

# MINUTES

## ISLANDS PLANNING COMMISSION

MARCH 19, 2013 - 6:00 P.M.

The Casino Bldg, 530 Beachview Drive, SSI

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**MEMBERS PRESENT:** John Dow, Chairman  
Paul Sanders, Vice Chairman  
Stan Humphries  
Preston Kirkendall  
William Lawrence  
Oliver Seabolt  
Robert Ussery

**STAFF PRESENT:** David Hainley, Community Development Director  
Eric Landon, Planner II  
Janet Loving, Admin/Recording Secretary

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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

#### February 19, 2013 Regular Meeting

Upon a motion made by Mr. Stan Humphries and seconded by Mr. Paul Sanders, the Minutes of the *February 19<sup>th</sup>* IPC Regular Meeting were approved and unanimously adopted.

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### AGENDA

There were no changes in the order of the agenda; however, Mr. Hainley pointed out that staff received a request from an adjacent property owner (not the applicant) to defer application *ZM2574*. (Requests for deferral or withdrawal must be initiated by the applicant.)

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**ZM2574 The Palmettos at Demere:** Consider a request to amend a (PD) Planned Development for a multi-family development. The property is located on the south side of Demere Road approximately 1,500 ft. east of its intersection with Sea Island Road. Property owned by Mary Wan, LLC.

Attorney Joey Strength, representing Mary Wan, LLC, was present for discussion. For the record, Mr. Robert Ussery abstained from discussion and voting on this item due to his prior involvement with the property.

The following report was included in the packages for review and was presented by Mr. Landon:

This site is located in the Islands Future Development Area. The adopted Future Land Use Map shows that it is designated as Low Density Residential and a Corridor Mixed-Use. The site is currently vacant, but the proposed use is for a 93 unit multi-family development. Also, the site is to be served by public utilities provided by JWSC.

In 2007, this property was rezoned to PD to allow a 100 unit multi-family development on 9.66 acres. This request is to make minor modifications to the existing text. The primary proposed changes include the following:

1. Reduction in acreage from 9.663 acres to 9.04 acres.
2. Reduction in the number of maximum dwelling units from 100 to 93 based on the reduction in the size of the property.
3. Changes in the building and paving setbacks- outlined in Section C of PD text.
4. A modification of the buffer on the southern boundary - outlined in Section J of PD text.
5. Increase in buffers along Demere Road and Demere Road outparcel.
6. Adding the requirements of the St. Simons Tree Canopy provisions as outlined in Section 624 of the Zoning Ordinance.
7. Change in the parking to allow for garage space to be counted as parking with appropriate deed restrictions.

**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 considered a minor modification of the existing zoning.*

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

***The existing zoning allows for a multi-family development. The proposed change is not a change in use, but a minor modification in the boundary.***

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

***Yes, but the property is currently zoned for a multi-family development.***

- 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***

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

***Yes, this area is designated for Low Density Residential, but is also located within a Corridor Mixed-Use which allows a mix of commercial, office and higher density residential uses.***

- 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. Landon stated that staff recommends approval of **ZM2574** to amend the planned development for the Palmettos at Demere.

Mr. Hainley elaborated on correspondence that he forwarded to the members from Attorney Eugene Caldwell who is co-owner of parcel #04-14458, which was subject to a court case regarding the title. (This correspondence included concerns of which Mr. Hainley addressed for the record.) It has since been determined that the property was not a part of the legal transaction that occurred on a zoning request for property consisting of 9.96 acres. Therefore, the owners are requesting that the property be zoned back to FA. As such, this would trigger a buffer requirement. Mr. Hainley stated that he has filed the case, notified the property owners and forwarded the request to the Board of Commissioners who will in turn make the necessary correction to the zoning. Mr. Hainley also expounded on the difference between the old PD and the new PD for additional clarification. Mr. Humphries expressed his appreciation to county staff for furnishing the members with the background history of this property, which he stated was very helpful.

At this time, Attorney Joey Strength introduced the following professional staff involved with this request: Messrs. Bill Edenfield, Bobby Shupe, Jonathan Roberts, and Vassa Cate as the owner's representative.

Mr. Strength pointed out all of the property and stated that a substantial component of the property is zoned under the current planned development text that allows for the principal uses and density that is being requested in the amended zoning text. The real impact of today's decision is to make that same text applicable to the 7500 sq. ft. parcel of land that has been added to the property by the owner after acquisition in a land swap by Sea Island acquisition. The effect of the decision today is to make an existing text apply to the small parcel of land that has been added.

Mr. Strength stated that there have been some minor changes to the zoning text, including buffer changes that he does not believe materially changes the impact of the zoning for St. Simons or for the community. The real focus is adding the additional property to the parcel that is already zoned and to allow for some modifications that the county and the owner believe are appropriate for the project.

Following additional background history of the property, Mr. Strength asked that this request be approved.

Chairman Dow asked how was the outparcel originally included if the title wasn't in the hands of Athens, LLC. Mr. Strength stated that his client was not involved with Athens, LLC or any activities of 2007. The predecessor, the Athens Group, owned the property that his client now owns and successfully had the property rezoned. Mr. Strength stated that there was a conveyance by some instruments into Athens Land Group at that time that actually gave the county reliance to recognize Athens Land Group as the owner. He stated that he doesn't think that the question of ownership or zoning of that particular parcel has any impact on the validity of the zoning of the current property in question. Mr. Strength noted that the owner of the small parcel who was also the owner of an adjoining parcel of property was notified on two occasions of Public Hearings with an opportunity to object to any claim of ownership that they might have had in the property at the time, but to his knowledge, the owner did not come forward.

Mr. Kirkendall asked if the PD zoning had been changed on the piece of property which is now included in the Sea Island Company acquisition. Mr. Hainley stated that the triangular shaped property is still part of the PD zoning. The golf course in that development is also a PD and will not carry any density with it. In fact, no density that was with the PD zoning will be transferred.

Mr. Paul Sanders had questions concerning the stormwater runoff. He stated that according to the plat, "the stormwater runoff for the proposed site will be detained in an existing pond and discharged into existing ditch to the west." However, he pointed out that during his site visit he could not locate an existing ditch to the west. Mr. Jonathan Roberts of Roberts Civil Engineering firm stated that there is an existing drainage ditch along the fairway of the Sea Island Golf Course and there is an existing connection from

the pond. He explained that there will be an outflow control structure that will discharge into the existing ditch. He pointed the ditch out on the map and for clarification he stated that it is actually located to the southwest. Mr. Sanders asked if the drainage ditch is entirely off of the applicant's land. Mr. Roberts replied yes and added that the pre-developed levels of runoff will be maintained and they will detain any excess runoff into the pond so that there is no more runoff going onto the site. Mr. Sanders asked if there was any type of agreement necessary with the Sea Island acquisition for the drainage and use of the ditch. Mr. Roberts stated that the Glynn County Stormwater Ordinance provides that the pre-developed discharge is the level of measure, so in the post development condition there is much more impervious area and more water is generated. The additional water will be stored in the pond.

Chairman Dow wanted to know how the garage parking relates to the site coverage. Mr. Bill Edenfield explained that parking is at ground level underneath the units. There is no additional height required for the building and therefore it remains at 35 ft.

Per Mr. Humphries's request, Mr. Vassa Cate gave a brief background history of the current property owner, Mr. Steve Been. Mr. Cate stated that he, Mr. Been and two local men are the owners and are trying to do a good project. He and Mr. Been grew up on the Island and they both attended Frederica Academy. Mr. Been has done an extensive amount of home building all around the country and in several metropolitan areas over the last 20 years.

At this time, Chairman Dow opened the floor for public comments beginning with Ms. Suzanne Hill, adjacent property owner. Ms. Hill pointed out that originally there was discussion from environmentalist about the pond and rare breeds of turtles. She then asked about the outcome of this discussion. Mr. Vassa Cate stated that Mr. Dan Buesy, who is an environmental consultant, is assisting them with this project. He stated that they have no intentions of changing the pond except to use it as retention to store on-site runoff as previously referenced by Mr. Roberts. Ms. Hill had additional questions about wetlands and asked if there is a 50 ft. setback requirement. Mr. Jonathan Roberts stated that there is no statute that requires a 50 ft. setback. He pointed out that there is a 50 ft. setback off of trout streams in North Georgia and there is a 25 ft. setback off of waters of the state. However, as it stands right now there is no law that delineates waters of the state as wetlands. Finally, Ms. Hill asked if the proposed will be a one-car garage to which Mr. Bill Edenfield replied yes, with parking space behind it.

Mr. Tommy Stroud, representing Plantation Village Association, expressed concerns about increased traffic which he stated would warrant a traffic light at the intersection. He also referenced a 2007 letter from former County Engineer Jim Bruner regarding a traffic study and pointed out that he understands that the developers want to satisfy traffic concerns but a center passing lane would not be adequate. Mr. Hainley explained that a condition could be added to state that an updated traffic study would be done prior to completion of the development. Mr. Roberts stated that his client is willing

to do whatever is necessary to satisfy the traffic concerns including the addition of a center turn lane, as well as a right deceleration lane.

For clarification, Mr. William Lawrence wanted to know how you arrive at the need for an emergency access or exit and how is it constructed. Mr. Roberts stated that this is determined by the fire department during the development review stage. In this case an emergency exit was required on the original zoning and it was included in this plan as well. He stated that it would most likely be constructed with some sort of gravel and perhaps sod over top, and it would be a temporary emergency use only.

Attorney Eugene Caldwell stated that he and Mrs. Celia Buchanan, as owners of Parcel ID 04-14458, are the most affected parties of this proposed site. He stated that he is not necessarily opposed to the rezoning but he does have concerns about the site plan. He urged the Planning Commission to impose a Type A buffer and right-of-way restrictions along Mary Wan Road so that they may continue to have a wide enough public easement to their lot.

Discussion continued about the possibility of adding a center turn lane. Mr. Roberts stated that according to the Glynn County Traffic Safety Engineer and the County Engineer, once the development reaches 26 units a center turn lane may be required. At the end of discussion, a motion was made by Mr. Preston Kirkendall to recommend approval of **ZM2574** to amend the planned development for the Palmettos at Demere to include a center turn lane after the completion of 26 units. The motion was seconded by Mr. Oliver Seabolt. Voting Aye: Messrs. John Dow, Stan Humphries, Preston Kirkendall, William Lawrence, Paul Sanders and Oliver Seabolt. Abstained From Voting: Mr. Robert Ussery.

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**SP2573 The Palmettos at Demere:** Consider a request to approve a site plan for the construction of 93 dwelling units on 9.03 acres. The property is located on the south side of Demere Road approximately 1,500 feet east of its intersection with Sea Island Road. Property owned by Mary Wan LLC.

Attorney Joey Strength, Mr. Jonathan Roberts, et al were present for discussion. Mr. Ussery abstained from discussion and voting on this item due to his prior involvement with the property.

In presenting the staff's report, Mr. Landon explained that in 2007 this property was rezoned to PD to allow a 100 unit multi-family development on 9.66 acres. (There is a request to make minor modifications to the existing text including reducing the acreage to 9.03 acres and reducing the number of dwelling units to 93.) The proposed site plan is to build 93 multi-family units.

Engineering, fire and police departments have found this request to be compliant for site plan approval. Comments that arise from construction plans will be addressed during the building permitting process.

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: The applicant is providing required buffers and will comply with the St. Simons Tree Canopy Ordinance.**
- 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: The applicant is to provide required buffers along all adjacent property lines where 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: The applicant will be required to meet this provision at all times.**
- 8) Open space, as required, has been provided and appropriate means are proposed to assure maintenance of common areas and facilities. **Staff comment: The applicant is providing additional right-of-way for Demere Road.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: Fire and JWSC approval will be required prior to the issuance of any permits for construction.**

Mr. Landon stated that staff recommends approval of **SP2573**, The Palmettos at Demere, with the condition that the zoning request (ZM2574) is approved by the Glynn County Board of Commissioners.

Mr. Jonathan Roberts and Attorney Joey Strength both gave brief presentations and were available to answer questions.

Attorney Eugene Caldwell reiterated his concerns about providing adequate Type A buffers and right-of-way restrictions along Mary Wan Road. He stated that this road runs along the eastern border between the adjacent property and the Island Ace Landscape Center and is the only access to his property. Therefore, he is asking that a 10 ft. easement be granted in order to access his property (Parcel ID 04-14458). Additionally, he stated that the entire neighborhood needs a 40 ft. right-of-way. Mr. Hainley explained that if the situation gets adversarial, the county has the option to use eminent domain if it is necessary to widen the road. Mr. Strength stated that it is unusual for these types of negotiations to take place during the site plan process. Mr. Sanders asked if the right of access have to be public or private. Mr. Strength stated that he believes that it is private.

Mr. Oliver Seabolt asked if there will be a crosswalk for pedestrians. Mr. Roberts stated that if deemed appropriate his client is amenable to this possibility.

At the end of discussion, a motion was made by Mr. Preston Kirkendall to approve **SP2573**, The Palmettos at Demere, to include a center turn lane after the completion of 26 units and with the condition that the zoning application (ZM2574) is approved by the Glynn County Board of Commissioners. The motion was seconded by Mr. Oliver Seabolt. Voting Aye: Messrs. John Dow, Stan Humphries, Preston Kirkendall, William Lawrence, Paul Sanders and Oliver Seabolt. Abstained From Voting: Mr. Robert Ussery.

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In other business, Mr. Hainley reported that the Mainland Planning Commission voted to not change the staff's format to delete staff's recommendation and recommended motion as part of staff's presentation. As previously reported, a work session will be scheduled with both Planning Commissions for additional discussion and resolution.

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There being no further business to discuss, the meeting was adjourned at 7:12 p.m.