acres with 164.78 feet of frontage on George Lotson Ave.

Mr. Mike Clements was present for discussion.

Before the staff's report was presented, Mr. Perry Fields advised that Ms. Nina Lewis is his client and therefore he would not participate in the discussion and would abstain from voting. Also, Mr. Jonathan Williams is one of the adjacent property owners and stated that he too would abstain from voting.

Mrs. Carolyn Segers proceeded with the staff's report as follows:

This is a proposal for construction of 18 dwelling units similar in architectural character to the existing adjacent multi-family development to the south known as Captain's Walk. Applicant is the developer of Captain's Walk and Village Green, both multi-family developments adjacent to subject property. A quiet title action is currently underway for the property, which is owned by Nina Lewis by a tax deed issued February 3, 1981. Ms. Lewis reports that the quiet title action will be complete and a new deed recorded sometime in mid June 2003.

The subject property is undeveloped and forested. The general character of the area is multi-family development, with R-6 single-family development immediately to the north and east of the subject property along George Lotson Avenue.

The future land use map identified this area as medium to high density residential. The proposed zoning classification would allow development to 16 units per acre, although the proposal is for approximately 7.2 units per acre.

- **Zoning History:** Properties to the west and south of the subject property were among several properties rezoned from GR General Residential to MR Medium Residential in a zoning action initiated by the Brunswick-Glynn County Joint Planning Commission in 1982, following creation of the MR zoning district in 1981.
- **Access:** Access is proposed by way of Captain's Walk private drive. As developer of Captain's Walk, Mr. Clements retained right of access to adjoining properties by virtue of Paragraph 9.05 of the Declaration of Condominium for Captain's Walk. This section reads in part, "Condominium property shall be conveyed subject to a non-exclusive easement for pedestrian and vehicular ingress and egress over and across the drives and parking areas for access to and from Mallory Street and the adjoining properties now or hereafter owned by Declarant."
- **Traffic:** The 18 proposed dwelling units would generate approximately 180 Average Daily Trips that would use a section of Mallory Street with a speed limit of 25 mph. Glynn County Traffic Engineering reported that this additional count would not significantly impact the traffic flow of the area. The 2002 St. Simons Traffic Study Phase I findings did not identify this section of Mallory Street as a critical road section in the 2025 traffic models. In contrast, the study identified the Ocean Boulevard road section west of Mallory Street as critical for year 2025
- **Wetlands and drainage:** A portion of the subject property has an elevation of 10 feet MSL, compared to elevations as high as 14 to 16 feet MSL on adjacent development to the south. After a cursory review of the site, Glynn County Engineering staff suggests that a stormwater detention area will be needed as part of the overall site plan for the area.
- **Water and Sewer:** Glynn County water and sewer is available from George Lotson Ave. The county is currently upgrading many older components of the system to meet current needs.
- **Natural resources:** This property is part of a 6-acre tract identified by DNR Coastal Resources Division staff as an area of mature maritime forest and a wildlife habitat (see attached communications from Fred Hay at DNR). This site has been discussed for possible acquisition by the Glynn County Greenspace Committee, and has been ranked highly under the Decision Matrix, but no specific proposal for its acquisition has been made to the Board of Commissioners.

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 is in keeping with other multi-family development that dominates the area and is in keeping with the future land use map. Development of this site would reduce the size of any greenspace parcel in this vicinity, and may limit the potential for establishing any such parcel.

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

No, subject to proper design of the project to mitigate possible conflicts. The proposal does not create any unusual precedent for conversion of lower density areas to higher density use.

- 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.

Generally no, the project will generate additional traffic and demand for public utilities and services, but not beyond the capacity of the systems to support the additional demand.

- 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 medium to high 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 County's Greenspace Program began subsequent to the adoption of the Comprehensive Plan and the development of much of this area. Consideration of this site for acquisition under the program would certainly affect its suitability for development, but if the determination were made to not acquire the site, there would be no obstacle to its development.

The proposed rezoning is consistent with the future land use map. Based on the proposed density, the proposed development is supported by the infrastructure in the area. Inasmuch as Captain's Walk has a required 25 ft. natural buffer along George Lotson Avenue, it would be consistent to require a similar buffer to protect the single-family development along George Lotson Avenue. Staff recommends approval with the following conditions:

- 1) Density not to exceed 8 dwelling units per acre.
- 2) A 25 ft. natural buffer along the northern and eastern boundaries of the property.

Mr. Ussery stated that without the easement, could the rezoning take place off of George Lotson Avenue. Mrs. Segers stated that in her opinion, she believes that it could be considered. Mr. Phillips further explained that this is a piece of land that is undeveloped. To the west and south of the property is higher density development. To the north and east is lower density development. It appears logical to staff that if the orientation of this piece of land is to the west and south, it is reasonable to have land uses and densities that are consistent with what's to the west and to the south, along with the representation of the development. If this piece of land did not have an orientation to the west and south it would need to have a lower density to be consistent with the area. He stated that these are two unrelated areas with no direct access between them. It is a matter of design and orientation.

Mr. Ussery stated that if George Lotson Avenue had been proposed as the primary access point, staff's opinion might have changed. Mr. Phillips replied that it very well could have.

As a matter of public record, Mrs. Segers presented comments submitted by Mr. Robert H. Smalley, Jr. of Unit #6 Captains Walk Condos, and Ms. Andrea Anton, Village Green property owner, both opposing this rezoning. Comments were also received from Candi Allison, President of Captains Walk Board of Directors, stating that that they are not opposed to the zoning change, but do not authorize access through Captains Walk. These letters are contained in the files of Planning & Zoning (*File No. GC-2003-07*).

Mr. Mike Clements, agent, pointed out for clarification that the property is zoned R-6, 6000 sq. ft. lots, he is asking for the same density. He stated that he would like to respond after the opposition.

Mr. Frank Quinby, Chairman of the Southeast GA Sierra Club, stated that he is opposed to this request. He reminded the Planning Commission that the Board of Commissioners voted to disallow any further R-6 rezonings on St. Simons to help reduce density because of traffic problems, water and sewer problems and drainage problems. He further stated that this tract of land has extensive wetlands, which are a necessity in the environment to screen the pollutants from waters that drain from parking lots before reaching the marshes.

Mr. Quinby stated that the Sierra Club and other environmental agencies have been very concerned that Glynn County Ordinances do not follow state mandates. To verify this point, he cited a document from the Georgia DNR. (A copy of this document is contained in the file.) He stated that Glynn County has not done its job to protect the environment, and if this continues, some type of action will have to be taken against the county. He stated that this particular item would be an ideal case to take to court.

Ms. Eileen Hutcheson, resident of the Village Green Condos, was present to oppose this request. In a written statement, Ms. Hutcheson, representing herself and six other homeowners at Village Green, stated that they are requesting a denial of this application to rezone the property from R-6 to MR and urged instead that they consider a rezoning to Conservation Preservation. She stated that this area is part of a 6 acre tract and is the last stand of 'maritime forest' left on the south end of St. Simons. She stated that it is an ecological jewel. She cited the number of old oak trees, along with wetlands and the wildlife habitat in the area.

Ms. Hutcheson also read into the record, a letter from Mr. Dave Kyler, Chairman of the Glynn County Greenspace Advisory Committee. In his letter, Mr. Kyler states that the Greenspace Committee has "determined that the subject property and adjoining undeveloped properties are highly desirable for greenspace, in accordance with the specific criteria developed by the committee... We suggest that both the unique natural characteristics of this property and the history of its transfer to Ms. Lewis by 'quiet action' present a promising opportunity to achieve public objectives of the greenspace program..."

Mr. Kyler's letter further states that "the maritime forest and wetlands on this and surrounding undeveloped sites serve as important and increasingly rare wildlife habitat, and the low-lying wetlands provide flood protection for nearby developed sites." He goes on to state that "because approval of this rezoning would represent a step toward ultimate development of the property, we request a deferral...pending the results of negotiation with Ms. Lewis and/or her representatives..." (Mr. Kyler's letter in its entirety along with Ms. Hutcheson's written comments are contained in the file.)

Attorney Jennifer MacMillan, was present to represent numerous owners of the Captains Walk. In addressing the matter of the access, she explained that there is a provision wherein the Declarant retains easement for future development; however, this property was never part of the property for which that access was to serve. According to the GA Condominium Act, this was an expandable condominium. Phase I and Phase II consisted of units 1 through 12. The remaining properties were described as additional land in the Declaration. The subject property being discussed at this time, was never a portion of the additional land for this project. Attorney MacMillan stated that this Declarant terminated at the end of 7 years from the date of recording of the Declaration as provided in the Declaration and as provided by the GA Condominium Act. She stated that the retention of the easement rights were to serve the future developments, which in fact they did. However, that is now all over with. This is 15 years after the fact and there is no Declarant anymore. The Declarant has relinquished his control of the association in a meeting held in 1987 as required by the Act. She stated the owners that she is representing object for a variety of reasons, but to start with, there is no legal right for adjoining owners to have access through the private road of Captains Walk. Not only is it legally not possible, it is a physical impossibility without having to completely redo the

parking, landscaping, etc. to get through because this was never intended. She stated that it is not a clear shot.

Mr. Ussery stated that in light of what Attorney MacMillan has just shared, and if she is correct, this changes the whole perimeters of what is being considered. Chairman Hart agreed with Mr. Ussery but stated that they would have to hear from the applicant and or his attorney before making a decision.

Mr. Nevill expressed concerns about wetlands and the feasibility of hampering any type of development on the adjacent piece of property. He stated that more than likely they are considered jurisdictional.

Attorney MacMillan pointed out that she does have legal descriptions of the additional properties, for which this was going to be expanded, and this does not include the Nina Lewis property.

Also present to speak in opposition were Mr. Bill Collison and Mrs. Else Rieger, both residents of Captains Walk. Their concerns included wetlands, stormwater problems, flooding and traffic.

In response to the opposition, Mr. Clements stated there has been a misunderstanding with regard to wetlands. He stated that there are no wetlands on the property. The property was delineated at the same time as the Captains Walk. He explained that the property retains water but it is not wetlands. The water is trapped and when he begins construction the water will be removed, the same as Captains Walk. Regarding the density, he stated that he is not asking for anything more than what is allowed under the zoning classification. To address the issue of "not being a clear shot, he explained that Captains Walk was designed that way and at that time, he saved every tree that he possibly could. He intends to do the same thing with the proposed development. Regarding the time limit on the easement rights, Mr. Clements' reply was "that is news to him." He stated that he thought it was 20 years from the time that he turned everything over, which was in 1987.

In light of the access, Chairman Hart asked staff how should they proceed. Mr. Phillips explained that from a practical point of view, the development in the MR zoning necessitates some kind of access off of Mallory Street, unless they conclude that George Lotson Avenue would be an adequate access for that type of development. Regarding the issue of whether or not the applicant has a legal right to the access, Mr. Phillips stated that he would rather confer with the County Attorney, who would probably in turn suggest that the applicant supply staff with some type of documentation. He stated that there is the possibility of developing off of George Lotson Avenue. Regarding wetlands, Mr. Phillips stated that staff would need some type of delineation from an expert.

Chairman Hart asked Mr. Clements if he would be willing to defer this matter and provide some type of legal documentation of his access. Mr. Clements replied yes. Chairman Hart asked the members; 1) if they would be willing to allow Mr. Clements time to develop his legal opinion on what his access is; and 2) allow staff to find out if there is any other multi-family that is accessed by a road similar to George Lotson. The Planning Commission concurred. Mr. Ussery added that he would also like to see what staff's recommendation would be if there was no access from Mallory. Ms. McCormick stated that she would like more clarification on the wetlands.

Following discussion, a motion was made by Ms. Ann McCormick to defer this item until the June 17th Planning Commission beginning at 6:00 p.m. The motion was seconded by Mr. Gary Nevill. Voting Aye: Mr. Hal Hart, Ms. Ann McCormick, Mr. Gary Nevill and Mr. Robert Ussery. Abstained From Voting: Mr. Perry Fields and Mr. Jonathan Williams.

At this time, the Planning Commission took a 10 minute break. The meeting resumed at 8:15 p.m.

To avoid detaining property owners/developers any further, Chairman Hart suggested moving Items 6, 7, 8 and 9 up on the agenda. The Planning Commission concurred.

PP00-08 Somersby Pointe-Common Area

Request by Terry Carter to revise the approved revised preliminary plat (master plan) to permit the creation of two residential lots (Lots 214 & 215) in place of the area designated as "Park-Common Area Proposed Pool and Playground" within the Phase I area.

Mr. Terry Carter was present for discussion.

In a memorandum addressed to the Planning Commission, Mr. Phillips explained that after Phase I was approved, it was discovered that the pool and recreation facilities could not be located where originally planned because of the shape of the parcel and the zoning (setback) restrictions. The pool and recreation facilities were then located on another site nearby, but the designation of this property remained as "Park-Common Area Proposed Pool and Playground."

Approval of the request to revise the preliminary plat will permit the pool parcel to be divided into two residential lots through the re-subdivision process. These lots front on an existing accepted street and are served by existing water and sewer.

At the October 15, 2002 Planning Commission meeting, the members discussed whether or not this change to the plat could be made without approval of the other landowners within the subdivision. Staff discussed this issue with the County Attorney's office. The County Attorney's office advises that the applicant should submit a statement from his attorney indicating that other owners within the subdivision have been properly notified. This statement should be submitted prior to final action administratively approving the re-subdivision, but it need not be presented to the Planning Commission. The Planning Commission may approve the change subject to the provision of such a statement for the record.

Staff recommends approval of the change to the preliminary plat subject to the provision of a statement as described above prior to the approval of the re-subdivision.

It was noted that no one was present to oppose this request.

Following review, a motion was made by Mr. Perry Fields to approve this request. The motion was seconded by Ms. Ann McCormick and unanimously adopted.

PP00-08 Somersby Pointe-Lot 135

This is a request by Terry Carter to revise the approved preliminary plat to change the designation of lot 135 (located on the south side of Wellington Place approximately 100 feet west of Somersby Pointe) from Phase II to “future phases.”

Mr. Terry Carter was present for discussion.

In a memorandum addressed to the Planning Commission, Mr. Phillips explained that approval of this request will permit Lot 135 and Lot 166 (located on the northeast corner of Wellington Place and Arlington Way, already designated as “future phases”) to be separately approved under the minor plat procedure. These lots are currently served by existing and accepted streets and utilities.

At the time of approval of the preliminary plat for Phase I, these lots were excluded because they were in wetlands. Subsequently, it was determined that these were not jurisdictional wetlands, so the lots can be developed. The streets and utilities to serve these lots were provided in Phase I, so they can be legally created under the minor plat procedure. Staff’s recommendation is for approval.

It was noted that no one was present to oppose this request.

Following review, a motion was made by Mr. Gary Nevill to approve this request. The motion was seconded by Mr. Perry Fields and unanimously adopted.

SP2003-0429-0900 SBA, Inc. Jetport

Request by SBA, Inc., agent for OSG Tap and Die Inc., for approval of a site plan for a telecommunications tower approved under SUP-2002-02 July 2, 2002. Tower site is located at corner of Sidney Lanier Boulevard and Ethridge Drive.

Ms. Carina Ritz was present for discussion.

In a memorandum addressed to the Planning Commission, Mrs. Segers explained that this site plan is for a telecommunications tower 156 ft. above ground level. This proposal was part of the text amendment to Glynco-McBride Jetpark PD-G to provide for telecommunications towers, approved March 7, 2002 and a Special Use Permit, as required under Article XIV of the Glynn County Zoning Ordinance, approved July 2, 2002. Other approvals include Federal Aviation Administration Determination of No Hazard to Air Navigation, and Federal Communications Commission approval registration number 1234247.

The proposed tower will allow co-location by four wireless carriers, and will be located within a 10,000 sq. ft. leased section of the 19.95 acre tract owned by OSG Tap & Die. This division is for leasing purposes and does not constitute subdivision from the total acreage of the property. The U.S. Department of Homeland Security is in the process of purchasing the OSG property. Stewart Clifton with Federal Law Enforcement Training Center has indicated that FLETC will honor the land lease with SBA, and has made arrangements with SBA for continued access to the telecommunications tower should the property become a part of the FLETC compound. Staff has reviewed this site plan and recommends approval.

It was noted that no one present to oppose to this request.

Following review, a motion was made by Mr. Perry Fields to approve this request. The motion was seconded by Mr. Robert Ussery and unanimously adopted.

SP2003-0218-1645 St. Paul's Baptist Church

Request by Larry Bryson, agent for St. Paul's Baptist Church for approval of a site plan for an addition to the existing church, located on the north side of Demere Road, west of its intersection with Oliver Lane.

Mr. Larry Bryson and Pastor Frank Graves were present for discussion.

In a memorandum addressed to the Planning Commission, Mr. Phillips stated that this matter was presented to the Planning Commission at the May 6th meeting and continued to today's meeting. As explained at the May 6th meeting, this project has a complicated history and will need to go through an unusual series of steps in order to be realized. The Planning Commission asked that the plan be revised to ensure that there is no reference to development on the portion of the property that is subject to the scenic easement.

The plan has been revised and has been reviewed by Planning, Engineering, and Utilities. The issue will go to the Board of Appeals and to the Board of Commissioners before a proposal can be considered regarding the portion of the property that is subject to the scenic easement. The Planning Commission will then consider a revised site plan. Until that time, the plan as presented meets the requirements of the county and would permit the construction on the social hall to proceed. Staff's recommendation is for approval.

It was noted that no one was present to oppose this request.

Following review, a motion was made by Mr. Jonathan Williams to approve this request. The motion was seconded by Mr. Robert Ussery and unanimously adopted.

GC-2003-ZT5

Proposed amendments to the Glynn County Zoning Ordinance, amending Article VI "General Provisions," Section 619 "Site Plan Approval," Section 619.8 "Fee;" Article VI "General Provisions," Section 621 "House Moving Requirements;" Article VIII "Signs," Section 803 "General Provisions," Section 803.2 "Permit Fee;" Article VIII "Signs," Section 803 "General Provisions," Section 803.5.3 "Fluttering Ribbons and Banners;" Article IX "Enforcement, Permits, Penalties, and Fees," Section 904 "Conditional Uses and Special Uses;" Article IX "Enforcement, Permits, Penalties, and Fees," by adding thereto a new Section 909 "Fees;" Article X "Appeals, How Taken," Section 1004 "Appeal Procedures;" Article XI "Amendments," Section 1102 "Procedure for Amendments," Section 1102.3 "Fees;" Article XI "Amendments," Section 1105.2 "Withdrawal;" Article XIV "Telecommunications Facilities Ordinance," Section 1403 "Placement of Telecommunications Facilities by Zoning District," Section 1403.3 "Exclusions;" and for other purposes.

The purpose of these amendments is to delete specific fees and to reference a separately adopted fee schedule to be adopted and from time to time amended by the Board of Commissioners.

Mr. Phillips explained that in anticipation that fees currently charged under the Zoning Ordinance will be reviewed and modified in conjunction with the FY 2003-04 Budget, staff prepared the above referenced amendment, which was outlined in the packages for review.

The amendment removes fees that are set within the body of the ordinance and instead references a "Fee Resolution" to be adopted and from time to time amended by the Board of Commissioners.

Following review and public comment in favor of the amendment, a motion was made by Mr. Robert Ussery to recommend approval. The motion was seconded by Mr. Gary Nevill and unanimously adopted.

GC-2003-ZT 6

Proposed amendments to the Glynn County Subdivision Regulations, as amended, amending Article VII "Subdivision Plats," Section 710 "Final Plat Approval;" Article VIII "Minor Subdivisions, Re-subdivisions of Land and Vacation of Plats," Section 801 "Minor Subdivisions," Section 801.1 "Procedural Requirements;" Article VIII "Minor Subdivisions, Re-subdivisions of Land and Vacation of Plats," Section 802 "Resubdivision of Land," Section 802.1 "Procedural Requirements;" Article VIII "Minor Subdivisions, Re-subdivisions of Land and Vacation of Plats," Section 803 "Vacation of Plats;" Article X "Enforcement, Violations, and Penalties," by adding thereto a new Section 1005 "Fees;" and for other purposes.

The purpose of these amendments is to delete specific fees and to reference a separately adopted fee schedule to be adopted and from time to time amended by the Board of Commissioners.

Mr. Phillips explained that in anticipation that fees currently charged under the Subdivision Regulations will be reviewed and modified in conjunction with the FY 2003-04 Budget, staff prepared the above referenced amendment, which was outlined in the packages for review.

The amendment removes fees that are set within the body of the ordinance and instead references a "Fee Resolution" to be adopted and from time to time amended by the Board of Commissioners.

Following review and public comment in favor of the amendment, a motion was made by Ms. Ann McCormick to recommend approval. The motion was seconded by Mr. Jonathan Williams and unanimously adopted.

Under **Planning Commission Items**, Ms. McCormick asked for the status of the proposed amendment to Section 803.2.3 (exempt non-profit organizations from payment of a permit fee to authorize the installation of banners.) Mr. Phillips stated that the amendment was approved by the County Commissioners at their regular meeting of April 3, 2003. He pointed out that the issue of "institutional uses" requiring site plan approval on St. Simons Island has been referred to the County Attorney for assistance in defining "institutional uses." Also, the amendment to Section 1102.4 regarding the general layout plan requirement was approved at the May 8th Board of Commissioners meeting.

Under **Staff Items**, a list of ordinance amendments currently before the Planning Commission, along with a schedule of upcoming meetings was included in the packages for review and presented by Mr. Phillips, followed by a general discussion. Mr. Fields stated that he would like to discuss the proposal regarding height limitations at the July 1st Planning Commission meeting. Also, any information or suggestions on expert speakers for the proposed wetlands/buffer workshop should be submitted to Mr. Phillips.

There being no further business to discuss, the meeting adjourned at 9:08 p.m.