

DRAFT/MINUTES

ISLANDS PLANNING COMMISSION
SEPTEMBER 17, 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
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

August 20, 2013 Regular Meeting

Upon a motion made by Mr. Robert Ussery and seconded by Mr. Paul Sanders, the Minutes of the *August 20th Regular Meeting* were approved and unanimously adopted with the following correction noted on Page 8, Paragraph 1: He also stated that he **now** believes that ~~it was the Islands Planning Commission made~~ a mistake **to deny** by ~~denying~~ the First Street request.

ZM2684 The Cloister, Sea Island: Consider a request to amend the Planned Development (PD) for the 107 acre Cloister Campus. The property is generally located on the southern portion of Sea Island. The purpose of the request is to update the continuation of existing uses. Bill Edenfield, agent for Sea Island Acquisition LLC, owner.

Attorney Jim Gilbert and Mr. Bill Edenfield were present for discussion.

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

This request is an attempt to provide language clarification and updates from the original 2004 document. No changes in use are proposed. The requested changes in the PD text include the following:

- 1) Measuring the building height from the average natural grade when located within a FEMA flood zone “X” zone. (p. 14)
- 2) Limiting the number of access points. (p. 15, p. 21)
- 3) Clarifying setbacks for to comply with the Department of Natural Resources Shore Protection Act. (p. 22)
- 4) Updating permitted signage to comply with the Glynn County Zoning Ordinance. (p. 22)

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 consistent with the existing use of the property.

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

The proposed change will be consistent with the existing use.

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

Yes, the property is currently zoned and being used for a hotel, mixed residential and accessory uses.

- 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 Commercial (Cloister), High Density Residential (mixed residential), and Conservation (beaches, marsh, river).

- 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 **ZM2684** to amend the Planned Development for the Cloister, Sea Island.

Chairman Dow stated that he was contacted and asked if part of this proposal includes the development of a high-rise condominium project or hotel on Sea Island. His response was that he had not heard of this and it is actually not permitted. The height is restricted to 45 ft. For the record, Chairman Dow asked staff if there had been any conversation with the Sea Island Company about any type of high-rise development. Mr. Hainley replied no. He stated that this proposal does not change any allowable uses, density or anything else that is not already entitled through the past PD text on the property. Chairman Dow pointed out that according to the February 10, 2004 Glynn County Planning Commission Meeting, as referenced by Mr. Humphries, the only place in the text where there is any reference to a height greater than 45 ft. is about the hotel. He stated that there is a section that allows up to 55 ft. but not habitable use; it is just for design purposes.

During his presentation, Mr. Jim Gilbert, “In-House Attorney” representing Sea Island, explained that he takes full responsibility for what he calls “a failure to communicate.” He stated that he neglected to properly communicate that Sea Island is not seeking a rezoning and this is not a master plan. This is an existing rezoning document that they are tweaking in four places. He then gave a brief history of the property dating back to 2003.

Earlier in the meeting, Mr. Edenfield distributed a copy of the Planned Development Text detailing the four areas of the amendment. Mr. Gilbert reiterated that they are only making changes in the four places as referenced in the staff’s report.

Chairman Dow stated that he has a question that does not pertain to this particular submittal and pointed out that the applicant is not obligated to answer at this time. Continuing, he stated that in several places of the applicant's document there are areas referenced single-family lots with the minimum standard lot size of 4000 sq. ft. He then asked Mr. Gilbert if Sea Island, LLC would be willing to consider increasing the minimum lot size to 6000 sq. ft. Mr. Gilbert stated that he has not been included in any of the meetings regarding the Master Plan, but he is familiar with what is on Sea Island and the zoning for the residential areas north of Fourth Street as well as what there is room for south of Fourth Street. For example, he stated that the existing post office which was built during 2003 will probably be moved, but no single-family development will go on that particular site. Mr. Gilbert stated that he does not see any reason not to agree to increase the minimum lot size to 6000 sq. ft.

As a point of order, Mr. Ussery stated that it is unfair to ask the applicant to discuss anything that is not on the agenda. He stated that the issue that the Chairman is inquiring about is not on the agenda, and furthermore, it is an on-going discussion among both Planning Commissions. Mr. Gilbert stated that he is not authorized to make the decision regarding the square footage, but he does know that there won't be any 4000 sq. ft. single-family lots.

At this time, Chairman Dow opened the floor for public comments, which mostly consisted of questions from concerned property owners.

Ms. Nancy Coverdale of Sea Island stated that if the applicants change the way the height is measured from the flood level, which is currently 45 ft., would that then increase the height of the building, and if so, what would it be increased to.

Ms. Leslie Brantley stated that the applicants are giving limited information by presenting what they're changing to and not showing what they're changing from.

Mr. James Holland stated that he is not opposed to this request. His primary goal is protection of salt marsh and wetlands. He stated that he needs to bring a correction to the Planning Commission's attention noted on Page 40 of the Text under Section 618. Mr. Holland pointed out that the Erosion Sedimentation Act of Georgia states that there will be a 25 ft. undisturbed vegetative buffer around all state waters, and he feels certain that EPD is now enforcing this part of the law, which has nothing to do with what the Corps of Engineers says. Mr. Holland further stated that there is nothing in the Coastal Marshland Protection Act about a 15 ft. setback (as noted in the Text), but he reiterated that there is a required undisturbed 25 ft. vegetative buffer. Mr. Holland stressed that this needs to be enforced as a preventive measure.

Mr. Bill Edenfield explained that everything that's being presented at this time is actually not in the original document except for the number of access points, and in this case they are being more precise. He stated that the original document was not precise as to where the access points were. Regarding Ms. Coverdale's concerns about height measurements, Mr. Edenfield stated that tonight's proposed document does nothing to

change the current code of Glynn County. It simply points out the fact that there is an X Zone within the Planned Development District. He stated that an X Zone is a zone where the ground level is so high that there is no required finish floor elevation. He therefore thought it would be a good idea for his staff and his planners who are from various parts of the country to have that verified in the document. Mr. Edenfield stated that he could leave it out completely. He stated that it is already in the county building code. They are not changing it; they are simply repeating it in this document only to clarify the way height is measured when that particular condition is included. He stated that it would have very little material effect on the height of a building, which is still 45 ft.

To address Ms. Brantley's question about "what they're changing from," Mr. Edenfield reiterated that they are simply adding a few clarifications to the document where there was nothing in place at all except for the access points, and they are clarifying that the signage for the Cloister now complies with the new sign ordinance.

For additional clarification, Chairman Dow asked Mr. Edenfield if they are making changes to mirror the last amendment to the Glynn County Sign Ordinance. Mr. Edenfield replied yes, and they're being more specific as to what it refers to.

Mr. Kirkendall stated that what Mr. Holland was referring to with respect to Section 618, *Environmental Protection*, is the county ordinance. In essence, Mr. Holland is saying that there is a problem with the county ordinance. Mr. Hainley explained that there have been court cases (about two to three months ago) that had a decision that the county ordinance has not caught up with yet. Mr. Kirkendall stated that basically, this particular issue concerns the entire county. Mr. Hainley concurred and stated that the ordinance is being enforced based upon the court's decision. Mr. Gilbert added that if the Sea Island Company wanted to build in an area near the marsh, they would have to obtain a "Land Disturbance Permit" and would have to comply exactly with the court's decision. The state law and county ordinances may change any time from month to month or from year to year, but whatever the laws are they have to abide by them.

Mr. Humphries asked Mr. Holland if perhaps the applicants should refer to the Marsh Protection Act instead of the Shore Protection Act with regard to Item 3. Mr. Holland stated that they should abide by both, because with Sea Island the dune fields are on the beach or ocean side and the salt marshes are on the western side. Mr. Humphries asked if the proposed change should refer to both Acts. Mr. Holland replied yes. Mr. Edenfield stated that Item 3 is correctly referenced to the Shore Protection Act because it refers to the beachfront side of the development.

Ms. Leslie Brantley asked for clarification on Item 2 because she is not clear on the use of the term "limiting." She then asked if the applicants are requesting to increase the number of access points or reduce the number of access points. Mr. Edenfield stated that they are clarifying the existing access points that were originally approved in 2003 and 2004. They are adding one (1) access point, and also recording it in language to avoid any ambiguity.

Ms. Brantley pointed out that Mr. Edenfield stated that he would be willing to delete Item 1, and she is requesting that it be deleted because it appears to her like a private entity is defining the grade. She stated that if anyone is going to build something they have to abide by the current FEMA Code. Why then would a private company feel the need to include this language in their definition? Mr. Edenfield re-emphasized that they are simply repeating the current building code for Glynn County in this document. Mr. Gilbert added that the 75 page document is extremely lengthy because much of it is a repetition of county code.

For additional clarification, Chairman Dow read the proposed changes verbatim as they appear in the applicant's detailed Planned Development Text as follows:

- 1) **Section 502. Height of Building:** Where development occurs within a FEMA Flood Hazard X Zone, building heights shall be measured from the average natural grade of the footprint.
- 2) **Section 601. Street Access:** The Cloister PD District shall comply with the following exception - Where built conditions limit the ability to prescribe the required minimum width of a right-of-way or private access easement, encroachments shall be allowed within rights-of-way or access easements, subject to specific approval of the Glynn County staff and the Glynn County Islands Planning Commission.
- 3) **Access and Parking:** Access points from platted rights-of-ways into the Cloister PD District shall be allowed as follows -
 - Along Sea Island Causeway one (1) into Rainbow Island
 - Along Sea Island Drive three (3) on the west and four (4) on the east
 - Along Hudson Place..... one (1)
- 4) **Clarifying Setbacks:** Within the Cloister PD District, development setback line shall be established at the jurisdictional boundary of the Shore Protection Act, as established by the Georgia Department of Natural Resources, notwithstanding Section 727, Beach and Dune Protection District of the Glynn County Zoning Ordinance.

It was also noted in the Text that “all signs shall conform to **Section 813.2**, St. Simons Island, Sea Island and Little St. Simons Island as Areas of Scenic Beauty and Historic Interest, of the Glynn County Zoning Ordinance.”

Mr. Martin Turbidy of Sea Island stated that Mr. Gilbert indicated that he thought the owner might be amenable to changing the 4000 sq. ft. required for single-family residential to possibly 6000 sq. ft. Mr. Turbidy stated that considering the size of the residences being constructed on Sea Island, he feels that 4000 sq. ft. is insufficient and 6000 sq. ft. is still smaller than anything on Sea Island. He further stated that if they could get that concession he doesn't think that it would be a hindrance. It would be far

more acceptable to the public to think that the density was not going to be substantially increased. In acknowledging the “point of order” from Mr. Ussery, Chairman Dow stated that any consideration in this area should be provided to the County Commission.

Ms. Jane Fulcher of Sea Island pointed out that there are three (3) new access areas on the west on Sea Island Drive and four (4) on the east, which made her think about “the bridge to nowhere.” She would like to know what is at the end of these new access roads and what is the reason for them. Mr. Gilbert explained that the only new access is on the west side but it may never be built. He stated that it is just a possibility that if the master planners decide to put hotel rooms south or east of the existing hotel they might need another road. The only enumerated access on the other side of the road is where there is an existing platted road called South Dune Avenue. It has been physically closed for a long time but it is still a platted road. Mr. Gilbert stated that they are primarily trying to identify where access points are located and could be located, but again, the only new access point would be the one located on the west side.

There being no further comments from the floor, the public hearing was closed, and at the end of discussion, a motion was made by Mr. Robert Ussery to recommend approval of **ZM2684** to amend the Planned Development for the Cloister, Sea Island. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

As agent for agenda item **SP2674**, Mr. Robert Ussery stepped down to present this item for discussion.

SP2674 Beach Walk Cottages: Consider a request to approve a site plan for a 12 room hotel with swimming pool. The property is located on the south side of Ocean Boulevard, just west of its intersection with Arnold Road. The property is zoned General Commercial (GC). Parcel ID: 04-03879. Mr. Robert Ussery, agent for Donnie Cofer, owner.

Mr. Robert Ussery was present for discussion.

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

This site is located in the Islands Existing Activity Center on the Future Development Map and is shown on the adopted Future Land Use Map as Medium Density Residential.

This site was most recently the location of a restaurant. The proposed use is a 12 room hotel (with a swimming pool) on 0.39 acres. A hotel is a permitted use in GC zoning. The applicant is providing a type “A” buffer where adjacent to RR zoning as required by the Zoning Ordinance. The applicant is also saving two large live oak trees to fulfill the required tree canopy credits.

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 preserving existing trees which will comply with the St. Simons Tree Canopy Ordinance. Additional trees will be required to fulfill the buffer requirements where adjacent to RR zoning.**
- 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: A type “A” buffer will be required where adjacent to RR zoned properties.**
- 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: Open space is not required for GC zoning.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff comment: This project is proposed to be sprinkled for fire protection and will be served by JWSC utilities.**

Mr. Landon stated that staff recommends approval of *SP2674*, Beach Walk Cottages, with the following conditions:

- 1) The dumpster on the rear of the property must be relocated out of the type “A” buffer.
- 2) Prior to the issuance of a building permit, the applicant must provide approval for “flood proof construction” as shown on the plan.

Mr. Humphries stated that he’s been told that there was a serious problem with sewage back-up on this property and that restaurants had to close because they could not correct the problems. He then asked if this would be corrected; however, Mr. Hainley stated that staff does not have any knowledge of a sewage problem and did not receive any comments about it from the Joint Water & Sewer Commission. Chairman Dow stated that perhaps the applicant can address this issue during his presentation.

Mr. Seabolt had questions about the required parking, the actual parking shown, and the reduction of two spaces as indicated on the site plan. He then asked if approval of this site plan includes granting the removal of those two parking spaces to allow for additional green space and to save trees. Mr. Hainley replied yes. He also stated that the Planning Commission is allowed to grant up to 25% of parking through this process.

Chairman Dow asked if the front portion of the property where the office, the laundry and pool are located would be concealed or sheltered from the street with some type of buffer. Mr. Hainley replied yes, there is a wall to shield the front area from the street. Chairman Dow inquired as to whether there would be any parking perpendicular to Ocean Boulevard. Mr. Hainley replied no, all parking will be contained on site.

At this time Mr. Robert Ussery introduced Mr. Steve Ceseri who is representing Mr. Larry Singleton, the owner of the project. He stated that Mr. Donnie Cofer is currently the owner of the property. Continuing with his presentation, Mr. Ussery explained that they have agreed with staff’s recommendation to relocate the dumpster; the buffer will then be whole. Regarding the sewage concerns, he stated that when the restaurant is torn down all of the sewer lines and pipes on site will also be demolished and replaced with new equipment. To address staff’s concerns about the “flood proof construction,” Mr. Ussery stated that they are exploring the possibility of moving the office down at grade level. The area in question is at elevation 7, which means that the first floor of the rooms will actually be up at elevation 12 or about 5 ft. above existing grade. He stated that they will be detailing the office building for flood proof construction, plus one room which will be located in the back will be for handicap access. He stated that he has the details from FEMA as to how this will be accomplished.

Mr. Ussery pointed out that the parking that is currently located along Ocean Boulevard is actually county right-of-way, but the applicants have not made any plans for any further improvements.

At the end of discussion, a motion was made by Mr. Preston Kirkendall to approve **SP2674**, Beach Walk Cottages, with the following conditions:

- 1) The dumpster on the rear of the property must be relocated out of the type “A” buffer.
- 2) Prior to the issuance of a building permit, the applicant must provide approval for “flood proof construction” as shown on the plan.

The motion was seconded by Mr. Paul Sanders. Voting Aye: Messrs. John Dow, Stan Humphries, Preston Kirkendall, William Lawrence, Paul Sanders and Oliver Seabolt. Abstained From Voting: Mr. Robert Ussery.

ZV2683 815 Park Way: Consider approval of an exception to the maximum height of an elevator roof under Section 617 of the Glynn County Zoning Ordinance. The property is located on the southeast corner of Park Way and Sixth Street. The property is zoned Resort Residential (RR). Parcel ID: 04-12028. Clifton Cooper, applicant.

Mr. Cooper was present for discussion.

According to the staff’s report, the applicant is requesting permission to extend the roof of an elevator roof to 46 ft. The maximum building height in this district is 45 ft. Section 617 of the Zoning Ordinance allows the Planning Commission to make exceptions to height limits for elevators.

The applicant states that the current elevator roof is leaking and he wishes to place a pitched roof to permanently correct the problem.

Mr. Landon stated that staff recommends approval of **ZV2683** to allow an exception to the maximum height of an elevator roof under Section 617 of the Glynn County Zoning Ordinance.

Mr. Ussery wanted to know if the 1 ft. that is being added would be finished off like it is now. Mr. Cooper replied no, currently the roof is flat and it is leaking. He stated that he wants to put a 4 to 12 metal roof to match the rest of the building but it will still maintain the same facial line. Essentially, he is taking a flat roof and making a slope roof that he stated will not be very noticeable.

For the record, Mr. Humphries stated that he is opposed to this request based on principle. He explained that he is opposed to anyone building out to the fullest and then coming back to ask for more room.

At the end of discussion, a motion was made by Mr. William Lawrence to approve **ZV2683** to allow an exception to the maximum height of an elevator roof under Section 617 of the Glynn County Zoning Ordinance. The motion was seconded by Mr. Oliver Seabolt. Voting Aye: Messrs. John Dow, Preston Kirkendall, William Lawrence, Paul Sanders, Oliver Seabolt and Robert Ussery. Voting Nay: Mr. Stan Humphries.

There being no further business to discuss, the meeting was adjourned at 6:55 p.m.