

MINUTES
ISLANDS PLANNING COMMISSION
JANUARY 16, 2007 - 6:00 P.M.
St. Simons Casino Theater, SSI

- MEMBERS PRESENT:** Robert Ussery, Chairman
Preston Kirkendall, Vice Chairman
Mike Aspinwall
John Dow, Jr.
William Lawrence
Paul Sanders
Joan Wilson
- STAFF PRESENT:** David Hainley, Community Development Director
York Phillips, Planning Manager
Iris Scheff, Planner III
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 - December 19, 2006

Upon a motion made by Mr. John Dow and seconded by Mr. Paul Sanders, the Minutes of the December 19th Islands Planning Commission meeting were approved and unanimously adopted.

It was noted by Mr. David Hainley that the applicant for rezoning application number *ZM-2006-040 (I)* submitted a written request to withdraw his application; therefore at this time, Chairman Robert Ussery advised the audience members that the item is no longer up for discussion.

As agent for application number *ZM-2006-041 (I)*, Chairman Ussery turned the meeting over to Vice Chairman Preston Kirkendall and joined his colleagues in the audience at this time.

ZM-2006-041 (I)

Consider a request to replace missing master plan and Planned Development zoning text originally created approximately 35 years previously for property consisting of approximately 153.5 acres including the existing golf course, club house area, laundry area, and a small amount of undeveloped land, located on the east side of Frederica Road 1990 feet north of its intersection with Sea Island Road, St. Simons Island. Parcel IDs 04-00419 and 04-00295. Property owned by The Sea Palms Corporation.

Mr. Robert Ussery, agent for The Sea Palms Corporation was present for discussion.

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

The golf course area is shown as “Park, Recreation, Conservation,” the clubhouse is shown as “Commercial,” the laundry site is shown as part of the “Medium to High Density Residential,” and the northwest parcel is shown as “Park, Recreation, Conservation.”

The original plan for Sea Palms East was approved in 1967 and was one of the very first planned development projects in Glynn County. Various changes have been permitted or have otherwise occurred over the intervening years. Some of the original documents associated with the project have been lost, resulting in decisions being made based on secondary documents and on rules that have been inferred from the pattern of development that has occurred.

Based on documents in the file (both dated and undated), it appears that the general arrangement and extent of the golf course is relatively unchanged, although two lots were added on Harrogate Road and the Country Club Subdivision was developed, both within the past five years. A document from the 1967 approval of the rezoning indicates that the area of the golf course is to be 107.67 acres, but the current proposal notes that the area of the golf course is 144.1 acres. The lack of a plan document to go along with the rezoning document exacerbates the problem of managing this development, and has been partially responsible for this request.

The clubhouse site and the laundry site appear to be relatively unchanged from the original arrangement. The northwest site is shown as part of the golf course. This site (2.5 acres) is proposed to be converted to residential.

The proposal to create a new PD Text and Master Plan is desirable, as the lack of a specific document has confounded the ability to manage this project appropriately. The designation for the golf course is generally consistent with the existing conditions. The

proposed designation for the clubhouse also appears to be consistent with the original intent, but sets out development parameters that are clearer. The proposals for the laundry site (0.4 acres) and the northwest site (2.5 acres) appear to be deviations, although not necessarily significant ones.

Existing land uses in the vicinity are primarily residential, including single family in the vicinity of most of the golf course and multi-family in the vicinity of the clubhouse and laundry site.

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.

Yes. Overall, the proposed changes represent only minor deviations from the existing uses and appear to be generally consistent with the uses on adjoining properties.

- 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. The quantity of new development will not add substantially to the demand for services.

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

Yes. While the proposals for the northwest site and the laundry site will vary from the existing Future Land Use Plan designations, the changes will be minor and the overall intent of the plan will not be violated.

- 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.

Engineering issues relative to this property includes coordination of drainage with improvements being made in connection with development of land to the north, as well as access for the northwest tract.

Roads within Sea Palms East are county maintained roads. The proposed changes will likely have negligible impacts on the transportation system. Water and sewer service is provided by Glynn County. The proposed changes will likely have negligible impacts on the operation or capacity of these utility systems.

Sea Palms East is currently served by Oglethorpe Point Elementary School (capacity 750, enrollment 581), Glynn Middle School (capacity 900, enrollment 660), and Glynn Academy (capacity 1675, enrollment 1564). The character and number of potential additional residential units would not significantly impact school capacities.

The Glynn County Fire Department reports that the issue of access to the clubhouse will need to be resolved during the development review process.

Staff's recommendation is for approval based on: 1) the opportunity to improve the overall management of the development of Sea Palms East, and 2) the limited impact of the proposal on nearby property and on the capacity of infrastructure.

Mr. Phillips stated that the Sea Palms Property Owners Association submitted a letter of approval with the following stipulations: 1) *Land Uses*-The Northwest Tract also allow for the usage "a golf course maintenance facility" with proper vegetation, buffer and screening; 2) *Density*-The maximum hotel density allowed in the clubhouse facility be limited to 100 sleeping rooms; and 3) *Open Space*-The golf course shall remain as an amenity for resort members, club members, residents and guests.

Mr. William Lawrence wanted to know what kind of residential dwellings are planned for the 2.5 area. Mr. Phillips stated that the proposed language indicates that this particular area is limited to general residential uses, which allows a density of 10 units per acre with the maximum density being 25 units per acre. If the uses were single-family detached units, the density would be considerably lower. Mr. Lawrence stated that his concern is that general residential is quite broad and he would like it narrowed down as to what is actually being considered. Mr. Phillips agreed that GR is fairly broad and allows different styles of residential dwellings with the most intense use being multi-family, but the applicant would have to elaborate on the particulars of the proposal.

Mr. Paul Sanders asked if this proposal applies in anyway to Sea Palms West, to which Mr. Phillips replied no.

Mr. John Dow wanted to know if staff's recommendation is consistent with the stipulations proposed by the homeowners. Mr. Phillips explained that staff did not specifically recommend any stipulations; however, the three stipulations submitted by the Sea Palms Property Owners Association would not be contrary to staff's position. Mr. Dow asked if the recommendations have been incorporated into the applicant's text. Mr. Phillips replied no.

Ms. Joan Wilson had questions about the property next door with regard to water run-off. Mr. Phillips stated that the property near Bennie's Red Barn was a Planned Development approved two years ago and nothing has happened since that time. He stated that there are some drainage issues in the area and there may be a need for additional drainage features as a result of recent developments. He pointed out that there is some intermittent drainage improvements in areas located on the south side of South Harrington.

Mr. Kirkendall wanted to know what other zoning (in lieu of General Residential) could there be for the 2.5 acres that would also allow residences. Mr. Phillips stated that recommendations proposed by the Sea Palms Property Owners Association has actually addressed that issue because if the use for a golf maintenance facility were added to the list of permitted uses, there could possibly be a combination of golf maintenance facility and some residential. However, it would be more beneficial to see the design first. He pointed out that with a PD addressing the GR to establish the basic range of uses and development standards that would probably be the best choice. If the Planning Commission wanted to ensure that there is sufficient room for a golf maintenance facility, it could be stipulated that the total number of units be reduced.

At this time, Mr. Robert Ussery, architect for this proposal, gave a brief presentation. He explained for clarification that this Planned Development is only for the area that is currently owned by Sea Palms Corporation, which includes the golf course, the facility where the clubhouse is located, and two other small tracts. The other areas (not owned by Sea Palms) are deemed to be unchanged.

Mr. Ussery stated that the Sea Palms Corporation agrees with two of the proposals from the Property Owners Association; 1) ...allow for the usage a golf maintenance facility with proper vegetation, buffer and screening; and 2) ... the clubhouse facility to be limited to 100 sleeping rooms. Mr. Ussery stated that the open space issue is still being discussed among the Association and the applicant and he has suggested the following language: "The golf course shall remain open space amenity with the exception of the allowed uses for the golf course as provided in the text." The allowed uses are currently the golf course itself and the accessory structures.

Mr. Mike Aspinwall wanted to know if the maintenance facility would house chemicals, pesticides, gas tanks, etc. Mr. Ussery stated that at this point they intend to store fertilizers and maybe pesticides. Mr. Aspinwall asked what type of language could be included in the text with regard to buffers to make sure that the facility is kept at an adequate distance from any residence. Mr. Ussery pointed out the language included in

the text under *Building Setbacks for Accessory Uses* which states that “new accessory buildings permitted after the date of this document shall be setback a minimum of 50 ft. from any residential property line and 20 ft. from any street right-of-way.” Also, it goes on to state under *Miscellaneous Provisions* that “a vegetative buffer is required to screen any new or replaced golf course accessory building from view of the surrounding residences except for open decorative gazebos.” Mr. Ussery stated that they are required to bring back a site plan at the appropriate time showing the various property lines and other details.

Mr. Paul Sanders stated that in addition to moving the fueling facility by the cart barn, will there also be a provision for storing pesticides and herbicides in that particular area. Mr. Mallard Price, Vice President of the Sea Palms Corporation, stated that the decision of the precise location for storing pesticides, etc. have not been made at this time. However, when that decision is made, they will take all precautions necessary to ensure that the neighboring property is not harmed in anyway.

Mr. William Lawrence asked if there will be an environmental impact study done. Mr. Price stated that an environmental impact study is not required but he would examine the possibility.

Mr. Aspinwall asked Mr. Price if he feels that 100 ft. is enough space between the residences and the storage shed containing harmful chemicals and gasoline tanks. Mr. Price stated he thinks that 100 ft. or 50 ft. is more than adequate. In speaking with other people who have done this sort of thing for quite some time, there has never been any indication of danger to the residences.

Ms. Joan Wilson asked what would be the access to Frederica Road for the maintenance shed plus the condos. Mr. Ussery stated that according to the text, the access will be from Frederica Road from the north edge of the property.

At this time, Mr. Kirkendall opened the floor for public comments. Mr. Paul Strong of 123 North Windward Drive stated that there is approximately 2000 gallons of gas stored in each tank located near the cart barn and in his opinion; “this is a disaster waiting to happen.”

Mr. Millard Allen, President of Sea Palms Property Owners Association, stated that they have been involved with this project since September. They have thoroughly discussed the issues at various meetings and have reached a reasonable compromise with the developers. Mr. Allen stated that they are aware of the fact that this is not a perfect plan and yes they would rather see the maintenance facility somewhere else; however, the Sea Palms Property Owners Association can support this proposal with the stipulations submitted in writing as noted by staff. Mr. Kirkendall asked Mr. Allen if they have accepted the amended language in the text regarding open space, amenity for resort members, etc. Mr. Allen replied yes.

Mr. Aspinwall wanted to know if the Sea Palms Property Owners Association is comfortable with the 50 ft. or 100 ft. distance between the gas tanks, pesticides and the residences. Mr. Allen stated that he honestly doesn't know what the right number would be. The decision would have to be made by the experts. Mr. Aspinwall stated that when this proposal comes back for site plan approval perhaps it should include language stating that this Board have the ability to determine at that point, based on acquired information, of what the right number would be.

Ms. Cindy Jacobs, Sea Palms resident and former member of the homeowners association, stated that she worked with the homeowners association in drafting the language negotiated with the developers of this proposal. She stated that her concern is recently a concrete pad has been constructed in an area that they had originally opposed. It appears that this pad will house a maintenance facility, which was in the original text that they were opposed to. She stated that she would like for the developer to clarify the intent of the pad, which incidentally is surrounded by approximately 25 homes. Ms. Jacobs stated that if in fact this will be the site for the maintenance facility, she is concerned about traffic and the safety of the children in the area. Additionally, she stated that if this facility is going to house fertilizer, access to the area will be a problem.

Mr. Tom Parker of 127 Colonial Drive stated that he would also like to get clarification on the intent of the cement pad. He stated that about five or six years ago Sea Palms Corporation constructed a very unattractive pump house on the east side of the lake, and it has taken about five or six years for the small bushes that they planted to reach the eaves of this pump house. There are many people living along the golf course who actually treasure the view of the golf course. Mr. Parker stated that he is concerned about the devaluation of his property and surrounding property if in fact this cement pad will be the site of the maintenance facility. He stated that he is opposed to this facility being built in this particular area.

Mr. Joe Miranda, adjacent property owner, stated that he is concerned that there is no specific language in the text addressing or describing the quality of Sea Palms Golf Course. He is also concerned that the developer is trying to remove the opportunity to develop Sea Palms West at the expense of the Sea Palms East Golf Course.

Mrs. Connie Brochart of 730 Deer Run Condominiums commented that she is dissatisfied with the driving range and would like to see it moved back to the east.

Mr. Ussery explained that the intent of the PD Text is to finally put to rest all speculations and clarify exactly the limits of the golf course, what the uses can be, and to point out other properties that Sea Palms Corporation owns. He stated that he agrees with Mr. Allen that this plan is not perfect but it does clarify the land use issues and defines what can and cannot be done on the golf course, as well as surrounding properties.

Mr. Price stated that the concrete slab that the residents have been referring to was done in error. He stated that this meeting was originally scheduled for December of 2006 and his maintenance workers had requested to begin work. However, he failed to inform

them that the meeting had been postponed and the workers therefore went ahead and poured the slab. Mr. Price stated that this was his fault and he does apologize for this mishap. The intent of the slab is for a storage building. Mr. Ussery pointed out that anything that will be done on the slab or anything else being done on the golf course will be brought back as a site plan to the Planning Commission and will show the exact details of the development in relationship to adjacent properties.

Mr. Aspinwall asked if they could insert language in the text that would require that any changes made to the golf course, any shrinking, i.e., the square footage or dimensions of the golf course would have to be brought back for site plan approval by this Board. Mr. Ussery stated that the developers would probably not have any objection to that. However, Mr. Phillips cautioned that it would be better to confer with the County Attorney on this particular issue because the developer can make arrangements and agreements with the Property Owners Association or other organizations, but he is not sure if it can be done through the zoning process or not. He would feel more comfortable with checking with the attorney's office first.

At the end of discussion, Mr. Paul Sanders stated that he supports the Sea Palms Property Owners Association and recommends that this rezoning be approved to establish an updated PD Master Plan and PD Text for portions of Sea Palms East with the additions of Appendix A (Letter from Sea Palms East Board of Directors), Appendix B (Location & Zoning Map) as presented, Appendix C (Proposed Revised PD Master Plan), and Appendix D (Proposed Revised PD Text). The motion was seconded by Mr. John Dow. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall and Mr. Paul Sanders. Voting Nay: Mr. Mike Aspinwall, Mr. William Lawrence and Ms. Joan Wilson. The motion failed to carry due to a tie vote.

At this time, the Planning Commission took a 5 minute break. The meeting resumed at 7:25 p.m. with Chairman Robert Ussery presiding.

TA-2006-016

Consider an amendment to Section 802 of the Glynn County Subdivision Regulations, to provide for the addition of Subsection 802 (f), to provide for exception to the prohibition of re-subdivisions or changes to approved subdivisions on St. Simons Island, and for other purposes.

Staff reported that this proposal was initiated by the Board of Commissioners. The Glynn County Subdivision Regulations were amended on October 5, 2006, to prohibit re-subdivisions or other changes to "approved subdivisions" on St. Simons

Island where such changes would result in an increase in the number of units or the density. At the time the provision was adopted, the Board of Commissioners requested a procedure for exceptions. The proposed ordinance presents such a procedure.

Mr. Phillips stated that Subsection 802 (f) has several basic parts. One is that the property owner would have to petition for the exception. The petition would be considered by the Board of Commissioners. The criteria for granting the exception is whether or not allowing the change would adversely affect other property owners. The decision on the exception would be made by the Board of Commissioners after receiving a recommendation from the Islands Planning Commission.

For clarification, Mr. Aspinwall asked that if this proposal is approved does it mean that the Islands Planning Commission would see the projects as an 802 (f) first and then forward it on to the Board of Commissioners, afterward would the project come back to the Islands Planning Commission in the form of a rezoning. Mr. Phillips stated that most of these situations are going to be expedited subdivisions, although there may be some in the form of a preliminary plat. When one of these projects come in and staff determines that it is affected by 802 (e) then the applicant would make some sort of an application to Planning & Zoning, which will then be presented to the Islands Planning Commission and subsequently forwarded to the Board of Commissioners with a recommendation. The Board of Commissioners would then take further action, in most cases, as an expedited subdivision.

Mr. Dow expressed concerns about public notice and wanted to know how it would be mandated if it is not required. He also wanted to know who would determine or define the term “adversely affected,” which in his opinion is like asking “how high is high.” Mr. Phillips stated that the Board of Commissioners would make that determination. They will have to apply the standards consistently and give everyone due process. Regarding public notice, Mr. Phillips stated that perhaps the Planning Commission could include some type of language in the recommendation for public notice. However, if it is not called for specifically in the ordinance, then it is not required.

Chairman Ussery stated that he has several issues with this. He agrees with Mr. Dow’s concerns. This is a broad avenue. The term “adversely affected” could be interpreted a number of different ways. He stated that he would be more comfortable with definite language and feels that the exceptions should be itemized. Chairman Ussery stated that he would recommend deferring this item to a joint workshop to make sure everyone understands specifically what it says before submitting a recommendation to the Board of Commissioners for their decision. The members concurred. However, the floor was opened at this time for public comments beginning with Attorney Tom Lee who was adamant about the members repealing Subsection (e) and rewriting it so that the average person knows what it means. He also spoke strongly against referring issues to the County Attorney once an ordinance is passed. He stressed that such actions create confusion.

Mr. Stan Kyker, St. Simons Island resident, stated that he doesn't know enough about this proposed amendment to support it or oppose it, but he is concerned about the definitions and the reference to public notice.

Mr. Chris Johnson, St. Simons Island resident, stated that the Planning Commission and the Board of Commissioners should take into consideration the people who live in the area as opposed to developers coming in and changing things.

Mr. Jim Block, St. Simons Island resident, stated that it appears to him that everyone has lost sight of what the character of the community should look like.

At the end of discussion, a motion was made by Mr. Mike Aspinwall to defer this item to the February 20th Islands Planning Commission meeting, beginning at 6:00 p.m. In the meantime, the item will be placed on the agenda for the February 13th Joint Workshop for additional discussion. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

There being no further business to discuss, the meeting was adjourned at 8:10 p.m.