

# MINUTES

ISLANDS PLANNING COMMISSION  
OCTOBER 16, 2012 - 6:00 P.M.  
The Casino Bldg, 530 Beachview Drive, SSI

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**MEMBERS PRESENT:** John Dow, Chairman  
Stan Humphries, Vice Chairman  
Preston Kirkendall  
Patricia Laurens  
William Lawrence  
Paul Sanders  
Desiree Watson

**STAFF PRESENT:** David Hainley, Community Development Director  
Paul Forgey, Planning Manager  
Iris Johnston, Planner III  
Janet Loving, Administrative Assistant

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Chairman Dow 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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## MINUTES

### July 17, 2012 Regular Meeting

A motion was made by Mr. Preston Kirkendall to approve the Minutes of the *July 17<sup>th</sup> Regular Meeting* with a minor correction (page 4, second line of paragraph 2, change square feet to inches; 52x32”). The motion was seconded by Mr. Paul Sanders. Voting Aye: Mr. John Dow, Mr. Stan Humphries, Mr. Preston Kirkendall, Mr. Paul Sanders and Ms. Desiree Watson. Abstained From Voting: Ms. Patricia Laurens and Mr. William Lawrence.

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**ZM2463 Riverwatch Condominium at Golden Isles Marina:** Consider a request to amend a Planned Development by revising the Planned Development Text for Riverwatch Condominium, a 3.02 acre property. The property is generally located on the south side near the eastern terminus of the F. J. Torras Causeway. The purpose of the rezoning is to allow “residential condominium” as a permitted use. Parcel IDs: 03-11650 (common area) & 02-02380 - 02412 (33 parcels). S. Larry Phillips, agent for Riverwatch Condominium Owners Association, Inc., applicant for multiple owners on file.

Mr. Phillips was present for discussion.

The following report from staff was included in the packages for the Planning Commission’s review and was presented by Ms. Iris Johnston:

The adopted Planned Development Text, found in Zoning File ZM-2005-008 (I), allows as permitted uses: 1. Marina Services; 2. Commercial Uses; and 3. Multi-family Dwellings (maximum 40 multi-family dwelling units). One-family attached units, typically referred to as condominiums, are not referenced. This Planned Development Text amendment is to correct that omission. The request is to clarify a use that is presently in practice. Staff suggests that the amendment include: “Single-family attached dwelling units.”

This site is served by a State of Georgia approved on-site deep well water system and sewerage treatment plant. Outfall for drainage is the Frederica River.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:**

- 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 exists, however the PD text does not specifically describe single-family attached dwellings as allowed uses. It has proven suitable in that it has presented no problems within the Golden Isles Marina complex.*

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

*No, there is no expectation of adverse effect.*

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

*Yes, the current zoning has been the foundation for the residential dwelling that exists; however, the text describes this in a manner that does not specifically allow single-family attached dwellings.*

- 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 change in use is expected.*

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

*Yes, this area is located in the Islands Future Development Area with a Future Land Use of Commercial. Attached single family use co-exists well with resort and marina services, as is demonstrated by the fact it evolved previous to the requested amendment.*

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

*Yes the attached single family use is in practice and the use has presented no problems.*

Ms. Johnson stated that staff recommends approval of **ZM2463**, Riverwatch Condominiums at Golden Isles Marina, to amend the Planned Development text per “Amendment to Golden Isles Marina Master Plan Revision July, 1982.”

Chairman Dow had several questions mostly pertaining to parking. He wanted to know the number of existing parking spaces associated with this property. Mr. Hainley stated that currently, there are 68 parking spaces. This was confirmed by Mr. Larry Phillips, agent for Riverwatch Condominium Owners Association. Mr. Hainley added that this request is compliant with the condominium requirements. Chairman Dow then asked Mr. Hainley for a brief explanation of the statement in the text that “excess parking may be counted for other uses.” Mr. Hainley explained that there is some shared parking for the commercial area that may overflow into other areas. Given the proximity of the property in question to some of the other uses, there may be a couple of spaces that may be utilized by the commercial area. This prompted Chairman Dow to ask if the new condominium development uses any of the other parking spaces. Mr. Hainley replied no. Finally, Chairman Dow asked that if this request were submitted today as a condominium would it satisfy all of the existing zoning requirements. Ms. Johnston replied yes.

Following a brief presentation by Mr. Phillips, a motion was made by Ms. Patricia Laurens to recommend approval of **ZM2463** to amend the Planned Development Text per “Amendment to Golden Isles Marina Master Plan Revision July, 1982.” The motion was seconded by Mr. Paul Sanders and unanimously adopted.

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**ZM2467 Frederica Building:** Consider a request to rezone Local Commercial and R-6 Residential to Planned Development. The purpose of the request is to allow a mixture of commercial and residential uses. The property is located on the west side of Frederica Road and south of Holly Street on St. Simons Island. Parcel IDs: 04-04991; 04-04992; 04-13921; 04-13922; James Bishop, agent for Parkbrook Frederica Owners, LLC.

Messrs. James Bishop, Bill Edenfield, Bobby Shupe and Gary Mathews were present for discussion.

The following report from staff was included in the packages for review and was presented by Ms. Johnston:

This building once housed the IDAC business, rendering interior design services and providing retail furnishings. The building contains 20,122 sq. ft. of floor area, net of common areas. The present request is based on a concept of mixed uses within and adjacent to the IDAC building including commercial, office and residential uses to be allowed in the building. According to the text, residences shall be prohibited from being used as rental units.

Additional property has been acquired to increase parking to meet requirements for the allowed mixture of uses since different uses have different formulas and may require more or less parking spaces.

A street is to be abandoned adding to the property area as well. A buffer in the form of an 8 ft. high solid wooden fence, with landscaping in excess of that required, is to be put into place where residential uses are adjacent to the property. Also, the parking area will have trees preserved and additional ones installed, exceeding the Glynn County Tree Canopy Ordinance standards. Lighting is to be low intensity and positioned to minimize disturbance to adjacent properties. A 75% maximum site coverage standard is established.

The building development will be limited by the amount of parking available to meet parking standards based on uses.

This site is served by public utilities provided by the Joint Water & Sewer Commission (JWSC).

The development is not anticipated to generate a significant number of students resulting in an increased demand for schools. Also, there are no known public safety or life safety problems associated with this developed site. Factors will be identified as it is developed during site plan review, as needed.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:**

- 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 is consistent with the use and development of adjacent and nearby property.***

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

***The proposed use is not anticipated to adversely affect the existing use or usability 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.

***None, site development will require review under “Site Design and Development Standards.”***

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

***Yes, this area is designated for Future Islands Development Area, and having been previously developed, is an infill development project.***

- 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 large building is being repurposed, and approval and redevelopment would enhance the area whereas the building is now vacant.***

Ms. Johnston stated that staff recommends approval of **ZM2467**, The Frederica Building, formerly known as IDAC, to rezone from LC and R-6 to PD, Planned Development to allow mixed uses as permitted uses.

Chairman Dow stated that he has several questions that may require answers from the applicant during his presentation. Under *General Description*, he asked if the 1.723 acres include the portion of the right-of-way to be abandoned; (someone from the audience replied yes.) Under *2.2 Other Requirements for Hotel Uses*, he wanted to know

how many total parking spaces would be provided and how many rooms would be permitted; Ms. Desiree Watson stated that according to the Text, the maximum number of rooms shall not exceed thirty-five (35).

Mr. Kirkendall asked if the townhouse units would be owned. Ms. Johnston stated that the applicant is proposing to have condominiums that will be owned. Mr. Kirkendall wanted to know if the units could be rented by the owner. Ms. Johnston stated that the condos are supposed to be owner/occupied. Regarding “*Hotel Uses*,” Mr. Kirkendall stated that if a room is used as a sleeping room this would necessitate some parking (1.1 per unit) in accordance with the required definition established by the Planning Commission. He stated that the Text indicates that it would not be considered a sleeping room, which is against what the IPC has said about hotels. Therefore, he would like some clarification on the standards for a hotel. He would also like clarification of the terms “pumps and pump houses” as listed under *Accessory Uses*. Mr. Kirkendall had additional questions about lighting, irrigation and the Miocene Wells; all of which would be addressed during the applicant’s presentation.

Mr. Paul Sanders pointed out that according to the Text “the building contains 20,122 sq. ft. of floor area, net of common area.” He asked if this means that the common area is not figured into the parking ratio. Mr. Hainley replied yes.

Mr. Humphries wanted to know if previous concerns expressed by the adjacent property owners had been addressed. Mr. Hainley stated that Mr. John McQuigg, the attorney representing the adjacent property owners, has provided a letter advising that previous issues have been resolved.

Mr. Gary Matthews, representing Parkbrook Partners, explained the concept for the proposed development, formally known as the IDAC Building. He stated that after acquiring the subject property they engaged in multiple discussions with the neighbors on how they could solve the parking problem and he believes that it has been accomplished. He further stated that the base concept for the development is to convert it to high-end office space. The current showroom would be converted to office space. Mr. Matthews stated that they have done a site and preliminary layout that would accommodate what they are proposing to do. He explained that he is not sure how deep the office market is for the Island, and therefore they are also looking at another option where a portion of the building could be turned into residential condos. Mr. Matthews stated that he can provide the members with a packet of information and photos of other projects that they have completed.

Mr. Humphries asked Mr. Matthews to elaborate on some of the other projects and the financing for this project. Mr. Matthews stated that with this project, they have an equity partner, Brookwood Investment Group. Also, Coastal Bank has given them a loan to help with the acquisition, the initial marketing and the architectural plans. He explained that this proposal is in-keeping with a building that they recently renovated in Atlanta with the Harden Construction Company, a general contracting firm founded in the early 1940’s. The Harden Construction Company moved out and the family hired his

group to renovate the building, located in the Buckhead area. He described the materials and fixtures used in the building and stated that the renovation was more of a country club environment but it is for individuals who have office space in the building, low-density users who come in and out of the office a few times a week and maybe a few times a month. Mr. Matthews feels that the demand for this particular type of product is here in this area as well.

Mr. Bill Edenfield, the planner for this project, was asked to address the parking and pumps. He stated that the total parking count represented is 114 spaces. There are 49 existing spaces available to the building and they are adding 65 spaces. He stated that the parking area is landscaped and is in-keeping with the St. Simons area. He pointed out that there is also a parking lot right behind the Frederica House but it is not part of this plan; however, it is available for use. Mr. Edenfield stated that the pumps that Mr. Kirkendall referred to are meant to be irrigation pumps. He also noted that if given an option, they will remove the requirement regarding the Miocene. In addition, he stated that the area that's shown as the PD District does include the section of road that would be abandoned.

Attorney John McQuigg, representing Paul and Holly Jackson, adjacent property owners, was present to speak in favor of this request on their behalf.

Ms. Carolyn Harrington expressed concerns about the run-off from the asphalt and the flood zone. She would like assurance from the owners or developers that the area will have proper drainage to avoid any run-off onto her daughter's property, which is within 200 ft. of the proposed development. Ms. Susan Harrington shared her mother's concerns. She also expressed concerns about safety and lighting, as well as the possible road abandonment.

Attorney Jim Bishop stated that he spoke with Ms. Carolyn Harrington earlier today and he feels that all of her questions are legitimate concerns for her daughter who lives on Atlantic. However, he pointed out that lighting and drainage are items that will be addressed in detail at the site plan approval process. He stated that they will do everything possible to resolve these issues. In addition, he stated that the Harrington's and other area property owners are concerned about security. He discussed the abandonment petition that the developers of this project have filed jointly with the owners of the Frederica House, and he explained to the property owners that the abandonment process will take place at the County Commission level.

Mr. Hainley pointed out that there are county ordinances in place that the developers will have to observe during the construction plan phase which deals with the amount of run-off increase and retention on site. This Commission and the Board of Commissioners adopted lighting performance standards that are referenced in the PD Text that the applicant would have to abide by. Regarding security, he stated that the area is a fenced-in compound.

Chairman Dow wanted to know where Maple Street would terminate from public to private. Mr. Bobby Shupe stated that the plan is to abandon Maple Street from Frederica Road to the west about 370 ft., which will terminate at Lot 5 and Block 35 on the north side of Maple Street, and at Lot 14 and Block 25.

It was noted that the owners of the Frederica House were present to speak in favor of this request.

At the end of discussion, a motion was made by Mr. Preston Kirkendall to recommend approval of **ZM2467**, The Frederica Building, formerly known as IDAC, to rezone from LC and R-6 to PD, to allow mixed uses as permitted uses subject to removal of the “Miocene Depth Wells” as referenced under *Utilities* and with the elimination of “Prohibiting Rentals” as referenced on Page 5, Section 1(b) under *Residential Uses* of the Planned Development Zoning Amendment. The motion was seconded by Ms. Patricia Laurens. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Ms. Patricia Laurens, Mr. William Lawrence, Mr. Paul Sanders and Ms. Desiree Watson. Abstained From Voting: Mr. Stan Humphries.

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**ZM2449 Cordell Property:** Consider a request to rezone from Medium Residential to Planned Development. The 1.24 acre property is located on the north side of Demere Road on St. Simons Island. The purpose of the request is to allow the uses allowed in Local Commercial zoning. The availability of public water and sewer is contingent upon the owner/developer’s successful acquisition of easements on private property needed to access public utilities facilities. Parcel ID: 04-13636. Taylor H. Haley, Esq., agent for H. Lindsey Cordell, III, owner.

Attorney Taylor Haley was present for discussion.

The following report from staff was included in the packages for the Planning Commission’s and was presented by Ms. Iris Johnston:

The conceptual plan provided with the rezoning application depicts a bank building of 3,100 square feet and an office building of 1,300 square feet, with associated parking, as Option 1. Option 2 depicts a complex of five small office buildings, with associated parking.

The plan options are conceptual in nature, to demonstrate possibilities for developing the property with commercial or office uses, as would be allowed by Local Commercial zoning.

A storm water management plan is to be prepared as a part of site plan approval requirements. The drainage proposal would have to meet and comply with all applicable federal, state and county regulations.

A transportation plan has been provided by the applicant, performed by Kimley-Horn and Associates, Inc. a traffic study engineering firm. Vehicular traffic is to enter and exit the property directly from Demere Road, and the proposed driveway is to be aligned with the existing driveway on the opposite side of Demere Road.

The study provided the following conclusion:

*“Summary and Recommendation: Based on our site visit and engineering judgment, it is our opinion that traffic associated with the proposed future development scenarios along Demere Road will not substantially degrade the traffic operations along Demere Road. Per GDOT Regulations, a westbound right-turn lane into the site is required for Future Scenario #1. It is recommended that the design of this right-turn lane be further defined during the site design process once additional topographic and right of way information is obtained. Additionally, it is recommended that the sight distance be verified based upon the final location and design of the site driveway to ensure adequate sight distance is provided.”*

The following statement was issued by Brunswick/Glynn Joint Water and Sewer Commission with regard to rezoning of the property: *“The availability of public water is contingent upon the owner/developer’s successful acquisition of easements on private property needed to access public utilities facilities.”*

No plans for water and sewer connection are required to be submitted with the application. The contingency stated by the BGJWSC serves to identify the fact that even though the rezoning from MR to PD were approved, the possibility remains that the property may not be permitted for development if public water and sewer connections are not made available.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:**

- 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 is consistent with the use and development of adjacent and nearby property on one side and with property across the street. This is an area of congested traffic.*

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

*The proposed use could adversely affect the existing use or usability of adjacent or nearby property due to increased traffic congestions.*

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

*Yes, however, the same issue of potential for water and sewer connection exists in either case.*

- 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 it is possible due to the location that traffic congestion will increase.*

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

*Yes, this area is designated for uses anticipated in a quarter mile radius "Village Center."*

- 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 issues of public utilities availability and traffic congestion have been identified.*

Ms. Johnston stated that staff recommends approval of **ZM2449** Cordell Property to rezone from MR, Medium Residential to PD, Planned Development to allow Local Commercial uses. The ability to develop the property will be contingent upon the owner/developer's successful acquisition of easements on private property needed to access public utilities facilities.

Chairman Dow wanted to know if the adjoining property to the west is zoned Medium Residential, as well as the next area of property. Mr. Hainley replied yes. He stated that there is a very large area of property that's zoned Medium Residential. Chairman Dow stated that if the Planning Commission were to approve this rezoning, what would be an argument to prevent changing the entire strip from Medium Residential to Local Commercial. Mr. Hainley explained that every rezoning request stands on its own merit and when you move out of the village center you move into a corridor area that has a mixed use designation on the Land Use Plan, which means that the subject property (or the adjacent property) could be the transition between commercial and a mixed use, or perhaps no transition would occur.

Regarding anticipation of vehicular traffic entering and exiting the property directly from Demere Road, Chairman Dow stated that in the event that this turns into a major intersection and if there is a need for a traffic light based on traffic counts, who

would pay for the traffic signal? Mr. Hainley stated that a traffic light would most likely not be recommended due to the influence or level of service.

Chairman Dow expressed concerns about some of the permitted uses contained in the text, particularly a bank. He stated that they encountered the same issues when a rezoning was previously discussed for property that is now a bicycle shop with respect to potential accidents. Under *Other Requirements 1-9*, he wanted to know if these are all consistent with the current Zoning Ordinance or are they unique to this particular PD Text. Mr. Hainley stated that there is actually one unique item to the site which is the minimum side yard to the west property line. It reflects the buffer provision that deals with commercial use being next door to residential use.

Mr. William Lawrence stated that there has been no mention of the agreement that was reached some time ago regarding this same property. He expects an answer for the record on what the agreement was several years ago. It is his understanding that there was to be no additional commercial development on the northern side. He also expressed concerns about a bank being listed as one of the permitted uses and stated that he counted 11 banks in the general location of the Island, from the center of the Island toward the southern portion of the Island. He then asked “are we developing banks based on need or based on want?”

Mr. Lawrence stated that this is the second time that this property has come before this Commission. It is becoming repetitious and time consuming. He stated that traffic flow needs to be thoroughly addressed. Currently, traffic backs up from the roundabout to the fitness center, but the applicant says there will be no impact on traffic. Mr. Lawrence stated that he needs an accurate traffic count, and an accurate projection of traffic increase.

Mr. Kirkendall noted that a request similar to this was turned down a few years ago, not because of what was being built, but because of the agreement from the County Commission (10 or 12 years ago) that there would be no commercial on the other side of the marshland area. He personally feels that this Commission should standby that decision; again, not because of the use, but because of the word given to the citizens.

Ms. Patricia Laurens wanted to know the exact wording in the comprehensive plan about the section of property in question. Mr. Hainley stated that the portion of property that Mr. Kirkendall referred to involving the agreement is within a quarter of a mile of a Village Center, and it was not immoralized by any legal action. The property owner does maintain the right to seek application for rezoning in accordance with the Zoning Ordinance in place, which indicates that there are certain time-frames that you must adhere to depending upon the action taken. Those time-frames have all been met.

At this time, Attorney Taylor Haley, representing Lindsey Cordell, introduced Mr. Chris Amos and Mr. David Amos as the professional staff assisting her with the technical aspects of this request. She stated that she will answer or clarify what she can today, but she may need to request a deferral to address some of the issues.

Regarding the concerns of the promise that was made before, Ms. Haley stated that there is an “agreement” reflected in the Minutes. The problem is that Georgia Law, Statutory Law and Case Law is clear that a Commission cannot make such a promise even if it is well intentioned. Therefore, it would be “*ultra vires*” or not permissible. She stated that although the County Attorney does not represent the Planning Commission, he is aware of the legal issues surrounding this case. Ms. Haley pointed out that there was also a Superior Court case in 1987 regarding the Waffle House property, which was actually affirmed by the Supreme Court of Georgia. That particular case did hold that a denial of a rezoning in that particular instance was appropriate, but that case has been misrepresented to say that the Court ordered the demarcation line and the Court ordered that the area in question would always be a residential zone. Ms. Haley stressed that the court case does not and cannot stand for that proposition because the Courts don’t have the authority to zone property. That is the job of the County Commission; it is a legislative action.

Regarding the technical concerns, i.e. traffic, Ms. Haley clarified the statement that there would be no impact on traffic. She explained that currently the area is undeveloped property which is allowed today to be zoned into 16 multi-family units. The traffic study was done to compare the zoning that is currently allowed (16 multi-family units) with the local commercial zoning that she is requesting, and that is why it was stated that there is no increase and impact to the requested change.

Ms. Haley pointed out that she provided two conceptual site plans; one included the bank and the other one did not. These were just two options that they came up with but they are not “married” to any of the specific uses per say. She stated that the bank is not her client; her client is the owner of the property and she would be willing to remove the bank option if the Commission feels that it is not feasible.

Ms. Haley stated that they have made concessions with respect to the minimum side yard, given the location of the property. There is a larger buffer on the side that abuts the medium residential property. Also, the neighboring property on the other side is a small strip of land that the county actually owns and immediately next to this strip of land is the Waffle House.

Ms. Haley stated that the height of the property could be 45 ft. but they are only asking for 35 ft. The site coverage could be greater, but again, they are asking for slightly less than what could be allowed. Ms. Haley stated that the impact of the lighting will be pointed away to avoid intrusion and the dumpsters will be placed in an area that would also provide the least impact to the neighbors.

Mr. Chris Amos, the engineer for this project, explained that the traffic study looked at the level of service. The traffic engineer examined the level of service between the existing zoning and the two different site plans that were prepared. The levels of service on roads are based on traffic flow and are graded from A to D (with A being the best and D being the worst). In all scenarios it was determined that the level of service

on Demere Road is D. Addressing the marshlands, he stated that the marsh line that was previously established had expired and would have to be re-established.

Mr. Amos stated that with the previous request for Zaxby's they negotiated an easement with Island Square Condos, which is still in place. He pointed out that water is available in the right-of-way of Demere Road. Sewer is more of a problem. There is publicly owned sewer in the area but they have to figure out a way to get to it from the site. He stated that they submitted a plan to JWSC showing the connection and how it can be done. JWSC would however prefer that they select a different option, i.e. put in one force main and connect all of the pump stations into one publicly owned force main.

Chairman Dow raised the question again about the traffic signal if it is found to be necessary and the applicant's willingness to share in the cost. Ms. Haley stated that she cannot speak for her client on this issue in his absence. She reiterated that several questions have been raised that she is not prepared to answer at this time, and therefore she would like to defer this request to another meeting. Ms. Haley stated that she would like an opportunity to address the residents' concerns.

Ms. Desiree Watson expressed concerns about the permitted uses. She feels that the list needs to be narrowed down particularly with respect to the marsh and anything associated with chemicals, including the location of the dumpsters. She stated that two years ago she advised the developers to work with the community to come up with something that they could live with. However, this laundry list of uses is not in that vein. In conclusion, Ms. Watson stated that rezoning property is a privilege; not a right.

Agreeing with Ms. Watson about the chemicals associated with some of the uses, Mr. Sanders stated that any references to a dry cleaner (with the exception of delivery and pickup) should be deleted from the list of permitted uses. He asked Ms. Haley if she had given any consideration to what a commercial zoning would do to the value of the property to the west. Ms. Haley stated that it would likely increase the value of the property. Mr. Sanders stated that while it would not hurt the value it would increase the taxes on the property.

At this time, Chairman Dow opened the floor for public comments beginning with Ms. Karen Brown Ward of 1230 Demere Road, representing Mrs. Berthenia Gibson who could not attend for medical reasons.

Ms. Ward stated that Mrs. Gibson is vehemently opposed to any commercial development of the area adjacent to her property. She stated that Mrs. Gibson was one of the principals who fought against the county many years ago with the commercialization of the property across Demere Road. Ms. Ward stated that there comes a point where the wishes of the community have to be recognized. Had the Jewtown community known that the previous Commissioners' statement (in terms of no more commercialization on that particular side of the road) was illegal, something would have been done at that time to make it legal to prevent commercial developments from extending into the residential area.

Agreeing with Ms. Watson about rezoning property, Ms. Ward stated that she does not understand why property has to be rezoned, particularly when the neighbors are opposed. This rezoning would negatively impact their quality of life. She cited several problems, i.e. increased traffic on Demere Road especially with the roundabout being a traffic hazard, dumpster location, and lighting from existing commercial developments. She also stated that there has been enough encroachment into the marshland and she would like for this to stop so that they can live in peace.

Ms. Ward pointed out that the residents have asked the county for sewer tie-in for many years but the county has said no, but now the county is saying yes for the commercial development. The county is allowing profit to take over instead of the community, which prompted Ms. Ward to ask “when will the homeowners rights come into existence?”

Ms. Ward stated that the residents have been fighting this problem for years. They have maintained their property and their neighborhood, and enough is enough. On behalf of Mrs. Gibson, Ms. Ward asked that this request be denied. *(For the record, Mrs. Gibson submitted a written statement to the Commission outlining reasons why this request should be denied.)*

Ms. Linda Ferrell expressed opposition to this request. She stated that Mr. Cordell knew how the property was zoned when he purchased it and the only reason for rezoning it is for profit. Ms. Ferrell stated that in the past, staff’s recommendation was to deny the rezoning, but now they’re saying that it’s okay. She stated that there is a lack of consistency here and it just doesn’t seem to end. She also cited increased traffic problems and reported an incident where she was almost struck by a speeding car in the vicinity. Ms. Ferrell stated that she is strongly opposed to this rezoning and asked that it be denied.

Mr. Gloucester Buchanan, a lifelong resident of St. Simons Island, was also present to oppose this request.

After a brief rebuttal from Ms. Taylor Haley, Mr. Stan Humphries read the following into the record:

“Today I have read all of the zoning files and documentation on this property going back to 1987, a total of 25 years. Ms. Gibson and her neighbors have consistently sought only one thing - peaceful enjoyment of their homes where they have lived for many, many years. They have been good citizens of Glynn County and deserve the support of public officials of Glynn County. The owners of this property have repeatedly sought to encroach on the peace and tranquility of these neighbors by petitioning for commercial development...It is the role of government at all levels in democracies to first and foremost act honorably and with good will toward its masters, the citizenry at large...I urge the Islands Planning Commission to do the right thing and deny this request for rezoning. I further urge the owner to...plan a development acceptable to the neighbors...”

A motion was then made by Mr. Humphries to recommend denial of application **ZM2449** to rezone from Medium Residential to Planned Development to allow Local Commercial uses. The motion was seconded by Mr. William Lawrence. Voting Aye: (In favor of denial) Mr. Stan Humphries, Mr. Preston Kirkendall, Ms. Patricia Laurens, Mr. William Lawrence and Ms. Desiree Watson. Voting Nay: (Against denial) Mr. John Dow and Mr. Paul Sanders.

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**SP2462 Lawrence Road Park:** Consider a request to approve a site plan for the construction of a park on two acres located on Lawrence Road approximately 1 mile north of the traffic circle at Frederica Road. The park will include a restroom, tennis and basketball courts. Parcel ID: 04-14274. David Deloach, agent for Glynn County, owner.

Mr. David Deloach was present for discussion.

Mr. Paul Forgey reported that the site plan shows the layout of the park, which is consistent with the surrounding land uses of the area. Most of the immediate surroundings are undeveloped with the exception of the fire station bordering the park to the south. The proposal is compliant with the requirements of the adopted Planned Development District.

The site will be served by JWSC utilities.

Under Section 619.4 (a) of the Zoning Ordinance, the Planning Commission's review shall be guided by the following standards and criteria:

- 1) The application, site plan, and other submitted information contain all the items required under this Section. **Staff comment: This requirement has been met.**
- 2) The proposed uses, buildings and structures are in accordance with the requirements of this Ordinance and other ordinances of Glynn County. **Staff comment: This requirement has been met.**
- 3) Adequate provisions are made for ingress and egress, off-street parking, loading, and the flow of traffic, which may reasonably be anticipated. **Staff comment: This requirement has been met.**
- 4) Adequate provisions are made to control the flow of storm water from and across the site. **Staff comment: This requirement has been met, subject to review by Engineering as part of the building permit process.**

- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff comment: There are multiple trees on the eastern and western boundaries to be retained. This site requires 16 tree canopy credits. The trees to be retained provide 35.32 credits.**
- 6) Adequate provisions are made to buffer intensive uses and to screen all service areas from view of the adjacent properties and streets. **Staff comment: No buffers are required.**
- 7) Adequate provisions are made to control the location, intensity, and direction of all outdoor lighting so that it will not have an adverse effect upon adjoining properties. **Staff comment: No lighting is indicated on the site plan.**
- 8) Open space, as required, has been provided and appropriate means are proposed to assure maintenance of common areas and facilities. **Staff comment: Not applicable.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: Fire and JWSC have determined that this site plan is compliant.**

Mr. Forgey stated that staff recommends approval of *SP2462*, Lawrence Road Park, subject to meeting all requirements.

Mr. David Deloach gave a brief presentation and a general discussion followed. Afterward, a motion was made by Mr. Paul Sanders to approve *SP2462*, Lawrence Road Park, subject to meeting all requirements. The motion was seconded by Ms. Patricia Laurens and unanimously adopted.

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**SP2470 SSI Airport Farmers Market:** Consider a request to approve a site plan for modification of the St. Simons Island Airport Farmers Market which is located on 5.2 acres on the south side of Demere Road approximately 500 feet to the east of the traffic circle at Frederica Road. The market will include two covered pavilions and improved parking areas. Parcel ID: 04-02803. Paul Adjan, agent for Glynn County Airport Commission, owner.

Mr. Paul Adjan was present for discussion.

Mr. Forgey reported that this site has long been used for a farmers market and more recently an ice machine was added. Regulations of the Federal Aviation Administration require an object free area adjacent to the runway, necessitating the relocation of a fence bordering the market. This dictated changing the site configuration

and egress. The site plan is for a covered outdoor farmers market, which is consistent with the surrounding land uses of the area. The proposal is compliant with the requirements of the adopted Planned Development.

The site is will be served by JWSC utilities.

Under Section 619.4 (a) of the Zoning Ordinance, the Planning Commission's review shall be guided by the following standards and criteria:

- 1) The application, site plan, and other submitted information contain all the items required under this Section. **Staff comment: This requirement has been met.**
- 2) The proposed uses, buildings and structures are in accordance with the requirements of this Ordinance and other ordinances of Glynn County. **Staff comment: This requirement has been met.**
- 3) Adequate provisions are made for ingress and egress, off-street parking, loading, and the flow of traffic, which may reasonably be anticipated. **Staff comment: This requirement has been met.**
- 4) Adequate provisions are made to control the flow of storm water from and across the site. **Staff comment: This requirement has been met, subject to review by Engineering as part of the building permit process.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff comment: There are multiple trees on the northern and southern boundaries to be retained. This site requires 16 tree canopy credits. The trees to be retained provide 19 credits.**
- 6) Adequate provisions are made to buffer intensive uses and to screen all service areas from view of the adjacent properties and streets. **Staff comment: No buffers are required.**
- 7) Adequate provisions are made to control the location, intensity, and direction of all outdoor lighting so that it will not have an adverse effect upon adjoining properties. **Staff comment: This requirement has been met.**
- 8) Open space, as required, has been provided and appropriate means are proposed to assure maintenance of common areas and facilities. **Staff comment: Not applicable.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: Fire and JWSC have determined that this site plan is compliant.**

Mr. Forgey stated that staff recommends approval of *SP2470*, SSI Airport Farmers Market, subject to meeting all requirements.

Following a brief presentation by Mr. Paul Adjan, a motion was made by Mr. Preston Kirkendall, seconded by Mr. Stan Humphries and unanimously adopted to approve *SP2470*, SSI Airport Farmers Market, subject to meeting all requirements.

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**SUP2461 The Half Shell Restaurant:** Consider a request for a Special Use Permit to allow outdoor seating on county property. The property is located in the Village Mixed Use District at 504 Beachview Drive just east of Mallery Street. Parcel ID: 04-04649. Bob Merrill, Owner.

Mr. Bob Merrill was present for discussion.

Mr. Forgey reported that Section 715.4 of the Zoning Ordinance outlines the considerations for a Special Use. Specifically: a) Merchandise located in a pedestrian way shall not exceed twenty (20) feet in width; b) Merchandise is displayed so that it does not obstruct pedestrian access; c) Outside display and sales can only occur within the period specified in the special use permit; or d) Outside sales and storage permitted on public rights-of-way or sidewalks is specifically authorized by the Glynn County Board of Commissioners.

The applicant proposes to utilize a strip between the actual sidewalk and his property line (the building line) to have outside dining. This area is approximately 6 feet wide and paved with the same material as the sidewalk. This was done at the same time as the sidewalk, but paid for by the owner, not the county.

The liquor license requirements for the Half Shell restaurant prohibit off site sales. The area subject to this special use request would be considered off site as it is owned by the county.

Mr. Forgey stated that staff recommends approval of *SUP2461* subject to the following conditions: Sale or consumption of alcohol prohibited on the public right-of-way. Without the applicant's agreement with this condition, staff recommends denial.

Following review, a motion was made by Mr. Paul Sanders to recommend approval of *SUP2461* subject to the following condition: No sale or consumption of alcohol to be permitted on the public right-of-way. The motion was seconded by Mr. Preston Kirkendall. Voting Aye: Mr. Stan Humphries, Mr. Preston Kirkendall, Ms. Patricia Laurens, Mr. William Lawrence, Mr. Paul Sanders and Ms. Desiree Watson. Voting Nay: Mr. John Dow.

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**VP2475 Mallery Park:** Consider approval of a new office complex for Glynn County Recreation Department with required parking and ADA compliant sidewalks. The 6.78 acre property is located on the west side of Mallery Street, north of Park Avenue and east of Anne Street. Parcel ID 04-043399. David Deloach Agent for Glynn County, owner.

Mr. Deloach was present for discussion.

The following report from staff was included in the packages for review and was presented by Ms. Johnston:

This proposal is for construction of a new office complex for Glynn County Recreation Department with required parking and ADA compliant sidewalks. One building is scheduled for demolition as shown on the plans (See Appendix C).

Section 709.4 in the Island Preservation District gives the standards for review, as follows:

(a) Construction, or remodeling or enlargement of an existing building in a manner inconsistent with the existing building massing (the three-dimensional bulk of a building: height, width, and depth), articulation (the pattern of the building base, middle and top, created by variations in detailing, color and materials or stepping back or extending forward a portion of the facade) and fenestration (the arrangement, proportioning, and design of windows and doors in a building) in the immediate area; or

(b) An absence of unity or coherence in composition which is in opposition to the character of the present structure in the case of repair; or

(c) Violent contrasts of materials or intense colors not representative of the existing buildings in the immediate area; or

(d) A multiplicity or incongruity of details resulting in a disturbing appearance.

Ms. Johnston stated that staff recommends approval of application **VP2475** to allow a new office complex for Glynn County Recreation Department with required parking and ADA compliant sidewalks on the 6.78 acre property located on the west side of Mallery Street, north of Park Avenue and east of Anne Street.

Mr. Sanders asked if the existing building would be removed. Mr. Deloach replied yes.

At the end of discussion, a motion was made by Ms. Patricia Laurens to approve **VP2475** to allow a new office complex for Glynn County Recreation Department with required parking and ADA compliant sidewalks. Approval includes demolition of existing building. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

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**VP2479 Rosalie’s Nail Salon:** Consider approval of a new 12 sq. ft. sign. The property is located on the south side of Ocean Boulevard at its intersection with Fourteenth Street in the Island Preservation District. Parcel ID 04-04659. Tuan Tran, owner.

Tuan Tran was present for discussion.

Ms. Johnston reported that this site is located in the Islands Future Development Area within an existing activity center. The adopted Future Land Use Map shows this site within a Village Center. The applicant is proposing to erect a new 12 sq. ft. business identification sign. She stated that staff recommends approval.

At the end of discussion, a motion was made by Ms. Desiree Watson to approve **VP2479** to allow a new 12 sq. ft. wall sign at 536 Ocean Boulevard for Rosalie’s Nail Salon. The motion was seconded by Ms. Patricia Laurens and unanimously adopted.

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In other business, Mr. Humphries requested that when there are potentially contentious items on the agenda, staff should provide the members with background information and any additional text pertaining to the item earlier to allow more time for review in considering the agenda item. Also, Ms. Watson requested that when there are large volumes of text, i.e. minutes or any correspondence pertaining to a particular agenda item, staff should excerpt the relevant pages and just submit those as opposed to sending the entire document. Staff concurred with these requests.

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There being no further business to discuss, the meeting was adjourned at 8:25 p.m.