

**MINUTES**  
**JOINT PLANNING COMMISSION**  
**MARCH 20, 2007 - 5:00 P.M.**  
**Fire Station #2, Demere Road, St. Simons Island**

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**ISLANDS PLANNING COMMISSION**

Robert Ussery, Chairman  
John Dow, Jr.  
William Lawrence  
Paul Sanders  
Desiree Watson  
Joan Wilson

**Absent:** Preston Kirkendall

**MAINLAND PLANNING COMMISSION**

Gary Nevill, Chairman  
Wayne Stewart, Vice Chairman  
Jeff Counts  
Eric Croft  
Buck Crosby  
Buddy Hutchinson

**Absent:** Bill Brunson

**STAFF PRESENT:**

David Hainley, Community Development Director  
York Phillips, Planning Manager  
Iris Scheff, Planner III  
Janet Loving, Admin/Recording Secretary

**ALSO PRESENT:**

Will Worley, Assistant County Attorney  
Commissioner Uli Keller, BOC

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With Chairman Robert Ussery presiding, the meeting was called to order at 5:00 p.m. Afterward, the invocation was given followed by the Pledge of Allegiance. Mr. Ussery explained that the purpose of this meeting is to discuss the proposed amendments, obtain public comments and subsequently submit a recommendation to the Board of Commissioners. He then read the following into the record:

## **TA-2006-016**

Consider an amendment to Sections 501, 801, and 802 of the Glynn County Subdivision Regulations; to provide for the definition of an “Existing Subdivision;” to provide for an amendment of Subsection 802 (e); to provide that the prohibiting of re-subdivisions or changes to approved subdivisions on St. Simons Island shall not apply to lots of less than one-half (1/2) acre; to create Subsection 802 (f); to provide for an appeal from the provisions of 802 (e); and for other purposes.

Mr. Dave Hainley explained that a committee consisting of Attorneys Tom Lee, Desiree Watson, Will Worley and Jim Gilbert was appointed to review several issues concerning this amendment. The current draft is a result of their work. This proposal presents a standard of one-half (½) acre dealing with re-subdivisions and existing subdivisions as defined in the Glynn County Subdivision Regulations. Mr. Hainley pointed out that this proposal clearly will not be a “fix all” for every instance but it will apply to a majority of instances.

Mr. Gary Nevill wanted to know if the ½ acre conflicts with 802 (d), which limits to a (one) 1 acre requirement.

Mr. Will Worley, Assistant County Attorney, stated that 802 (d) currently reads, “no subdivision described in this sub-section shall be permitted in a recorded subdivision zoned single-family residential if the lot to be divided has a development area of less than one (1) acre.” He explained that this only applies to subdivisions that are described in sub-section 802 (d), which begins with the one time division of a tract of land with no more than four (4) lots. Therefore, as it stands now, the one (1) acre rule only applies to re-subdivisions under 802 (d). On the other hand, the ½ acre rule, 802 (e), would apply to any kind of subdivision. Mr. Nevill stated that if he had seven or eight-tenths of an acre in a subdivision on St. Simons Island, he could still do a lot split under 802 (e). Mr. Worley replied “yes, as proposed but not currently on the books.”

Mr. Wayne Stewart suggested repealing 802 (d) and go straight to 802 (e) because it appears that the rule is already in affect. Mr. Worley stated that repealing 802 (d) could be a possibility if the Planning Commission feels that this is a redundant rule. However, as he understands it, 802 (e) came about because there were situations that 802 (d) did not address. Chairman Ussery stated that situations that they were trying to address were areas that were actually larger than one (1) acre.

Mr. Worley reminded the members that at one point the proposal involved three (3) acres; 802 (e) would apply to anything less than three (3) acres, which was deemed to be too broad of a net. Again, he stated that if the Commission finds that the one (1) acre rule in 802 (d) is no longer needed because situations would be covered in 802 (e), then amending that particular ordinance is possible.

At this time, Chairman Ussery opened the floor for public comments, beginning with Attorney Tom Lee.

Mr. Lee stated that as one of the committee members appointed to address this proposal, his interpretation of the rule was that you could not subdivide any property in an existing subdivision, which would halt any development in Harrington. "Calling this an expedited rule doesn't make sense." From appearances, it looked like the fight was between St. Clair Subdivision and Harrington Subdivision, but that just wasn't and still is not the case. He stated that the committee was concerned that big tracts were being prevented from being divided, which is why they were trying to come up with a rule that would handle bigger tracts of land and allow them to be subdivided. Chairman Ussery stated that this proposal would allow the larger tracts of land to now be split. Mr. Lee agreed.

Mr. John Dow stated that the only two subdivisions that he keeps hearing about relative to this amendment are Harrington and St. Clair. He would like to know if there are any other areas on St. Simons that we are trying to cover other than Harrington, and if not, perhaps we should leave the rule as written and just have an exception for Harrington. Mr. Lee stated that this would probably apply to Frederica Township and what Sea Island is developing. The problem that he has with this is that it is not a rezoning. The Zoning Ordinance classifies certain pieces of property as R-6, R-9, R-12, etc. which in his opinion is where the changes should be made. He doesn't think that it is correct to prevent the development of property through the Subdivision Regulations. In other words, he feels that if you want to protect St. Clair, then you should rezone the property to a different classification, if the property owners want it.

Mr. Wayne Stewart stated that he is not sure if the problem can be solved by Glynn County Government. He stated that covenants of a subdivision can be re-written. If the majority of the people in a subdivision can put the covenants in place they could more than likely solve their own individual problems. He stated that his main question is do we really need 802 (d) at this time. Perhaps it would be wise to just address 802 (e) and encourage the property owners to take a look at their covenants.

Mr. Stewart stated that the Planning Commission cannot force property owners to rezone their property. However, Mr. Lee stated that the county does have the authority to rezone areas if the county can show that it is in the public's best interest, which is how zoning classifications originated. Mr. Stewart then asked for Mr. Lee's legal opinion on whether the county still has a right to rezone property if 10 out of 50 people in a subdivision were opposed to the rezoning. Mr. Lee stated he feels that the county still has a right to rezone the property. Also, if you're going to do a subdivision you have a right to rezone it to a classification consistent with the uses of the property within that particular subdivision. Mr. Stewart stated that previous legal staff advised that the county could not rezone property without the owner's permission. He then asked for Mr. Worley's thoughts on the subject. Mr. Worley stated that personally, he has never looked into that issue because it has not been an option. He pointed out that he has been with the Glynn County Attorney's office for two years and he does not remember issuing such an opinion.

Ms. Desiree Watson stated that in order to be consistent with the one (1) acre rule, she would suggest that they just revise 802 (d) and allow recorded subdivisions that have been recorded before they were approved by Glynn County. Mr. Lee stated that this was discussed at one of the work sessions and everyone tried to come up with images of subdivisions where this suggestion would work, but there were very few exceptions. In Blank Banks Subdivision the concern was not with the covenants, instead it was a matter of realizing that the covenants were going to expire. It was the recommendation of the developer at that time to have the property rezoned to protect the subdivision because he thought that the covenants were going to expire.

Mr. Lee stated that the real problem as he sees it is that there is a section called “expedited review” and in essence (e) and (d) prevents anybody from subdividing property, which is confiscatory. He stated that 95% of the property in Harrington Subdivision is zoned R-6 and nobody is proposing to change the zoning classification, instead we’re using the Subdivision Regulations to try to prevent anybody from developing the property under the R-6 zoning. Mr. Buddy Hutchinson asked if a rezoning would solve the problem in Harrington Subdivision. However, Mr. Lee stated that they do not want to rezone the property. It is already zoned R-6, which is what they want to develop it as.

Referring to Mr. Lee’s statement that the county has the authority to rezone property, Mr. Paul Sanders stated that approximately 20 years ago when Mr. Lee was the County Attorney, Glynn County did exactly that with Youngwood Subdivision. Most of the people wanted it and so the county rezoned it. Mr. Lee added that the county also has a right to rezone property for aesthetic reasons. His concern is “going through the backdoor with the Subdivision Regulations,” which prevents the owner of the property from using the property for what the Zoning Ordinances says it can be used for. He stressed that the relief needed at this time is for the Planning Commission to adopt a proposal that would allow the owner to subdivide the Harrington property.

Mr. Ernie Curry stated that he built a house in St. Clair on the marsh. He purchased the two lots next to him as a long term investment, thinking that he would get three lots. The Islands Planning Commission passed a preliminary plat with three lots on it. Those three lots all met the minimum subdivision requirements of St. Clair Subdivision, which contains 20,000 sq. ft. lots; not 6,000 or 8,000 sq. ft. lots. He stated that there have not been any meetings held in St. Clair Subdivision about this issue. He pointed out that Ms. Ann McCann, president of the homeowners association, has been very instrumental in cleaning up the area, etc. but one of her objections to him was that she does not want him to build a lot of “nice mansions” in the area. Mr. Curry stated that his house is very nice and it is appraised at over one million dollars. He also paid one million dollars for the other three lots and would like to perhaps build three more nice houses in St. Clair. Mr. Curry stated he feels that the entire issue is going to end in litigations against Glynn County because the county cannot go in and down zone a person’s property. He stated however that he is in favor of this proposed amendment.

Mr. Sonny Livingston stated that he has a Phase I development in Harrington Subdivision that contains 60 lots zoned R-6 and it is under construction almost to the final plat stage. He stated that he purchased the property to develop it as R-6, although the lots are a little larger than 6,000 sq. ft. There is a subdivision next to his property with minimum size lots and is also zoned R-6. He stated that he and Mr. Curry are both developers and it is not fair for somebody to come in and take away their zoning. He is sitting on millions of dollars worth of property that he cannot develop. Mr. Livingston stated that he agrees with Mr. Dow that the Planning Commission should perhaps take Harrington Subdivision out of the equation, which would allow him to develop his property.

Mr. Buddy Hutchinson wanted to know how 802 (e) prevents a property owner from building on property that is already zoned R-6. Mr. Dave Hainley explained that the way 802 (e) is currently structured it also affects standard subdivisions going to Section 700 series which refers to prohibiting divisions for the purpose of increasing the number of homes.

Mr. Wayne Stewart asked if the Planning Commission were to approve 802 (e) would this allow Mr. Livingston to proceed with the development of his property that is already zoned R-6. Mr. Worley stated that if 802 (e) is approved, it will allow a lot that is greater than ½ acre to be split if it meets all other subdivision regulations, no matter what the zoning is. Chairman Ussery asked Mr. Livingston if this would fix his problem, to which Mr. Livingston replied yes, it would eliminate his problem and allow him to develop his property.

Mr. Curry wanted to know how this proposal affects the density rule. Mr. Worley explained that the density issue only comes into affect if you try to subdivide a piece of property that is less than ½ acre.

Ms. Ann McCann presented a map of St. Clair Subdivision and pointed out the two lots of concern and the drainage areas. She disputed Mr. Curry's comments about not wanting a lot of mansions in St. Clair because she lives in St. Clair and the higher the property value the more valuable her property becomes. Ms. McCann pointed out larger lots in St. Clair that could perhaps be subdivided or split for two houses. She also pointed out the area of where the mini subdivision was proposed to be created. She stressed that this particular subdivision has absolutely nothing to do with Harrington, stating that it is a totally different situation. She elaborated on what they are trying to accomplish in St. Clair and disagreed with having a blanket amendment to cover all lots in a subdivision. Mrs. Iris Scheff commented that one remedy for St. Clair and other platted subdivisions would be to perhaps apply for a PD-R and adopt a master plan with the platted lots.

Ms. Joan Chiles thinks that this proposal is good if it fits in within her property zoning.

Mr. Win Carlisle stated that he is opposed to the 802 (e) amendment as proposed but he would support it with revised language.

Ms. Minnie White stated that this proposal would be detrimental to the residents' quality of life.

Ms. Joann Cook feels that the Planning Commission should reconsider the original three (3) acre proposal.

Following additional discussion, a motion was made by Mr. Jeff Counts recommending that the *Mainland Planning Commission* approve the amendment to Sections 501, 801, and 802 of the Glynn County Subdivision Regulations as written. The motion was seconded by Mr. Buck Crosby. Voting Aye: Mr. Jeff Counts, Mr. Eric Croft, Mr. Buck Crosby, Mr. Buddy Hutchinson and Mr. Wayne Stewart. Voting Nay: Mr. Gary Nevill. (Absent: Mr. Bill Brunson)

A motion was made by Ms. Desiree Watson recommending that the *Islands Planning Commission* approve of the amendment to Sections 501, 801, and 802 of the Glynn County Subdivision Regulations as written. The motion was seconded by Mr. John Dow and unanimously adopted. (Absent: Mr. Preston Kirkendall)

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**TA-2007-002**

Consider an amendment to the Glynn County Zoning Ordinance, Article VII (Requirements by District), Section 723 (PD Planned Development District), Subsection 723.2 (Eligibility Requirements), to eliminate the minimum area requirement and the width requirement; and for other purposes.

Mr. David Hainley explained that at the previous work session, it was the consensus of both Planning Commissions to table this item and amend it differently. Therefore, staff recommends that it be deferred until a future date based upon the work of the two appointed sub-committees. Thereupon, a motion was made by Mr. Wayne Stewart to defer this item. The motion was seconded by Mr. Jeff Counts and unanimously adopted by both Planning Commissions.

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There being no further business to discuss, the joint meeting was adjourned at 6:15 p.m.