

MINUTES

ISLANDS PLANNING COMMISSION APRIL 17, 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
Iris Scheff, Planner III
Janet Loving, Admin/Recording Secretary

As agent for application #ZM-2007-003 (I), Chairman Robert Ussery stepped down and turned the meeting over to Vice Chairman Preston Kirkendall, who then called the meeting to order and gave a brief recap of the rules. The Invocation and the Pledge of Allegiance were done at the 5:00 p.m. joint meeting.

Minutes - March 20, 2007

A motion was made by Mr. Paul Sanders to approve the Minutes of the March 20th Islands Planning Commission meeting. The motion was seconded by Mr. William Lawrence. Voting Aye: Mr. John Dow, Mr. William Lawrence, Mr. Paul Sanders, Ms. Desiree Watson and Ms. Joan Wilson. (Mr. Kirkendall did not attend the March 20th meeting and therefore abstained from voting. Mr. Ussery also abstained from voting.)

Agenda - Additions, Deferrals, Deletions, Postponements

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

ZM-2007-003 (I)

Consider a request to rezone from FA Forest Agricultural, to PD-R Planned Development-Residential, 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. This item was deferred at the February 20th meeting.

Mr. Robert Ussery, Mr. Chris Amos and Mr. Doug Dillard were present for discussion.

For the record, the findings of fact as outlined in Section 1103 of the Glynn County Zoning Ordinance and other pertinent information about this proposed development are contained in the Minutes of the February 20th meeting. In the meantime, Mr. Hainley reported that the application has been amended to include all residential dwellings, consisting of a maximum of 120 townhouse units. The traffic projection has been dropped below the concerned level as identified by staff. Also, there are agreements in place which have addressed staff’s concerns about the impacts to the utilities system.

Mr. William Lawrence stated that the traffic projection by the year 2030 is 13,600 but at this rate of development in the area we are quickly approaching that number. He then asked what the maximum average daily trips are for Demere Road. Mr. Hainley stated that the road is projected to go through its growth period and remain at Service Level D. Other than that, the ordinance and regulations do not provide a way to cap the growth at this time.

Ms. Desiree Watson asked for an explanation of staff’s response in the report which states that “the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; dedication of a 15 ft. wide unobstructed utility easement is required but difficult in light of the percentage of pavement proposed.” Mr. Hainley explained that contained within the county’s water and sewer ordinances, there is a requirement that if you are going to dedicate easements to the county, the easements need to be free and open to the sky without being paved over. However, in tight developments this becomes impossible, so quite frequently what they do is modify that by turning the utilities into private utilities and just give the easement for the meter to the county.

Continuing, Ms. Watson asked for an explanation of staff’s response in the report which states that “the potential western point of access would be detrimental to the existing single-family dwelling unit.” Mr. Hainley explained that the existing residence has a driveway out onto Demere Road and the main access for this development would be adjacent to this residence. It would become more difficult for the property owner to access Demere Road due to the growth in traffic unless they were allowed to access that main driveway.

During a brief presentation, Mr. Robert Ussery pointed out that traffic was one of the big issues at the last meeting. The developers decided that a residential development would have a lot less impact than the mix use that they initially proposed. He stated that Mr. Chris Amos would elaborate on the water and sewer concerns; however, he pointed out that there is an agreement with "Focus by the Sea" that will allow the developers (at the appropriate time) access to the manhole located behind the property. Drainage will be met by the retention pond in the middle.

Mr. Ussery stated that the Planning Commission expressed concerns about the number of access points along Demere Road. The new plan proposes one access point directly across from Main Street, which is the location of the commercial mixed use development. There will be an emergency only ingress/egress on the eastern portion of the property. He stated that they are amenable to allowing ingress from the out-parcel onto the driveway system to be part of the new multi-family development. This would allow the owners of the existing single-family home a way to get back onto Demere Road. Mr. Ussery also pointed out additional standards proposed in the development text.

Mr. Chris Amos of P & A Engineering stated that they have examined the water and sewer issues as well as the storm drainage concerns in detail. They have looked at the existing facilities at "Focus by the Sea" and have worked with other members of the project team regarding the easements that would be required to connect to the sewer. He stated that in meeting with county staff and united water staff, they have analyzed the gravity sewer system and determined that it is adequate to handle this proposed project. They have also looked at the pump stations and other elements that are downstream of the gravity sewer and again determined that they are adequate to handle the project. Mr. Amos pointed out that they completed a hydrology study on the project. Stormwater will be managed on site and will not exceed the pre-developed runoff from the site in its current condition. There is also adequate water supply and pressure to handle the project. Mr. Ussery added that the developers have proposed to dedicate a 25 ft. strip along Demere Road which would go to the county for road improvements that might be necessary for the proposed "Gateway Project."

It was noted that a capacity crowd estimated at 50 opponents were present to voice concerns about this request. The floor was opened at this time for public comments beginning with Ms. Joann Cook of 126 Hillcrest Court in Brockington Subdivision who expressed concerns about ingress/egress, traffic in general, and property value. She stated that they lobbied for three years to get a stop light at the entrance of Brockington Subdivision, of which would be the most impacted by this development with the increase in traffic. She elaborated on the horrendous traffic problems and how the entrance to the subdivision is constantly blocked during rush hours. Ms. Cook questioned the density proposed by the developers and stated that the focus should be geared toward lower density for the area.

Mrs. Mary Johnson of 2919 Demere Road re-emphasized her comments from the last public hearing. She is opposed to this request for all of the reasons previously stated. She pointed out that this property has been in her husband's family for over 100 years and there is a lot of sentimental value attached. She is concerned about the safety of her children because of the traffic and stated that this proposed development would just intensify the problem.

Mr. Dennis Beacham, representing RUPA, stated that this revised request for 120 residential units is legally within the approved limits of the Medium Density Planned Development requirements, but the location has to be taken into consideration. He stated that 120 residential units will create an estimated additional 760 Average Daily Trips on Demere Road, which will eventually prompt people to take other routes, thereby compounding traffic problems in other areas of the Island. Other issues to consider with this request are rainwater runoff, water and sewer and utility easements; all of which are vital undetermined elements. Mr. Beacham stated that RUPA is recommending that approval of this request be postponed until some of the critical pieces are in place, and when the time comes perhaps a much smaller density should be considered for this particular property.

Mr. Bill Hooker, local architect and general contractor, stated that the big picture is density and its affect on the infrastructure for St. Simons Island. He stated that this proposal is not a Planned Development-General; it is more like a "Planned Development Greed" with an out-of-town developer. Mr. Hooker stated that this is a community and what should be recommended is a moratorium on any rezoning until the master plan (which is mandated by the state to be re-done every ten years) is completed with full public hearings so that all of the issues can be studied and addressed. He stressed that in his opinion, we should focus on what's good for the community and not just what's good for a few.

Also present to speak in opposition to this request were Mr. Jim Branca, Ms. Mimi Wade and Mr. Billy Baker. Mr. Baker stressed how hard they all fought to get a separate Planning Commission to protect the Islands and stop these types of developments.

In rebuttal, Mr. Robert Ussery stated that eventually, this property will ultimately be developed. The property to the east is zoned commercial and there is multi-family residential across the street. As pointed out at the first meeting, this property was designated as low density because it was sort of "left over land" and was not part of any ongoing scheme. In coming up with this proposed use, he stated that the developers tried to consider what has been allowed on other property by other property owners in the area. He stated that they are asking for a few less units than what is currently zoned across the street.

Mr. Doug Dillard, a zoning attorney representing the Athens Land Company, stated that he is use to being known as one of the "out-of-town folks." He stated that he understands this kind of environment, but he also understands the sense of fairness and

the rights that people have to use their property. He stated that they are proposing a quality development and they have tried to be sensitive to the needs and the concerns expressed at the last meeting. Mr. Dillard stated that what he doesn't understand is how someone who lives in a community of 600 homes (Brockington) can oppose a development of 120 homes. Also, the RUPA group has expressed concerns about 760 trips per day; however, Mr. Dillard stated that a traffic study was provided to staff that shows and justifies that the level of service on Demere Road will not change; in fact, the level of service will actually improve.

Mr. Dillard elaborated on how they intend to preserve the trees and develop the property in a sensitive way. He stated that they have reduced the density and are preserving 50% of open space. They are also protecting the jurisdictional wetlands. He stressed that this proposal is a reasonable request, at a reasonable time, for a reasonable purpose.

Mr. Dillard stated that GA Law along with the Zoning Ordinance set the criteria, and it is that criteria that they have satisfied. To recommend that this property be a low density residential use is not consistent with surrounding uses and it is a taking of a property right, which is unconstitutional. He stated that they have come to the Planning Commission in a spirit of compromise. They have listened to the concerns of the citizens, they have revised the application, and they are asking for reasonable consideration. He is soliciting at this time a recommendation of approval from the Planning Commission.

Mr. John Dow asked if the wetlands require approval from DNR. Mr. Ussery replied yes; they have been delineated. The area shown by the retention pond is very close to the outline of the wetlands and until it is actually engineered they are not requesting any variances. Mr. Dow stated to Mr. Ussery that if the engineer is saying that you all are not going to increase any drainage off-site than what already exists, how can you be sure that you have the capabilities and the capacity on-site. Mr. Chris Amos explained that they are not contemplating any changes to the wetlands that aren't authorized under federal law for the use of the wetlands. He stated that they are not anticipating permitting any modifications to the wetlands. He further explained that there are a lot of different ways to handle on-site stormwater management without necessarily involving the Corps of Engineers.

Mr. Paul Sanders stated that at the last meeting, a question came up as to whether or not the "*Killian Court Decision*" affects the use or the zoning of this property. Mr. Hainley stated that during staff's research, it was determined that the "*Killian Ruling*" does not affect this particular property.

Mr. Sanders asked if there are any agreements with the Sea Island Company to put water across their land into the drainage ditch toward the marsh. Mr. Dillard stated that they have met with Sea Island and they are not opposed to this rezoning. He stated that they do not have a written agreement but they are not opposed to this request with the conditions that are included in the text of the zoning.

Mr. William Lawrence stated that the Comprehensive Plan is geared toward low density, but it appears that we are not abiding by the Comprehensive Plan, which makes him wonder if perhaps we are going to eliminate the plan altogether. He stated that it is not mandatory to change the zoning. The Planning Commission needs to be able to look at this proposal objectively and not “feel like we’re being forced to do something.”

Mr. Ussery stated that the Comprehensive Plan is currently being re-worked. At the time that the last Comprehensive Plan was done, which was about 10 years ago, this particular piece of property was simply shown as a place for several existing homes.

Ms. Desiree Watson stated that she is also very concerned about the traffic issues. The study that Mr. Dillard referenced doesn’t quite make sense to her in which he indicated that adding 760 trips per day to a small intersection will actually improve traffic. This is not logical to her. Also, she pointed out that Mr. Ussery has stated that this property was just sort of “left over property” in the last Comprehensive Plan as low density, but Ms. Watson stated that it was actually visionary that the property was left low density. She finds it a little disingenuous for the developers to say that they have lowered the density for the proposed zoning when they did not use what the county typically calculates for density. Additionally, Ms. Watson stated that the developers have indicated that they have met all of the criteria; however, they have not satisfied the Comprehensive Plan because it is in fact low density. As an attorney, she further explained to Mr. Dillard that it is not a property right to have property rezoned by demand.

In conclusion, Ms. Watson stated that staff has advised that there are still issues with this proposal as outlined in an affirmative response to 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.

At the end of discussion, a motion was made by Mr. Paul Sanders recommending denial of this request. The motion was seconded by Ms. Desiree Watson and unanimously adopted (with the exception of Mr. Ussery who abstained).

After a 5 minute break, the meeting resumed at 7:20 p.m. with Chairman Robert Ussery presiding.

ZM-2007-005 (I)

Consider a request to rezone from R-9 One-Family Residential to HC Highway Commercial, property consisting of 25,382 square feet (approximately 0.58 acre) located on the northeast corner of the intersection of Frederica Road and Barnes Plantation Road on St. Simons Island. The property has 110 feet of frontage on Frederica Road and 245 feet on Barnes Plantation Road. The address of the property is 1708 Frederica Road. Parcel ID 04-02466. Larry Bryson, agent for Jasper L. Wilson, owner.

Mr. Larry Bryson, Mr. David Sweat and Mr. Jasper Wilson were present for discussion.

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

It is the intent that the R-9 One-Family Residential Zoning District be developed and reserved for low-to-medium density residential purposes. It is designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on zoning lots having an area of 9,000 square feet or more. Encroachment of commercial, industrial, high density residential or other uses capable of adversely affecting the single-family residential character of this district is discouraged.

The intent of the Highway Commercial Zoning District is for development of commercial uses which primarily render a service or cater to tourists, vacationers, truckers, and the traveling public. Any commercial uses within this district are intended to encourage and form a compatible environment for highway oriented uses, ensure adequate and properly designed means of ingress and egress, and discourage encroachment by industrial, residential or other uses that would adversely affect the character of the district.

The land use presently designated in the adopted Glynn County Comprehensive Land Use Plan for this property is commercial. Southward along Frederica Road on the same side of the subject property is also commercial. Commercial is also depicted opposite the property and southward along Frederica to its intersection with Demere Road. A substantial area of Medium Density Residential is depicted south and east of the subject property. The existing land use for the subject property is low density residential.

The Jasper Wilson property is a commercial zoning request for just over a half acre site with ingress and egress proposed on Frederica Road, as well as ingress and egress proposed on Barnes Plantation Road. Although entitled "Barnes Plantation Road," this is actually a driveway used for both (1) the condominium complex located about 120 feet away from its intersection with Frederica Road, and for (2) an ingress and egress for the commercial stores south of the subject site. The request proposes commercial for a bank- Sapelo Southern Bank. The information submitted states that the bank would be in character with the neighborhood because "with the exception of the adjoining property to the north, which is zoned R-9, One-Family Residential, all surrounding properties are zoned HC or PD-G." The owner to the north has indicated he may request a rezoning at some future date.

The application further states that the request would not be detrimental to the property or persons in the area because “businesses surround this property. The proposed bank would be a good neighbor, minimizing impact.”

It was suggested by planning staff that although there are other businesses in the area that are zoned HC, because Frederica Road is a constrained road that cannot be widened, the zoning district LC, would be the better zoning district for this small property. LC allows a bank as a permitted use also, but in a different context - that of providing local or neighborhood service, as opposed to serving the “traveling public” as would a shopping center near and interstate highway.

No request for subdivision is submitted nor does there appear to be a need to subdivide the subject property.

It is important to assess the demand that will be placed on public facilities in this location, to understand the project’s potential impact on Glynn County. In order to do this, estimates based upon the existing uses with the proposed use added must be established. Characteristics of the site such as traffic counts, density, intensity of use and the like help determine if fire and police protection, water and sewer, school capacity, and traffic network are sufficient for the property to be developed for commercial use.

The projected traffic impact for a commercial drive-in bank was estimated by various means, including how many employees, square footage of the bank, or the number of drive-in windows. Number of drive-in windows was chosen for the purposes of this rezoning. Ranges were given, with the low end being 207 ADT per window or 621 trips per day [207 trips x 3 windows], and the high end being 802.75 ADT per window, or 2,408.2 ADT per day [802.75 x 3 windows]. An average rate per day per drive-in window was 411.17 trips, times three windows as depicted in the concept plan with the application, calculates to 1,233.5 trips per day [411.17 x 3 windows] on a weekday.

Also depicted on the concept plan was a building with dimensions of approximately 50’ x 47’ or 2,350 square feet. Using this as a foundation for the calculations results in the following ADT for the 2,350 square feet bank: average rates of 265.2 ADT per 1,000 sf = $2,350 / 1,000 = 2.35$ x average rate per thousand square feet of bank of 265.2 ADT = 623.22 ADT for the proposed Sapelo Southern Bank.

According to the County Engineer’s office, additional right of way is needed for Frederica Road, which should be similar in scale to the property to the south. Direct access to Frederica Road should be removed given the proximity to the traffic light and the road intersection to the north and considering the existing traffic issues along this section of Frederica and the existing access to the Barnes Plantation Driveway. Access shown at Barnes Plantation drive way should be located 60 ft. from the right of way intersection at Frederica Road in accordance with the Public Works Department.

Utilities are proposed to be Glynn County water and sewer. Utilities staff has indicated that public sewer as proposed is not available to this site. In addition, public water is proposed but is not available to this site. The nearest county owned and maintained water main is located on the west side of Frederica Road. Jacking and boring Frederica Road is not a possibility due to the number of buried utilities underneath Frederica Road. There is no “bury depth survey” of each utility. No one can ensure the boring of steel casing will not cause damage to buried utilities. Before the rezoning is approved, the applicant or agent shall present a notarized agreement with the adjacent land owner permitting them to extend water and sewer facilities to this proposed site.

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 use seems suitable but the particular site less suitable for a high traffic facility such as a drive-in bank with three thru lanes, which generates many traffic trips daily.

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

Yes. The entrances will adversely affect existing uses due to how “tight” (small, tightly configured for the intense uses that occur) both the subject site and adjacent sites containing condominiums and various stores are.

- 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.

Yes. As referenced above, vehicles entering and leaving both the condominiums and the adjacent shopping center will conflict as turns into and out of the bank further interfere with vehicles moving in and out of the adjacent sites.

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

Yes. The Future Land Use is Commercial for this area and for this site.

- 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, for reasons given above.

The proposal is consistent with the Glynn County Comprehensive Plan Future Land Use Map. Yet the existing adjacent uses are already at or near capacity with respect to already in place configurations of site space, ingresses/egresses, driveways, and adjacent site parking spaces and drive aisles. The proposed bank will add to already occurring congestion.

Staff recommends that the proposal be approved on the basis that it is consistent with the Glynn County Future Land Use Map, but that the applicant shall address the following issues at time of site plan approval in order to provide required utilities, reduce traffic, lower potential traffic conflicts, and free up on-site movement:

- 1) A notarized letter of agreement with the adjacent landowner to allow connection to and provision of water and sewer to the site to be provided to Glynn County Planning staff;
- 2) Access to Frederica Road shall not be permitted;
- 3) Additional right of way shall be provided for Frederica Road;
- 4) The Barnes Plantation ingress/egress be relocated to at least 60 feet from the right of way intersection with Frederica Road; and
- 5) One of the drive-thru lanes may need to be eliminated and the principal building footprint to be moved northward to correspond with its removal to provide for better circulation at the entrance.

Several lifelong Island residents were present to oppose this request including Mrs. Diane Haywood who stated that her family has lived in the area since the 1800's and if this request is approved, she would lose half of her driveway. Mrs. Ila Davis Williams stated that if this request is approved it would virtually push her off of her property, and she has no where else to go. In her defense, Mr. Billy Baker stated that Mrs. Williams has lived in this house all of her life and this proposed bank would be in her front yard. He stated that the Planning Commission needs to consider the human factor. In fact, he stated that there are already six banks in the area. "Do we really need another bank?"

Also present to oppose this request was Attorney Jack Overman who presented a petition containing 150 signatures of residents of Barnes Plantation opposed to this request. Mr. Overman explained that the Barnes Plantation Drive is a private drive owned by the homeowners association and they have no intention of allowing the bank to

have access to their road. He also reported that the homeowners paid over \$500,000 to save a very large oak tree that sits in the center of Barnes Plantation Drive. The roots now grow over toward other property and additional pavement for an access would probably kill this tree. Mr. Overman cited several accidents that have occurred in the area due to heavy traffic including one involving a bicycle rider. On behalf of the Barnes Plantation Homeowners Association, Mr. Overman requested that this application be denied.

After listening to the concerns expressed and a considerable amount of discussion, Mr. Larry Bryson stated that perhaps he made a mistake with this particular zoning choice. He stated that he would like to request a deferral to allow enough time to meet with the neighbors in an effort to resolve their concerns.

Following discussion, a motion was made by Mr. Paul Sanders to defer this application until the June 19th Islands Planning Commission meeting, beginning at 6:00 p.m. The motion was seconded by Ms. Joan Wilson and unanimously adopted.

PP-2006-040 (I) Township Bluff Phase II

Request for approval of a preliminary plat for property located on the west side of Harrington Lane and south of North Harrington Road. The project consists of 49 single family lots on 11.293 acres, and will be served by county water and sewer. The project requires a variance to allow the 25 ft. alleys. The property is zoned R-6 One-Family Residential. Atlantic Survey Professionals, agent for Sonny Livingston. Parcel Numbers 04-05290, 04-05291, 04-05319.

Mr. Ernie Johns was present for discussion.

According to the staff's report, which was presented by Mr. Hainley, the Comprehensive Plan designates this property as low density residential on the future land use plan. The property is currently vacant but the proposed use is for a single-family subdivision consisting of 49 dwelling units.

The proposed development generally meets the requirements of the Subdivision Regulations, with the exception that Subsection 802 (e) prohibits re-subdivision of a lot that is part of an "approved subdivision." The property involved in this proposal is part of the Harrington Subdivision. Otherwise, most technical issues and engineering concerns can be addressed during the construction plan review phase or the final plat phase.

A variance from the minimum street width requirement will be necessary in order to allow the 25 ft. width for the alleys.

This site is accessed by a public street. The application does not indicate whether streets will be public or private. This should be determined before construction plans are approved. All required traffic control devices will need to be shown on the construction plans.

Although the site is served by county water and sewer, the preliminary plat does not show the location of existing facilities. These should be added to the as-approved copy of the preliminary plat for the Planning Commission Chairman's signature.

Staff recommends approval of the request for a variance from the provisions of Section 602.4 for minimum right-of-way width to allow the proposed 25 ft. alleys, and approval of the preliminary plat, subject to formal approval of a modification to Section 802 (e) subject to meeting all requirements, including submittal of a revised plat showing existing water and sewer service locations and other corrections indicated by staff for the Planning Commission Chairman's signature.

Following review, a motion was made by Mr. John Dow to approve this request. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

PP-2007-006 (I) Wildlife Preserve

Request for approval of a preliminary plat for property located on the east side of Frederica Road between Wildlife Drive and Adams Drive. The project consists of 18 single family lots on 7.718 acres, and will be served by county water and sewer and by private streets. The property is zoned R-12 One-Family Residential. Wildlife Preserve, LLC, owner. Parcel # 04-06651.

Mr. Bobby Shupe was present for discussion.

According to the staff's report, which was presented by Mrs. Scheff, the Comprehensive Plan designates this property as low density residential on the Future Land Use Plan. The property is currently vacant with one dwelling, but the proposed use is for a single-family subdivision consisting of 18 dwelling units.

The property does not appear to be a part of an approved subdivision, and is therefore not affected by Section 802 (e), which prevents re-subdivision of such parcels.

According to the County Engineer's office, drainage is an issue, as the existing drainage system has some deficiencies. Among other things, a new pipe will need to be installed in Wildlife Drive at its intersection with Frederica Road. In addition, an easement will need to be provided over the ditch that lies just northeast of the intersection. Other issues may emerge from the review of the construction plans.

The project proposes a private street that will not only serve the new lots, but will provide access to four existing parcels to the south. The existing parcels previously used a private access easement that is in the alignment of the proposed street. The layout of this proposal will not add a new entrance to Frederica Road, but will use the existing entrance. Additional right-of-way is requested along the east side of Frederica Road north of the entrance to the proposed subdivision.

Staff recommends approval of this preliminary plat subject to showing the dedication of additional right-of-way along Frederica Road, and subject to meeting all requirements, including submittal of a revised plat showing existing water and sewer service locations and other corrections indicated by staff for the Planning Commission Chairman's signature.

Following a brief discussion, a motion was made by Mr. John Dow to approve this preliminary plat as is. The motion was seconded by Mr. William Lawrence and unanimously adopted.

TA-2007-005

Consider an amendment to Chapter 2-19 of the Glynn County Code of Ordinances; to amend Section 2-19-4 of the Glynn County Planning Commission Ordinance to provide for four year terms for planning commission members; to provide that those terms run concurrently with the terms of the members of the Board of Commissioners; and for other purposes.

The amendment was included in the packages and was presented by Mr. Hainley who reported that the Mainland Planning Commission had recommended approval of this amendment at their April 3rd meeting with the following revised language:

Line 48 No person shall be eligible for membership on the Commission who holds an elected County, **City**, State or **any municipal** office.

Line 55 An individual may serve additional successive terms provided that there has been a period of at least ~~two (2) years~~ **one (1) year** since the end of their last term on either Planning Commission.

After review, a motion made by Mr. Preston Kirkendall stating that the Islands Planning Commission recommends approval of this amendment with the same revised language as stated by the Mainland Planning Commission. The motion was seconded by Mr. John Dow and unanimously adopted.

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 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. This item was deferred at the March 20th meeting.

It was noted that no one was present to represent this request. However, during the course of discussion, it was determined that the applicant failed to submit supporting documentation with this request. Thereupon, a motion was made by Mr. John Dow to defer this item until the applicant submits appropriate documentation as noted by staff. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

VP-2006-014

Request by Ed Mecchella, agent for William R. and Melonie C. Moseley, owner, for reconsideration and re-approval of a permit issued November 21, 2006. The original approval was to build an addition to a brick two bedroom house located at 513 Oak Street, on the west side of Oak Street between 12th and 14th Streets, St. Simons Island. No height change was proposed. The re-approval would be to also permit a wood deck on the north (Poplar Street) side of the property. The property consists of a 6,654 square foot lot zoned R-6 Single Family Residential. Parcel ID 04-04591.

Mr. Ed Mecchella was present for discussion.

According to the staff's report, which was presented by Mrs. Scheff, the subject property has been undergoing remodeling. This item is being brought back again before the Planning Commission at the request of Ed Mecchella, who has asked for an amendment to his original application because he built a deck onto a house that was not on the plans.

Staff recommended more information be secured about actual field conditions at the time the item was considered in November. However, the item was approved. Further staff research since the time of the November meeting revealed that the property supports a nonconforming structure. The structure is nonconforming as to encroachment into the side setback next to adjacent property on Poplar Street, as well encroachment into the adjacent property itself.

In order for the nonconforming structure to become eligible for expansion, the encroachment is required to be removed. Demolition of the encroachment should have been proposed at the time of the Islands Planning Commission's Village Preservation

review. The Planning Commission has an unwritten policy that any addition that does not increase the nonconformity will be permitted to move forward. The deck built without authorization within the front setback is not in accordance with the regulation or the policy. Staff recommends that this request be denied based on the following:

- 1) The deck is located within the front setback area. The Zoning Ordinance prohibits structures within setback areas, which are to remain unobstructed from ground to sky.
- 2) The property supports a nonconforming structure as to encroachment into the side setback and into the adjacent property, and the deck represents another encroachment, which is prohibited by Section 603 of the Zoning Ordinance
- 3) The sketch plan submitted for the deck does not contain sufficient information for a complete review or approval.

Following a presentation by Mr. Mecchella and a brief discussion, a motion was made by Mr. John Dow to approve the wooden deck with a 10 ft. setback off of Poplar Street, along with staff's review and approval of the building materials including a landscape plan. The motion was seconded by Ms. Desiree Watson and unanimously adopted.

There being no further business to discuss, the meeting was adjourned at 9:00 p.m.