

**MINUTES**  
**GLYNN COUNTY PLANNING COMMISSION**  
**JANUARY 4, 2005 - 6:00 P.M.**

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**MEMBERS PRESENT:** Perry Fields, Chairman  
Robert Ussery, Vice Chairman  
Mike Aspinwall  
Gary Nevill  
Jonathan Williams

**ABSENT:** Jay Kaufman  
Ann McCormick

**STAFF PRESENT:** John Peterson, Director  
York Phillips, Planning Manager  
Iris Scheff, Planner III  
Eric Landon, Planner II  
Janet Loving, Admin/Recording Secretary

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Chairman Fields 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.

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Upon a motion made by Mr. Robert Ussery and seconded by Mr. Gary Nevill, the agenda for the January 4<sup>th</sup> Planning Commission meeting was approved and unanimously adopted.

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GC-2004-32  
Consider a request to rezone from Forest Agricultural to Highway Commercial, property located on the west side of New Jesup Highway (US 341), approximately 596 feet north of its intersection with Oak Grove Island Road, and consisting of .697 acres with 283 feet of frontage on New Jesup Highway (US 341) - property address is 6461 New Jesup Hwy. The purpose of the request is to make the zoning consistent with adjacent property to the north, which is zoned Highway Commercial. Ben Slade, agent for Scott Slade, owner.

Mr. Scott Slade was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

The proposed rezoning is for a property that is contiguous with other properties to the north zoned Highway Commercial. The site presently has a metal building on it and no other development. The surrounding area is characterized by businesses such as automotive related businesses and fast food restaurants. The county's adopted Comprehensive Plan designates this area for residential use.

**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, Highway Commercial zoning for the property will permit a use suitable in view of the fact that this property, if zoned HC, would be the southernmost property on the west side of Highway 341 in a line of contiguous properties all of which have HC zoning.**

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

**No, adjacent properties to the north, south and east are all located along Highway 341, a four-lane high traffic volume road that intersects with Interstate 95. Property to the immediate west and south has frontage along Oak Grove Island Road, and U.S. Highway 341, respectively, both of which carry a substantial amount of traffic.**

- 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. Uses that would be proposed and permitted in the Highway Commercial Zoning District would typically be assessed through development review as to their potential to cause excessive or burdensome use. Features such as sufficient ingress/egress, off-street parking and loading zones, and other development**

**features appropriate to mitigate potential adverse effects of the proposed use would be required to be designed into the site plan.**

- 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.**

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

**Yes, in considering the overall intent of the property's current A (Forest Agricultural) zoning, adjacent development has occurred over the years such no longer appears to be ideally suited to the property which is just over one-half acre in size, based on the purposes described- "...general farming and tree growing, as well as certain specialized recreational and other public purposes..."**

The proposed zoning of Highway Commercial appears to be suitable for the property. Therefore, staff's recommendation is for approval.

Chairman Fields stated that there is no layout plan, but the building shown appears to be consistent with the adequate amount of parking, etc.

Mr. Ussery asked if there was any particular use planned for the property at this time. Mr. Slade replied no.

Following discussion, a motion was made by Mr. Gary Nevill to recommend approval of this request. The motion was seconded by Mr. Robert Ussery and unanimously adopted.

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GC-2004-35

Consider a request to rezone so as to remove the parking prohibition in the buffer on property located on the northwest corner of Glynco Parkway and Canal Road and consisting of 4.450 acres with 421.29 ft. of frontage on Glynco Parkway and 405.25 ft. of frontage on Canal Road - property address is 1599 Glynco Parkway. Daniel E. Coty, Sr., agent for Coastal Realty Investments, Inc., officers Daniel E. Coty, Sr., Steve McDonald, Mike McDonald and Daniel R. Coty, Jr., owners.

Mr. Dan Coty was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

The applicant is requesting that the condition of the existing General Commercial zoning district as established on August 25, 1987 (Application #GC-21-87) be removed.

The county's adopted Comprehensive Plan designates this area for Low Density Residential. This site was zoned General Commercial with restrictions. The restrictions required a 50 ft. landscaped setback from Glynco Parkway and further restricted parking within the setback area. The request would remove the parking restriction entirely. General provisions in the Zoning Ordinance would require the maintenance of a 5 ft. grassed area between the parking lot and the right-of-way line.

**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 existing restriction may be excessive in view of the size and shape of the property. Nearby property is either residential (Nottingham to the west) or institutional/undeveloped.**

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

**No. The buffer affects Glynco Parkway, but does not directly affect the adjoining residential development to the west. Other properties in the area are non-residential in character.**

- 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. The change would not affect infrastructure capacity.**

- 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 for Residential development.**

- 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 restriction was placed on the property at the time of rezoning to ensure a minimum quality of appearance for development along Glynco Parkway. A desirable appearance for commercial areas can be achieved with considerably less occupation of space. A 10 to 15 ft. wide buffer with a low hedge and other landscaping will provide a separation that is sufficient to provide an adequate protection for the roadway. Care should be taken that a segment of the pedestrian trail can be accommodated in front of this site.

Staff recommends that this request be approved for a reduction in the setback for parking, subject to approval by the Planning Commission of a site plan for development of the site to include a specific buffer in lieu of the 50 ft. landscaped setback. The County Engineer should review the plans for consistency with county plans for construction of a walkway along Glynco Parkway.

Mr. Nevill asked if the property in question could be accessed from Glynco Parkway. Mr. Phillips replied yes, the provision indicates that you can cross the buffer with an access.

Mr. Ussery stated that there are really no setback requirements in the General Commercial zoning district. Mr. Phillips stated that is correct, which is probably why some conditions were established. Mr. Ussery stated the setback requirement for the building would remain at 50 ft. and the request is to allow parking within that 50 ft. Mr. Phillips stated that is correct, but the applicant would have to address the specifics.

Mr. Dan Coty, applicant, gave a brief presentation. He stated that he was on the Planning Commission back when the condition was placed on the property and he thinks that it was done this way because it was the first piece of property in that particular area that was zoned commercial, and it was a thought at one time that eventually Glynco Parkway would be 4-laned.

Mr. Coty stated that he is asking to be allowed to park in the front of the building instead of behind the building. Mr. Ussery asked if he intends to maintain the 50 ft. building setback. Mr. Coty replied yes, but according to the preliminary sketch, it is actually 65 ft. He stated that there is a drainage easement that runs across the corner of the property but the county never used it. They actually moved the pipe down and put it along the Nottingham right-of-way. Mr. Coty stated that he has no problem maintaining the small strip across the front of the property as proposed by staff. He stated that he has also discussed the sideway issue with the county.

Following discussion, a motion was made by Mr. Robert Ussery to recommend approval of this request with the condition that a 10 ft. paving setback from Glynco Parkway be maintained across the front of the property. The motion was seconded by

Mr. Jonathan Williams. Voting Aye: Mr. Mike Aspinwall, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. Abstained From Voting: Mr. Perry Fields.

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GC-2004-36

Consider a request to rezone from Forest Agricultural General Industrial, property located generally on the north side of Highway 99 and consisting of 59.33 acres with 636.05 feet of frontage on SR 99 - property address is 4721 Highway 99, Brunswick, Georgia. The purpose of the request is to allow development for industrial use. Bolton Road, LLC and John M. Ford, owners.

Mr. John Ford was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

This site is located northeast of the main intersection in Sterling (US 341 and SR 99), and just west of the railroad track. To the north is industrial, as are areas to the east along SR 99. Other adjacent uses are rural residential and mobile homes on M-12 and FA zoned property. The immediate SR 99/US 341 intersection is commercial in character.

This proposal would permit the development of industrial sites. The county's adopted Comprehensive Plan designates this area for industrial use. Transportation facilities in the area are adequate, and the site is well located from a regional access perspective. The county is in the process of working with several landowners in the area to expand water and sewer service to the area.

**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, adjacent and nearby properties also support industrial use.**

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

**No.**

- 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. There is no anticipated problem with needed infrastructure.**

- 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 Industrial.**

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

**Adjacent and nearby properties are currently developed and support industrial uses.**

The property is suitable for industrial use and can be rezoned to General Industrial. Therefore, staff's recommendation is for approval.

Chairman Fields wanted to know if this is one of the zoning classifications where a general layout plan is not required. Mr. Phillips stated that there is a sketch included in the packages which shows the property and how it could be accessed; however, at this time, there is no specific plan for the development of the property. He explained that the intent of the general layout plan is not to show any kind of commitment to any particular layout, but simply to show what is feasible.

During a brief presentation, Mr. Ford stated that he is actually trying to lure some industry to the Brunswick area.

Mr. Ussery wanted to know if there are any required buffers for General Industrial zoning, specifically due to the R-12 residential lots in the area. Mr. Phillips stated that there is a general requirement in Article VI of the ordinance relative to a fence. Mr. Ussery stated that there needs to be some type of buffer to protect the existing residences and a fence is not sufficient in his opinion. Chairman Fields agreed and added that the buffer should be left in its natural state, undisturbed. Mr. Ford stated that he would not have a problem with providing the appropriate buffer.

Following discussion, a motion was made by Mr. Robert Ussery to recommend approval of this request with a 30 ft. buffer allowing any access necessary adjacent to residential only. Discussion continued regarding the specifics of the buffer thereby prompting Mr. Ussery to amend his motion, which now states that the recommendation is

for approval subject to a 30 ft. undisturbed buffer being required against all non-commercial uses on the western and northern boundaries. The amendment was accepted. The motion was seconded by Mr. Gary Nevill and unanimously adopted.

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VP-2004-03

Application by Ed Mecchella, owner, for approval to construct a new cottage to be located at 632 Demere Way, on the east side of Demere Way between Demere Road and Oak Street.

Mr. Ed Mecchella was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

It was noted that this item was continued from the December 21, 2004 meeting to allow the applicant to submit additional information.

The application indicates that this property is located on the east side of Demere Way, however, the property with this address is actually located on the south side of the street, approximately 250 feet west of the intersection of Demere Way and Demere Road. The height of the proposed house is not indicated, but appears to be 30 ft. The footprint was originally indicated as 3,494 square feet, but the garage and other features were re-delineated to produce a footprint of 2,243 square feet.

Under Section 709.5 (*Village Preservation*), new construction must remain within certain size limitations based on the size of structures on the property and neighboring structures as they existed at the time of the adoption of the Village Preservation provisions.

### **709.5 General Provisions**

*In all zoning districts except General Commercial Core Districts, no new construction or alteration to existing construction of a principal building or accessory building or structure will be allowed which will result in a lot coverage of greater than fifty percent (50%). Furthermore, no building footprint may be increased more than the average of the building footprint of the building and structures located on the adjacent side lots existing at the time of the adoption of this Ordinance.*

*In all zoning districts, no new construction or alteration to existing construction of a principal building or accessory building or structure will be allowed which will increase the height more than ten (10) feet from the building or structure originally*

*located on the property at the time of adoption of this Ordinance or from the average height of the principle structures located on the adjacent side lots at the time of adoption of this Ordinance.*

*For vacant lots which have been vacant for a period of one (1) year or longer, the footprint of new buildings or structures on the lot shall be no greater than the average footprint of the buildings or structures located on the adjacent side lots of the new construction. The height shall be no more than ten (10) feet greater than the average height of the principle structures located on the adjacent side lots at the time of adoption of this Ordinance.*

*When no building or structure is located on adjacent lots, the nearest building or structure will be considered to determine allowable scale of new construction.*

The application indicates that the height of the adjoining buildings is 28 ft. and 32 ft., for an average of 30 ft. This height may be increased by 10 ft. to establish the maximum height of the new structure. No information has been provided concerning the structure that was located on this lot at the time of adoption of the ordinance.

While no information was originally provided as to the footprints of any structure on the site or on the adjoining lots, information was subsequently provided concerning the footprint of four units on the adjacent lot to the east, indicating that the footprint of the two buildings totals 5,152 square feet. Staff had estimated from aerial photos that the average footprint of buildings on this lot and adjoining lots was 2,413 as of the date of the aerial photography. Therefore, following either scenario, the footprint of the proposed house appears to meet the limitation.

In addition, Section 709.8 provides that the Planning Commission will review the plans according to the following criteria:

- A) Conformity of the plans submitted to the purpose and provision of this Ordinance.
- B) Conformity and harmony of external material and design with existing and neighboring structures.
- C) The effect of the improvements on neighboring structures or sites.
- D) The consistence and compatibility with existing architectural design building exterior finishes used on neighboring properties or in the overlay zone.
- E) Exterior materials, exterior doors and windows, color schemes and other building elements which are considered compatible with neighboring structures in the overlay zone and appropriate for the area.

- F) The use of landscaping to cause the improvement to conform to the character of the area or to buffer the improvement from the neighboring sites.

Provisions of Section 709 have been met and therefore, staff's recommendation is for approval.

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

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### Variance Request

Request by David Lee for variance from the provisions of Section 802 (4) of the Glynn County Subdivision Regulations in connection with the Community Development Director's action to not certify re-subdivision of Lot 13 and portion of Lot 14, Block 14, Island Retreat Subdivision, property located at 649 Delegal Street, St. Simons Island. This item was considered at the December 7, 2004, meeting but no action was taken.

Mr. David Lee and Mr. Larry Bryson were present for discussion.

According to the staff's report contained in the packages, staff reviewed this request but did not certify the re-subdivision of Lot 13 and portion of Lot 14, Block 14 Island Retreat Subdivision. The particular issue is the effect of subsections 802 (3) and (4) in the Glynn County Subdivision Regulations.

Under Section 802.1 (b) of the Subdivision Regulations, an applicant for whom a proposed re-subdivision is not certified may request to be considered by the Planning Commission. The applicant has made such a request.

Section 802 (4) of the ordinance presents a particular problem. Recently, staff became aware of interpretations (made by previous staff) that do not appear to be supported by the actual language of the ordinance. Staff requests some policy direction from the Planning Commission and will prepare an ordinance amendment to implement that direction.

At the December 7<sup>th</sup> meeting, the Planning Commission invited the applicant to seek a variance from the provision of Section 802 (4) to allow division of a lot with less than one acre. A request for a variance has been received.

Mr. Larry Bryson presented a sketch, which he stated provides another option of how to subdivide the property without creating a flag lot or a lot behind the lot. He stated that this proposal meets the requirement of Section 802 (4).

Mr. Nevill noted that this particular sketch is much more desirable than putting a house behind another house, and it is better planning in his opinion. He stated that the lot on the left of this property would be a flag lot, but 50% flag lots are allowed on minor subdivisions.

Chairman Fields stated that this was a lot split that occurred, which created a substandard lot. The applicant's whole lot is one lot, and according to Section 507, if he wanted to split the lot, it has to be an acre. The applicant is using the plural term "lots," and therefore the language in Section 507 does not apply. However, the county, by the language contained in Section 507, has adopted this as a single lot, allowing the applicant to build across the lot line without going through the process.

Mr. Phillips explained that this is a zoning lot used as a single lot. His understanding is that a zoning lot need not necessarily be the same as a recorded platted lot. These lots were platted a long time ago and it is common in this particular subdivision for a lot or two lots to be used as one, or a lot and a half to be used as one. Those lots however were created prior to the Zoning Ordinance and consequently they are clearly substandard lots-of-record and are legal lots. Mr. Phillips stated that one lot in this case is 70 ft. wide and over 6000 sq. ft. The other lot, which is part of this property is 35 ft. wide and does not meet the width requirement.

Mr. Phillips stated that during discussions with the applicant, it was noted by the applicant that there are two lots even though the lots are single zoning lots. The applicant is not creating a new lot, but rather moving the line between the two lots. This process is covered under Subsection (3), which does not have the one-acre requirement as indicated under Subsection (4). Chairman Fields stated that two platted lots have been combined and now the applicant wants to split them into two separate lots. He is therefore taking a lot that is approved and a lot that is not approved, putting them together, and requesting to separate them into two separate lots.

Mr. Phillips stated that this situation is common in other areas of the county and in all cases the properties are made up of one or two or more parts of lots. If it is a recorded platted lot that existed prior to the rules, then it is considered to be a buildable lot, whether it meets the standard or not. What the applicant is offering is a way of re-dividing the two lots in such a way that they meet the required standards. The problem is the acreage requirement as indicated in Subsection (4) of the ordinance.

Planning members questioned whether or not they could approve this request. Chairman Fields stated that in his opinion, this is something that they cannot approve. For clarification, he explained that the Director has determined that the lot in question does not meet the requirements of the ordinance and the Planning Commission is being

asked to overturn his decision or support his decision. Chairman Fields then asked for the provisions under which a variance is granted.

Mr. Phillips pointed out that Article IX, Section 901 of the Glynn County Subdivision Regulations states that variances shall be permitted as follows: **1) General:** When a peculiar shape or the topography of a tract of land or other unusual condition makes it impractical for a sub-divider to comply with the literal interpretations of the design requirements of this ordinance, the Planning Commission shall be authorized to vary such requirements, provided, however that in so doing the intent and purposes of this ordinance are not violated. **2) Conditions:** In approving variances, the Planning Commission may require such conditions that will, in its judgment, secure substantially the objectives of the standards and requirements of these regulations. **3) Procedures:** A petition for any such variance shall be submitted in writing by the sub-divider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Mr. Phillips stated that the applicant has submitted a written request. There is not a preliminary plat but there is a re-subdivision plat pending. As indicated, the Planning Commission could require conditions, if the variance is granted. He stated that the literal interpretation of the design requirement in this case would be the one-acre rule.

Chairman Fields explained that step #1 is do we grant the variance or not. Step #2 is if we deny the variance then we would either have to uphold the action of the Director or overturn it. He further explained that if we grant the variance, we still have to make a determination to override the Director's decision or not.

Following discussion, a motion was made by Mr. Robert Ussery to deny the variance. However, the motion died for lack of a second. There were no other motions at this time. It was noted that no action constitutes a denial of the variance; therefore, this request is denied. Discussion continued. Mr. Jonathan Williams wanted to know what would happen if the variance is granted. Chairman Fields explained that granting the variance in fact overturns the Director's decision to not allow the lot split.

Mr. David Lee commented that the clarity is not in the ordinance. He stated that it is evident that this has just come to fruition where everybody is beginning to scrutinize these ordinances. He stated that when he or others like him go to county staff with a specific request and county staff's understanding is the same as their understanding, then where do they go beyond that to proceed with their investments or projects. He strongly suggested that the ordinances be reviewed and revised so that they are understandable under layman's terms and not just an educated attorney's terms.

At this time, Chairman Fields called for a motion on the determination of the Director's decision regarding the original lot split. Thereupon, a motion was made by Mr. Robert Ussery to uphold the Director's decision (that the request does not comply

with Section 802 of the Glynn County Subdivision Regulations). The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

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Non-Certification of a Re-subdivision

Request by Jimmy L. and Martha C. Dixon for Planning Commission review of Community Development Director's action to not certify re-subdivision of Lots 97 - 99, King City Subdivision (property located at the corner of Butler and Hamilton Streets, St. Simons Island.

Attorneys Carroll Palmatary and Tom Lee were present for discussion.

According to the staff's report contained in the packages, staff reviewed this request and then advised that it could not be certified, as it does not meet the requirements of Section 507 of the Zoning Ordinance. The applicant, through his attorney, requested that the item be placed on the agenda of the Planning Commission for review under Section 802.1 (b), which permits the Planning Commission to uphold or overrule the decision of the Director. That section requires the Planning Commission to apply the applicable regulations.

This proposal does not meet the requirements of Section 507 of the Zoning Ordinance, which reads:

**Section 507. Use of Substandard Lots of Record**

*No permit for the use of any lot which is smaller in total area than the minimum size permitted for the district within which it is located shall be issued unless said lot was legally and properly recorded prior to the passage of this Ordinance; provided, however, that in Residential Districts, substandard lots shall be used only for single-family residential purposes.*

*However, in all cases, construction on any such lot, after the time of passage of this Ordinance, shall be required to meet all other requirements of the district within which it is located, including front yard setbacks, side yards, rear yards, and others.*

*Any existing substandard lot or lots of record which have already been re-subdivided prior to July 1, 1996 into one or more lots which are smaller in total area than the minimum size permitted for the district within which they are located shall be deemed a substandard lot of record and usable as provided herein. This provision shall apply whether such re-subdivision was accomplished by approving a plat or issuing a building permit approving the re-subdivision.*

Based on information provided by the County Attorney, prior to 1996 there was a practice of allowing subdivision of substandard lots to create lots which were larger but which did not meet minimum zoning requirements, even though this practice was not permitted under the ordinance. Section 507 was amended in 1996 to restate that the practice was not permitted, but to recognize changes that were made previously.

In 1998 a proposal of this sort was permitted under a variance from the Board of Appeals, although it had been denied by the Planning Commission.

Staff has discussed this matter with the realtor for the applicant and explained how a variance might be obtained from the Board of Appeals.

Chairman Fields explained that the applicant wants to take three buildable lots and make two lots, but unfortunately, Section 507 says that this cannot be done. Also, the County Attorney is adamant that it cannot be done and any action by the Planning Commission would be null and void.

Chairman Fields did however offer a solution, which he stated he discussed earlier with Mr. Palmatary and Mr. Lee. He pointed out that according to the submitted plat and the fact that Section 507 says that if the county recognized it by the issuance of a building permit, then Lots 97 and 98 are now combined because the building straddles the property line. This is now an 80 x 80 lot and is recognized by the existence of a building. Lot 99 is a single lot. The County Attorney indicates that there should not be a problem obtaining a building permit for the combination of Lots 97 and 98, leaving Lot 99 to stand on its own. Chairman Fields stated that he does not know if this would work but it seems to be a sensible solution to the situation. As it stands, the Planning Commission cannot take action on this request, per the County Attorney.

Attorney Tom Lee stated that he disagrees with the County Attorney's interpretation of the ordinance. "It's absurd and ridiculous to put an impediment in the way of making property more valuable." He stated that in essence, the applicant would be taking three lots and making two lots to avoid having "shotgun houses." Attorney Lee feels that the Planning Commission has a right to grant a variance. He stated that he filed for a variance in his original application and he sees this request as a subdivision matter and not a zoning matter. He explained that this proposal would be reducing the density, increasing the property value, and enhancing the neighborhood.

Chairman Fields reiterated that there is no action for the Planning Commission to take; therefore he suggested that the item be placed back on the agenda in two weeks for further consideration.

It was noted that Mrs. Dee Stark of 222 Butler Avenue, St. Simons Island was present to speak on behalf of this proposal.

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At this time, Chairman Fields announced that he had another engagement to attend. He turned the gavel over to Vice Chairman Robert Ussery and excused himself from the meeting.

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SP-2004.1215.1400 Sea View Inn

Application by James Sutton Jr., agent for Oglethorpe Group LLC, owner, for site plan approval of an 11-unit hotel located on 0.4 acre. The property is located on the southeast corner of Ocean Boulevard and Ninth Street and zoned Resort Residential.

Mr. Jim Sutton and Mr. Frank North were present for discussion.

According to the staff's report contained in the packages, this is a request for site plan approval for an 11-unit hotel located on 0.4 acre. Some units will consist of one sleeping room and some will consist of two sleeping rooms for a total of 14 sleeping rooms, which is the maximum permitted on this site under the Zoning Ordinance.

This application was submitted very recently, and has not been reviewed by DRT staff. The Planning Commission reviewed the matter at its December 21<sup>st</sup> meeting and continued it to allow the applicant to address several issues, including the density and the site coverage. As mentioned above, the density has been reduced in order to meet the ordinance requirements. In addition, the building size and parking have been reduced to meet the site coverage limit. Some technical issues (including utilities and drainage) will still need to be reviewed prior to issuance of the building permit.

Staff's recommendation is for approval of the site plan subject to meeting all requirements.

After a brief presentation by Mr. Sutton, followed by a general discussion, a motion was made by Mr. Gary Nevill to approve this request. The motion was seconded by Mr. Jonathan Williams and unanimously adopted.

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**MINUTES**

**Regular Meetings: December 7, 2004 and December 21, 2004**

The Minutes of the December 7<sup>th</sup> and December 21<sup>st</sup> Planning Commission meetings were approved and unanimously adopted subject to any necessary corrections.

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Under **Planning Commission Items**, staff was advised to add the “Lot Split” issue to the list of items for discussion and consideration.

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Under **Staff Items**, Mr. Phillips explained that the recently adopted ordinance abolishing the Planning Commission and creating two separate Planning Commissions provides that both of the new Planning Commissions will use the current Planning Commission By-Laws.

Inasmuch as the existing By-Laws specify the date and time of regular meetings, and since this will create a problem logistically, staff recommends that the current By-Laws be amended prior to the implementation of the two Planning Commissions. The amendment was included in the packages for review. The proposed changes address scheduling of meetings.

The By-Laws require that the Planning Commission approve the changes, afterward, the Board of Commissioners must approve the changes before they become effective.

Following a brief discussion, a motion was made by Mr. Gary Nevill to recommend approval of the proposed amendments to the current Planning Commission By-Laws. The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

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There being no further business to discuss, the meeting adjourned at 8:30 p.m.