

**MINUTES**  
**ISLANDS PLANNING COMMISSION**  
**JUNE 21, 2005 - 6:00 P.M.**  
**St. William's Church, St. Simons Island**

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- MEMBERS PRESENT:** Robert Ussery, Chairman  
Mike Aspinwall, Vice Chairman  
Millard Allen  
William Lawrence
- ABSENT:** Preston Kirkendall  
Paul Sanders  
Joan Wilson
- STAFF PRESENT:** York Phillips, Planning Manager  
Paul Andrews, Assistant County Engineer  
Janet Loving, Admin/Recording Secretary
- ALSO PRESENT:** Uli Keller, County Commissioner

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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.

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The following changes were made to the agenda: Addendum - 2a) Review Proposed Sign (*VP-2005-006*); and 2b) Variance Request (*VR-2005-002 I*) Also, the applicant for Item 6 (*Building Height Exception*) has requested a deferral.

There being no further changes to the agenda, a motion was made by Mr. Millard Allen, seconded by Mr. Mike Aspinwall and unanimously adopted to accept the changes and approve the agenda for the June 21<sup>st</sup> Islands Planning Commission meeting.

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ZM-2005-020 (I)

Consider a request to rezone from R-6 to General Residential, property located on Jordan Lane approximately 200 feet west of its intersection with George Lotson Avenue. The site area is 7,272 square feet, with 64.41 feet of frontage on Jordan Lane. Jeanine Dell and Judy Phillips, owners and applicants.

Ms. Jeanine Dell was present for discussion.

The staff's report was included in the packages for the Planning Commission's review and was presented by Mr. Phillips as follows:

The proposed application is a zoning request to General Residential. The applicants have stated their desire to place a two-family dwelling at this location. The proposed request is consistent with a pattern of two-family, and multi-family residential in this portion of St. Simons Island.

The county's adopted Comprehensive Plan designates this area for Low Density Residential. The Engineering Department has indicated verbally that there is a concern over the condition and capacity of Jordan Lane. This street is paved but with a very narrow right-of-way and no turnaround. Staff has requested a written report. The proposed change would add one dwelling unit to the area.

**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.

**The proposed use will consist of a two-family dwelling.**

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

**The proposed use will not adversely affect the existing use of adjacent or nearby property.**

- 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.

**The proposed use will require service by Glynn County water and sewer, and has adequate road access with Jordan Lane. Refer to the analysis portion of the report above and Engineering Staff comments on the status of Jordan Lane.**

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

**The future land use map identifies this area as Low Density Residential.**

- Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or disapproval.

**The requested use is consistent with the residential development patterns.**

This portion of St. Simons has a mixture of zoning classifications and dwelling types, including row houses, and condominiums. The proposed use of a two-family dwelling at this location is consistent with the surrounding development pattern. Therefore, staff's recommendation is for approval.

Ms. Jeanine Dell, one of the two applicants, explained that they are requesting the rezoning in order to build a two-family townhouse, one of which she plans to live in. She stated that all setback requirements have been met and the proposed use is consistent with the surrounding property. She stressed that she intends to maintain the integrity of the neighborhood. Ms. Dell pointed out that the day-care facility in the area set a precedent for the heavy traffic; however, they have since closed and traffic should no longer be a problem. She stated that this development will enhance the neighborhood and she is soliciting the Planning Commission's approval.

Mr. William Lawrence asked if there were any other multi-family units in the area. Mr. Phillips replied yes, but he is not sure if there are any on Jordan Lane. Chairman Ussery had questions about parking. Ms. Dell stated that there is off street parking in front of the building. She submitted a site plan to staff, which indicates that at least seven cars could park in front of the building.

At this time Mr. Phillips distributed a sketch plan of the proposal for review. He also distributed a petition consisting of approximately 13 signatures of adjacent property owners who are adamantly opposed to this request. Those present to speak in opposition were Burt Kile, 990 Jordan Lane; James Melcher, 991 Jordan Lane; Linda Porter, 987 Jordan Lane; Bob Schultz, 999 Jordan Lane; and Rita Gil. Their primary concerns were that Jordan Lane is a very narrow, dead-end street with no turn-around. Currently, when two vehicles meet each other on this street, one must pull part way off the street onto someone's yard to let the other vehicle pass. They further contend that a duplex would bring additional traffic and would encourage property owners of two undeveloped parcels in the area to rezone from R-6 to General Residential, thereby creating even more traffic on a very narrow street. They were also concerned that a duplex development would

adversely affect their property value and the zoning change would ineffably change the nature of their “beautiful little street.”

Ms. Linda Porter told the Planning Commission that approximately nine months ago TV Channel WSAV did a news piece on their neighborhood and reported that their neighborhood represents what St. Simons is all about.

Mr. Millard Allen stated that during his site visit, he determined that Jordan Lane is very narrow and is not appropriate for the proposed development. He would have to agree with the adjacent property owners and oppose this request due to traffic, increased density and to avoid setting a precedent.

Chairman Ussery stated that Jordan Lane really is a nice quaint little street. This particular project does not concern him as much as what could come after the property is rezoned.

Following discussion, a motion was made by Mr. Mike Aspinwall to deny this rezoning request. The motion was seconded by Mr. Millard Allen and unanimously adopted.

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VP-2005-007 (I)

Application by Roland Daniel for approval to construct a single-family residence on a property located at 621 May Joe Street, approximately 350 west of its intersection with Demere Road. The proposed house is 28.5 ft. in height and will have a footprint of 2,501 square feet.

Mr. Roland Daniel and Mr. Larry Evans were present for discussion.

It was noted that this request was continued from the May 17<sup>th</sup> meeting due to new information being revealed on the height calculations. Staff has discussed this information with the applicant and prepared the following report.

Under Section 709.5 of the Village Preservation, new construction must remain within certain size limitations based on the size of structures on the property and neighboring structures as they existed at the time of the adoption of the Village Preservation provisions.

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.

The application indicates that the average height of the adjacent buildings is 18.5 feet. This height may be increased by 10 feet to establish the maximum height for the new structure.

Information was obtained for the adjacent side lots by using aerial photography, data provided on previous Village Preservation applications for the adjacent side lots, and by measurements provided by the property tax records. In this case the average existing building footprint for the adjacent side lots is 3,413 square feet. However, this exceeds the 50% lot coverage requirement for 621 May Joe. Therefore, the 50% lot coverage requirement will set the maximum building footprint, which is 3,304.5 square feet. Therefore, the applicants request meets the requirement with the proposed footprint of 2,501 square feet.

In addition, Section 709.8 provides that the Planning Commission will review the plans according to the following criteria:

- 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.

Provisions of Section 709 appear to have been met, and therefore staff's recommendation is for approval.

Following a brief discussion, a motion was made by Mr. Millard Allen to approve this request. The motion was seconded by Mr. William Lawrence and unanimously adopted.

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VP-2005-006 (I)

Review Proposed Sign for Barberito's Southwestern Grille & Cantina - 509 Ocean Boulevard, St. Simons Island.

Mr. Don Hutchinson was present for discussion.

Mr. Phillips distributed a color rendering of the proposed sign and pointed out the location of the wall sign. He stated that staff did not find an indication on the site plan as to where the ground sign would be located. There are restrictions on the size of signs for St. Simons and staff would have to check with the Building Official to ensure that these restrictions are adhered to. Staff's recommendation is for approval of the wall sign subject to the restrictions being adhered to regarding the ground sign.

Mr. Hutchinson stated that he is not sure at this time where the ground sign would be located but the size does meet the requirements of the ordinance.

Mr. Allen noted that this particular sign is more attractive and is aesthetically pleasing.

Following discussion, a motion was made by Mr. William Lawrence to approve this request subject to all restrictions being adhered to. The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

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It was noted that the next two items (*Frederica Township Ph II-A Variance and Preliminary Plat*) would be discussed simultaneously but require separate action.

VR-2005-002 (I)

Frederica Township Phase II-A: Request for a variance from the Glynn County Subdivision Regulations to permit the construction of a dead-end street in excess of 1200 feet in length.

PP-2005-007 (I)

Frederica Township Phase II-A: Application by Sea Island Coastal Properties, owner for approval of a preliminary plat for a property located on Harris Lane, approximately 900 feet east of its intersection with Pikes Bluff Road. The proposed project consists of 8 single-family lots on 30.764 acres. The property is zoned Planned Development and is located within the St. Simons North End Planned Development.

Messrs. Bill Edenfield, Bobby Shupe and Bill Foster, Jr. were present for discussion.

Mr. Phillips explained that this project has been reviewed by staff in the context of the evolving situation at Frederica Township. The proposed layout and development are consistent with what is going on in the area. The plans meet all of the various provisions of the ordinance with the exception of the dead-end street length.

Mr. Phillips stated that staff's recommendation is for approval subject to further review and approval of construction drawings.

Regarding the length of the street, Chairman Ussery asked how much longer is this than the 1200 ft. Mr. Shupe replied 1,884 ft. measured from the center of the thru street to the center of the turn lane.

Mr. Allen stated that rules and regulations are put in place for a reason. He pointed out that he is not sure what the rationale is behind the 1200 ft. However, every time we come up with a variance we're breaking a rule that was put in place for a reason. Perhaps we should change the ordinance instead of granting variances. Mr. Bobby Shupe stated that they have been researching this concern for over five years and have had several committee meetings on this very issue. The one thing that made the most sense was that this would be in place for health and safety reasons. He explained that in speaking with fire chiefs and fire marshals in the past, they did not consider this to be a problem. Mr. Shupe stated that when the ordinance was originally written, there was a 1200 ft. hose lay required for fire trucks. At that time, the county would only require a fire hydrant to be located at the corner of the street. Therefore, they only wanted streets to be 1200 ft. long because of the hose lay. Since that time, the fire department requires fire hydrants to be no further than 500 ft. from any lot.

Mr. Mike Aspinwall asked if there is enough room at the cul-de-sac to maneuver emergency vehicles. Mr. Edenfield replied yes. Mr. Shupe stated that the cul-de-sac is 259 ft. wide. The county standard is 100 ft.

Following discussion, a motion was made by Mr. Mike Aspinwall to grant the *variance request* for the dead-end street. The motion was seconded by Mr. Millard Allen and unanimously adopted. A motion was then made by Mr. Millard Allen to approve the *preliminary plat* of Frederica Township, Phase II-A. The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

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SP-2005-013 (I)

Frederica Stables, Phase One: Request for site plan approval for property located on the northwest corner of Frederica Road and Lawrence Road. The proposal consists of the first phase of a horse stable and recreational project on 41 acres. The site is zoned Planned Development and is located within the St. Simons North End Planned Development.

Messrs. Bill Edenfield, Bobby Shupe and Bill Foster, Jr. were present for discussion.

According to the report, staff's comments have either been addressed or can be addressed during the building permit stage of this project. Therefore, staff's recommendation is for approval of the site plan subject to meeting all requirements. Staff also recommends that the Planning Official be directed to give final approval to the site plan consistent with the Planning Commission's action.

Mr. William Lawrence wanted to know what types of recreation is being planned and will this be available for public use or private use. Mr. Edenfield stated that Phase I will include the relocation of the stables and a petting zoo. Phase II will be composed of recreational uses and will include an amphitheater, art center, kid's camp and a rafter center with birds of prey. He stated that this will be for private use only by members and guests of Sea Island. Mr. Edenfield pointed out that there will be a plan for a public park sometime in the future.

Following discussion, a motion was made by Mr. Mike Aspinwall to approve this request. The motion was seconded by Mr. Millard Allen. Voting Aye: Mr. Millard Allen, Mr. Mike Aspinwall and Mr. Robert Ussery. Voting Nay: Mr. William Lawrence.

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SP-2005-014 (I)

Island Professional Park: Request for site plan approval for property located on the north side of Demere Road approximately 300 feet east of its intersection with Frederica Road. The proposal consists of a 19,667 square foot (portion one-story and portion two-story) office on 1.43 acres. The site is zoned Office Commercial.

Mr. Don Hutchinson was present for discussion.

In presenting the staff's report, Mr. Phillips gave a brief history of the property. He stated that the property initially involved a rezoning for the Glynn Art Center, a rezoning of two houses near St. Simons Avenue, and yet another rezoning that involved conditions. The plan that is being presented at this time appears to meet all of the conditions of the original rezoning, which included no retail as a principal use, the rear access to be for service vehicles only, and the dumpster to be located at the west end of the property. There was also a condition concerning the location of the main entrance.

Mr. Phillips stated that the one condition that staff needs input on is where the applicant was suppose to show a buffer along the frontage of St. Simons Avenue. Currently, there is a 10 ft. buffer strip shown but there aren't any specifications for the buffer itself. It was noted at that time that the Planning Commission would make a determination as to what type of buffer should be placed in that particular area.

Mr. Phillips stated that staff's recommendation is for approval subject to meeting all requirements. Staff also recommends that the Planning Official be directed to give final approval to the site plan consistent with the Planning Commission's action.

Chairman Ussery asked if the Planning Commission has the ability to reduce parking. Mr. Phillips replied yes, the Planning Commission has the ability to reduce the number of parking spaces under certain conditions. He stated that the Planning Commission is allowed to reduce up to 25% from the required number of spaces. The space not used for parking is to be used for greenspace or open space purposes. Mr. Phillips stated that the ordinance also allows staff to approve up to 10%.

Following the staff's presentation, the Planning Commission took a 5 minute break. The meeting resumed at 7:10 p.m.

Mr. Aspinwall expressed concerns about traffic and vehicular visibility near the intersection. Mr. Hutchinson stated that hopefully when the new road is constructed in the area the intersection will be made safer.

Mr. Allen stated that he's concerned about the removal of 10 trees that are shown on the survey. Mr. Hutchinson stated that they will leave as many trees as they possibly can. He agreed to work with staff on keeping additional trees, the nature of the driveway entrance and the buffer.

Following discussion, Chairman Ussery passed the gavel to Vice Chairman Mike Aspinwall and proceeded to make a motion to approve this request with the stipulation that the parking be reduced in exchange for greenspace and that the idea would be: 1) decrease the parking to save the trees shown by allowing more space around them; 2) try to save other trees that have not been shown to be saved; 3) put more greenspace around the driveway as needed; and 4) buffer specified to be 6 ft. high along the St. Simons Avenue side of the property and should be away from the corner no more than 18 ft. in order to preserve sight lines for left hand turns onto Demere Road. The motion was seconded by Mr. Millard Allen and unanimously adopted.

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## MINUTES

### **May 17, 2005 Regular Meeting**

A motion was made by Mr. Millard Allen to approve the Minutes of the May 17<sup>th</sup> meeting with minor corrections. (Mr. Allen's last name was misspelled on page 4, second paragraph.) The motion was seconded by Mr. William Lawrence. Voting Aye: Mr. Millard Allen, Mr. William Lawrence and Mr. Robert Ussery. Mr. Mike Aspinwall did not attend the May 17<sup>th</sup> meeting and therefore abstained from voting.

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Under **Chairman Items**, the Chairman stated that he does not have anything new to report, but they still desperately need clarification on how to proceed with public hearings and making ordinance changes. Mr. Phillips explained that virtually everything in the ordinance affects the Mainland and the Islands. On several occasions they have discussed the possibility of having two separate ordinances and he has written to the County Attorney for legal advice, but to date he has not received a response. One item that should perhaps take priority is redefining the Planning Districts for reference purposes, etc. There are also some technical issues that need to be addressed. Chairman Ussery agreed and urged Mr. Phillips to follow up with the County Attorney on the legalities of having two ordinances.

County Commissioner Uli Keller stated that prior to establishing two Planning Boards he was of the opinion that St. Simons should have its own ordinance; however, there should also be a preamble that applies to both Boards, which defines the procedure on how to operate. The next step would be to have three separate sections; one section

that totally applies to the Islands, one section that applies to the mainland, and one section common to both Boards overall. He stated that part of the problem is that over a period of time there have been so many changes and revisions to the ordinance and we have not taken the time to write the ordinance so that everyone understands it. Commission Keller stressed that he would not be opposed to finding a funding source for outside assistance to help speed up this process. Chairman Ussery agreed because he feels that it would be a huge task for staff to handle alone.

At the end of discussion, Mr. Phillips stated that he would continue his efforts in trying to obtain a response from the County Attorney on the legalities of having two ordinances and how they should proceed. In the mean time, he reminded everyone of the joint meeting scheduled for Thursday, June 23<sup>rd</sup> at 10:00 a.m. in the Office Park Building to discuss pending and proposed ordinance amendments.

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Under *Staff Items*, a motion was made by Mr. Millard Allen to continue with the original 2005 Meeting Schedule until the end of the calendar year. The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

Also under *Staff Items*, Mr. Phillips stated that resort residential as well as resort areas relative to off-street parking will be added to the agenda for the discussion at the June 23<sup>rd</sup> meeting. He quickly reviewed the other issues; i.e., occupancy of rental units, weddings and corner lots, and a general discussion followed.

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There being no further business to discuss, the meeting adjourned at 7:45 p.m.