

**MINUTES**  
**GLYNN COUNTY PLANNING COMMISSION**  
**SEPTEMBER 4, 2001 9:00 A.M.**

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**MEMBERS PRESENT:** Lamar Cole, Chairman  
Wayne Stewart, Vice Chairman  
Mike Aspinwall  
Perry Fields (arrived at 9:55)  
Hal Hart  
Ann McCormick  
Jonathan Williams

**STAFF PRESENT:** John Peterson, Director  
Lee Sutton, Planning Official  
Ellis Carter, Building Official  
Millard Johnson, Transportation Coordinator  
Gail Wendel, Planning Technician  
Janet Loving, Admin/Recording Secretary

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Chairman Lamar Cole 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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Chairman Cole advised that the status report for the PAWS project (Parks & Wildlife Service, Inc.) would be presented at a later date.

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**SUP-01-07**

Request for a Special Use Permit for a documented medical hardship in an R-9 One-Family Residential Zoning District. Property consists of 0.725 acres and is located at 120 B & W Grade Road. Property owned by Belle Pauline Ferrell.

It was noted that the applicant was not present, but Mr. Sutton advised that if there are no direct questions or opposition, the request could be heard. It was the consensus of the Planning Commission to proceed with the request.

In presenting the staff's report, Mr. Sutton explained that when the medical hardship no longer exists, the special use is expired and the mobile home is to be removed from the property. The rental of the mobile home shall be prohibited. Renewal may be obtained for additional two (2) year periods at the discretion of the County Commission if the same hardship continues to exist. Mr. Sutton stated that staff is recommending approval of this request.

Following review, a motion was made by Mr. Wayne Stewart to approve this request with the condition that when the medical hardship no longer exists, the special use is expired and the mobile home is to be removed from the property. Also, rental of the mobile home shall be prohibited. The motion was seconded by Mr. Mike Aspinwall. Voting Aye: Mr. Mike Aspinwall, Mr. Lamar Cole, Mr. Hal Hart, Ms. Ann McCormick, Mr. Wayne Stewart & Jonathan Williams. (Mr. Perry Fields was not in attendance at this time.)

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## **GC-2001-22**

Request to rezone from R-20 One-Family Residential to Forest Agricultural, two tracts with a total of 101.645 acres, described as being located on GA Highway 303 on Blythe Island, having 1,784.17 feet of frontage on GA Highway 303. Property owned by J D & D Properties, Inc. and John C. & Marie L. Thomas.

John & Marie Thomas, and Attorney William Ligon were present for discussion.

In accordance with the staff's report, Mr. Sutton stated that staff is recommending denial of this request based on the following:

- 1) No FA zoned property is adjoining or adjacent to the applicant's property. The nearest FA zoned property is 1600 ft. southwest and the only other being about one mile northwest. This request could present the appearance of spot zoning. (Definition of spot zoning from the "Glossary of Zoning, Development & Planning Terms" was included in the Planning Commission packages.)
- 2) The application is not consistent with the future land use map of the Comprehensive Land Use Plan in that the nearest FA zoned property is in excess of two miles from this site.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact were considered in making a recommendation:**

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

No, the request presents the character of spot zoning and would allow uses permitted in the FA District that are not appropriate in the R-20 District that surrounds these parcels.

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

Yes, the zoning proposal would give privileges not generally extended to property similarly located in the area.

- 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, the area is residential in character and the introduction of heavy equipment required to support surface mining operations could continue to cause excessive or burdensome use of existing streets.

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

It is not in keeping with the future land use map. This area has been identified as low density residential with no encroachment by uses other than 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 intent of the FA Zoning Classification is to discourage encroachment of premature housing developments.

This request was deferred from the August 7<sup>th</sup> Planning Commission meeting. Therefore, during Attorney William Ligon's presentation, he restated comments that he made at the previous meeting regarding the owners' intent to continue excavating the ponds and lakes as they have been doing for the past 7 years.

Referring to the traffic, Attorney Ligon pointed out that the property fronts on Highway 303 and large trucks use the highway everyday. However, there would be no trucks going in and out of the subdivision and the rezoning would not affect any of the residences on Blythe Island. He stressed that the owners are willing to place a condition on the rezoning that the property would not be used for a landfill or a mobile home park. He stated that Mr. & Mrs. Thomas would not do anything to decrease their property value or any other property value on Blythe Island, and are soliciting the Planning Commission's approval of their request.

Mrs. Marie Thomas explained that they basically want to dig the lake and not do a subdivision. But as she stated at the previous meeting, they would either dig the lake and have lake front lots, or in the event of a denial, they would develop a subdivision.

Mr. Danny Harvey, Blythe Island homeowner, was present to oppose to this request. He stated that the applicants could do their development in the R-20 zoning. He is opposed to rezoning the property to Forest Agricultural.

Mr. Bill Corson of Hillary Trace was present to oppose to this request. He expressed concerns about the dump trucks being in the area, piles of dirt, water backing up to his property and mosquito problems. He stated that he is also concerned that the property is being used as a landfill. Mr. Corson stated that he purchased property and built his home in a residential area and would like to keep it that way.

It was noted that several residents were present to oppose this request.

Following discussion, a motion was made by Mr. Wayne Stewart to recommend denial of this request based on staff's recommendation. He added that "this is a case of trying to zone property into compliance." He also stated that this is obviously an industrial site. The motion was seconded by Mr. Mike Aspinwall. Discussion continued. Chairman Lamar Cole wanted to know if the applicants could continue the digging process and accomplish their goals under the R-20 Zoning District; however, Mr. Sutton pointed out that the issue in his opinion is a legal matter. After discussion, the following vote was taken: Voting Aye: Mr. Mike Aspinwall, Mr. Lamar Cole, Mr. Hal Hart, Ms. Ann McCormick, Mr. Wayne Stewart & Jonathan Williams. (Mr. Perry Fields was not in attendance at this time.)

**The Grove (Variance Request)**

For Cul-de-sac Requirements/Article VI, Section 602.2g  
5 Acre Tract, Located on Butler Avenue  
St. Simons Island, Zoned R-6  
Magdalene T. Caldwell, Owner/Developer

**The Grove (PP200108071631)**

5 Acre Tract, Located on Butler Avenue  
St. Simons Island, Zoned R-6  
Magdalene T. Caldwell, Owner/Developer

Mr. Sutton advised that the above referenced applications were withdrawn by the applicant prior to the meeting.

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**GC-2001-25**

Request to rezone from Forest Agricultural to Highway Commercial, 0.634 acres, described as Lot 2, Browning Land located at 5050 Old Jesup Road; the parcel having 50 feet of frontage on Old Jesup Road. Property owned by Renee Browning.

Renee and Richard Browning were present for discussion.

Mr. Sutton stated that staff is recommending denial of this request based on the following:

- 1) The future land use map identifies the area as low density residential.
- 2) An inadequate buffer is between the proposed commercial use and the adjoining property.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact were considered in making a 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, while Forest Agricultural zoning dominates the character of the area, commercial uses have been approved at nearby properties.

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

Without an adequate buffer, the adjacent property could be affected.

- 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;

No.

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

It is not in keeping with the future land use map. This area has been identified 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 proposal suggests a commercial use without the required buffer between the existing shop, which encroaches into the side setback and the eastern property line.

During a brief presentation, Mrs. Renee Browning stated that she would like to have the property rezoned and obtain a business license to bring their business into legal compliance. She stated that they have spoken with the adjoining neighbors who are all in favor of this request.

Ms. Judy Grace, adjoining property owner, was present to speak in favor of this request. She stated that she has lived next door to Richard and Renee Browning for approximately 13 years and is very happy with them. She stated that she has no problem with Mr. Browning's shop and would like to see him continue to have his business on the property. Mr. Hart pointed out to Ms. Grace that once the property is rezoned, any use that is permitted in that district would be allowed. Ms. Grace stated she understands that once the property is rezoned it could potentially change her property value or it could change the entire area, but she does not have a problem with that. Mr. Stewart expounded on the uses allowed in the Highway Commercial Zoning District for Ms. Grace's benefit, but she maintained that she would not have a problem with the rezoning.

Mr. William Lewis and Mr. Ricky Hall, adjoining property owners, were also present to speak in favor of this request.

Mr. Wayne Stewart explained that one of the reasons they denied a previous agenda item (Application GC-2001-22) was due to spot zoning. This request is basically the same thing. The fact that the neighbors are in favor of this application is not a basis for going against the ordinance. He then asked staff if there were any other zoning classifications that they could recommend with perhaps added restrictions so that the applicant could continue to operate his business. Mr. Sutton stated that staff realizes that there are commercial characteristics developing along the 341 Corridor, Old Jesup and New Jesup Highway. Also, spot zoning and a number of commercial rezonings have occurred along this corridor, but the current future land use map does not indicate how to plan for this type of growth. In response to Mr. Stewart's question, Mr. Sutton stated that we need to first work on the Comprehensive Land Use Plan and revise the future land use map as soon as possible to reflect the zoning classifications in accordance with policy.

Mr. Hart stated that the difference between this application and the previous application is that the neighbors are in favor of this request regardless of the possible future uses. He stated that if the Planning Commission were to recommend approval of this rezoning, the building would either have to be moved or the applicants would have to seek a variance. Mr. Sutton explained that the applicants would have to move the building as a result of the rezoning or the request could be postponed until the applicants make the necessary changes to the structure. If the applicants propose changes to the structure, via building permit application, the building permit would be denied based upon the encroachment. The applicants would then have the option of going to the Zoning Board of Appeals to request a variance from the side setback. Mr. Sutton stated that in discussing these issues with the applicants, they advised that they are working on an agreement with their neighbor so as to present a resubdivision of the property that would give them the setback requirement on the property line at some point in the future.

During the course of discussion, Mr. Stewart suggested a deferral or a withdrawal to allow the applicants to work on the setbacks. The applicants agreed to a deferral. Thereupon, a motion was made by Mr. Wayne Stewart to defer this request until the November 6<sup>th</sup> Planning Commission meeting. The motion was seconded by Mr. Hal Hart with the understanding that the applicant has to allow for the buffer. Voting Aye: Mr. Mike Aspinwall, Mr. Lamar Cole, Mr. Hal Hart, Ms. Ann McCormick, Mr. Wayne Stewart & Jonathan Williams. (Mr. Perry Fields was not in attendance at this time.)

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*(It was noted that Mr. Perry Fields arrived at 9:55 a.m.)*

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**GC-2001-26**

Request to rezone from Forest Agricultural to R-6 One-Family Residential, 12.308 acres, described as being on the west side of Old Cate Road adjacent to Pine Haven Baptist Church located at 190 Old Cate Road; the parcel having 560.29 feet of frontage on Old Cate Road. Property owned by Connie Meeks Carter.

Mr. John Carter, Mrs. Connie Meeks Carter and Attorney William Ligon were present for discussion.

Mr. Sutton stated that staff is recommending denial of this request based on the following:

- 1) The future land use map identifies this area as low density residential.
- 2) Traffic concerns at the intersection of Old Cate Road and Cate Road warrant proactive consideration of future plans in regards to introducing more medium density residential into an area designated as low density residential by the Comprehensive Plan. In accordance with Article XI, Section 1104B13 it is requested that a traffic study be required to determine the impact traffic will have in this area as a result of the proposed amendment.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact were considered in making a 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, residential development is prevalent in this area.

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

No.

- 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, the area is residential in character but R-6 suggests seven residential units per acre as compared to three for R-12 and two for FA, which are considered low density. This parcel could produce 70 to 80 lots if rezoned to R-6, which could introduce an average daily traffic count of 700 to 800 trips per day.

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

It is not in keeping with the future land use map. This area has been identified 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;

None.

Mr. Sutton referred to Article XI, Section 1104(B)13 as follows: "The Glynn County Planning Commission may call for such additional views, studies, or other information from any source as then considered necessary to making a sound decision on the proposed zoning amendment."

Mr. Sutton stated that he discussed this with the Brunswick Area Transportation Planner and the Traffic Engineer and they both highly recommend that the Planning Commission consider requiring a traffic study prior to making a decision on whether to increase the density in this particular area. He then referred to a letter dated August 29<sup>th</sup> from Mr. Ray Richard, the applicant's engineer, regarding density and a sketch plan that was submitted with this application.

Mr. Perry Fields wanted to know what impact would the traffic survey have on the State Impact Law. Mr. Sutton stated that would be a legal issue. However, in accordance with Section 1104(B) 13, the Planning Commission can request additional studies in order to make a decision on the rezoning, which is what he has based the staff's report on.

Ms. Ann McCormick wanted to know who would pay for the traffic study. Mr. Sutton suggested that the applicant pay for the additional information. Chairman Cole wanted to know what the cost would be for this study. Mr. Sutton stated that the traffic study that was done at the Village at Glynn Place Mall was approximately \$14,000.00. He stressed however, that this figure might not be accurate.

Attorney William Ligon gave a brief presentation. Regarding staff's comments that the zoning is not in accordance with the land use map, he stated that either the map is outdated or it has been ignored by the Planning Commission and the County Commission because there is a lot of R-6 zoning surrounding the applicant's property. Also, he is not sure that extensive traffic studies were required when the other rezonings were approved in the area.

Attorney Ligon referred to a memorandum from Mr. Ray Richard indicating that when the application was submitted there was a sketch plan showing the proposed development having 51 lots within the area, which would result in approximately 500 trips per day and not 700 to 800 as noted by staff. As indicated by Mr. Richard, this would not cause any concern for traffic. Attorney Ligon stated that Mr. John Carter could expound more on this issue.

Mr. John Carter pointed out that he was Director of Environmental Services for Glynn County from 1978 to 1990 and he is very familiar with the area. He stated that a traffic study would only get you somebody's opinion. He explained that there is a history of the road in question when it was heavily traveled going to the Cate Road Landfill. He stated that there were several institutions, private landscape companies, approximately 23,000 homeowners in Glynn County, and many others who traveled this particular road to use the Cate Road Landfill. Mr. Carter stated that whatever they decide to do with 51

residential lots could not possibly compare with the traffic at that time. He drew an outline of the road and depicted the traffic patterns, past and present.

Mrs. Connie Meeks Carter elaborated on how she obtained the property stemming from a tragic accident in 1978, and her intentions of having a rural style home place for her children and eventually her grandchildren. However, she stated that as her children grew so did the area around her property, which changed into a "suburbia housing forest."

Mrs. Carter stated that in the 1980's and again in the mid 1990's she put her property up for sale. Both times the only offers mentioned were for much less than what she thought her property was worth. She pointed out that the subdivisions surrounding her property, which she stated were all zoned R-6 on the recommendation of the Planning Commission, were devaluing her homestead more and more.

Mrs. Carter stated that she does not want to sell off parcels of land zoned as Forest Agricultural that would require septic tanks, which would degrade her property. Instead, she would like to develop a nice subdivision in which her children would be pleased to have their children grow up. She stated that with the R-6 subdivisions near by, she does not understand the low-density plan. She also does not understand the traffic issues, in that the traffic is so much less now than it was when her children were smaller and the landfill was open.

Mrs. Carter stated that she is requesting that the Planning Commission grant the rezoning so that she and her husband can develop a subdivision with paved roads and covenants which would be an asset to her neighborhood and to Glynn County.

Mr. John Carter presented a petition containing 21 signatures of surrounding property owners and neighbors in favor of this request.

Mr. Wayne Stewart stated that the applicant's plan is basically an R-12, yet the applicant is asking for R-6 zoning. He pointed out that there is a recommendation from the Ordinance Review Committee to do away with R-6 zoning on St. Simons and possibly the mainland. Attorney Ligon explained that the R-12 zoning requires 3 lots per acre and the applicant's property is 3 ½. Mr. Carter stated that with the open space, the ponds and the 2 ½ acres that they intend to keep as Forest Agricultural, they can get the most lots on property zoned R-6. He pointed out that he and his wife are teachers and cannot afford a traffic study. Mr. Stewart stated that he would look more favorably at an R-12 zoning.

Mr. Perry Fields wanted to know if anyone had contacted Robert Howe or the County Police Department for statistics. Mr. Sutton replied yes. The Brunswick Area Transportation Planner is in the process of compiling the last three years of statistics in a database and he is recommending a traffic study, and so is the Traffic Safety Engineer. Mr. Fields stated that if the Planning Commission could get the statistics as to number of trips on Cate Road, the number of trips on Old Cate Road and the number of accidents at the interchange, this could possibly alleviate the need for the applicants to fund a traffic study. Mr. Sutton stressed that even if the applicants were to request a rezoning to R-12 staff is adamant about having the tools available to make a knowledgeable recommendation to the Planning Commission.

For clarification, Mr. Hart stated that we're looking at a traffic situation and a density situation, and the applicants chose the R-6 zoning because they could not comply with R-12. Mr. Carter stated "that is correct." Mr. Hart then suggested that the applicants apply for a PD-R in an effort to limit the density. A Planned Development would allow the applicants to write their own text and specify the number of lots, the size of the lots, covenants, etc. The Planning Commission concurred.

Following a brief discussion regarding the details of a PD-R Zoning Classification, Attorney William Ligon requested a deferral for 60 days. The deferral was granted. Mr. Sutton agreed to further explain to the applicants the requirements of a PD-R Zoning Classification.

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The Planning Commission took a 10 minute recess. The meeting resumed at 10:45 a.m.

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**Shadow Brook Village (PP200108271600v2)**

8 Acre Tract, Located on Demere Road  
St. Simons Island, Zoned Medium Residential  
Gloster L. & Celia M. Buchanan, Owner/Developer

Mr. Robert Jenkins was present for discussion.

Mr. Sutton pointed out that staff is using a new format for reports, which is a computer generated tracking software report that will be put on-line throughout county government within the next two weeks. Toward the end of the meeting, the Planning Commission will have a chance to critique the new form. Mr. Sutton proceeded with the staff's report as follows.

This is a preliminary plat suggesting a minor collector dead-end street with a cul-de-sac. The Planning Official, Engineering, Roads & Drainage and Traffic Engineering have all reviewed this request as compliant with the Zoning Ordinance and Subdivision Regulations. Environmental Engineering indicates that it needs to be reviewed. The Fire Department has reviewed the request as not compliant and has requested to see fire protection plans, which will be seen at the construction plan phase, as well as Environmental Engineering requirements.

Mr. Sutton stated that he is recommending approval of the preliminary plat, however, all other items addressed by other county staff will need to be compliant prior to approval of the construction plan.

Mr. Fields wanted to know the number of lots that are being proposed. Mr. Sutton stated that the proposal for the site plan application submitted indicates a number of multi-family residential units. No further subdivision is proposed that he is aware of. He pointed out that next month the Planning Commission would be entertaining a site plan for a multi-family residential development on Tracts 4 and 5 C.

For clarification, Mr. Hart stated they are only reviewing the road at this time. Mr. Sutton stated that is correct. This is a preliminary plat for the proposed creation of a road. As such, Mr. Hart wanted to know if this will come back for the Planning Commission to review the road, i.e., turn lanes, etc. Mr. Sutton stated that now is the time for the Planning Commission to review the preliminary plat application. The applicant will be required to submit construction plans for consideration.

Mr. Hart expressed concerns about the turn lanes with regard to safety. Mr. Robert Jenkins stated that he is in the process of working on the entire 60 ft. entrance that will probably be designed like the Demere Road entrance. He stated that he also had to acquire another tract of land to make the road mate with Demere Village. He stated that he has been working with the County Engineer on the details.

Mr. Sutton reiterated that this is just an application to consider the proposed creation of a road. For further clarification with regard to his recommendation upon review of the site plan, Mr. Sutton referred to the definition of a *Minor Street* from the Subdivision Regulations as follows: *“Those streets which are used primarily for access to abutting residential property and are designed to carry no more traffic than that which is generated on the street itself. Minor streets should be designed to convey an average daily traffic volume not greater than 250 for cul-de-sacs and 500 for loop streets.”* According to the definition for average daily traffic count, there would be 10 trips per residential use which would limit this street to 25 residences. Mr. Sutton stated that the plan for this development far exceeds 25 residences. Therefore, in accordance with the Subdivision Regulations and staff’s review of the characteristics, staff (Traffic Safety, Transportation Planner & Planning Official) will be recommending that this minor street is to serve no more than an average daily traffic volume of 250.

Mr. Fields pointed out the number of large trees in the area and wanted to know if they would be saved. Mr. Jenkins stated that it has always been his practice to save as many trees as possible and he would continue this practice. He stated in light of the information that staff has just revealed regarding the traffic volume, perhaps he should request a deferral and seek a higher street classification. Mr. Sutton apologized for not getting this information to Mr. Jenkins sooner. After discussion, Mr. Jenkins requested a deferral in order to seek the type of road that would handle the traffic, and to be able to use his property. The Planning Commission concurred and the deferral was granted.

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**The Country Club (PP200108071354)**

12 Acre Tract, Located at Sea Palms East  
St. Simons Island, Zoned Planned Development  
Sea Palms Corporation, Owner/Developer

Mr. Bobby Shupe was present for discussion.

According to the staff’s report, the applicant is requesting a 49 lot subdivision accessing Palm Drive and Windward Drive. Staff has reviewed the request unanimously in compliance with the ordinances and recommends approval.

Following discussion, a motion was made by Mr. Perry Fields to approve this request. The motion was seconded by Ms. Ann McCormick and unanimously adopted.

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**Admiral’s Retreat (PP200108080817)**

3 Acre Tract, Located on North Harrington Road  
St. Simons Island, Zoned R-6  
Hurricane Construction, Owner/Developer

Mr. Ernie Johns and Mr. Sonny Livingston were present for discussion.

According to the staff’s report, the Planning Official, GIS and Traffic Engineering have all reviewed this request as compliant with the ordinances. The following divisions will need to review this request: Building Inspections, Fire Department and the Board of Education. It was noted that Mr. Howard Mann of the Board of Education is a member of Development Review Team and reviews preliminary plats when applicable from the perspective of how the proposed development would impact busing children to schools, etc.

Ms. McCormick wanted to know the length of the cul-de-sac. Mr. Sutton stated that it is not in excess of 1200 feet.

Following discussion, a motion was made by Mr. Wayne Stewart to approve this request. The motion was seconded by Ms. Ann McCormick and unanimously adopted.

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**10 Unit T-Hanger (SP200107230947)**

1 Acre Tract, Located at Malcolm McKinnon Airport  
St. Simons Island, Zoned Planned Development  
Edrod, Henson & Harris, Owner/Developer

Mr. Don Hutchinson was present for discussion.

According to the staff's report, Mr. Sutton stated that there are a number of review comments that are not compliant with the ordinances. His comment as the Planning Official is that there is no location of refuse collection that will service this particular area. Mr. Steve Brian of the Airport Commission has made that a pre-requisite of the applicant, and therefore Mr. Sutton feels that this issue can be resolved. He stated that his recommendation is for approval.

Engineering has reviewed this request as compliant, but Environmental Engineering has reviewed it as non-compliant for a number of reasons. All of which will have to be addressed and brought into compliance with Water & Sewer Code of Ordinance requirements prior to issuance of a building permit. Mr. Sutton stated that in his opinion, these issues are of little concern and should not be considered a basis for denial by the Planning Commission at this time.

Mr. Sutton pointed out that the property would not be used for office or retail space.

Mr. Don Hutchinson stated that all of the items that Mr. Sutton referred to have been addressed on the plans and given back to Mr. Sutton last week. He then pointed out the dumpster site and stated that all of the comments from Environmental Engineering have also been addressed and are on the plans.

Mr. Perry Fields stated that the Planning Commission is being asked to approve a site plan that is not 100% compliant for review. However, Mr. Hutchinson insisted that all of the issues have been addressed and should be included in the packages for the Planning Commission's review. Mr. Fields emphasized that he would not vote for a site plan that staff has not reviewed.

Mr. Stewart asked Mr. Sutton if he in fact received the plans with the revisions and if so, have all of the issues been addressed. Mr. Sutton stated that his concerns have been addressed with the dumpster site revision. However, he cannot speak for Environmental Engineering. Regarding the checklist that goes along with the site plan application, he stated that the only item on that checklist that was not complied with was the dumpster location. Every item from Environmental Engineering that Mr. Tim Ransom commented on is not a requirement of the site plan checklist in accordance with Article VI, Section 619 of the Zoning Ordinance. However, they are a pre-requisite of Mr. Ransom's review with regard to the Water & Sewer Code of Ordinances. Mr. Sutton stressed that Mr. Hutchinson submitted the application well in advance of the deadline. Staff reviewed the application but was unable to provide him with complete review comments until the beginning of last week. Upon receiving the review comments, Mr. Hutchinson responded, and he has complied with the site plan checklist in accordance with Article VI of the ordinance.

For clarification, Mr. Fields asked if the Environmental Engineering checklist is more of a construction issue rather than a site plan. Mr. Sutton replied yes, that is correct.

Following discussion, a motion was made by Mr. Wayne Stewart to approve this request subject to all non-compliant items being satisfied by the different departments and staff members. The motion was seconded by Mr. Perry Fields and unanimously adopted.

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**Arnold House Inn Extension (SP200108080941)**

Located on Beachview Drive at Neptune Drive  
St. Simons Island, Zoned Resort Residential  
James G. Timbes, Owner/Developer

Mr. Larry Bryson was present for discussion.

Mr. Sutton stated that this is an application for an extension of a previously approved site plan for Arnold House Inn. Staff has reviewed this request and agreed that it is in compliance with the ordinances.

Mr. Bryson pointed out that there are no changes to the site plan. It is exactly the same as it was when submitted for previous approval.

During the course of discussion, the Planning Commission expressed concerns about expiration dates on extensions for site plans so as not to piece meal the project in phases. For clarification, Mr. Sutton referred to Section 619.6 of the Zoning Ordinance as follows:

*“No site plan approval by the Planning Commission shall be valid for a period longer than 12 months, unless within such period a building permit is obtained and construction commenced. The Planning Commission may grant extensions not exceeding 12 months each upon written request of the original applicant if the application is substantially the same as the initial application. However, the Planning Commission has the power in such cases to attach conditions to its re-approval. Where the application for re-approval contains changes, which the Planning Commission concludes materially alter the initial application, a new site plan review procedure shall be initiated.”*

Following discussion, a motion was made by Mr. Wayne Stewart to approve Phase II of this site plan; The extension and the expiration date of this extension to be the same expiration date as Phase I. The motion was seconded by Mr. Jonathan Williams and unanimously adopted.

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**Ocean Suites, Phase II (SP200108080921)**

14,954 Square Feet, Located on the corner of Ocean Boulevard and 13<sup>th</sup> Street, St. Simons Island  
Zoned General Commercial/Village Preservation  
ABNA, Inc., Owner/Developer

**Ocean Suites, Phase II (VP01-16)**

14,954 Square Feet, Located on the corner of Ocean Boulevard and 13<sup>th</sup> Street, St. Simons Island  
Zoned General Commercial/Village Preservation  
ABNA, Inc., Owner/Developer

Mr. Abbis Vakili, Mr. Larry Taylor, Attorney Mark Johnson and Attorney Jim Gilbert were present for discussion.

Mr. Sutton stated that the Building Inspections Office has indicated that they still need to review this request, which will take place at building permit application phase. He then read the following letter dated August 23, 2001 as the premise for the staff's report: *(Note: This letter is addressed to ABNA, Inc., from Mr. Sutton.)*

Our staff has reviewed the above referenced Site Plan Application and the following items need to be addressed.

- 1) Your plan suggests that the maximum building height for St. Simons Island is 45 ft. While that is correct, the following requirement also applies in the St. Simons Village Preservation District:

*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 10 ft. 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. Article VII; Section 709.5 Glynn County Zoning Ordinance.*

In this instance, the two structures currently occupying the lots average 17.3 ft. in height. Applying this portion of the ordinance to your lots, the maximum height permitted by the ordinance is 27.3 ft.

- 2) Your Site Plan application also suggests 80.87% site coverage and a 5,854 sq. ft. building footprint. Your Village Preservation package indicates 6,240 sq. ft. building footprint and a lot coverage of 41.75%. Again, Section 709.5 limits the site coverage and building footprint.

*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 a lot coverage of greater than 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. Article VII; Section 709.5 Glynn County Zoning Ordinance.*

Attached you will find a memorandum from the County Attorney where he indicates that **lot coverage** and **site coverage** mean the same thing. I include here the definition of **site coverage** from Article III of the Zoning Ordinance.

*The area of land covered by the ground floor area of buildings and/or structures, surface parking and drives, whether permeable or impermeable to water, as well as walkways, patios and similar improvements that are impermeable to water. **Site coverage** will be computed from development area. Article III, Glynn County Zoning Ordinance.*

The building footprint average on the adjacent side lots (existing at the time of the adoption of this ordinance) is much less than the proposed 5,854 sq. ft. My estimate on the average footprint is approximately 2,108 sq. ft. For these reasons, I am not in a position to recommend approval of your project.

- 3) Engineering is requesting that you provide two inlets, one on either side of the entrance on Oglethorpe Avenue to accommodate runoff.
  - 4) The Fire Department is asking that you show the nearest fire hydrant.
  - 5) Environmental Engineering has not provided comments as of the date of this letter.
- [End of letter]**

Mr. Sutton stated that staff is recommending denial of this request due to its violation of Article VII, Section 709.5 of the Village Preservation Ordinance regarding the height, site coverage and footprint of the building.

Attorney Mark Johnson, representing ABNA, Inc., gave a brief presentation. He stated that he disagrees with staff's interpretation of the ordinance, which he states is "very vague with certain respect to height and site coverage." He explained that this application has two parts. The first part is a site plan. All of the questions regarding the site plan have been addressed, i.e., catch basins, drainage and traffic backing out onto Oglethorpe.

The second part of this request is a Village Preservation Application. Attorney Johnson stated that the applicant has gone to great lengths to go through all of the steps required in the ordinance, which is the kind of effort that this Commission has been trying to encourage. He pointed out that the two big issues are height and site coverage. The County Attorney has interpreted that site coverage and lot coverage mean the same thing. *Section A* under *Review Criteria* of the application states that "lot coverage does not include permeable or non-permeable driveways, parking areas, walkways and other concrete surfaces." However, they are now being told by staff that site coverage and lot coverage are the same thing. Attorney Johnson stated he adamantly disagrees with that interpretation. He stated that this is a non-intrusive project that is well under the site coverage and lot coverage of many structures in the village. Mr. Fields asked Attorney Johnson if he was asking this Board to ignore the County Attorney's interpretation. Attorney Johnson replied no; however, he feels that it is incorrect. He pointed out that the County Attorney's letter states that lot coverage and site coverage "seems to be the same." Attorney Johnson stated that the phrase "seems to be" is very far away from a definite legal opinion.

Mr. Larry Taylor, former employee of Community Development, stated that he was asked to look at this project because he initiated the Village Preservation Ordinance while he was on county staff. He gave a brief overview of how the ordinance was actually initiated, including the number of public hearings conducted.

Mr. Taylor stated that this ordinance is not a historic preservation ordinance as seen in other communities. The Village Preservation Ordinance was not meant to try to keep the village from changing and it was not meant to be a zoning controlled tool. He stated that it was done as an overlay and the existing zoning of the property would remain. This overlay would be an additional level of review. It was never meant to stop or restrict development.

In addressing site coverage, Mr. Taylor explained that "lot coverage" is only mentioned once in the ordinance and was meant as a description and not a definition. Over the years, site coverage was discussed at length. A committee consisting of Mr. Hal Hart and Mrs. Iris Touw was appointed to review this issue. Mr. Taylor then referred to the June 1, 1999 Minutes as follows:

***"Mrs. Touw reported that she and Mr. Hart met several times with the Planning Official to discuss the interpretation of site coverage versus lot coverage. They considered many alternatives and finally decided to clarify only the terminology at this point. She stated that their recommendation would be to change the term "lot coverage" to "building coverage." Mrs. Touw stated that the committee is open to suggestions on wooden decks versus concrete patios. She stated that they strongly urge staff to recreate the form used for applicants to fill in and sign. This form would contain information necessary to meet the ordinance requirements."***

Mr. Taylor distributed the form that the applicant filled out, which he stated is a result of the committee's recommendation at the June 1, 1999 Planning Commission meeting. He stated that this form was not included in the ordinance. It was done as a worksheet that staff hands out to the applicants.

At this time, Mr. Taylor explained the process he used to determine the allowable height of the hotel. In his calculations, he used the structures on the adjacent side lots, including Phase I of Ocean Suites, to establish the height of the hotel. He also elaborated on his calculations for the building footprint.

Mr. Mike Aspinwall had questions concerning the height calculations. He wanted to know why Mr. Taylor did not use the office building near the proposed development in his calculations, rather than using the buildings across the street. Mr. Taylor stated that the way he interprets the ordinance is that if the lot is vacant, then you use the nearest building to the development. Mr. Aspinwall pointed out that the two existing buildings on the site and the office building are closer, but they were not used in the calculations. Mr. Taylor stated he was only using the nearest building; the largest building just happens to be the nearest building.

Attorney Jim Gilbert gave a brief presentation on fairness. He stated that the ambiguity of portions of the ordinance should tell us that we have to be especially careful about fairness. He cited several businesses in the area that received approval from the Planning Commission. Attorney Gilbert stated that good people worked on the Village Preservation Ordinance, but all of them disagree with what the intent of the ordinance was at the time of adoption. He further stated that the County Attorney himself is ambiguous in his interpretation.

Attorney Gilbert pointed out that every time there is a staff change, there is a different interpretation of the ordinances. The Planning Commission has not been consistent in the village. He reminded them that Mr. Vakili's property is zoned General Commercial, which allows him to build a hotel. He could also put any retail business on the property, as well as a truck terminal, mobile homes, or a minute market. Attorney Gilbert stated that the fair thing to do is to approve this request.

It was noted that several people, most of whom live in the Pier Village area, were present to speak in opposition of this request.

Mr. Richard Lyons of 522 Poplar Avenue stated that he attended all of the public hearings on the Village Preservation Ordinance and his memory of its purpose is different than Mr. Taylor's. He stated that the ordinance was meant to prevent hotels of this size from being development in the village. He is opposed to this request.

Ms. Mickey Robins, President of the St. Simons Park Homeowners Group representing 30 members within a block of this site, stated that they are all opposed to this request. She stated that if this development is approved, it would change the ambiance and character of the village. Ms. Robins asked the Planning Commission to abide by the ordinance.

Ms. Diane Strihafka of 544 Poplar Avenue wanted to know when such developments in the village would stop. She is opposed to this request. Mr. Perry Fields explained that the developer has a right to build a hotel on his property, but what the Planning Commission has to consider is if this site plan is in compliance with the ordinance. Ms. Strihafka pointed out that when she was remodeling her home in the village, she had to comply with the ordinance. She asked the Planning Commission to not let developments in the village get out of hand.

Mr. Randy Dobson stated that he lives in the historic preservation district and when he decided to build an addition onto his house, no matter what it is called; "site coverage or lot coverage," the county was on his property with a tape measure. He had to abide specifically by the guidelines set forth in the overlay plan. He indicated that the area is a quaint little village and should remain that way. Mr. Dobson wanted to know if Phase II was mentioned during the permitting process of Phase I of Ocean Suites.

Mrs. Iris Touw, former Planning Commission member, stated that the building that is currently under construction was permitted in 1995. There was an extension given and a building permit was issued, but construction did not start for some time.

However, there was no mention anywhere of any additional buildings. Mrs. Touw stated objection to the way the building height of this development was calculated.

Regarding Attorney Jim Gilbert's comment that every time there is a new staff, there is a new interpretation of the ordinances, Mrs. Touw was in agreement. She also agrees that this applicant has a right to build a hotel or any other use under his zoning classification, as long as he builds within the guidelines of the Village Preservation District.

It was noted that the following people were also present to speak in opposition of this request: Ms. Thea Jarvis, Ms. Patty Cundif, and Ms. Jane Johnson who spoke on behalf of RUPA.

Mr. Wayne Stewart pointed out that he was Chairman of the Planning Commission when the Village Preservation Ordinance was adopted. This ordinance was not intended to restrict construction, but it was intended to preserve a certain atmosphere. Mr. Stewart stated that when they originally adopted the ordinance, they said "50% of the lot." He further stated that there is no doubt in his mind of what the height restrictions were, which was stated "above 10 ft. from the existing building." In this particular case, there are two existing buildings on the lot. He totally disagreed with the method of going across the street to use Phase I building to determine the height of Phase II.

Mr. Hal Hart commented that several words have been mentioned in the Village Preservation Ordinance, but he has yet to find the words beauty, needed, pleasing, appealing and warm. These terms are not used, which makes it very hard to interpret this ordinance. Mr. Hart stated that everybody has a different way of measuring and everybody has a different interpretation.

Following discussion, a motion was made by Mr. Mike Aspinwall to deny this request based on staff's recommendations. The motion was seconded by Ms. Ann McCormick. Voting Aye: Mr. Mike Aspinwall, Mr. Lamar Cole, Mr. Perry Fields, Ms. Ann McCormick, Mr. Wayne Stewart and Mr. Jonathan Williams. Abstained From Voting: Mr. Hal Hart.

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**601 May Jo Street (VP01-15)**

8,742 Square Feet, Zoned R6/Village Preservation  
Mary A. Avram & Roger B. Frobe, Owner/Developer

Mrs. Mary Avram and Mr. Roger Frobe were present for discussion.

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

This plan calls for the demolition of an existing single-family residential structure to be replaced by a new site built single-family residential structure. The structure shall have an elevated first floor and all construction shall be wood frame. Roof shingles are charcoal gray. Trim will be snowfall white. House colors include Abingon Putty with a Georgian Brick accent. A color palette was presented for the Planning Commission's review.

Average footprint information submitted by the applicant indicates the average of the adjacent side lots is 1,693 sq. ft. The applicant's proposal suggests 3,496 sq. ft. In addition, it was suggested to the applicant that they should discuss with their architect changes that would bring the proposal into compliance with the Zoning Ordinance. With the exception of the footprint, the applicant has submitted what staff considers being an excellent suggestion for the village.

Mr. Sutton stated that staff is recommending denial based on the applicant failing to meet the footprint requirement set forth in Article VII, Section 709.5 of the Zoning Ordinance.

Mrs. Mary Avram referred to the August 21<sup>st</sup> memo that she and her husband submitted to staff, which addresses the application. She stated that they have met every other criteria of the Village Preservation District, but they are however, asking for one exception. The heated area of the footprint is just over 1900 sq. ft. The additional amount, according to the site plan, is a wrap around porch that they feel directly addresses the fact that this is a corner lot, which enhances the front of the house on May Jo Street, and the side of the house on Oak Street.

Mrs. Avram distributed copies of a letter from John and Heather McCallum of 513 Oak Street stating that they are in favor of this request, along with a petition containing 16 signatures of homeowners also in favor of this request.

Mrs. Avram stated that the height of their house is well within the average height of the two adjacent homes. The lot coverage/site coverage is at 40%, which is under the 50% allowance of the village. She stated that they have worked very hard for several months with their architect to meet the criteria of the Village District, particularly with Section 709.1 of the ordinance regarding protection of the historical and architectural character of the village.

Mrs. Avram read the remainder of the August 21<sup>st</sup> memo as follows: "Eighteen years ago when we chose to purchase this particular piece of property it was because we had fallen in love with the village area. Because that love affair continues, we wish to thank each of you for your dedication to preserving the uniqueness and charm that is the village on St. Simons Island. It is our sincere desire to join with you in this preservation... Thank you for your consideration."

Ms. Kathy Grootendorst, architect, was present to speak in favor of this request. She explained that the Avram's property is located on a lot and a half and is larger than the adjacent properties. She stated that the garage is included in the lot coverage. She further stated that the wrap around porch is probably the best solution to the Oak Street side of the house with regard to the aesthetic characteristics of the village.

Mr. Roger Frobe, property owner/applicant, stated that the houses on each side of the property in question are fairly small, but there are other houses in the neighborhood that are larger, and this is why he believes that their house would fit very well with the preservation overlay district.

Ms. Chris Taylor, adjoining property owner, was also present to speak in favor of this request.

Mr. Perry Fields stated that the Planning Commission has a duty to apply what the applicant considers unusual circumstances. In other words, the Planning Commission cannot grant a variance simply because the applicant wants it and the neighbors like it. He stated that according to the ordinance, variances are granted by reason of unusual circumstances, which would result in exceptional and practical difficulty for undo hardship on the applicant.

Ms. Grootendorst explained that the unusual circumstance in this case is that this particular piece of property is located a lot and a half. It is not a single lot, which makes the property being only 40% of the lot coverage. Also, the adjacent houses are small and are considered second homes. They were built as beach cottages and were never intended to be full time family residences. Mr. Fields asked how is this a hardship for the owners. Ms. Grootendorst replied that the hardship is the size. In her opinion, 1200 sq. ft. does not meet today's criteria for a single-family full time residence. Mr. Hart stated that the Village Preservation Ordinance needs to be re-examined for this reason. He stated that no one wants to move into a 1000 sq. ft. house.

Mr. Stewart pointed out that when they worked on the Village Preservation plan, the issue was raised to preserve the Waycross Colony homes, because no one was going to want to live in a 1200 sq. ft. home. The next issue is going to be that too many big houses are being built. Mr. Stewart stated that "we can't have our cake and eat it too." We are going to have to live by the ordinance. He stated that the Planning Commission cannot make exceptions on the basis of this being a beautiful home and these are nice people. He stated that it is a beautiful home and it does go very well with the general architecture of the village; however, it is in direct violation of the ordinance. Also, there is no hardship other than the owners just want a larger house.

Mrs. Avram stated she did not think it would become necessary to disclose personal information. However, at this time she elaborated on the situation of her three grandchildren, one in particular who is autistic and needs special care. She also expounded on her religious occupation as well as her husband's with regard to needing space for a library to conduct research and for writing speeches. Mrs. Avram stated that a denial would deprive them of continuing their livelihood.

Mr. Jonathan Williams stated that the Planning Commission has one thing to focus on, and that one thing is the ordinance. They have to ensure that things are carried out as specified in accordance with the ordinance. He then reflected on agenda items covered in today's meeting having similarities, with the only difference being the neighbors' approval or disapproval. But in all cases, the Planning Commission's overall recommendation was for denial because of the ordinance. Mr. Williams stressed how very difficult it is to please everybody because it is their duty as a governing body to abide by the ordinance. In order to do this effectively, they need all of the facts and circumstances presented to them up front. (At this time, Mr. Williams excused himself from the meeting for medical reasons.)

Ms. Jane Johnson, representing RUPA, stated that the applicants are lovely people and their house is very beautiful, but it is important to follow the ordinance as written. She stated that the law must be applied fairly to all people, which is the point Attorney Gilbert made earlier in the meeting.

Following discussion, a motion was made by Mr. Wayne Stewart to deny this request based on the request being in conflict with the Village Preservation Plan on site coverage. The motion was seconded by Mr. Hal Hart. Voting Aye: Mr. Lamar Cole, Mr. Perry Fields, Mr. Hal Hart, Ms. Ann McCormick and Mr. Wayne Stewart. Abstained From Voting: Mr. Mike Aspinwall. (It was noted that Mr. Williams was no longer in attendance.)

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## MINUTES

A motion was made by Mr. Wayne Stewart to approve the Minutes of the August 7<sup>th</sup> Planning Commission meeting. The motion was seconded by Ms. Ann McCormick. Voting Aye: Mr. Mike Aspinwall, Mr. Lamar Cole, Mr. Perry Fields, Ms. Ann McCormick and Mr. Wayne Stewart. Mr. Hal Hart was absent for the August 7<sup>th</sup> meeting and therefore abstained from voting.

Due to Mr. Williams having to leave early, there was not a quorum of attendees of the June 5<sup>th</sup> Planning Commission meeting to adopt the Minutes. Therefore, the June 5<sup>th</sup> Minutes were deferred until the next meeting. *(As a reminder, members in attendance at that time were Mr. Lamar Cole, Mr. Hal Hart, Ms. Ann McCormick, Mrs. Iris Touw and Mr. Jonathan Williams.)*

## **STAFF ITEMS**

### **a) Proposed Ordinance Amendments**

Subdivision Regulations  
Zoning Ordinance

### **b) Review New Format for Staff Reports**

A motion was made by Mr. Wayne Stewart to defer the above referenced Staff Items until next month. The motion was seconded by Mr. Perry Fields and unanimously adopted.

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There being no further business to discuss, the meeting adjourned at 2:16 p.m.