

MINUTES

GLYNN COUNTY PLANNING COMMISSION
JUNE 1, 1993 9:00 A.M.

MEMBERS PRESENT: Wayne Stewart, Chairman
Georgia DeSain
Sidneye Henderson
Jack Kite
Ira Moore
Richard Parker

ABSENT: Benjamin Jaudon

STAFF PRESENT: Larry Taylor, Building & Development
Jennifer Detloff, Planner
Janet Loving, Administrative Secretary

Chairman Wayne Stewart called the meeting to order and the invocation was given. Mr. Stewart then introduced and welcomed Mr. Richard Parker as the new Planning Commission Member.

Due to a previous commitment, Chairman Stewart explained that Item #6 on the agenda would be discussed first.

Request from Island Realty to permit a sign on a building located within the St. Simons Village Preservation District

Mr. and Mrs. Vernon Mims were present for discussion.

Mr. Larry Taylor explained that a picture of the proposed sign is included in the Planning Commission packages for review.

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

Following discussion, a motion was made by Mr. Ira Moore to approve this request. The motion was seconded by Ms. Georgia DeSain and unanimously adopted.

Ocean Village
Preliminary Subdivision Plat
4.86 acres located off Demere Road, St. Simons Island
Zoned R-6 One-Family Residential, 17 Residential Lots

Mr. Thomas D. Stewart, Jr., property owner, was present for discussion.

It was noted that Mr. Thomas Stewart, Jr. and Chairman Wayne Stewart are of no relation.

Mr. Larry Taylor presented the staff's report. He stated that this plat meets all the requirements for preliminary plat approval for a 17 lot subdivision on county water and sewer.

Mr. Taylor stated that the County Engineer has approved the plat, with the following exception: Section 602.2(d) of the Glynn County Subdivision Regulations requires the distance between any new street and an existing street on a collector street to be a minimum of 450 feet. He stated the proposed entrance is approximately 100 feet from Brown Drive. Mr. Taylor explained that the developer has requested a variance from this requirement based on the subdivision being small and the proposed street being a dead-end.

Mr. Taylor pointed out that an alignment with Brown Drive would be at the extreme southern property line which would result in some lots and driveways on Demere Road. He stated staff feels that due to the small size of the subdivision with a dead-end street, a variance should be granted and therefore staff recommends approval as proposed.

Mr. Thomas Stewart pointed out that there are no future developments planned.

Mr. Taylor explained that wetlands exist in the area; however, the Corps of Engineers will allow the developer to fill the wetland area.

Following review, a motion was made by Ms. Sidneye Henderson for approval with the variance. The motion was seconded by Mr. Ira Moore and unanimously adopted.

Royal Oaks
Preliminary Subdivision Plat
72.47 acres located off U.S. Highway 17 south, just
north of I-95 (Exit 6)
Zoned R-20 One-Family Residential, 86 residential lots
Coastal Georgia Development Co., Inc., Owner/Developer

Mr. Lamar Reddick and Mr. Ed Echols were present for discussion.

Mr. Larry Taylor presented the staff's report. He stated that this plat meets all the requirements for preliminary plat approval. He explained that water and sewer service is being

negotiated with the Board of Commissioners for connection to the South Port System. He stated staff recommends approval with the condition that every possible effort is made to encourage county water and sewer extension.

Mr. Reddick stated that he is in support of working with the county for water and sewer connection.

Following review, a motion was made by Mr. Jack Kite to approve this preliminary plat subject to the developer finalizing negotiations with Glynn County Water and Sewer. If negotiations fail, the developer will have to come back to the Planning Commission to proceed with a well and septic tank development. The motion was seconded by Mr. Ira Moore and unanimously adopted.

Site Plan Approval
Planned Commercial-Office Building on 2.21 Acres
Located off Frederica Road, St. Simons Island
Harrison Pointe Development Co., Owner/Developer

Mr. Frank Deloach was present for discussion.

Mr. Larry Taylor presented the staff's report. He stated that staff recommends approval of Phase I of Harrison Pointe Commercial Tract; however, all other phases will require site plan review when developed.

Mr. Taylor explained that in order to ensure traffic safety, the developer will be required to install acceleration and deceleration lanes, necessary by-pass lanes with future phases of the development and share the entrance with the Sea Island Tract. He pointed out that the developer has agreed to this condition. Mr. Taylor stated staff recommends approval of the site plan.

Mr. Deloach gave a brief presentation. He stated that a few office spaces may be leased for executive suites; however, there will be no additions.

Following review, a motion was made by Mr. Jack Kite for approval. The motion was seconded by Mr. Ira Moore and unanimously adopted.

GC-13-93
Request to Rezone from Basic Industrial to Planned Development-General (residential and recreation), 823 acres located between U.S. Highway 17 North and South Altamaha River, being a portion of New Hope Plantation.

Mr. Joseph Iannicelli, property owner, was present for discussion.

Mr. Larry Taylor presented the staff's report. He stated that this request is to rezone approximately 823 acres, being a portion of New Hope Plantation, to allow residential and recreation development. He further stated that a plan and documents have been submitted with the application, requesting a rezoning to Planned Development. He explained that upon staff's request, additional information was submitted and reviewed as to its conformance with the Glynn County Zoning Ordinance. He stated that the remaining acreage, the high land in New Hope Plantation, consists of three zoning classifications; Basic Industrial, Mobile Home Park and Highway Commercial.

Mr. Taylor stated that in 1966 when the Zoning Ordinance and Zoning Maps were adopted, New Hope Plantation was zoned Basic Industrial and Forest Agricultural. In 1969, a 25.45 acre parcel fronting on U. S. Highway 17 was rezoned from Forest Agricultural and Basic Industrial to Highway Commercial, and a 5 acre parcel was rezoned from Basic Industrial to Highway Commercial. He stated that in 1970, 61.98 acres were rezoned from Basic Industrial to Mobile Home Park and 1.98 acres were rezoned from Basic Industrial to Highway Commercial. The subject property is currently zoned Basic Industrial. Mr. Taylor stated that according to the tax records, 883 acres of New Hope Plantation are being taxed as marsh. He pointed out that based on the information obtained by staff, the subject property is wetlands/marsh and is not buildable.

Mr. Taylor explained that Section 618. of the Glynn County Zoning Ordinance states the following:

Section 618. Environmental Protection

All uses must satisfactorily comply with the requirements of the Environmental Protection Division, Georgia Department of Natural Resources and the Glynn County Board of Health regarding the protection of the environment from pollution by waste materials. All development in areas of freshwater wetlands and marshland fringe shall comply with the following standards.

Development adjacent to freshwater wetlands, defined as those protected by Section 404 of P.L. 92-500 as determined by the U. S. Corps of Engineers, shall provide a buffer of natural vegetation around all freshwater wetlands.

Development in the marsh-upland fringe shall not be permitted on lands subject to tidal influence (generally less than 5.6 feet MSL). A minimum fifteen (15) foot setback shall be maintained along marsh boundaries, as certified by the Coastal Marshland Protection Act.

Mr. Taylor stated that the property is considered wetlands/marsh and staff does not feel the proposed rezoning to allow residential meets the requirements of the Glynn County Zoning Ordinance. The Zoning Ordinance states the following:

Zoning Lot. A parcel of land occupied or to be occupied by a principal use or uses, together with such accessory uses, yards, and open spaces, which are permitted or required under the provisions of this Ordinance; having frontage on a designated accepted street and having not less than the minimum area required by these regulations for a lot in the zoning district within which said parcel of land is located. A Lot of Record may or may not be a zoning lot.

Development. The performance of any building or mining operation, the making of any material change in the use of any structure of land, or the division of land into two or more parcels, lots, building sites or units.

Development Area. All land determined to be suitable for improvement and building, but not including permanent preservation areas such as productive marsh, beach, most seaward stable dune, Beach and Dune Development setback area, lake, stream, landmark tree, historical site, or utilized for streets, alleys or access easements.

Mr. Taylor stated to further evaluate this request, the following matters were considered in developing staff's recommendation:

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

No, property is wetlands/marsh.

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

Yes, the adjacent property is marsh and zoned Conservation Preservation. However, the high land to the west, being a portion of New Hope Plantation, is developed as a mobile home park, commercial and industrial.

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

No, the property is zoned Basic Industrial but the property is marsh and not buildable.

- 4) 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;

Could have a great impact on the environment.

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

No, shown as Conservation.

- 6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

None that we are aware of.

Mr. Taylor stated that staff does not feel the proposed request meets the requirements for Planned Development to allow residential and recreational use in that the property is marsh, and does not meet the requirements of the Glynn County Zoning Ordinance as developable land. Therefore, staff recommends that the request be denied.

Mr. Iannicelli gave a brief presentation. He stated that he intends to reconstruct dikes which were in place when the land was utilized as a rice plantation, and then build houses on piers which could be accessed by either a boat or by walking along the dikes. He stated that by building dikes, he could effectively control the mosquito population in the area. He explained that the fish in the dikes would eat the mosquito larvae.

Mr. Iannicelli stated that he requested permits from the Georgia Department of Natural Resources (DNR) to construct the dikes for the purpose of cultivating rice and fish; however, DNR denied the permits based on the Marshlands Protection Act. He explained that DNR stated he would have to get the property rezoned before DNR would consider granting him a permit.

Ms. Sidneye Henderson had questions regarding the mean sea level of land. Mr. Iannicelli stated that 4 to 4 1/2 feet is under tidal influence.

Ms. Lorraine Dusenbury of the Coastal Georgia Audubon Society was present to oppose this request. She then presented the following:

"After reviewing this application, we have to give the applicant an "A" for ingenuity. However, his grade in providing details would bring that grade down below passing. His application does not comply in any way with the text of the Glynn County codes. His "building lots" are not defined on the map he submitted. His plans for water and sewer service are not in any way complete. There are no accompanying engineering studies to show how the service would be provided.

"Information on provision of electrical and gas service is dismissed with the statement that it will be provided by "others". A statement should be required to show to the Georgia Power Company that they would be able and willing to provide service.

"Access to the proposed homes is not adequate. We note that lots 84 through 186 are not accessible from the proposed community dock. Walking or bicycling from the parking area to the proposed homes would be burdensome and, in a storm, even dangerous. We further question whether the Glynn County Fire Department would be able to provide fire or emergency medical service to the proposed development.

"We find the sections on sediment transport and mosquito control interesting, but undocumented. If this information is to be included with the application, the studies from which this information was gleaned should be cited. We doubt however, that this is relevant to the consideration of the application by the Planning Commission.

"We question the site plan which was submitted by the applicant. Although he states that it was prepared by Thomas and Hutton, a reputable engineering firm, neither their name nor the seal of the preparer is included on the plan. As a non-engineering member of a long line of engineers, I know that this is unusual, if not unethical.

"In addition to the "A" for originality, I would give the good Dr. an "A+" for audacity. I have seen more innovative plans, but only in science fiction.

"Coastal Georgia Audubon urges that this plan either be denied or sent back for completion."

Ms. Dusenbury also stated that this development would have a negative impact on Hofowl Plantation.

In rebuttal, Mr. Iannicelli stated most of these questions were addressed in the plan. He explained that the plan was not carefully read and that it is a complete detailed application. Mr. Iannicelli stated that the mosquito control is very carefully documented. Gas would be available from propane tanks at each house and there would be no natural gas lines in this development. He stated that he would submit additional information to

the Commission if necessary. Mr. Taylor pointed out that Mr. Iannicelli submitted a covenant; however, due to the length of the document it was not included in the Planning Commission packages.

Mr. Jack Kite had questions regarding the ability to accommodate fire and rescue units. Mr. Iannicelli stated the area is adequate for fire trucks and rescue units.

Mr. Ira Moore asked Mr. Iannicelli why he preferred to seek a rezoning rather than to confront DNR for the use of his land. Mr. Iannicelli stated he is in a "Catch-22" situation. He stated DNR will not review his request to use the land in this manner unless the Planning Commission approves the rezoning, and the Planning Commission may not approve the rezoning due to the guidelines of the ordinances. Mr. Iannicelli pointed out that if he is denied all use of his land someone is going to pay him for it. He stated he would hate to see that happen to the people of Glynn County.

Ms. Sidneye Henderson stated she has a problem with supporting anything in clear violation of the ordinance.

Chairman Wayne Stewart stated he feels the Planning Commission should seek legal advice before making a decision. He suggested a deferral until such time. Mr. Iannicelli agreed with Mr. Stewart.

Following discussion, a motion was made by Ms. Sidneye Henderson to defer this request until the Planning Commission can meet with the County Attorney in an effort to obtain legal advice. The motion was seconded by Mr. Ira Moore and unanimously adopted. Mr. Stewart stated the date of this meeting should be within 45 days and should be a public hearing. Therefore, it was the consensus of the Planning Commission to schedule the public hearing for Tuesday, June 29th at 9:00 in Room 234 of the Office Park Building.

Request for a Variance from the Glynn County Subdivision Regulations involving frontage and access to Sea Palms West Drive Extension, to serve 1.0168 acres shown on a plat known as a Redivision of Parcel 6C Sea Palms West, St. Simons Island.

Property owned by Ben Slade.

Ms. Susan Hardwick was present for discussion.

Mr. Larry Taylor stated that the owner would like to subdivide the property into two lots and in order to do this, a 25 ft. access is required for a common easement to both lots of 60 ft. He stated the owner was advised that the property could not be subdivided without a variance. Mr. Taylor stated that no further subdividing would be allowed. He stated staff recommends approval of this request.

Mr. Ira Moore asked how many acres are involved. Ms. Hardwick stated the property consists of a 5 or 6 acre tract. She stated the owner just wants to "stay up with the times."

Following discussion, a motion was made by Ms. Georgia DeSain to approve this variance request. The motion was seconded by Mr. Richard Parker and unanimously adopted.

Upon a motion made by Mr. Jack Kite and seconded by Mr. Ira Moore, the Minutes of the May 4, 1993 Planning Commission Meeting were approved and unanimously adopted.

Under Commission Items, Chairman Wayne Stewart advised staff to address a letter to Ms. Carolyn Hill thanking her for her years of service on the Planning Commission, and also send a letter to Mr. Benjamin Jaudon wishing him a speedy recovery.

Also under Commission Items, Ms. Sidneye Henderson gave a brief report from the Glynn County Zoning Board of Appeals regarding R-6 Rezoning, more specifically, Sandcastle Subdivision and Harrison Pointe. Ms. Henderson urged the Commission to look carefully at any future R-6 Rezoning Requests.

Mr. Ira Moore reported that he has studied the Glynn County Comprehensive Plan and will meet with the Commissioners to discuss how he plans to proceed, i.e., set up committees, etc.

The meeting adjourned at 10:20 a.m.