

MINUTES

ISLANDS PLANNING COMMISSION

JUNE 18, 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

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

May 21, 2013 Regular Meeting

A motion was made by Mr. Paul Sanders to approve the Minutes of the *May 21st Regular Meeting*. The motion was seconded by Mr. Preston Kirkendall. Voting Aye: Messrs. John Dow, Stan Humphries, Preston Kirkendall, Paul Sanders, Oliver Seabolt and Robert Ussery. Mr. William Lawrence did not attend the May 21st Meeting and therefore abstained from voting.

Agenda - Additions, Deferrals, Deletions, Postponements

Upon the applicant's request, a motion was made by Mr. Preston Kirkendall, seconded by Mr. Robert Ussery and unanimously adopted to defer application **ZM2621** to the **July 16th IPC Meeting** beginning at 6:00 p.m.

Upon the applicant's request, a motion was made by Mr. Robert Ussery, seconded by Mr. Paul Sanders and unanimously adopted to defer application **ZM2633** to the **August 20th IPC Meeting** beginning at 6:00 p.m.

Upon the applicant's request, a motion was made by Mr. Robert Ussery, seconded by Mr. Oliver Seabolt and unanimously adopted to defer application **ZM2638** to the **July 16th IPC Meeting** beginning at 6:00 p.m.

As agent representing Mr. Adam Swann, Mr. Robert Ussery stepped down from among the IPC members to present the following item.

ZM2627 The Three Cottages: Consider a request to rezone from RR Resort Residential to PD Planned Development a 0.331 acre property located at 340 and 320 First Street on St. Simons Island. The purpose of the request is to allow a three lot single-family dwelling subdivision with specific density and development parameters to be served by public utilities. Parcel ID: 04-03958; 04-03959. Robert Ussery of Ussery/Rule Architects P.C, agent for Adam Swann of Terra Capp LLC, owner.

Mr. Robert Ussery was present for discussion.

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

This property has been under multiple sequential owners and its development off and on through the years, resulting in varied and serious problems; drainage, lot coverage, and building code violations ending with a partially constructed building that is dilapidated and unsafe.

The current owner is proposing to rezone the property to address these problems with specific development criteria that will not only rid the neighborhood of its present unsightly structure and prevent the objectionable results of the previous development, but will control precisely what will be built on this property. The proposed zoning ensures less density than allowed by the property's existing RR zoning district.

The proposal is to allow three single family houses on three separate lots. A master plan securing the lot configuration, a Planned Development text establishing what will be built, and elevations of the single-family buildings to be developed all serve to

regulate the future of the lot once the present structure is demolished as required and planned. Also included are requirements for the developer to correct the broken pavement on First Street which was substantially damaged by a former developer, and to implement or install an improved drainage plan for the site with easements as required by the County Engineer.

Staff recommends this proposed zoning as a specific remedy to the site development. There is however, one caveat; future Planned Development zoning proposals shall not cite this case as an example to enable the avoidance or side-stepping of the Glynn County Zoning Ordinance that prohibits the zoning of any additional property on St. Simons Island to R-6 zoning. This Planned Development proposal is a specific remedy for this property and this property only.

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 zoning is an improvement and more suitable than what now exists or could be proposed to be developed for the property under RR zoning.

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

The proposed change will positively affect the existing use and the usability of adjacent and nearby property.

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

Yes, the property is currently zoned for its present use.

- 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, the proposal would decrease density from its present development type.

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

Yes, the plan calls for low density development.

- 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 unsightly, dilapidated, and unsafe structure is cause for safety concerns, not to mention property value is undermined when such a situation exists. The proposed zoning is an improvement and staff views it as such.

Ms. Johnston stated that staff recommends that **ZM2627**, The Three Cottages Master Plan and Planned Development Text, be approved as a specific controlled zoning that will lessen density while remedying the neighborhood of an existing dilapidated unsafe structure on First Street, and precisely ensuring future development based on an adopted master plan and text for the property, which includes an exception to subdivision regulations about less than 50 ft. required street width in section E, a drainage plan in paragraph J.3, and a requirement for the repair and resurfacing of First Street in paragraph K.5.

Chairman Dow wanted to know if the building is structurally capable of being finished or is it structurally unsafe and needs to be demolished. Ms. Johnston stated that according to the Building Official, the building needs to come down. Mr. Oliver Seabolt asked if a demolition permit had been issued. Ms. Johnston replied yes.

Mr. Stan Humphries asked if it is possible to approve this request in a way that would not set a precedent. Mr. David Hainley replied yes. He explained that the way the recommended motion is worded it recognizes a specific category because it will decrease the density and should not be used as a precedent to get around the R-6 prohibition on the Island. Mr. Humphries asked if this can actually be done, to which Mr. Hainley replied yes.

Chairman Dow asked if the applicant could come back under the current zoning text and get a site plan approved for five units. Ms. Johnston replied yes. Other than townhomes, Chairman Dow asked what uses would be allowed under the current RR zoning. Ms. Johnston stated that other uses that would be allowed are duplexes, triplexes, multi-family and row house developments.

During a brief presentation, Mr. Ussery explained that in discussions with the applicant they reviewed the various things that he could do. One of which is he could have attempted to rehabilitate the existing structure but found this to be impossible. The applicant felt like the property was better suited for three small cottages which could be developed over a period of time. The ultimate goal is for the applicant and his partners to own at least one of the cottages as a beach retreat. Mr. Ussery stated that he discussed the possibility of doing three townhomes and maybe having them connected in some small way, which would still be within the existing zoning. However, the applicant was very insistent that he would like to see three smaller single-family detached dwellings. Mr. Ussery pointed out that if this development text is adopted, there would only be three cottages and the property could never be developed for five townhomes ever again due to

the restriction placed in the text by the applicant. Therefore, on behalf of the applicant, Mr. Ussery is asking the Planning Commission to favorably consider this request.

In terms of site coverage and setbacks, Chairman Dow asked if these are all consistent with single-family zoning. Mr. Ussery replied yes. He added that currently in the Resort Residential Zoning District there are no site coverage restrictions on a single-family home. Mr. Kirkendall asked if the 7 ft. setback is consistent for a single-family home. Mr. Ussery replied yes. Chairman Dow stated that he has a problem with a 32 room density. Mr. Ussery explained that the option would be to have no density at all, which would be consistent with any other residential neighborhood. Currently in Resort Residential there is sleeping room density, and if the Board would like for the applicant to eliminate this density requirement he would not have a problem doing so.

Chairman Dow stated that he understands the concept of going from five units to three units but they are still dealing with a plan that clearly violates the existing ordinance and this is what he has a problem with. However, Mr. Ussery pointed out that there are many lots in the Resort Residential District that are currently substandard lots and they are lots of record. This request is not much different. Also, a precedent has already been set in Coast Cottages which is in a Resort Residential District, but it did not go through this process and those lots are smaller.

Mr. Kirkendall agreed with Chairman Dow and stated that he has the same concerns. If they were to go back prior to 2007 and come in with this proposal it would have been denied. Mr. Ussery explained that if he were to call the development a row house he could have three lots right now. The only difference between this proposal and a row house is the setbacks. In a row house there are no setbacks. There are some drainage concerns with this property that the previous owner tried to address. At least with this particular plan there is a possibility of having drainage easements between the lots. With the connected row house, that possibility would not exist. Mr. Ussery stated that overall this proposal is a better solution. He understands that there is an issue of setting a precedent but he is not sure that in this particular district smaller structures might be a better idea than great big monoliths.

Chairman Dow stated that the ordinance is clear and if someone were to ask him why something was done with regard to development, he would like to have something quantifiable to justify it for future reference. Mr. Kirkendall stated that the RR district was re-written to solve these types of problems and he doesn't think that the Commission should go backwards.

At this time, the floor was opened for public comments. Mr. Hal Sigman and Ms. Linda Wood were present to speak in favor of this request. Mr. Sigman stated that the existing structure is one of the biggest eyesores on the Island. He feels that the Planning Commission should promote single-family structures and stop promoting larger developments. Mr. Sigman stressed that the existing building should be torn down and the area should be reverted back to a single-family neighborhood. He also feels that the ordinance should be changed to support this request and others like it.

Mr. Don Myers of 1028 Beachview Drive was present to oppose this request. He expressed concerns about paving and drainage. He stated that before a Certificate of Occupancy is issued the street should be paved and the drainage should be satisfied. He is also asking that lots of record be considered. Mr. Myers noted that “three houses is better than five but two is better than three, and the only consolation for three houses is it’s better than five, but two is best.”

Responding to Mr. Sigman’s suggestion to change the ordinance, Chairman Dow stated that “we have an ordinance that functions very well. We cannot change the ordinance for every exception; it is adequate as written.”

There were no other comments from the floor, with the exception of Ms. Wood speaking in favor of this request; therefore the public hearing was closed.

Mr. Paul Sanders suggested that the Islands Planning Commission forward this request on to the Board of Commissioners without a recommendation. However, it was pointed out that the Board prefers to have a specific recommendation from the Planning Commission. Thereupon, a motion was made by Mr. Preston Kirkendall to not recommend approval of **ZM2627**. The motion died for lack of a second. Chairman Dow called for a motion for approval, but there was no other motion at this time. He then asked if the Chair is allowed to make a motion or second a motion, to which staff replied yes. Once again, a motion was made by Mr. Preston Kirkendall to recommend denial of application **ZM2627**. The motion was seconded by Mr. John Dow. Voting in favor of denial: Messrs. John Dow and Preston Kirkendall. Voting against denial: Messrs. Paul Sanders, Oliver Seabolt and William Lawrence. Abstained from voting: Messrs. Stan Humphries and Robert Ussery. It was noted that the motion failed to carry a majority vote. The code section reflecting this action will be cited in the staff’s report to the Board of Commissioners.

ZM2637 Lot 3 Sea Marshes Tract: Consider a request to rezone from OC Office Commercial to PD Planned Development Zoning District, Lot 3 of the Sea Marshes Tract, consisting of 1.206 acres of a 4.976 acre tract located at a physical address of 351 Sea Island Road. The purpose of the request is to allow limited commercial uses as well as office uses. Parcel ID: 04-14403. Bill Edenfield, agent for James B. Gilbert, Jr., representative of Sea Island Acquisition, LLC, owner.

Mr. Edenfield and Mr. Gilbert were present for discussion.

According to the staff’s report, the Sea Marshes Tract consists of four lots, all of which are presently zoned Office Commercial, and three of which have been developed with buildings. The property owners considered rezoning all four lots, but upon further consideration the request was developed for Lot 3 only.

The intention of this Planned Development zoning is to establish added uses envisioned for the building on Lot 3 to be Sea Island's Welcome Center. Situated at the neck of the Sea Island Causeway, Sea Island would be promoted through retail sales of souvenir items with logos, from clothing and accessories to grocery and alcoholic beverage items. Souvenir services, too, as outlined in Temporary Uses, would allow special events with associated uses under the Sea Island brand.

A Planned Development Text is proposed to allow Office Commercial Uses as are currently allowed, adding Mixed Commercial Uses tailored to this district. The Office Commercial uses proposed are the same as those currently in the Glynn County Zoning Ordinance except for a height standard reduction to 35 ft.

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 zoning is a hybrid version of the existing Office Commercial zoning district; the property is well situated at the neck of the causeway to Sea Island to support a Welcome Center.

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

The proposed change will affect adjacent and nearby property by allowing mixed commercial uses, but not adversely. Lots 2 and 4 adjacent to Lot 3 would be most affected. These lots are developed for office use and operate cooperatively under mutual covenants and restrictions.

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

Yes, the property is currently zoned for office use.

- 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, the four lot tract is underutilized; the zoning change is anticipated to attract added uses.

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

Yes, it is in conformity with intended land uses and with the policy and intent of the Comprehensive Plan to promote tourism.

- 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 property has been underutilized. The proposed zoning is expected to improve its array of uses and simultaneously allow the promotion of Sea Island with an off-site Welcome Center.

Ms. Johnston stated that staff recommends that **ZM2637** Lot 3 of Sea Marshes Tract rezoning request from Office Commercial to Planned Development zoning district be approved as promoting Sea Island tourism, consistent with the adopted Glynn County Comprehensive Plan.

During a brief presentation, Mr. Jim Gilbert expounded on the history of this property and the decision to eliminate some of the uses.

At this time Mr. Gilbert and the Planning Commission members perused the PD text line by line deleting, changing, and in some instances, rephrasing the text. Mr. Robert Ussery stated that with so many changes being made to the text, he is a little uncomfortable approving it without seeing the final version. Mr. Gilbert stated that most of the editing is basically deletions or restrictions rather than permitting more uses, with two instances of rephrasing the language. However, he agreed to present an edited copy of the text for staff's review prior to submission to the Board of Commissioners for final action. He stated that he would like to avoid any delays in the approval process. The Planning Commission concurred.

Mr. David Zimmerman, President of the Black Banks Homeowners Association, stated that the Association has worked very affectively with Sea Island on this proposal. He wanted to know what is being proposed for the undeveloped building. Mr. Gilbert stated that the area in question is currently vacant but it will be used for office commercial. Upon Mr. Zimmerman's request, Mr. Gilbert agreed to provide a final version of the text to the Black Banks Homeowners Association.

There was no one present to oppose this request and at the end of discussion, a motion was made by Mr. Paul Sanders to recommend approval of **ZM2637**, Lot 3 Sea Marshes Tract, subject to the PD text revisions being provided for staff's review prior to submission to the Board of Commissioners for final action. The motion was seconded by Mr. Oliver Seabolt. However, the motion was amended to include that the applicant would exhibit the changes to the site plan and show the location on the building where the commercial pods are restricted. The amendment was accepted and the motion was unanimously adopted.

PP2640 Harrington Oaks: Consider approval of a preliminary plat for a 21 lot subdivision on 4.93 acres located on the south side of North Harrington Road. The property is located just east of Harrington Lane. Vassa Cate, applicant for Harrington Land Dev., LLC, owner.

Mr. Vassa Cate was present for discussion.

In presenting the staff's report, Mr. Landon explained that the proposed subdivision consists of 21 lots on 4.93 acres and the development will meet the requirements of the existing R6 zoning. Utilities are proposed to be provided by the Joint Water Sewer Commission.

This request also includes a variance from Section 602.2(b) of the Glynn County Subdivision Regulations. The plat proposes to show a new right-of-way 118 ft. from the access of Raymond's Grant. The Ordinance requires 150 ft.

Mr. Landon stated that staff recommends approval of application **PP2640** Harrington Oaks, subject to meeting all requirements during the development process.

Mr. Lawrence pointed out that in looking at the map for this property the roads are not specified, i.e. South Harrington, North Harrington or Harrington Lane. He stated that in the future it is imperative to specify these roads to avoid confusion. Mr. Hainley explained that the roads are not specifically listed due to the GIS automatic system; however, staff will try to change the naming protocol.

Following discussion, a motion was made by Mr. Oliver Seabolt to approve the **Variance** from Section 602.2b of the Glynn County Subdivision Regulations for application **PP2640**. The motion was seconded by Mr. Preston Kirkendall and unanimously adopted.

A motion was made by Mr. Oliver Seabolt to approve application **PP2640**, Harrington Oaks, subject to meeting all requirements during the development process. The motion was seconded by Mr. Preston Kirkendall. During discussion, Mr. Robert Ussery wanted to know if the drainage outfall has been addressed for this project. Mr. Johnathan Roberts of Roberts Civil Engineering stated that drainage will meet the requirements of the Glynn County Local Design Ordinance for drainage. He explained that the site has a tremendous infiltration rate. In fact, he has gotten Ellis & Associates to do infiltration tests on the site and most of the water will percolate into the ground. There is also an existing 48 inch storm drainage pipe in Harrington that will connect to the existing drainage system. At the end of discussion, the motion was unanimously adopted.

There being no further business to discuss, the meeting was adjourned at 7:40 p.m.