

MINUTES

**ISLANDS PLANNING COMMISSION
FEBRUARY 20, 2007 - 6:00 P.M.
Fire Station #2, Demere Road, St. Simons Island**

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 - January 16, 2007

Upon a motion made by Mr. Preston Kirkendall and seconded by Mr. Paul Sanders, the Minutes of the January 16th Islands Planning Commission meeting were approved and unanimously adopted.

As agent for application number **ZM-2007-003(I)**, Chairman Robert Ussery stepped down and turned the meeting over to Vice Chairman Preston Kirkendall.

ZM-2007-003 (I)

Consider a request to rezone from FA Forest Agricultural, to PD-G Planned Development-General, property consisting of 9.663 acres located on the south side of Demere Road approximately 1500 ft. east of its intersection with Sea Island Causeway on St. Simons Island. The project is known as “The Palmettos at Demere.” The physical addresses of the properties are 2901, 2903, 2905, 2909, 2915, 2921, & 2711 Demere Road and 0 Mary Wan Road. Parcel IDs 04-12024; 04-06448; 04-05994; 04-05820; 04-05879; 04-05853, 04-05852; & 04-05787. Robert Ussery, agent for Athens Land Company, LLC, owner.

Mr. Robert Ussery was present for discussion.

The following report from staff was included in the packages for the Planning Commission’s review and was presented by Mr. David Hainley.

It is the intent that the current zoning, Forest Agricultural District, be utilized and reserved for general farming and tree growing purposes as well as certain specialized recreational and other public purposes. The regulations that apply within this district are designed to; 1) encourage the formation and continuance of a compatible environment for public and recreational areas, truck farms, orchards, livestock ranches, dairies, forest management areas, horticultural nurseries and other agricultural uses which involve the growing of crops, livestock, and animals and/or trees; and 2) discourage any encroachment by commercial and/or industrial operations, or other uses capable of adversely affecting the basic agricultural or open character of the district. [Section 704, Glynn County Zoning Ordinance].

The large “St. Simons Triangle Planning Area PD” is the backdrop against which the subject property is currently proposing to be rezone. To the south of the subject property, 507 acres of property changed ownership in 1972. In 1973, owners of the area to the south applied for and received PD-G zoning for a development that was projected to occur over a 10 year period. It was described as filling a market demand for a variety of permanent and second home housing in a recreation environment. The St. Simons Triangle Planning Area PD permitted 1,364 dwelling units of various types on 202 acres, at a density of 6.7 dwelling units per acre, plus 451 garden apartments at a density of 16 dwelling units per acre, plus office and commercial activity areas along Demere Road, and an 18 hole golf course with waterways.

The intent of the PD-G District is to encourage the large scale planned development of mixed uses or groups of uses not otherwise provided for in this section. At a total of 9.663 acres, the eight (8) assembled parcels contain more than the minimum acreage required to apply for Planned Development zoning.

The current land use designated in the adopted Glynn County Comprehensive Land Use Plan for this area is Low Density Residential. Adjacent to the property along Demere Road to the east and west is Commercial Future Land Use. The Future Land Use Designation of the St. Simons Triangle Area PD referred to above under “Existing

Zoning” is broken up into Low Density Residential and Recreation, along the lines of the golf course, in spite of the fact that mixed uses of commercial, office, single family low density and multi family medium density uses have been allowed since 1973, prior to the Comprehensive Land Use Plan.

At present, some residences exist in the area. A number of the residences appear to be uninhabited. In the adjacent and nearby areas there is a mixture of uses. One single family property fronts on Demere Road located immediately to the west of the subject property. The single family property “encapsulated” by the request has an existing residence on it. Ace Garden Center, a horticultural/nursery landscape materials sales operation, is located to the east of this property. To the south is the Island Club Golf Course-a commercial open space/recreational entity, and to the west is “Focus by the Sea,” a treatment facility; adjacent to that is St. Simons Health Club, a commercial recreational facility.

The Palmettos at Demere is a mixed use rezoning request with two proposed access points on Demere Road, plus a potential future access on its east side. The request proposes to allow a mix of Commercial, Office, and Residential uses with limitations on site coverage, building height, and building setbacks. Requirements for buffers, screening, and tree save and replacement procedures for certain trees are outlined in the proposed zoning text. Along with commercial and office uses, a hotel and a maximum of 35 residential dwelling units are proposed.

Hotel, commercial, office, and residential use locations are keyed to areas depicted in the proposed Master Site Plan. All buildings are restricted to a maximum height of 35 ft. A development table notes that acreage for uses listed are approximate. The proposed space allocates 2.6 acres or 27% for the hotel area, 3.393 acres or 35% for the commercial area, and 3.67 acres or 38% for the residential area. The commercial area potentially includes office uses. If the rezoning were approved, the approved Master Site Plan in conjunction with the PD-G text requirements would be the regulatory documents relied upon to determine whether proposed structures or uses comply with the PD-G zoning district. Buffers are required between commercial and residential uses. On the golf course property line, a masonry wall plus a 30 ft. setback with landscaped vegetative buffer are proposed.

The projected traffic impact for the commercial areas was estimated at 20,000 square feet based upon the available parking spaces depicted in the master plan zoning map. Retail commercial usage in all potential commercial /office space was assessed because it has the highest level of potential impact on transportation facilities.

Demere Road currently has in excess of 11,400 ADT and a service level of “D” (Georgia Department of Transportation defined level of service). Future estimated traffic shows projected traffic on Demere is expected to grow to 13,600 ADT by 2030, remaining at Level of Service “D.” The growth in traffic projected includes traffic from currently undeveloped lands and development of underdeveloped property such as this

request. An addition of 2,026 ADT's generated by this one proposed project is a significant contribution towards raising traffic trips on Demere Road.

Estimated Parking Requirements: Residential Dwelling Units (35 maximum x 2 parking spaces per unit = 70 spaces underneath units. Hotel (100 maximum sleeping rooms x 1.1 parking space per sleeping room = 110 spaces. Commercial (1 parking space per each 200 sq. ft. of space = 20,000 / 200 sq. ft. = 100 spaces.

Total Required Parking: 290 spaces (No allowance for restaurants.)

Total Proposed Parking: 198 + 56 (198 parking spaces depicted + 35 residential units x 2 underneath spaces) = 268 spaces resulting in a deficit of approximately 22 parking spaces which is approximately 7.5% of the total required parking spaces. This deficit is within the reduction amount allowed at the time of site plan review within the proposed planned development text.

According to the County Engineer's office, single family residence to the west of the subject property will be negatively impacted by the proposed western access point as well as the intersection across Demere that "currently has issues." More than a simple driveway on Demere will be needed. Also, the Gateway Project will require additional width along Demere Road, including the site of this project. The Master Plan text and map should contemplate additional right of way along Demere Road.

Drainage from the proposed rezoning property will be an issue, as the downstream system is private which will require permission from the owners if there are any changes to flow from the site.

Demere Road is currently at a Level of Service "D." 20,000 square feet of commercial space would generate 2,026 ADT. Projections show Demere Road is expected to remain at a Level of Service "D" in the future. This is a significant increase which may adversely impact traffic flow on Demere Road

Utilities were proposed to be Glynn County water and sewer. However, water and sewer service is not available for the subject site, a fact which has precluded previous developments by others over the years.

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 zoning proposal is for property surrounded by a mix of uses including commercial, office, hotel, residential, the Holiday Express motel, Focus by the Sea treatment facility, real estate offices, and agricultural such as the health

club, Ace Hardware with plant nursery, and the St. Simons Triangle PD with mixed uses and golf course facility.

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

Yes. It is certain the zoning proposal will increase demands on public facilities. Glynn County water and sewer are not presently available to this proposed development. Dedication of a 15' wide unobstructed utility easement is required, difficult in light of the percentage of pavement proposed.

The potential western point of access would be detrimental to the existing single family dwelling unit there. It is anticipated that the proposed development will not have adverse impacts on adjacent and nearby non-residential uses.

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

Yes. It is currently Forest Agricultural zoning with eight (8) parcels containing scattered low density residential development. It could be developed/redeveloped as such, though the adjacent non-commercial uses would limit its viability.

- 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.

Yes, according to estimates based on a worst case scenario, there would be a significant increase in the use of public facilities. Lack of connections for sewer, access problems, and significant traffic generation is projected for this property.

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

No. The Comprehensive Plan calls for Low Density Residential as a Future Land Use. The Future Land Use Map however is being presently assessed in preparation for a new comprehensive plan, and future land use categories adopted for this area may or may not change as a result.

- 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, as noted in the above response. A current update of the Glynn County Comprehensive Plan involves a reassessment of appropriate future land uses throughout Glynn County, which may or may not result in changed land use

categories in the area of this proposed rezoning request. Also, the Gateway Project for St. Simons (transportation network plans that include possible widening of Demere Road) will impact this section of Demere Road.

The proposal is not consistent with the Glynn County Comprehensive Plan Future Land Use Map, although it is acknowledged that the Future Land Use Map does not accurately depict adjacent land use for the Triangle Planning Area. Having stated this, public facilities use projections demonstrate the area could be adversely impacted by the proposed intensity and density of use, as discussed specifically for drainage, sewer, and traffic issues.

If the property were developed residential at a low density, i.e. approximately 3-4 dwellings units per acre, a maximum of 35 units could be achieved. However, in comparison, the proposed rezoning allots the same residential units with the commercial/office buildings, a 100 room sleeping hotel building and associated facility demands that may surpass the county's ability to provide services.

Staff recommends that the proposal as presented be approved, but that the development be limited to a mix of uses that will not generate more than 1,540 ADT at full development, and that the applicant dedicate any required right-of-way for the Demere Road project.

Mr. Paul Sanders stated that the Gateway Project is not in sync with this proposed project because, among other things, there is a proposed rerouting of Hamilton Road to come out at a new traffic light at the entrance of Charter Health, now called St. Simons Health Club. He stated that he would like to know how the county traffic and safety is going to handle this situation. Mr. Hainley explained that during staff's review, Mr. Paul Andrews, Assistant County Engineer, was instrumental in recommending that the county acquire additional right-of-way for potential impacts to the site and to the Gateway Project, which is the basis for staff's recommendation.

Mr. Sanders stated that the surface drainage in this area has been a problem over the past 25-30 years. The drainage ditch on the south side of this property is actually on another property owner's land. He then asked if staff is aware of an agreement to divert surface water onto the neighbor's property. Mr. Hainley replied no; as part of the Planned Development, the applicant has regulated the amount of surface coverage that the property will have. Also, the applicant would be required to provide an engineering study and comply with the equal on/equal off rate of discharge off of the property, as well as control the drainage on site.

Mr. Sanders stated that historically, the area in question has been called "Jewtown." He wanted to know if there is any historical significance to the applicant's property. Mr. Hainley stated that staff did not discover any historical elements on the site. Mr. Sanders stated that about 30 years ago, there was a court decision by Judge Killian that ruled that the south side of Demere Road was for commercial use. He asked if the proposed 35 new residential units go against Judge Killian's ruling. Mr. Hainley

stated that he would have to do additional research to determine if the rule would be violated.

Mr. William Lawrence wanted to know how this property relates to the current Comprehensive Plan. Mr. Hainley stated that the Comprehensive Plan shows the area as residential. It should be noted that the Comprehensive Plan for St. Simons Island was more or less a snap shot taken at a particular date of existing land uses. There is recognition of commercial on the plan.

Mr. Lawrence asked if there were two access points being proposed for the property. Mr. Hainley replied yes, and he pointed these out on the plan. Mr. Lawrence stated that the western entrance would block the existing residence especially with the proposed 8 ft. wall. Mr. Hainley agreed and stated that there are no provisions to cross access at this point. He noted that staff has expressed concerns about having a commercial access and a residential access in close proximity to each other. However, the applicant would have to elaborate on this issue for clarification. Mr. Lawrence stated that the occupant would have difficulties getting in and out of the residence. He then asked if there were any attempts made to negotiate an agreement between the applicant and the owner of the residence in this regard. Again, Mr. Hainley stated that the applicant would have to address that question.

In conclusion, Mr. Lawrence expressed concerns about the 8 ft. wall proposed to go around the existing residential dwelling, stating that it will essentially be a stockade for that particular family. He also expressed concerns about traffic and asked if any consideration had been given to the number of vehicles that would be forth coming if this request is approved. Mr. Hainley stated that staff did take into consideration the number of vehicles and additional traffic in the area, which is why the recommendation includes the stipulation of a lower ratio, basically due to the background traffic and the amount of traffic that this proposed plan would add to Demere Road.

Mr. Mike Aspinwall asked at what level of traffic does the road specification change to where the county might actually consider four-laning Demere Road. Mr. Hainley explained that there are a number of steps to consider. The Trip Generation is done by links that are typically intersection to intersection. Intersection improvements can be done to stabilize the link. In some communities roads can be declared as restricted arteries. Also, service levels would be one of the steps to consider in four-laning a road. He stated that a service level is the amount of time it takes to actually access out of a driveway onto a road. To improve capacity, you could either do intersection improvements or put in additional lanes. However, there is no mandate that says all roads have to achieve a certain service level. This is usually an independent judgment.

Mr. John Dow had questions about the availability of utilities. Mr. Hainley stated that the most serious issue is sewer, which is sitting on a private easement. The availability of sewer would require an agreement between parties. Water is located on Demere Road in both directions and could be extended to achieve enough water supply.

The applicant will have to do some improvements to conclude the project. Mr. Dow asked if the pond in the area is intended to be used for retention and will it be completely self sufficient or partially with off-site drainage. Mr. Hainley stated that the pond is intended for retention. The applicant will be allowed to discharge at his current rate off-site but he will have to provide engineering, utilizing the pond or other means of storage on-site to achieve his retention.

Mr. Dow asked if the county is comfortable with the right-of-way along the strip or should the county be looking at developments to acquire additional right-of-way for future developments. Mr. Hainley stated that a number of issues are raised during the zoning process and these are usually addressed at site plan review. He pointed out that the right-of-way issue did come up, which is why staff stipulated in its recommendation that the county acquire right-of-way across the frontage of the property as part of the rezoning request.

Mr. Dow stated that his main concern is how many points of ingress and egress would be available onto Demere Road. He asked if there were any thoughts of having one point of ingress and egress lining up with Plantation Chase and then having a service road internal to the project servicing the project. Mr. Hainley stated that there is a little alley/street in the area that had a possible third access shown. From a safety standpoint, the Fire Department requires a second access, via shared or otherwise. He stated that the county has not looked at trying to get another access across the frontage.

During a brief presentation, Mr. Robert Ussery addressed the buffer and provisions made with the possibility of additional width on Demere Road. Along the backside of the property against the golf course is 30 ft. along with an 8 ft. high masonry fence. They have also written into the text that buildings will be setback along Demere Road in anticipation that at some point there will be additional right-of-way required on Demere Road.

Mr. Ussery stated that they have set site coverage limitations on the project. The maximum site coverage limitation for the residential portion is 50% and the site coverage limitation for the commercial is 70%. Currently on St. Simons there are no limitations for site coverage on commercial properties. He stated that they have also included a tree ordinance in the text whereby saving the Live Oak trees that are 40 inches in diameter. If any of the trees have to be removed, there is also a replacement procedure spelled out in the text.

Mr. Ussery pointed out that they did try to take into account the different intensities of the development. Along the backside, the golf course and adjacent to Focus by the Sea facility is where they put the residential uses. They felt that this particular area contained quiet uses and would be a more appropriate location for residential. Also, the limitation on the residential is 10 units per acre, as opposed to 16 units per acre.

Mr. Ussery explained that currently in the development text the amount of commercial is limited by three things; 1) *height* - they're only allowed to go 35 ft.; 2) *parking* - as required by the Zoning Ordinance; and 3) *site coverage*.

At this time, Mr. Ussery introduced Mr. Chris Amos of P & A Engineering who is present to address utilities and traffic.

Mr. Amos pointed out that in meeting with the County Engineer and examining the drainage problems downstream, he believes that they can detain the increase in stormwater on the property so as not to increase the levels of runoff from the site after development. He stated that water on Demere Road is easily available and is therefore not a problem. The sewer that is available and closest to this project is on the Focus by the Sea property within an existing sewer easement. After meeting with the managers of Focus by the Sea, he believes that they will be able to work out an agreement to be able to get into the sewer system.

Mr. Amos stated that traffic issues are a little more complicated. They have been given a copy of the Gateway Plan by the County Engineer's office. To some degree, the driveway locations have been placed so that the driveway that lines up with Main Street would be a future major intersection on Demere Road. The driveways will be spaced equally between the traffic light at the causeway and the traffic light at Brockington.

Regarding the fence or "stockade" around the existing home as referenced by Mr. Lawrence, Mr. Ussery stated that they have no problem with adjusting that to whatever the homeowner wants. He stated that they would certainly entertain some thoughts as to how the homeowner would access the main road, as opposed to having to come out on Demere Road.

Mr. Dow asked if any time had been devoted to trying to work out a cross access easement with "Focus by the Sea." Mr. Ussery stated that the area that Mr. Dow is referring to is a privately owned parcel. Currently, Mary Wan Road is only 15 ft. wide and is not adequate to be any sort of driveway. Therefore, it cannot be considered as an entrance.

Ms. Joan Wilson stated that if the four lanes are allowed on Demere Road, how much buffer would be left before getting to the structures. Mr. Ussery stated that if the entire right-of-way were taken, there would be 15 ft. left.

At this time, the floor was opened for public comments beginning with Ms. Joan Muscheck who read a three page letter of concern (verbatim) on behalf of Mr. Bill Hooker, stating that "the proposal negatively impacts the current comprehensive plan of Glynn County, does not meet minimum submission requirements, creates public safety issues, negatively impacts public services and general aesthetics." (Note: This letter, in its entirety, is contained in file #*ZM-2007-003(I)* of the Glynn County Planning & Zoning Office.)

Mrs. Mary Johnson, adjacent property owner, stated that there is a lot of sentimental attachment to her property because it has been in her husband's family for over 100 years. She stated that she is opposed to this development for several reasons. "Traffic is traitorous" and it is virtually impossible to get on and off of Demere Road. She stated that there are property line issues that need to be ironed out. Also, no one has spoken to her about an additional access. Mrs. Johnson stated that she is concerned about the safety of her children because of the traffic. She stressed that she is definitely opposed to having an 8 ft. wall outside of her window and she hopes that Mr. Ussery will keep this in mind and seriously consider these concerns.

Mr. Stan Kyker of 226 Butler Avenue stated that questions about this proposal need to be answered with concrete and precise information. For instance, what is this proposal, what will it look like, or are we approving a "pig in a poke?" He feels that this type of development will set a precedent. Finally, he asked the Islands Planning Commission to take a stand for really sound development on the Island.

Mr. Dennis Berchet of 103 Brookfield Trace expressed concerns about traffic and drainage problems, and stated that there is not enough room to four-lane Demere Road.

Mrs. Ruthie Cobb also expressed concerns about traffic and safety issues, specifically for her small grandchildren as they are waiting to get on and off of the school bus in the neighborhood. As a lifelong resident of St. Simons Island, she once again asked the members of the Planning Commission to consider the safety and wellbeing of the people who live on the Island and deny this request.

After listening to all of the comments, Mr. Ussery stated that he would like to defer this request for 30 days to study all of the concerns expressed about this proposal. Thereupon, a motion was made by Mr. John Dow to defer this request until the March 20, 2007 Islands Planning Commission meeting, beginning at 6:00 p.m. The motion was seconded by Mr. William Lawrence. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence and Ms. Joan Wilson. Voting Nay: Mr. Paul Sanders. Abstained From Voting: Mr. Mike Aspinwall.

Chairman Robert Ussery presided over the remainder of the meeting.

PP-2006-038 (I) Glynn Haven Trace

Request for approval of a preliminary plat for property located on the north side of Atlantic Avenue approximately 800 ft. west of its intersection with Sixth Street. The project consists of 8 single family lots on 1.842 acres, and is zoned R-6 One-Family Residential. Atlantic Survey Professionals, agent for Alan Worthley.

Mr. Ernie Johns was present for discussion.

According to the staff's report, the Comprehensive Plan Land Use shows that this site is designated for low-density residential. The proposed development meets the requirements of the adopted planned development text.

Mr. Phillips stated that the site is accessed by a private street and is served by public water and sewer. All other comments have either been addressed or can be addressed during construction plan review.

Staff's recommendation is for approval of this preliminary plat subject to meeting all requirements.

Mr. Aspinwall wanted to know if there is a 25 ft. DNR buffer in place. Mr. Phillips pointed out that there will be a buffer on the lots measured from the marsh delineation. If the rule changes, which is a state rule, the applicant would have to conform to the requirements, depending on how the new rule is applied.

Mr. Dow stated that if this request is approved, what does the applicant have to do to ensure that the 25 ft. buffer is honored, versus the 50 ft. buffer. Mr. Phillips explained that this would depend on how the rule is written by the state. As far as the county is concerned, the applicant would go through construction plan review and final plat review, and ultimately the plat would be recorded; although this procedure might not have anything to do with how the state imposes its standard and what qualifies as a non-conforming situation.

Mr. Kirkendall wanted to know if this request meets the 40 ft. radius requirement for the cul-de-sac. Mr. Ernie John replied yes. He also pointed out that the word "not" should be removed from the statement on note #7 of the plat.

Following discussion, a motion was made by Mr. Preston Kirkendall to approve this request. The motion was seconded by Mr. Paul Sanders. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery and Ms. Joan Wilson. Abstained From Voting: Mr. Mike Aspinwall.

PV-2007-001 (I) Cloister Cottages, Phase I

Request for vacation of a plat recorded at Plat Cabinet 2, Page 249. The property is located west of River Club Drive (5th Street), north of Hudson Place on Sea Island. The project consists of 12 lots on 2.869 acres, and is zoned PD Planned Development. The site is within the Cloister Planned Development.

Attorney Jim Gilbert and Mr. Bill Edenfield were present for discussion.

According to the staff’s report, this site is shown for Medium to High Density Residential on the Future Land Use Plan. The proposed land use is for one-family attached subdivision (24 units). The vacation of the previously approved plat will facilitate the processing of the proposed development.

The Subdivision Regulations provide that once a plat is recorded, it may be vacated through a process as spelled out in Section 803.

This site is accessed by private streets within the Sea Island development and served by Sea Island water and sewer. Staff’s recommendation is for approval.

Following review, a motion was made by Mr. Paul Sanders to approve this request. The motion was seconded by Ms. Joan Wilson. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery and Ms. Joan Wilson. Abstained From Voting: Mr. Mike Aspinwall.

PP-2007-003 (I) Cloister Cottages

Request for approval of a preliminary plat for property located west of River Club Drive (5th Street), north of Hudson Place on Sea Island. The project consists of 24 lots on 6.011 acres, and is zoned PD Planned Development. The site is within the Cloister Planned Development.

Attorney Jim Gilbert and Mr. Bill Edenfield were present for discussion.

According to the staff’s report, this site is shown for Medium to High Density Residential on the Future Land Use Plan. The proposed land use is for one-family attached subdivision (24 units, each on an individual lot).

The proposed development meets the requirements of the adopted planned development text, which permits one-family attached and “townhouse” units on lots with a minimum are of 2,000 square feet. The proposed development includes lots, all of which exceed 6,400 square feet.

The site is accessed by private streets within the Sea Island development, and connects to 4th Street at Hudson Place. It will generate approximately 240 vehicle trips per day when fully developed.

This site is served by Sea Island water and sewer. Sewage is conveyed to the county system and is treated at the St. Simons Island treatment facility, which has capacity. Staff's recommendation is for approval.

Following review, a motion was made by Mr. Preston Kirkendall to approve this request. The motion was seconded by Mr. Paul Sanders. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery and Ms. Joan Wilson. Abstained From Voting: Mr. Mike Aspinwall.

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. This item was deferred from January 16, 2007.

In addition to the January 16th meeting, this amendment was discussed at a joint work shop on February 13th. Mr. Hainley stated that at the work shop it became evident that more discussion was needed on this proposed amendment. Two legal professions (Attorney Tom Lee and Attorney Jim Gilbert) along with Will Worley of the County Attorney's Office as well as Ms. Desiree Watson have agreed to work together in re-writing the sections pertaining to this amendment. Mr. Hainley stated that staff received a draft from Attorney Tom Lee recommending changes to the amendment.

In presenting this draft to the Islands Planning Commission, Mr. Lee explained that the problem that they seem to be confronted with is a hardship. Mr. Sonny Livingston has approximately 13 acres in Harrington Subdivision. This particular subdivision was platted centuries ago for the purpose of giving property to the owners who lived in the area at that time. Some of those residents still live in the area. Mr. Lee stated that he doesn't think that the intent was ever to impose a requirement on a subdivision that was not actually approved under the Glynn County Subdivision Regulations, which is the basic thrust of what this exception recognizes.

Mr. Lee stated that this amendment, as written, amounts to an illegal moratorium on development property. It is costing Mr. Livingston \$25,000 a month in interest and he cannot develop the property that he purchased in good faith in October 2006. He stressed that it just doesn't make sense (for Mr. Livingston) to have to wait until March 20th for the Islands Planning Commission to take action on this proposal, and continue to wait until April for the Board of Commissioners' action. Therefore, he is asking the members of the Islands Planning Commission to approve the draft that he has prepared with the

understanding that it will go to the committee assigned to review the issue. Based on the committee's review, the draft will be forwarded to the Board of Commissioners for review at their regular meeting on March 1st, which would avoid additional financial impact for Mr. Livingston.

Mr. Win Carlisle, St. Simons Island resident, stated he hopes that the original language in the amendment has been changed to be more specific as to what it applies to with regard to Section 802 (e) in an effort to avoid the law of unintended consequences, which could be detrimental to the real estate industry, architects, engineers, etc.

Mr. Sonny Livingston echoed Attorney Tom Lee's sentiment and asked the members to speed up the process by approving the draft prepared by Mr. Lee.

Chairman Ussery asked staff if it is at all possible for the Planning Commission to review Mr. Livingston's subdivision plat with the notion that it would not come into affect until 802 (e) is sorted out, or perhaps they can approve the subdivision contingent upon the approval of 802 (e). Mr. Hainley stated that a condition could be stipulated in the approval as long as it is clearly specified and the owner is aware of it.

Chairman Ussery advised Mr. Livingston that the Planning Commission would not have a problem with him going forward with his preliminary plat which he stated would be reviewed with the condition that nothing can be done with it until 802 (e) is sorted out. Mr. Hainley stated that under the initial review the plat was held under 802 (e) but staff would process the plat, expedite the comments and move forward toward the next meeting for adoption.

There being no further discussion, a motion was made by Mr. John Dow to defer the proposed amendment. The motion was seconded by Mr. Paul Sanders. During discussion, Attorney Tom Lee asked if this deferral is subject to the condition that the plat would be processed. Chairman Ussery explained that staff will proceed in this direction; therefore, the condition is not necessary. At the end of discussion, the following vote was taken on the motion for deferral: Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery and Ms. Joan Wilson. Abstained From Voting: Mr. Mike Aspinwall.

TA-2007-001

Consider an amendment to the Glynn County Zoning Ordinance, Article VI (General Provisions), Section 609 (Accessory Uses), Subsection 609.1 (Uses Customarily Accessory to Dwellings and/or Mobile Homes on Individual Zoning Lots), to change item (e) concerning the keeping of dogs and cats; and for other purposes.

The amendment was included in the packages for review and was presented by Mr. Hainley. According to the staff's report, this is a proposal to amend the Zoning Ordinance to change item (e) concerning the keeping of dogs and cats as an accessory use to a residence. The current language limiting the number of dogs and cats has created difficulty in court in connection with its enforcement. The proposed language will provide clarification and facilitate enforcement. Staff's recommendation is for approval.

Following review, a motion was made by Mr. Paul Sanders to recommend approval of this amendment. 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. Joan Wilson. Abstained From Voting: Mr. Mike Aspinwall.

VP-2007-1 (I)

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 a 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.

It was noted that no one was present to represent this request. Therefore, this item was deferred until the next Islands Planning Commission meeting, scheduled for March 19th beginning at 6:00 p.m.

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 Downey was present for discussion.

The following report from staff was included in the packages for review and was presented by Mrs. Iris Scheff.

The existing subject building contains multiple units of which "St. Simons Beachwear" is the corner section owned by Bill Downey. The owner's objective is to upgrade the appearance of the building.

The agent for the project, Bill Hooker, submitted design elevations and other detailed support information indicating compliance with the Glynn County Zoning Ordinance to accompany a request for approval to renovate a commercial building located at a prominent intersection of St. Simons Village Pier Area.

According to Section 709.5 (Village Preservation), 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 criteria below.

- 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 building is located in a GC-Core zoning district, which is exempt from the lot coverage requirements of this ordinance (see Section 709.5 General Provisions, above).

Building Height: The height of the existing building is stated to be eighteen and three-quarters (18.75) feet. The proposed height increase is stated to be less than the allowed ten (10) additional feet. A height dimension was not on the elevations; however they were scaled drawings indicating the roof peak height was approximately twenty-nine (29') feet tall, just three inches over the ten feet additional height allowed. Measurement may be slightly off-scale due to photocopying distortion, or if not, an adjustment can be made so that approval of the proposal is contingent on adding a twenty-eight and three-quarters (28.75) feet dimension to the elevations.

Conformity and Harmony of Plans with Neighboring Structures: A clear set of proposed elevations are included in the materials for review, as well as a scaled building footprint indicating the extent of the original building and the new entry with three columns, and proposed canopy overhang.

Color photos of the building as it exists were submitted for purposes of comparison. Overall, the proposed façade renovation appears to be harmonious with the existing and neighboring structures.

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

Use of Landscaping, Buffering, and Conforming with Neighboring Sites: The proposal is for an entry and façade renovation, and involves streetscape rather than landscape, placing canopies over the sidewalk for weather protection. The GC-Core zoning district allows full use of the property with zero (0') feet yard setbacks; therefore, no buffering or landscaping is noted on the plans.

The developer is proposing to upgrade to the building façade with an improved design for an existing building that appears to be attractive and harmonious with neighboring structures in terms of materials, color schemes, entry and façade.

Staff recommends that the proposed façade and entry renovation be approved subject to verifying that the height meets the allowable height of 28 feet 9 inches, or subject to submission of amended plans to comply with the maximum allowable height.

Following a brief discussion, a motion was made by Mr. John Dow to approve the proposed façade with the hardiplank siding and the entry renovation subject to verifying that the proposed height meets the allowable height of 28 feet 9 inches, or submission of amended plans to comply with the maximum allowable height. The motion was seconded by Mr. Paul Sanders. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery and Ms. Joan Wilson. Abstained From Voting: Mr. Mike Aspinwall.

**Appointment/CDAB
Community Development Advisory Board**

Chairman Ussery stated that he would like to continue serving on the Community Development Advisory Board. Thereupon, a motion was made by Mr. Preston Kirkendall to allow Mr. Robert Ussery to continue serving on the Community Development Advisory Board as the representative from the Islands Planning Commission. The motion was seconded by Ms. Joan Wilson. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery and Ms. Joan Wilson. Abstained From Voting: Mr. Mike Aspinwall.

There being no further business to discuss, the meeting was adjourned at 7:50 p.m.