

MINUTES

ISLANDS PLANNING COMMISSION

AUGUST 20, 2013 - 6:00 P.M.

The Casino Bldg, 530 Beachview Drive, SSI

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
Iris Johnston, Planner III
Eric Landon, Planner II
Janet Loving, Admin/Recording Secretary

ALSO PRESENT: Commissioner Dale Provenzano, BOC

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.

MINUTES

July 16, 2013 Regular Meeting

Upon a motion made by Mr. Preston Kirkendall and seconded by Mr. Oliver Seabolt, the Minutes of the *July 16th Regular Meeting* were approved and unanimously adopted.

PP2665 The Reserve at Demere: Consider approval of a preliminary plat for a 43 lot subdivision on 4.163 acres. The property is located on the south side of Demere Road approximately 1,500 feet east of its intersection with Sea Island Road. Parcel ID: 04-05879. Property owned by Mary Wan, LLC.

Mr. Bobby Shupe was present for discussion.

According to the staff's report, this site is located in the Islands Future Development Area and is shown as Low Density Residential and Corridor Mixed-Use on the adopted Future Land Use Map.

This property is currently being developed as a condominium but the proposed land use allows it to be developed as a 93 unit multi-family residential project.

The proposed development, which is Phase I of The Reserve at Demere, was previously approved as a site plan by the Islands Planning Commission. The applicant now wishes to subdivide the units. The number of dwellings as well as the layout of the project is not changing; only the method of ownership will change.

This request also includes a variance from the Glynn County Subdivision Regulations, *Section 602.4 Design Standards for Paved Streets - a) Minimum Right-of-Way Width*.

Mr. Landon stated that staff recommends approval of application **PP2665**, The Reserve at Demere, subject to meeting all requirements during the development process and subject to the 25 ft. right-of-way dedication to Demere Road being executed upon approval of the final plat. Staff also recommends approval of the **variance** from the Glynn County Subdivision Regulations, *Section 602.4 Design Standards for Paved Streets - a) Minimum Right-of-Way Width*.

Regarding the 25 ft. variance dedication, Mr. William Lawrence wanted to know how this would affect the homeowner who lives in the small section that faces Demere Road. Mr. Hainley stated that the property owner in this particular area would not be affected by the variance. Staff has been communicating with the engineer who advised that they could put the required turn lanes in without affecting the adjacent property. Mr. Paul Sanders asked if the property owners would be compensated for the 25 ft. right-of-way dedication for Demere Road. Mr. Hainley replied no. Mr. Lawrence asked if there would be a buffer placed next to the homeowner on Demere Road. Mr. Hainley replied yes, the proposed buffer would be Type A. Mr. Lawrence was concerned that the homeowner on the north side of this proposal would basically be confined. Mr. Hainley explained that according to the ordinance, a buffer is required around three sides of this property; to the east, west and south. He stated that the homeowner on the north would be confined; however, staff has outlined options for the homeowner's consideration.

Mr. Ussery stated that these are fee simple lots and can be transferred individually if need be. He then asked if this subdivision complies with the Glynn County Subdivision Regulations. Mr. Hainley replied yes. He added that a fee simple transfer on attached townhouses is a mechanism that will receive funding from banks. Mr. Ussery clarified that there is a difference between condominium construction and townhouse construction, and he commented that there is a requirement to have a firewall between the units. Mr. Hainley agreed and stated that this is actually being examined under that particular aspect.

During a brief presentation, Mr. Bobby Shupe stated that he prepared the preliminary plat for this project and he is asking for the Planning Commission's approval at this time. Mr. Johnathan Roberts was also present to answer questions.

Following discussion, a motion was made by Mr. Preston Kirkendall to approve application **PP2665**, The Reserve at Demere, subject to meeting all requirements during the development process and subject to the 25 ft. right-of-way dedication to Demere Road being executed upon approval of the final plat. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

A motion was also made by Mr. Robert Ussery to approve the **variance** from the Glynn County Subdivision Regulations, *Section 602.4 Design Standards for Paved Streets - a) Minimum Right-of-Way Width*, for The Reserve at Demere. The motion was seconded by Mr. Oliver Seabolt and unanimously adopted.

TA2668 Section 705.5: Consider a request for an amendment to Article VII Section 705.5 of the Zoning Ordinance of Glynn County, Georgia; to lower the minimum lot size of Resort Residential single-family to 4,000 sq. ft., lot width to 40 ft.; and for other purposes. Mr. Hal Sigman, Sigman Appraisal Company, applicant.

Mr. Sigman was present for discussion.

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

The proposed changes to Section 705.5 of the Zoning Ordinance are requested in an application by a property owner dated July 26, 2013. The purpose is to establish a smaller lot size and width for single-family use in the Resort Residential Zoning District.

The application indicates that "this change will help preserve the single-family character of the neighborhood by encouraging developers to create single-family lots versus more high density condominium buildings. If not changed, it could lead to the

demise of single-family in this very sensitive beachside neighborhood and to a decline in values for the few remaining single-family properties.”

According to Section 1103(a) (1) of the Glynn County Zoning Ordinance, ordinance amendments may be initiated by the Board of Commissioners, Planning Commission, or the owner(s) of property within Glynn County. The Planning Commission shall consider and take formal action on ordinance amendments within 365 calendar days from the date that an application is filed with the Community Development Director in the case of an amendment initiated by a property owner.

Glynn County established the current modern zoning districts in 1966. Based upon a search of available records, staff believes that the current minimum lot size and lot width were established at that time. Amendments have been adopted that changed other areas of the district requirements but it is believed that these standards remain unchanged. The minimum lot size and width match the R-6, Single-Family Residential District, MR Medium Residential District and HR High Residential District requirements which are the smallest lot size permitted by right in standard zoning districts in the county for single-family dwelling lots. Therefore it would seem a logical extension to carry this lot size to the Resort Residential District for single-family residential lots because the Resort Residential district is a mixed used district that also allows higher density attached housing like MR and HR. Given the blanket zoning nature of the initial adoption of the zoning standards it is also believed that the authors knew there would be the probability of non-conforming smaller lots in the district and they included a section on substandard lots this is attributed to the development pattern that had occurred on St. Simons which is where the majority of the district is located.

There are currently 182 lots zoned Resort Residential that are either less than 6,000 square feet or less than 60 feet in width. Resort Residential Districts can be found on St. Simons and Sea Island as well as the mainland. The districts on Sea Island and the mainland are post zoning adoption districts. There is a total area of 610 acres zoned Resort Residential comprised of 478 tax parcels (adjacent lots are combined into one "parcel" per ownership) with 382 of them being developed. Some of the properties zoned Resort Residential cannot be developed because they are located seaward of the Johnson Rocks.

Due to the size of the district on St. Simons Island, most of the discussion regarding potential impacts will be centered on that district. There are a number of associated impacts, all of which center around density. Land development/zoning regulations have a vital part in affecting density. Examples of concern with density exist throughout the Glynn County Planning and Zoning and Board of Commissioners minutes and records.

The applicant for the Section 705.5 amendment states that reducing single-family lot area and width requirements (i.e. in East Beach where the RR zoning district is prevalent) will bolster the stability of a very sensitive

beachside neighborhood, and preserve values for the few remaining single-family properties. Although this is a seemingly noble objective, the flaw in this reasoning is that reducing the lot size and width increases density and leaves little to no opportunity for open space and landscaping. The assumption that a single-family dwelling is owner occupied is not necessarily valid in a resort or beach area, and in fact such a dwelling may be leased multiple times per year by an absentee owner. The Island has a history of approximately 20% of the properties being rental units.

Reducing the lot size and width could result in an increase in density that may not be noticeable in the overall district but there could be isolated impacts on local streets where lot assemblages could result in a spot increase of 33% in residential units and this would not be a panacea to increase property values for existing single-family housing. However, it could also be argued that the reduction in lot size and width could serve as an incentive to decrease the demand for condominiums or row houses though there is nothing that restricts the lot size to redevelopment of existing higher density development into lower density single-family lots.

Coast Cottages on St. Simons was developed in the late 1990's apparently as a detached row house with 36 ft. wide lots with the smallest lot size of 2,470 square feet. Though row house is not defined in the Zoning Ordinance, the general zoning term usually means an attached single-family dwelling with three or more attached to for a row. There are also several Planned Developments such as Sea Palms and Hampton Plantation that have areas that allow lot sizes smaller than 6,000 square feet.

In summary, density on SSI has been, and remains a legitimate concern, which the approval of the current request to reduce RR single-family lot size and width would tend to augment. For this reason, staff recommends that considerable study, thought and caution go into how this regulation might be revised in such a manner that a clear and obvious advantage would be gained.

Mr. Robert Ussery had several questions pertaining to site coverage and density as referenced in the staff's report. He wanted to know what the maximum density is for the RR District. Mr. Hainley stated that the density is not easily calculated in this case because of the allowable uses which include multi-family. Mr. Ussery then asked if there is a maximum density for the RR District. Mr. Hainley reiterated that it is not easily calculated because there are too many variables. He stated that there are 35 sleeping rooms per acre but he was referring to units. Mr. Ussery pointed out that the 35 sleeping rooms is the controlling factor which applies to all uses in the RR District including single-family, condominiums, hotels and single-family attached dwellings. He stressed that the ordinance is very clear, which indicates that the maximum density is 35 sleeping rooms per acre for the RR District. Therefore, he feels that the staff's comments are not valid. However, Mr. Hainley disagreed and stated that in his report he was considering utility demand and traffic density. Mr. Ussery asked if a three bedroom condo would

have the same traffic as a three bedroom house. Mr. Hainley replied no, according to the Institute Traffic Engineer it has less. He stated that one is established by the ordinance and the other is established by the ITE which is not referenced in the ordinance.

Mr. Humphries referenced "Density Concerns" contained in the staff's report which states, "i.e. in East Beach where the RR Zoning District is prevalent." He asked if this is a typographical error. Mr. Hainley replied yes, this is the language that came from the applicant but it is an error. He stated that East Beach is in an R6 zone. Chairman Dow wanted to know if there is anything to preclude someone from East Beach from asking for a similar request. Mr. Hainley replied no. According to the ordinance, any property owner within Glynn County has the right to request an ordinance amendment.

Continuing with his concerns about site coverage and density, Mr. Ussery asked if a townhouse would be considered the same as a house relative to traffic. Mr. Hainley replied yes because it is considered as a single-family attached dwelling. This led Mr. Ussery to conclude that townhouses and houses are both the same. He then asked if a single townhouse could be constructed on a 40 ft. wide lot. Mr. Hainley stated that it could as long as it is attached. Mr. Ussery then stated that the difference between a single-family house and a townhouse is the attachment. Mr. Hainley replied yes. Mr. Ussery continued with his questions but was interrupted by Mr. Humphries who wanted to know the purpose of this line of questioning. Mr. Ussery explained that staff has made an argument that there is concern about density. He stated that he is trying to determine if the staff's report is accurate or misleading, and judging by Mr. Hainley's comments, Mr. Ussery contends that the staff's report is misleading. He had no other questions.

Mr. Hal Sigman, the applicant, explained that this all started with the request to divide the property on First Street into three lots, which was denied. He stated that he had no financial interest in that project but he did have concerns like so many other neighbors who complained about a "very ugly structure" that had been sitting on the property for at least three years and needed to be removed. He expounded briefly on the history of that particular request and stated that the proposed amendment today is not about that piece of property, but it is about the realization as a result of that request that there are serious flaws with the Zoning Ordinance as it relates to being able to build detached houses in that particular neighborhood.

Mr. Sigman stated that the area in question is a mixed use neighborhood that allows multiple condominiums. Unfortunately, the trend now is geared toward more condominiums and less beach cottages, which is not what the residents want. He stated that they all want more beach cottages and they want to do whatever it takes to accommodate and encourage beach houses, not condominiums, to be constructed.

Referring back to the Coast Cottages experience, Mr. Sigman stated that it is the finest example of what beach cottage communities have always been and should be today. He stated that the Resort Residential zoning was in place in 1994 when a developer requested that it be changed to allow detached houses, as opposed to 200

condominiums that could have been built at the time. To the developer's credit and the wisdom and foresight of the County Commission, it was approved. He stated that to his knowledge there have been no repercussions or litigations from that action.

Mr. Sigman then gave examples of what has taken place in the neighborhood over the last 8 years. He reiterated that "we need more beach cottages, not condominiums, and we need to do whatever it takes to make sure this happens." He stated that the simplest way to accomplish this is to reduce the standards of 4000 sq. ft. for minimum lot size to promote more beach cottages for the neighborhood. It is not complicated and would not increase the density.

In conclusion, Mr. Sigman stated that "we need to recapture some of the charm and appeal of what the original founders had for the Island." He stated that St. Simons is a charming area with a strong sense of community and it has much more to offer than other beach front communities. He stressed that we need to preserve this as a legacy for our children and grandchildren to enjoy the lifestyle that we have all come to enjoy by living on St. Simons Island.

Chairman Dow pointed out that there is no doubt that the building that Mr. Sigman referred to was a blight that needed to be removed. He stated that the way to reduce density is to increase the minimum square footage required for townhouses.

At this time, Chairman Dow opened the floor for public comments beginning with those speaking in favor of this request.

Mr. Mike Fitzgerald stated that they all need to encourage more detached single-family dwellings which would be a positive step forward. He stressed that it's economical, more aesthetically pleasing and it just makes sense. He stated that he is in favor of this request.

Mr. Joe McDonough and Mr. Leroy Dixon were also present to speak in favor of this request. Mr. Dixon stated that most of the houses in his neighborhood are small wood frame houses on small lots, and he pointed out that the residents in the area were actually in favor of Mr. Swann's request to build three beach cottages on the property.

Mr. Don Myers was present to speak in opposition to this request. He stated that most of the discussion on this item has merely been opinions and not facts. He then suggested that the 6000 sq. ft. be maintained until the facts are reported.

There were no other comments from the floor and therefore the public hearing was closed. A motion was then made by Mr. Stan Humphries to recommend denial of this request. Chairman Dow called for a second to this motion but there was no response. He then passed the gavel to Vice Chairman Paul Sanders and seconded the motion for denial. Discussion continued.

Mr. Humphries stated that he shares Mr. Sigman's dream about what East Beach and the rest of St. Simons should be. He also stated that he now believes that it was a mistake to deny the First Street request. He feels however that this request is a piecemeal approach and needs more study. He suggested having a joint work session to address the broader issues of what Resort Residential should be. Mr. Kirkendall added that the goal was to lower density. Rather than just approving this request at this time, he feels that the Commission should review the whole issue and determine what's best for the Island residents. He agreed that more study is needed.

At the end of discussion, the following vote was taken on the recommended motion to deny this request. Voting in favor of denial: Messrs. John Dow, Stan Humphries, Preston Kirkendall, William Lawrence and Oliver Seabolt. Voting against denial: Mr. Paul Sanders and Mr. Robert Ussery. The motion carried for denial.

VP2669 641 Ocean Boulevard: Consider approval of a new sign at 641 Ocean Boulevard. The request consists of a single free standing sign of 10 sq. ft. The property is located on the north side of Ocean Boulevard between Twelfth Street and Demere Road in the Island Preservation District. Parcel ID: 04-04741. Fendig Sign, applicant.

Ms. Terri Fendig was present for discussion.

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

The applicant is proposing to add a new free standing sign of 10 sq. ft. The sign will be located where a previous sign was removed. The existing land use as well as the proposed land use is for a pest control service.

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.

Mr. Landon stated that staff recommends approval of application **VP2669** to allow a sign at 641 Ocean Boulevard.

Following review, a motion was made by Mr. Oliver Seabolt to approve application **VP2669** to allow a sign at 641 Ocean Boulevard. The motion was seconded by Mr. William Lawrence and unanimously adopted.

At this time, Chairman Dow distributed copies of a transcript of the July 18th Minutes from the Board of Commissioner Meeting in which the Commission berated the IPC members for their inaction of application **ZM2627, *The Three Cottages***. Chairman Dow felt that the members should all be aware of what the County Commissioners had to say and the disappointment they expressed. He pointed out that county staff, Ms. Iris Johnston, advised the planning members that inaction by the IPC goes to the County Commission as a favorable recommendation. Chairman Dow feels that it is necessary for the IPC members to be conscious of what the County Commissioners expect of them.

Mr. Paul Sanders stated that “it makes little difference to him what the County Commissioners say because they’re politicians and he’s not. He is a business man appointed to the Planning Commission and he takes exception to their comments.”

Mr. Oliver Seabolt commented that as a Commission, they should look at the Resort Residential category as a whole and determine what is best. He stated that making a blanket statement can and has caused confusion. He feels that the item in question needs additional study.

Chairman Dow pointed out that the Mainland and the Islands Planning Commissioners use to meet on a regular basis, and he feels that they need to go back to having regular joint meetings for this purpose.

There being no other comments and no further business to discuss, the meeting was adjourned at 7:10 p.m.