

MINUTES

ISLANDS PLANNING COMMISSION
MAY 15, 2007 - 6:00 P.M.
Fire Station #2, Demere Road, St. Simons Island

MEMBERS PRESENT: Robert Ussery, Chairman
Preston Kirkendall, Vice Chairman
John Dow, Jr.
William Lawrence
Paul Sanders
Desiree Watson
Joan Wilson

STAFF PRESENT: David Hainley, Community Development Director
York Phillips, Planning Manager
Eric Landon, Planner II
Fred Carpenter, Transportation Planner
Janet Loving, Admin/Recording Secretary

ALSO PRESENT: Commissioner Uli Keller, BOC

Chairman Robert Ussery called the meeting to order and the invocation was given, followed by the Pledge of Allegiance. He then gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

Minutes

April 17, 2007 Joint Meeting

Upon a motion made by Mr. Preston Kirkendall and seconded by Ms. Joan Wilson, the Minutes of the April 17th Joint Meeting were approved and unanimously adopted.

April 17, 2007 Regular Meeting

Upon a motion made by Mr. John Dow and seconded by Mr. Preston Kirkendall, the Minutes of the April 17th Regular Meeting were approved and unanimously adopted with a minor correction.

Agenda - Additions, Deferrals, Deletions, Postponements

Deferral: At the request of the applicant, a motion was made by Mr. Preston Kirkendall to defer application #ZM-2007-011 until the next Islands Planning Commission meeting. The motion was seconded by Ms. Desiree Watson and unanimously adopted.

ZM-2007-015 (I)

Consider a request to amend the Planned Development Text so as to allow more signs than permitted. This change is proposed for property consisting of approximately 0.59 acres, located on the south side of Demere Road, east of the entrance to Retreat Village Shopping Center. The property has 147.06 feet of frontage on Demere Road. The property address is 2205 Demere Road. Parcel ID 04-02181. Ben Holliday, agent for Chick-fil-A, Inc., owner. This item was deferred at the April 17th meeting.

Ms. Getra Thomason was present for discussion.

The following report from staff was included in the packages for review and was presented by Mr. Eric Landon:

The property is currently vacant and is the former site of a restaurant. The proposed use is for a Chick-fil-A restaurant. Building plans have been approved for remodeling of the existing structure.

The existing PD text allows a “maximum of one (1) sign at each entrance and designed in a manner harmonious with the architectural features of the project. Each sign shall be no taller than 10 ft. or of a size no greater than 60 sq. ft.” Therefore, this location would be allowed two (2) signs no taller than 10 ft. and a maximum of 120 sq. ft.

The applicant has proposed three (3) wall signs 16.71 sq. ft. each in size. The applicant has also proposed a 50 sq. ft. monument sign. The total square footage proposed will be 100.13 sq. ft. The signs proposed are a reduction in square footage, but allows the flexibility to provide signs on the exterior walls.

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed signage on the site is a reduction in total square footage and a reduction in sign height.

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

No, the request for zoning change is specific to the signage of the building. Therefore there is no change in use.

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

Yes, the business can provide signage as currently allowed in the approved PD.

- 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 language does not affect existing infrastructure.

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

Yes, the Comprehensive Land Use Plan shows this location for 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.

Mr. Landon stated that staff recommends that the request to amend the existing Planned Development Text be approved with the language provided; and that the signage be permitted shown on the elevations provided.

Chairman Ussery stated that there is an existing sign ordinance for St. Simons. He then asked how this particular request compares with what would be allowed in the HC District on the Island. Mr. Hainley explained that under the Islands jurisdiction, the maximum sign size is 24 sq. ft. There is a formula that allows for a pylon sign but it does not regulate a specific number. Chairman Ussery stated that he understands the desire for the wall signs, but the proposed monument sign is twice as large as what we normally see at other fast food restaurants in the area, i.e., Burger King, McDonald's, etc. Mr. Hainley stated that the applicant's sign package will be very similar to Star Bucks. However, Chairman Ussery pointed out that Star Bucks has a sign that complies with the ordinance. Again, he stated that his concern is not with the wall signs because those are

typically in compliance with what is allowed in other commercial districts. His main concern is with the larger monument sign.

Ms. Desiree Watson wanted to know how many other businesses in the area have individual monument signs. Mr. Hainley named two; Star Bucks and McDonald's.

Ms. Getra Thomason, agent for Chick-fil-A, Inc. stated that she had several discussions with Code Enforcement on this issue. She stated that the applicants would like to comply with the codes and they would also like to maximize the signage at the site. She stated that the existing restaurant had signs on all four sides when they purchased it and they would like to have a visible monument sign as well. Chairman Ussery pointed out that he has no problem with the wall signs, which are in compliance with what is permitted for other businesses in the area. He reiterated that his main concern is the size of the monument sign. According to the ordinance, signs supported by a base shall not exceed 24 sq. ft. on either side of the sign... Chairman Ussery stated that he would like for the applicants' proposed sign to comply with this portion of the current sign ordinance for St. Simons Island. Ms. Thomason stated that they are willing to work with the Planning Commission to obtain approval and would not have a problem complying with existing ordinances.

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

Following discussion, a motion was made by Mr. John Dow recommending approval of this rezoning request to amend the Planned Development Text in order to allow signage as provided in the proposed amended text and as shown on the provided elevation, subject to the monument sign being no more than 24 sq. ft., 6 ft. in height and 3 ft. off of the right-of-way. The motion was seconded by Mr. Paul Sanders and unanimously adopted. (This recommendation also includes wall signage.)

ZM-2007-018 (I)

Consider a request to amend the Island Medical Park Planned Development Text and Master Plan to include a 2.5 acre out-parcel. The existing out-parcel is currently zoned Resort Residential. In addition to expanding the current boundary of the PD this application is a request to allow temporary modular structures within the development. The existing PD is 19.7 acres and is located on the north side of Demere Road, west of Sea Island Road, south of Hamilton Road, and east of Arthur Moore Drive. Parcel ID 04-10491. Larry Bryson, agent for Southeast Georgia Health System, owner.

Mr. Larry Bryson was present for discussion.

The following report from staff was included in the packages for review and was presented by Mr. Landon:

This application includes the addition of a 2.5 acre out-parcel and the amendment of the existing PD text for the entire property. The majority of the site is currently vacant with the exception of an existing Medical Building.

The existing PD text does not allow temporary or modular structures on the property. The applicant is proposing language that allows such a use due to the need to expand the existing facility. The language provided (page 10, paragraph H of the revised PD text) does not provide for a maximum time that a modular unit could remain on the property.

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed use is temporary in nature, and therefore the proposed language needs to be amended to set a time limit on the proposed use.

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

No, if the proposed use is indeed temporary.

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

Yes, the medical park can be expanded with permanent structures.

- 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 language does not affect existing infrastructure.

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

Yes, the Comprehensive Land Use Plan shows this location for public/institutional use.

- 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.

Mr. Landon stated that staff recommends that the request to amend the existing Planned Development text and the inclusion of the 2.5 acre out-parcel be approved. In addition, staff recommends that the temporary structure be approved administratively by the Community Development Director, and that this structure be limited to 24 months. When a permanent structure is planned for this location it should require site plan review by the Planning Commission.

Ms. Joan Wilson wanted to know what the changes consist of on the plans. Mr. Hainley pointed out the changes on the amended plans that he distributed to the members but stated that the applicant would have to elaborate. Ms. Desiree Watson wanted to know how many temporary structures are being proposed for the site. Mr. Hainley stated that there will be one temporary double modular.

During a brief presentation, Mr. Larry Bryson explained that the existing Health Pavilion is located on Lot 1, which was never rezoned with the adjacent perimeter property that was rezoned into a PD in 2000. Lot 1 is still zoned RR Resort Residential. Therefore, the Health Pavilion is non-conforming in that it would not be allowed in the Resort Residential district. He further explained that this all came about because of the need for medical space on the site. In the process of trying to locate a temporary structure, it was discovered that the zoning was not the way it should be.

Mr. Bryson stated that the second issue discovered was that the parking lot was not constructed as per the drawing, which is what generated the new plans that Mr. Hainley distributed. This drawing also depicts the permanent structure that is currently being designed and located on the west side on Lot 2, and when it is completed, the temporary structure will be removed. The applicant is hoping that this will all occur within a two-year period.

Mr. William Lawrence stated that he has seen two different time-frames noted with this proposal and he would like to know what the actual projected time-frame is for the temporary structure. Mr. Bryson stated that although he requested the 36 month duration as noted in the PD text, he is hoping that it will take no more than 24 months. However, 36 months would be more sufficient.

Mr. Tom Conley, adjacent property owner, stated that he doesn't have a problem with this proposal but he would like to know what additional services will be provided because of the new structures. Ms. Marjorie Matthews, Vice President of SE Georgia Health System, stated that the plan is to connect a medical office building to the current immediate care center in order to provide additional family practice services on St. Simons Island.

Mr. John Dow asked if staff would have a problem with allowing the 36 month time-frame for this proposal. Mr. Hainley replied no.

Following discussion, a motion was made by Mr. Preston Kirkendall recommending approval of this request subject to the temporary modular structure being approved administratively by the Community Development Director within the 36 month time-frame. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

PP-2007-011 (I) Frederica Township, Phase V-A

Request for approval of a preliminary plat for property located at the end of Alford Lane and generally west of Lawrence Road. The project consists of 12 single family lots on 35.216 acres, and will be served by a private street and Glynn County water and sewer. This project also requires a variance from the requirements of Section 602.2 (g). The property is zoned PD Planned Development and is located within the North End Planned Development. Parcel ID 04-00206. Sea Island Coastal Properties, LLC, owner.

Mr. Bill Edenfield and Mr. Bobby Shupe were present for discussion.

According to the staff's report, this site is shown as low-density residential on the Future Land Use Plan. It is currently vacant but the proposed use is for a single-family subdivision consisting of 12 dwelling units.

The proposed development generally meets the requirements of the Subdivision Regulations, and of the Planned Development Text. The project does however require a variance from the requirements of Section 602.2 (g) to allow a permanent dead-end street (Cullen Lane, formerly Nairn Lane) to exceed 1,200 feet in length.

The site is served internally by private streets with connections at two locations to Lawrence Road. Lawrence Road currently carries 2,600 trips and is rated at Level of Service C or better. This project will generate approximately 115 trips per day.

Mr. Phillips stated that staff recommends approval of the variance from the limit on dead-end streets (Section 602.2 g) and the preliminary plat for Frederica Township, Phase V-A, subject to meeting all requirements.

Regarding previous discussions on dead-end streets, Mr. Kirkendall wanted know what would have to be changed in this proposal to meet the criteria. Mr. Hainley stated that the proposed amendment has performance criteria indicating approximately 1200 feet or 25 lots. This particular request falls under the 25 lot rule and therefore would not require any amendment. The only thing that may change is the cul-de-sac, which may need to be widened slightly to comply with the new turning radius requirement. Mr. Bobby Shupe explained that the cul-de-sac requirement is a 50 ft. radius and this particular proposal has a 70 or 80 ft. radius, which is well above the requirement.

Following discussion, a motion was made by Mr. Preston Kirkendall to grant the variance from Section 602.2 g) for the limit on dead-end streets and approve the preliminary plat for Frederica Township, Phase V-A subject to meeting all requirements. The motion was seconded by Mr. John Dow. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery, and Ms. Desiree Watson. Abstained From Voting: Ms. Joan Wilson.

PP-2007-12 (I) Cordell Properties

Request for approval of a preliminary plat for approximately 7.27 acre property to be divided into two parcels of approximately 1.24± acres and 6.03± acres. The property is located on the north side of Demere Road approximately 375 feet east of its intersection with Island Square Drive. The property has 226.53 feet of frontage on Demere Road, with an address of 2280 Demere Road. The property is zoned MR Medium Residential and does not access Glynn County water and sewer at the present time. Parcel ID 04-02259. James A. Bishop, Jr., agent for Cordell Properties, LLC, owner.

Mr. James Bishop and Mr. Phillip Jackson were present for discussion.

Mr. Hainley explained that this particular parcel was legally conveyed by deed in 1994 but is considered an illegal division under the current subdivision provisions. This is an attempt to straighten out that division. If the property were not in the MR zoning district it would be handled as an expedited plat, but due to the zoning classification, it requires preliminary plat approval from the Planning Commission.

Mr. Hainley stated that the major issue with this site as previously noted is utilities. The property is separated from the major parcel by a salt marsh and therefore will not be developed as a contiguous part and will remain as an island, regardless of the use. The property is developable if divided into the parcel as an MR site. Mr. Hainley stated that this is an attempt to turn the property into a legal parcel.

Mr. Dow had questions about engineering comments listed in the staff's report regarding DNR approval. Mr. Hainley explained that the engineering comment is merely a housekeeping item to ensure that the jurisdictional line is correct and current. The compliance of setbacks is based on the current date.

At this time, Chairman Ussery opened the floor for public comments and asked that all comments be limited to the subdivision only and not the rezoning.

Ms. Nancy Thomason wanted to know if the entire parcel is owned by the same party. Mr. Hainley replied no, he believes that it is owned by two individual parties. The front portion is owned by Cordell Properties and the back portion is retained by the original property owner from which this was divided 13 years ago. Mr. Bishop agreed

with Mr. Hainley adding that 13 years ago this property was a separate parcel. It remained in the same family until December 2006 when Cordell Properties purchased a portion. The entire parcel is owned by two different entities. The remainder of the property is still owned by the family.

Ms. Thomason asked if the county or surveyors have any history of movement of the marsh line since the illegal subdivision of the property. Mr. Hainley stated that during his recent involvement in researching the adjacent Waffle House tract and the property in question, the marsh line appears to be in the same place. Mr. Phillip Jackson who is a surveyor stated that the marsh in this particular area is bluffed and is a rather steep drop-off; it is not a flat transitional marsh. He confirmed that the line is in the same place.

Ms. Thomason stated that if the lot in question is subdivided away from the other Medium Residential property, does this mean that the lot is effectively being rezoned at this point. Mr. Hainley explained that the action requested at this time is to correct the situation that was done 13 years ago by deed instead of by plat. This does not change the zoning and neither would any other subdivision action that is taken by this body. Approval of a preliminary plat does not change the zoning.

In conclusion, Ms. Thomason stated that she is opposed to this request and on behalf of RUPA, feels that this is a two-step attempt to gain a rezoning that is not good for the neighborhood.

Mr. Bill Hooker, resident and local architect stated that action has been taken by the Islands Planning Commission, as well as the Board of Commissioners where property less than 1 acre cannot be subdivided. He then asked if the 1.24 acres in this case is considered the high ground or the entire tract, and if it is not the entire tract, what is the balance of the high ground. Mr. Phillip Jackson stated that the entire parcel, including the marsh, is 1.24 acres with 1.0 acres of upland.

Following discussion, a motion was made by Mr. Preston Kirkendall to approve the preliminary plat request for Cordell Properties subject to meeting all requirements. The motion was seconded by Mr. Robert Ussery. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. Robert Ussery, Ms. Desiree Watson and Ms. Joan Wilson. Voting Nay: Mr. Paul Sanders. Abstained From Voting: Mr. William Lawrence.

As agent for the next agenda item (*SP-2007-008 I*), Chairman Robert Ussery stepped down and turned the meeting over to Vice Chairman Preston Kirkendall.

SP-2007-008 (I) Sea Palms Maintenance Building

Request for approval of a site plan for property located approximately 480 feet south of Palm Drive and 430 feet north of Colonial Drive. The site is on the golf course roughly between the 11th green and the 12th tee. The proposed facility consists of a new 20'x 40' building near an existing irrigation building. Parcel ID 04-00419. Robert Ussery, agent for The Sea Palms Corporation, owner. The property is zoned PD Planned Development and is located within the Sea Palms East Planned Development.

Mr. Robert Ussery was present for discussion.

According to the staff's report, this site is shown for "park, recreation and conservation" on the Future Land Use Plan. The existing use is a golf course.

This site is part of the Sea Palms East Golf Course. The Sea Palms East Planed Development was recently updated as it applies to properties owned by the developer, including the golf course. In relevant part, the new PD Text permits "one golf course related maintenance and storage building (800 square feet maximum)." The standards for the use include:

c) Height: only one story buildings are allowed with a maximum height of 20 ft.

d) Site Coverage: 5% maximum.

e) Building Setbacks for Accessory Uses: The golf course related maintenance and storage building shall be set back a minimum of 100 ft. from any residential property line and 20 ft. from any street right-of-way.

Other accessory buildings permitted after the date of this document shall be set back a minimum of 50 ft. from any residential property line and 20 ft. from any street right-of-way. Existing accessory buildings built prior to the date of this document and not complying with the above setbacks may be rebuilt within the existing building footprint.

The proposed layout plan meets these standards. Engineering identified a problem with access. However, the revised plans appear to indicate that this issue is resolved, but a follow-up review has not yet been posted as of the date of this report.

This site is to be served by existing streets in the subdivision. This facility is likely to produce incidental traffic. The site will not be served by water and sewer services.

Fire Department staff raised concerns over access and distance to hydrants. This issue does not appear to have been addressed in the revised plan.

Mr. Phillips stated that staff recommends approval of the site plan subject to meeting all requirements.

During a brief presentation, Mr. Ussery explained that this is the 800 sq. ft. maintenance building that was proposed in the Planned Development previously approved. The building is in excess of 100 ft. away from any property line, which was stipulated in the approved zoning text, and approximately 240 ft. away from the closest residential structure.

Mr. Ussery stated that the access to the structure will be via an existing 10 ft. wide cart path. The primary purpose for the facility is general storage for grass seed, fertilizers, and items necessary to maintain the golf course. The fertilizer and any other substances used on the golf course will be stored inside of a steel building that will actually be housed in the structure.

Ms. Joan Wilson asked if there would be any type of storage tanks in the facility. Mr. Ussery stated that this proposal is strictly an above ground storage shed.

There being no further discussion, a motion was made by Mr. Paul Sanders to approve this request subject to meeting all requirements. The motion was seconded by Ms. Joan Wilson and unanimously adopted (with the exception of Mr. Ussery who abstained)

Chairman Robert Ussery presided over the remainder of the meeting.

SP-2007-009 (I) Cloister Town Center

Request for approval of a site plan for property located south of the intersection of 4th Street and Hudson Place. The proposed facility consists of a new 5,600 sq. ft. post office and general store. Parcel ID 05-00462. Sea Island Company, owner. The property is zoned PD Planned Development and is located within the Cloister Planned Development.

Mr. Bobby Shupe and Mr. Bill Edenfield were present for discussion.

According to the staff's report, this site is currently vacant but is shown on the Future Land Use Plan for commercial usage. The site is part of the continued development of the Cloister and will be served by private streets. The post office proposed will replace the existing adjacent structure. In addition to the post office a neighborhood commercial use will be attached. The proposed size of the entire project is approximately 5,600 sq. ft.

Mr. Landon stated that staff recommends approval of this site plan subject to meeting all requirements.

Following review, a motion was made by Mr. Paul Sanders to approve the Site Plan for Cloister Town Center subject to meeting all requirements. The motion was seconded by Mr. Preston Kirkendall. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery and Ms. Desiree Watson. Abstained From Voting: Ms. Joan Wilson.

SP-2007-012 (I) Airplane Hangar for Stephen Been

Request for approval of a site plan for property located on Gary Moore Court approximately 950 feet south of its intersection with Airport Road. The proposed facility consists of a new 8,000 square foot airplane hangar on a 0.66 acre parcel. Parcel ID 04-02922. Don Hutchinson, agent for Stephen Been, owner. The property is zoned PD Planned Development.

Mr. Don Hutchinson was present for discussion.

According to the staff's report, this site is currently vacant but it is shown for transportation/communication/utilities on the Future Land Use Plan.

The applicant has proposed an 8,000 square foot airplane hangar for this site. This property is located within the McKinnon Airport Planned Development; however, it is not located within the commercial or service portion of this development. The project is located on the actual airport within the PD and therefore requires Planning Commission site plan review.

No existing traffic data is available for this location, but the site is to be served by Gary Moore Court.

Mr. Landon stated that staff's recommendation is for approval subject to meeting all requirements.

Following review, a motion was made by Ms. Joan Wilson to approve the Site Plan for Airport Hanger/Stephen Been subject to meeting all requirements.

SP-2007-014 (I) Sea Palms Resort Condos

Request for approval of a site plan for property located east of Frederica Road approximately 200 feet north of Windward Drive and 500 feet south of General Oglethorpe Road. The proposed development consists of twenty-five dwelling units on a 2.5 acre parcel. Parcel ID 04-00419. Sea Palms Corporation, owner. The property is zoned Planned Development and is located within the Sea Palms East Planned Development.

Mr. Larry Bryson and Mr. Ray Richard were present for discussion.

In presenting the staff's report, Mr. Fred Carpenter explained that the existing land use is undeveloped but on the Future Land Use Plan this site is shown for low-density residential. The project consists of a 25 condominium project with the proposed new buildings totaling 19,269 sq. ft.

The General Residential zoning, as outlined in the Glynn County Zoning Ordinance, is utilized as stated in the Sea Palms East Development Text. The density is permitted up to 10 units per acre and the building height is permitted to 35 ft.

Public Works staff indicates that the design is in conflict with Subdivision Regulations Section 602.2 d) which states that "new street entrances on streets designated or classified as arterial streets shall not be less than six hundred sixty feet (660') apart from any other new or existing street intersecting with the arterial street from either side. In the case of divided arterial streets, this distance requirement will not apply to streets on opposite sides if a median cut is not included. New street entrances on streets designated or classified as collector streets shall not be less than four hundred fifty feet (450') apart from any other new or existing street intersecting with the collector street from either side. Distances between street intersections shall be measured between right-of-way center-lines."

According to the plans, the new intersection is about 80 ft. south of North Windward Drive. Also, with the amount of traffic on Frederica Road and the speeds of 35 mph, a decal lane with a taper would be required.

Engineering suggests that if there are plans to gate this community, the plans should indicate the approximate location of the gates and demonstrate the ability to turn vehicles around that are denied access to the project.

This site will have access to Frederica Road. ITE (Institute of Traffic Engineers) data indicates that this project will generate an average of 147 daily trips based on the number of dwelling units. This development requires EPD review and approval.

Mr. Carpenter stated that staff recommends approval of this site plan subject to meeting all requirements.

Several of the members had questions about the deceleration lane, access, drainage, buffers and whether or not Golf View Drive is a county road.

In addressing the issue of access, Mr. Ray Richard explained that the access and its proximity to North Windward Drive is the only access for the parcel. The property was recently rezoned and approved by the County Commission a few months ago. He stated that his client feels that the issue of the access as it relates to North Windward and other curb cuts along Frederica Road should have been addressed at that time.

Mr. Richard stated that Golf View Drive is not a road. It is being named as a requirement of the GIS Department for emergency purposes and was never intended to be a county road or meet those standards. He pointed out that there will be a deceleration lane along Frederica Road in accordance with county standards when the site plan is submitted for technical review and approval. Ms. Watson wanted to know if this would affect the existing sidewalk. Mr. Richard stated that portions of the sidewalk will have to be relocated and approved by county staff.

Mr. Richard stated that there is a drainage ditch that runs on the north side of the property between Sea Palms and the property that fronts on Harrington. There is also a lagoon in the area that the condominiums will face. The combination of the two will be used to provide adequate drainage to meet county standards.

Mr. Richard pointed out that there is a 30 ft. landscaped buffer between the units and the golf course property. There is no additional buffer along the parking area. However, he explained that the ditch is not planned to be piped; it will remain in its natural state and will therefore provide some natural buffer.

Mr. Bill Hooker was present to oppose this request. He stated that according to staff, the proposed future use for this property is low density, but it is being presented as medium high density. He stated that he is really concerned about the access onto Frederica Road that Mr. Richard stated should have been addressed at the time of the rezoning. Mr. Hooker noted that in any case, "two wrongs don't make a right" and this issue should be addressed now. He pointed out that the drawings are difficult to read and perhaps it wasn't easily understood at the time. With the 153 acres that Sea Palms has and three curb cuts, if there is going to be a fourth curb cut for a select parcel, he feels that in the interest of public safety it should come off of Windward Drive. Mr. Hooker stated that a site plan could be re-designed to accommodate a curb cut off of Windward Drive, rather than just expediting this request.

Mr. Richard stated that the only way to provide access off of Windward Drive would be to completely eliminate hole #3. Accessing Windward would basically put the road parallel and almost on Frederica Road, which would not be a good situation. Again, he stated that the access was pointed out in the PD text when the property was rezoned. With this proposed design, there is a direct alignment with the main entrance to the Sea Palms administration building, which makes this a very good design.

Following discussion, a motion was made by Mr. John Dow to approve the site plan for Sea Palms Resort Condos subject to a deceleration lane, a hammerhead turnaround at the end of the development, and all other requirements as recommended by staff. The motion was seconded by Mr. Paul Sanders. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders, Ms. Desiree Watson and Ms. Joan Wilson. Abstained From Voting: Mr. Robert Ussery. (For the record, Mr. Ussery did not participate in the discussion of this item.)

VP-2007-001

Application by Mike Clements, agent for W. Duvall Brumby, owner, for approval to replace siding on house to glass in a front side porch, and to add a new porch, roof and railings across the front of the house on property located at 604 May Joe Street, situated on the southeast corner of its intersection with Oak Street. The 7,326 square foot property is zoned R-6, One Family Residential. Parcel ID 04-04616. (This item was deferred at the March 20 meeting.)

Mr. Mike Clements was present for discussion.

The following report from staff was included in the packages for review and was presented by Mr. Landon:

The applicant submitted drawings and data including setback distances and building footprint square footages to support the above application for a new front porch. When the Planning Commission considered the item at their March 20th meeting, a statement was made that the survey was not accurate, and the applicant was asked to get an accurate survey and bring it back to the Planning Commission in April. (Staff received a new survey at 3:00 p.m. today.)

Under Section 709.5 of the Village Preservation Ordinance, alterations to existing construction of a principal building must be looked at to determine the harmony and appropriateness of lot coverage, height increases, materials, color schemes, and building elements for the structure itself and neighboring structures.

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 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. Additionally, 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.

Lot Coverage and Building Footprint: The lot is seven thousand one hundred eighty-six (7,186) square feet and the existing house is one thousand two hundred eighteen (1,218) square feet, a lot coverage percentage of sixteen point nine percent (16.9%). This percentage is far under the maximum allowable fifty percent (50%) lot coverage.

The ordinance states a structure may not exceed the average of those in the adjacent lots. With the added front porch, the building footprint at 604 May Joe Street would be one-thousand three hundred and thirty-nine (1,339) square feet, less than the one-thousand five hundred and forty (1,540) square feet footprint average, thus meeting the requirements of the ordinance.

The application states that the front of the porch addition would be located twenty-one and one-half (21'6") feet from the property line, which exceeds the twenty (20) feet setback requirement for the R-6 zoning district required by the ordinance. However, based on discussions with the applicant, it is unclear if the setback includes the front porch addition, or if the setback is measured from the existing structure.

Setback information was provided for eight (8) other dwellings on May Joe Street and for five (5) dwellings on Oak Street with non-conforming setbacks, suggesting the application is being submitted under the provision in Glynn County Zoning Ordinance Section 606, Front Yard Requirements. This section allows the use of an averaging method for front yard setbacks on already built-upon lots within one-hundred (100) feet of each side of the subject lot. Based on this calculation the front yard setback average is 12.5 feet.

Building Height: There is no height change proposed. All added roofs will be below or not more than the height of the original building, as depicted in the accompanying drawings.

Conformity and Harmony of Plans with Neighboring Structures: A clear set of proposed elevations are included in the materials for review. Overall, the proposed structure appears to be harmonious with the existing and neighboring structures.

Exterior Materials, Color Schemes, Building Elements: The proposed materials, color schemes and building elements appear to be harmonious with neighboring structures.

Use of Landscaping, Buffering, and Conforming with Neighboring Sites: All trees and landscaping are to remain as existing.

Mr. Landon stated that the applicant needs to clarify the proposed front yard setback. If the setback is 21'6" as shown on the survey, then the application is compliant with the ordinance. However, if the survey does not accommodate for the front porch addition, then the porch needs to be adjusted to provide a setback of 12'5" to be compliant with Section 606 of the Zoning Ordinance.

Mr. John Dow stated that when this item was reviewed at the March meeting, there was a lengthy discussion about the applicant not having an accurate survey, and to date, the Planning Commission has yet to see a survey. He stated that he has no interest

in reviewing this request until the survey is included in the packet of information disseminated to the members for review. Mr. Hainley pointed out that the applicant maintains that the survey in hand is the true and valid survey, as was in the original packet. However, Mr. Dow stated that according to the Minutes, the applicant at that time indicated that there was a survey and there were new survey stakes on the property, but no one could find the survey and therefore the request was deferred until the survey was provided.

Mr. Mike Clements explained that previously when he came to the Planning Commission, he misunderstood what was said. He stated that his daughter is a landscape architect and she drew on the survey. He understood the Planning Commission to say that the scale was wrong. However, what the Planning Commission has at this time is the survey of the property; it is a legitimate dated survey. What staff has recommended is to take in the average, which would change the setback from 20 ft. to 12.5 ft. The exact dimensions are also shown on the survey. Mr. Clements stated that what he conveyed at the last meeting was wrong; he made a mistake.

Chairman Ussery pointed out that what the Planning Commission has today is a plan that shows a 21.6 ft. setback from May Joe Street and it was brought out at the previous meeting that this was out of scale. Presently, there is not a plan that shows exactly what the applicant is intending to build. The Planning Commission needs to see a drawing with the correct dimensions as to what is intended. At this time, Mr. Clements produced the drawing that he says is accurate and correct. (Copies were distributed to the members.)

Chairman Ussery stated that the thought behind the 12.5 ft. is that it is in compliance with the ordinance which allows them to average the setbacks. Mr. Landon stated that the applicant has actually provided the necessary calculations for consideration. He stated that the survey was provided to staff at 3:00 this afternoon.

Chairman Ussery stated that May Joe Street is unique in that it was in existence at a time when there were no ordinances, and therefore several encroachments exist. He stated that his view of what Mr. Clements intends to do is probably appropriate and he does not have any real issues with adding the porch to the side of the house. The issue was not having the correct information in the beginning which has caused a lot of confusion. He stated that the Planning Commission did ask for specific information as pointed out by Mr. Dow, but the packages contain the exact same information received at the last two meetings.

Mr. Kirkendall stated that the current survey shows the porch at 8.5 in lieu of the 12 ft. from before, which is what the applicant intends to do now. He then asked if the 21.6 ft. dimensions previously submitted were intended as the dimensions to the home instead of the porch. Mr. Clements replied yes, which is where the confusion came about, and for this he apologizes.

Mr. Dow was adamant about having assurance that the survey in hand is true and accurate because staff has not had a chance to review it. He stated that at the last meeting they were asked to approve this subject to staff verifying everything; this has not happened yet. His vote at this time would be for denial or at best, deferral to allow a thorough review and verification.

In response, Mr. Clements stated that he does not understand the issue. He can live with changing the setback from 20 ft. to 12.5, and he knows that building outside of that line is unacceptable. Mr. Dow stated that there is a review process that staff, the Planning Commission and the applicant must adhere to. Mr. Clements stated that if the setback is changed to 12.5 ft. as recommended by staff, he is obligated to abide by that recommendation.

Ms. Desiree Watson questioned staff's comment that "if the setback is 12.5 it is compliant, but if the setback is 21.6 as shown on the survey, then it is compliant..." Mr. Landon explained that the existing house is shown at 21 ft. The applicant wishes to add the porch, and in doing so, if he can demonstrate that he is at least 12.5 ft. with the addition, he would be compliant.

Discussion continued relative to the accuracy of the survey and the setback measurements. Afterward, a motion was made by Mr. Paul Sanders to approve this application subject to staff's verification of the measurements. The motion was seconded by Ms. Desiree Watson. Voting Aye: Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery and Ms. Desiree Watson. Voting Nay: Mr. John Dow. Abstained From Voting: Ms. Joan Wilson.

VP-2007-2 (I)

Application by Bill Hooker, agent for Bill Downey, owner, for approval to renovate the façade and entrance of an existing building located at 401 Mallery Street, situated on the northwest corner of its intersection with Ocean Boulevard. The 5,081 square foot property is zoned GC-Core. Parcel ID 04-04447.

Mr. Bill Hooker, Mr. Bill Downey and Mr. Moche Waanounou were present for discussion.

Mr. Hainley explained that the applicant requested an amendment from the originally approval of a stucco finish to a hardy plank finish, along with a tower element at the intersection of Mallery and Ocean.

Mr. Hainley stated that while touring another facility, staff discovered that the structure located at 401 Mallery Street was not being built in compliance with the

approved provision. The applicant is now requesting an amendment to that approved provision.

Staff's recommendation is that the Islands Planning Commission consider this request for a temporary change in the exterior material and determine whether to approve the temporary use of stucco siding until October or to require the hardy board siding approved at their meeting in February based on the submittal at that time.

During a brief presentation, Mr. Bill Hooker stated that the Planning Commission approved plans dated 1-31-07 subject to adding the hardy plank instead of the stucco finish as pointed out by staff.

Mr. Hooker stated that in late March, he and the owner, Mr. Downey, along with the tenant, Mr. Waanounou met on the site and it was decided that no construction would be done that resembled the drawings that were approved but would occur in the fall due to the timing. The tenant wanted to open for the tourist season and therefore it was agreed that the construction would be done at a later time. Since that time, construction started on the exterior without the knowledge of Mr. Hooker or Mr. Downey.

Mr. Hooker distributed a letter from Mr. Waanounou dated April 24, 2007 stating that the stucco that was applied to the building was intended for the summer and he (Mr. Waanounou) intends to complete the remodeling as per plans submitted to the Islands Planning Commission by November 30, 2007. The letter goes on to say that "the stucco work was done without the knowledge and consent of Hooker or Downey."

Mr. John Dow asked if the work that was done permitted, and if so, how could someone acquire a building permit for something that was inconsistent with the plans that were previously submitted and approved. Mr. Hainley stated that staff does not believe that a building permit was obtained, nor if the applicant was under the threshold that required the permit. He explained that there is a great deal of cosmetic work that can be done outside of a structure before being required to obtain a building permit. Again, he stated that this particular construction was detected while staff was conducting a random site visit of another project. Staff did not receive any calls or complaints on the applicant's property. Chairman Ussery commended staff for bringing this situation to everyone's attention. (For the record, it was noted that Mr. Waanounou did come into the Planning & Zoning Office and applied for these changes as noted in a letter on file dated and signed on April 23, 2007.)

Chairman Ussery stated he would like to know how much of the work is completed. Mr. Hooker stated that the work appears to be 95% completed, but he does not know what the plans are for the site. Chairman Ussery asked if the sign was approved. Mr. Hooker stated that the existing sign was removed and put back in place. Also, some lettering was removed, which seems to be an improvement but it does not forgive what has been done.

Mr. Bill Downey, who is the owner of the property, explained that Mr. Waanounou has been a tenant for 20 years and has always done painting and repair work. He stated that he did not know what Mr. Waanounou was going to do and perhaps he did exceed the provisions relative to obtaining a building permit. However, in this instance, he did not change the shape of the building and the improvements are actually more appealing than what was originally on the building. Mr. Downey feels that perhaps he is being singled out. He stated that changes have been made to several establishments in the vicinity that are far less appealing, but none of the owners have been penalized. Chairman Ussery explained to Mr. Downey that the Planning Commission is not so much concerned about what was done, as they are about the way in which it was done. He then asked Mr. Downey if he is satisfied with the work that was done on the building, to which Mr. Downey replied yes.

After a brief explanation from Mr. Waanounou, a motion was made by Mr. John Dow, seconded by Mr. Preston Kirkendall and unanimously adopted to accept the improvements at 401 Mallery Street in the way that they were completed, understanding that these improvements were done in a non-compliant fashion but with the understanding that by the end of November 30, 2007, the plan that was previously approved will be completed or any modified plans will be submitted to the Islands Planning Commission approved and completed by the end of November.

**RP-2005-032 (I) Portion of King City and Additional Lands
(Revision to add “Subdivision Non-Commercial Recreation Area”)**

Request for approval of a subdivision non-commercial recreation area for an existing platted subdivision. The parcel on which the recreation area is to be developed is located on the north side of St. Simons Sound, generally between Wyley Street and Gould Street. Parcel ID 04-04869. The property is zoned R-9 One-Family Residential and is owned by Tuscany Village, LLC.

Mr. Joe McDonough was present for discussion.

According to the staff’s report, this site is designated for Low Density Residential on the Future Land Use Plan. The property is currently vacant but the proposed use is for a subdivision non-commercial recreation area for an existing platted subdivision and will contain a pool, cabana, and accessory facilities. The subdivision consists of nine lots, one of which will be occupied by the recreation area. The applicant is the owner of all lots within the subdivision.

The proposal meets the requirements of the Zoning Ordinance and the Subdivision Regulations. The regulations allowing designation of a subdivision non-commercial recreation area are:

- 3) Subdivision non-commercial recreation areas provided that:
 - a) Such area is delineated on the plat of the subdivision in which it is located;
 - b) The uses and/or facilities within the area are described on the plat of the subdivision;
 - c) The use of the area shall be for the residents of the subdivision and their guests only;
 - d) The method of the provision of facilities and operation of the recreation area shall be demonstrated to the satisfaction of the County Commission;
 - e) No recreation facilities, buildings or equipment shall be located closer than one hundred (100) feet to any property lines or any buildable property outside of the subdivision;
 - f) Revisions to existing plats or records which provide for new recreation areas will be required to show evidence of written notification to all existing property owners within the confines of the subdivision in which the revision is sought at least fifteen (15) days prior to review by Community Development.
 - g) Facilities within such recreation areas shall include and limited to:
 - i) Swimming pools, cabanas and accessory facilities to swimming pools
 - ii) Playing fields, including baseball, football, soccer and track and field.
 - iii) Courts, including tennis, basketball, shuffleboard, handball and horseshoe.
 - iv) Children's playgrounds, including equipment.
 - v) Community buildings with meeting rooms.
 - vi) Picnic facilities.
 - vii) Miniature golf course and putting greens.

Staff recommends approval of the revised plat showing the subdivision non-commercial recreation area, subject to meeting all requirements.

Following a brief discussion, a motion was made by Ms. Joan Wilson to approve this request subject to non-commercial usage, i.e., weddings, etc. The motion was seconded by Mr. John Dow and unanimously adopted.

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