

# MINUTES

## ISLANDS PLANNING COMMISSION FEBRUARY 18, 2014 - 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  
Robert Ussery

ABSENT: Oliver Seabolt

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

ALSO PRESENT: Commissioner Dale Provenzano, BOC

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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

**December 17, 2013 - Regular Meeting**

**January 21, 2014 - Regular Meeting**

A motion was made by Mr. Robert Ussery, seconded by Mr. Preston Kirkendall and unanimously adopted to approve the Minutes of the *December 17<sup>th</sup> Regular Meeting*.

A motion was made by Mr. Stan Humphries, seconded by Mr. Preston Kirkendall and unanimously adopted to approve the Minutes of the *January 21<sup>st</sup> Regular Meeting* with a minor correction. (Page 1- Mr. Lawrence's comments: change ~~inferably~~ to **invariably**)

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**ZM2753 Shops at Sea Island West:** Consider a request to amend the PD Planned Development for the Shops at Sea Island West PD. The purpose of the request is to reduce the buffer along Sea Island Road. Parcel ID: 04-12292. Bill Edenfield, agent for William Stembler, owner.

Mr. Bill Edenfield was present for discussion. Mr. William Stembler and Mr. Johnathan Roberts were also on hand to answer questions.

According to the staff's report, the Shops at Sea Island West is a mixture of commercial and service establishments that is not proposed to be changed. The current PD text requires a 50 ft. buffer in front of the Theater Parcel, but a 30 ft. buffer on the parcel to the west (hotel). The request is to reduce the buffer to 30 ft. for the frontage of the property along Sea Island Road. As indicated by the applicant, the purpose of this request is: 1) to provide for expansion of the movie theater to accommodate more spacious and comfortable seating; and 2) to provide for the construction of a planned bike trail along Sea Island Road, anticipating trees-saved and safety concerns.

**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 will not change the use and the proposed requirement is consistent with the adjacent 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 adjacent parcel, both requiring a 30 ft. buffer.*

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

*Yes, the use of the property is not proposed to be changed.*

- 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 Corridor Mixed-Use.*

- 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 **ZM2753** to amend the PD Planned Development for the Shops at Sea Island West. He pointed out that at the January 21<sup>st</sup> IPC Meeting, the Planning Commission requested additional exhibits and information that shows the possible expansion of the movie theater, along with the exact location of the proposed bike path, which the applicant has provided. This information was included in the packages for the Planning Commission's review.

Mr. Sanders asked if the public hearing sign for this property was posted at the proper time. Mr. Landon replied yes.

Mr. Hainley explained that several members of the audience attended a meeting this afternoon that addressed the bike path and again, part of the discussion included incorrect information. He then presented the exhibit that was displayed at the meeting and pointed out that it was stated that the bike path did not require a modification of the buffer line and was thought to be part of the restricted covenants; however, it is a part of the buffer requirement. He stated that this is one of the issues involving the reduction of the buffer. The area in question does involve the buffer. Mr. Hainley also pointed out the area near the Shops at Sea Island which is generally perceived as being a buffer, but it is not a required buffer. In part, it was implied that the bike path has no impact on the need to modify the buffer, but it does. It requires a reduction in the buffer.

Mr. Humphries asked Mr. Hainley if the bike path would go through the back part of the 50 ft. buffer because it is being shown as coming through the front. Mr. Hainley stated that on the linear side it runs through the back part of the buffer. Mr. Kirkendall wanted clarification on whether or not the buffer has to be changed so that the bike trail can go through it. Mr. Hainley explained that there are two requests. One deals with the theater expansion and the other deals with allowing the bike path to go through the buffer. To clarify that you are acknowledging that the bike path is going through the 30 ft. buffer, Mr. Hainley suggested that during the motion, the Planning Commission should recommend an amendment to the PD Text that the specific layout allows the bike path to run generally diagonally through the buffer.

During a brief presentation, Mr. Bill Edenfield stated that this is a two-fold request as pointed out by Mr. Hainley. He stated that the applicant is asking for an amendment to the PD to do two things: 1) to allow the alignment of the bike trail, which was provided to Mr. Stembler by the Land Trust. The alignment requires the path to go through the buffer whether it is 30 ft. or 50 ft.; and 2) to allow the expansion of the main

theater. Mr. Edenfield then referred to the drawing that he distributed to the members at the beginning of the meeting and elaborated on the details of the effect of the theater expansion. He also pointed out the trees that will be removed if the theater is expanded. Mr. Edenfield stated that the trees in question were planted on the property when the building was constructed approximately 18 years ago. They are in various conditions, not heavily foliated and are shaded by the native trees on the north side of the property.

Chairman Dow wanted to know if wetlands would be impacted by this request, and what happens with drainage when the 25 ft. is eliminated from the right-of-way. Mr. Edenfield stated that to his knowledge and based on surveys prepared by registered surveyors, there are no wetlands on the site that would be affected by this request. Regarding the drainage, Mr. Johnathan Roberts of Roberts Engineering, stated that drainage would have to meet the requirements of the Glynn County Local Design Manual for water quality and water quantity. There are different options for the water quantity. The adjacent property to the west has accommodated future development with a connection to the downstream outfall that is currently not being utilized. There is capacity in the pipe underneath the driveway that connects to the marsh that is not used. It is planned for a future development. Regarding water quality, Mr. Roberts stated that they intend to use best management practices to meet the Local Design Manual and to ensure that Glynn County Engineering is familiar with the practices and how the water quality and the quantity is being handled.

Chairman Dow stated that the side of the building is currently visible. He wanted to know if the building will continue to be equally visible after the 8 trees are removed. Mr. Edenfield stated that the plan would be to conceal the building more opaquely. The reason for the current visibility is because the trees that were planted 18 years ago have defoliated. With the extension of the building there would be additional planting within the native trees on the street side that would make the area more densely foliated and will be designed to accommodate the drainage.

Mr. Lawrence wanted to know if any thought had been given to the possibility of expanding towards the west, which appears to be more spacious. Mr. Bill Stembler, manager and part owner of Island Sites, stated that the area that they want to expand into would be the two auditoriums on the north side of the building. He pointed out that what has evolved in the motion picture exhibition business over the last 18 years is a trend toward more luxurious lounge type seating. His intent is to expand the width of the two auditoriums to allow for this type seating and in the process decrease the capacity. He explained that there is no way to add to the other side because a building structure is already there, and if they were to expand towards the west they would in fact be in the wetland area.

Mr. Humphries stated that before the last meeting, Mr. Edenfield stated that the purpose of the requested change was for the bike path; the bike path only. When Mr. Edenfield presented this to Mr. Landon at the Planning Department, Mr. Landon suggested that he include some other things and Mr. Edenfield thought that it might be a good idea. Mr. Humphries stated that according to the Minutes of the last meeting, it

states repeatedly that the request is for a bike path and it was precipitated by a request from the Land Trust. There is no discussion about an expansion to the theater. He further stated that Mr. Edenfield is quoted as saying, "he (his client) is willing to restrict the buffer so that it dictates the location of the buildings." Mr. Humphries stressed that we seem to have a changing nature. When this was first presented there was no reason given for the request, then there was a verbal announcement of a bike path and it has now changed to, "its primary purpose is to expand the movie theater." Mr. Humphries stated that it is misleading how we have had all of these constantly changing purposes.

In response, Mr. Edenfield stated that he read the Minutes, maybe not carefully, and he's not denying Mr. Humphries points, but it seems to him that he did say that this was a two-fold purpose, both reasons for requesting the diminishment of the buffer; one was for a building expansion and one was to accommodate the bike trail. In that discussion, it was confusing to people as to where the bike trail would go. He stated that they did not have a definitive plan at that time and they did not have a definitive plan about the theater expansion so they asked for a deferral, which the Planning Commission graciously granted.

Continuing, Mr. Edenfield stated that they re-filed the application and it is fairly clear. It states that they're requesting a diminishment of the buffer to allow potential theater expansion and also requesting the language that restricts uses in the buffer to be modified to allow a bike trail. He reiterated that it is in the application and it is fairly clear. Mr. Humphries stated that it was not in the original application. He pointed out that Mr. Edenfield told him in person that it was strictly for the bike path and that Mr. Landon is the one who suggested including other purposes. However, Mr. Edenfield stated that what he may have said is that when he went to Mr. Landon initially with the idea of simply having a bike trail through the area and when the concept was to diminish the buffer to allow that, Mr. Landon suggested that maybe we should just change the language. That was initially an idea, but if you look at the original application, it does state that it was for both purposes – to expand the building and to create a corridor for a bike trail.

Mr. Edenfield stressed that it isn't accurate to say that he did not state at the last meeting, or that it does not reflect in the Minutes that he stated that part of the purpose was to allow the expansion of the building. He pointed out that it is clear tonight that what is before the Planning Commission at this time is a clarification, which is the reason he requested the deferral. Mr. Humphries stated that there seems to be a constant change in purpose which makes him question what the real purpose is.

At this time, Chairman Dow asked Mr. Hainley to address the issue of the original application vis-à-vis the current application as to whether the language has changed. Mr. Hainley stated that the language in the PD Text has changed as a result of the discussion at the last meeting. The language was changed on Page 2 of the Text and in the table on Page 20 to clarify the buffer issue.

Mr. Edenfield stated that according to the original text of the Planned Development, it describes a veiled greenspace, not intended to be opaque. It was intended to provide visual relief down the roadway.

For clarification, Mr. Paul Sanders asked if Mr. Johnathan Roberts stated earlier that there are no wetlands on the subject property. Mr. Edenfield stated that there are wetlands but not on the site that he described. Mr. Roberts pointed out that there are no wetlands to the north of the building.

Chairman Dow asked that if the Land Trust wanted to put a bike path through the existing buffer area, would the PD Text allow it or would it have to be amended. Mr. Edenfield stated that it could not be done. Chairman Dow then asked that if Mr. Stembler had no interest in expanding the movie theater, would we still have a PD Text amendment allowing the buffer to be encroached upon for a bike path. Mr. Edenfield replied yes.

Mr. Hainley reminded the members that when they get to the point of considering a motion, staff would recommend changing Section VIII in the PD Text to specifically address the bike path/multi-purpose trail issue. Chairman Dow advised Mr. Hainley to prepare the proper language to be considered in the motion.

The floor was opened at this time for public comments beginning with Mr. Daniel Parshley of Brunswick. Mr. Parshley stated that he is not necessarily opposed to this request but he does have additional information. He distributed a hard copy of his presentation, including photos and maps, for the Planning Commission's review. (Mr. Parshley's power point presentation titled, "Shops at Sea Island West Proposed Buffer Change" is contained in file **ZM2753**.)

Mr. Parshley stated that this proposal would require reducing the permeable areas on the site in two ways: 1) the 20 ft. expansion of the theater; and 2) placement of a concrete bikeway across the property. This property is primarily impervious surface.

Regarding the Stormwater Management Plan, Mr. Parshley stated that The Shops at Sea Island was developed under one Planned Development Text. The Glynn County NPDES is called an MS4 and is a Phase II type community. Under this permit, he stated that Glynn County must abide by the Coastal GA Stormwater Supplement. Mr. Parshley stated that he has spoken with a representative from the GA Environmental Protection Division who has assured him that the enforcement duties are with Glynn County.

For compliance purposes, Mr. Parshley stated that there is an excel spreadsheet used to determine if a property is in compliance with the MS4 Permit and the NPDES Permit when a Planned Development is approved. He stated that this spreadsheet needs to be completed to determine if the property is in compliance due to changes not approved by the Islands Planning Commission. Mr. Parshley stated that according to the original PD Text, 1) an internal wetland system shall be preserved as a scenic feature; and

2) where feasible, run-off will be directed to an internal wetland system which will serve to filter stormwater prior to discharge into the marsh. Mr. Parshley pointed out the wetland area on the property and stated that the document that the applicant provided does not correctly depict the wetlands. Also, according to the PD Text, the wetland area was supposed to be kept as a scenic feature. However, the area in question contains granite. He stressed that “a pile of granite is not a scenic feature.”

Regarding the proposed bike path, Mr. Parshley stated that the path is 50% complete and the drawings are in progress, which means that the path as proposed by the applicant is not final. If it were finalized the applicant would have provided a surveyor’s plat depicting its location. Mr. Parshley stated that the paths and walkways on St. Simons are on public rights-of-way because they are public infrastructure. He stated that if the applicant wants a bike path he should build it on his own property. “Public infrastructure should be on public property.”

For clarification, Mr. Ussery pointed out that the wetland area depicted in Mr. Parshley’s slide presentation is on the adjacent property and not on Mr. Stembler’s property.

Mr. Dave Kyler with the Center for Sustainable Coast stated that it appears that doing anything with regard to the bike path would be premature because of the status. At this point they’re not sure if it is going to be funded, or when or where it is actually going to be built. They also need to consider the argument about putting a public infrastructure on private property. Mr. Kyler stated that his next point is about procedure. According to the Zoning Ordinance regarding a Planned Development, which has been re-enforced by council, any text revision would require approval of the County Commission. Mr. Hainley explained that staff makes a recommendation to the Planning Commission regarding the findings of fact. The Planning Commission in turn makes a recommendation to the Board of Commissioners who has the ultimate authority to approve or deny the request.

During a brief rebuttal to Mr. Parshley’s slide presentation, Mr. Johnathan Roberts pointed out that Mr. Parshley’s statement that “the Glynn County Stormwater Ordinance requires sites to abide by the Coastal Georgia Stormwater Supplement” is false. Mr. Roberts stated that Glynn County has not adopted the Georgia Coastal Stormwater Supplement. Glynn County follows the Georgia Stormwater Management Manual and the Local Design Ordinance. The Georgia Coastal Stormwater Supplement is available at any county along the coast’s discretion to adopt. Mr. Roberts stated that we have to follow certain instances where the DNR enforces action, and we have enforcement powers when there are other regulatory agencies involved, but the excel spreadsheet referenced by Mr. Parshley does not apply in this case.

Mr. Parshley’s handout also references how the drainage system will manage all site run-off with ultimate discharge into the adjoining marsh to the west. Mr. Roberts stated that this is going to continue. In fact, the adjacent property owner had the forethought of putting in additional pipe underneath the entry road to accommodate a

future development so that this could remain true, and even though these are separate parcels, they are still abiding by the stormwater policy.

Mr. Roberts stated that the wetland exhibit that was submitted by Mr. Edenfield was included in the original PD. The wetland area was filled in by the adjacent property owner recently, within the last year. It was submitted to the Army Corps of Engineers and to DNR. Glynn County was also aware of it. Mr. Roberts noted that it was all termed permissible and was reviewed with the Stormwater Plan for this entire development. It was also approved by all agencies. Furthermore, he stated that the owner is not Mr. Stembler. Mr. Stembler cannot control what the owner of that particular property does, but he can control that he is going to abide by the Stormwater Ordinance. Mr. Stembler is going to have a plan compliant with Glynn County and he is going to make sure that he does everything that he can to protect the integrity of the front of the theater because he lives here too.

In conclusion, Mr. Roberts stated that if any permits outside of Glynn County are required for this request, the qualified staff of Glynn County will ensure that all permits are reviewed by the appropriate agencies at that time.

Mr. Bill Hilton of 541 Park Avenue, SSI read the following for the record: "I am for the bike path extension on Sea Island Road. Some have argued against the bike path for environmental reasons. We have a new public bike path along the marsh at Jekyll Island, and another to be built at Cannons Point which is a maritime forest and has a marsh. There are lots of passive public bike trails along marsh and wetlands all over the country. If built correctly, there is no environmental concern and Sea Island Road is no different. A bike path is environmentally a win-win for St. Simons bicyclists and the public at large because it will reduce the number of cars, pollution and traffic...Now the Georgia Theater Company wants the 50 ft. buffer reduced to a 30 ft. buffer...I believe the environmentally passive public bike path can be accommodated without a change in the buffer..." Mr. Hilton thanked the commission members for their attention.

Mr. James Holland, former Altamaha Riverkeeper, was also present to state his concerns about this request from an environmental standpoint, and he emphasized that environmental protection begins with the Planning Commission.

There being no further comments from the floor, the public hearing was closed.

During a brief explanation, Mr. Stembler stated that he met with Ben Slade and individuals from the "Path Foundation" about the bike path. Their thoughts were to bring the bike path through the trees but not to damage any trees on the east side of the entrance drive. The desire of the "Path Foundation" was to give the bike path some separation from the highway, which Mr. Stembler felt was a good consideration. He stressed that "there is no evil intent." This was something that he did not realize that he was supposed to say, and when asked for more information, he was out of the city. He stated that Mr. Edenfield contacted him and he advised Mr. Edenfield that if they were to get into a situation, they needed to withdraw the application, re-file and spell out everything. He

stated that he doesn't know exactly what the theater structure might be. It could be an expanded concession area or it could be an expanded area for the auditorium, particularly the one located more toward the east.

In conclusion, Mr. Stembler stated that his family has been in the area for four generations and he has been a resident for the last 15 years. "I love this place, and it is my favorite place on earth." He stated that he is not here to wax trees; he's here to give the people of St. Simons and Glynn County additional theater amenities. Mr. Stembler thanked the commission members for their consideration.

During discussion, Mr. Kirkendall asked staff for clarification on the proposed amendment to the Text, and he suggested separating the motion into two parts; 1) a motion for the bike trail; and 2) a motion for the buffer. Mr. Hainley clarified that the proposed amendment is as follows:

#### VIII. ~~VEHICLE~~ ACCESS

~~Vehicle~~ Access to the PD District shall be limited to two (2) points off of Sea Island Road, and one (1) point from the Shops at Sea Island. Internal access shall be designed in general conformance with the Conceptual Development Plan. The final design of all roadways shall be subject to approval by Glynn County. ***Bikeway/multipurpose trail access shall be permitted to run generally as shown on the plan dated 2-18-14.***

Following discussion, a motion was made by Mr. Stan Humphries to recommend denial of application **ZM2753** to amend the Planned Development for the Shops at Sea Island West. The motion was seconded by Mr. Paul Sanders.

At this time, Mr. Humphries presented his reasons for recommending denial as follows:

"St. Simons Island needs to make some reasoned and informed long-term choices; do we want to be an attractive resort and residential community, or do we want to become just another 'red-neck Riviera.' We must protect the wonderful natural environment that makes St. Simons Island so special. It just makes good sense! A perfect example of this problem is the rapid destruction of native vegetation and trees on St. Simons Island, particularly in the buffers.

"Entering St. Simons Island along Kings Way gives residents and visitors alike a beautiful, calming and peaceful entrance onto the island. Demere Road however has been piecemealed to death and is ugly beyond description. Sea Island Road has been left undisturbed for the most part. The intersection around Sea Island Road and Frederica Road has been well done and pleasant to behold, until recently. Unfortunately the developers of the new retail space on the north side of Sea Island Road have been

allowed to strip the vegetation out of the buffer zone and create harsh eyesores. On the other side, The Inn at Sea Island has cleared all vegetation along the roadway. Somehow we have lost our focus on suitable development standards.

“Now the owners of the theatre property want to remove 20 ft. out of the 50 ft. buffer on their site, for reasons that are unclear. The original application stated no reason for the request. At the hearing last month there were vague references to providing space for a bike path - that may or may not happen. The current application states, no, the bike path will go in the remaining buffer, and the requested reduction in the buffer is to accommodate ‘more spacious and comfortable seating.’ It makes me wonder what the real reasons are. The theatre is already closer to the road than any of the other buildings in the area.

“Buffers are valuable community assets. Valuable community assets should not be given up without receiving overwhelming public benefits. ‘More spacious and comfortable seating’ is not a vital public benefit in my opinion. I believe in private property rights. I support development that is done right. I also support the right of the community to require sound development practices...I think we should consider the bike path when the bike path is a reality and not just speculation.”

Mr. Kirkendall commented that the bike trail in his opinion is much better than not having a bike trail. He stated that Sea Island Road is the worst spot for bicycles and if something isn’t done there will probably be a major accident in that particular area. Mr. Kirkendall feels that it will be more of a problem putting a bike trail along the rest of the Sea Island Causeway because of the marsh than it is for the area in question. He stated that he doesn’t see any reason not to allow the bike trail to go through the buffer zone. He suggested separating the motion so that they could all look at the design options of the area and talk about the bike trail. “We’re not approving the bike trail; we’re just giving them the right to run it through the property.” Therefore, Mr. Kirkendall stated that he is speaking in opposition to Mr. Humphries motion.

Mr. Humphries stated that if the Planning Commission was considering the bike path tonight he would be happy to approve it. However, we’re not considering a bike path. We’re considering the buffer zone. We’ll consider the bike path when and if it’s brought before us.

At the end of discussion, the following vote was taken on the motion to deny application **ZM2753**: Voting in favor of denial: Mr. Stan Humphries, Mr. William Lawrence and Mr. Paul Sanders. Voting against denial: Mr. John Dow, Mr. Preston Kirkendall and Mr. Robert Ussery. The motion failed to carry. A motion was then made by Mr. Preston Kirkendall to recommend that the Board of Commissioners approve the language to allow the bike path within the northern boundary as shown on Page 20 of the Text and approve the amended language pertaining to access on Page 19, Item VIII. The motion was seconded by Mr. William Lawrence.

During discussion, Chairman Dow wanted to know what options are available to the applicant at this point. Mr. Hainley explained that the applicant always have a right to withdraw the application. Generally, staff makes a recommendation asking for the applicant's concurrence on the motion. The applicant also has the right to carry the request forward without the text recommendation or without the Planning Commission's recommendation.

As a point of observation, Mr. Robert Ussery stated that the theater has been in the area for a very long time. He stated that he enjoys going to the theater and would also enjoy sitting in comfort. He stressed that Mr. Stembler has been a great business contributor to the community and he doesn't see why we would want to punish a good business on St. Simons. Therefore, Mr. Ussery stated that he would like for the Islands Planning Commission to approve the entire request.

For clarification, Chairman Dow stated that the motion on the floor is to allow more activity within the buffer area. The buffer has not been changed at this point. At the end of discussion, the following vote was taken on the motion recommending that the Board of Commissioners approve the language to allow the bike path within the northern boundary as shown on Page 20 of the Text and approve the amended language pertaining to access on Page 19, Item VIII. Voting Aye: Mr. John Dow, Mr. Preston Kirkendall, Mr. William Lawrence and Mr. Robert Ussery. Voting Nay: Mr. Stan Humphries. Abstained From Voting: Mr. Paul Sanders.

A motion was then made by Mr. Robert Ussery to allow the reduction of the buffer in addition to the bike path in order to allow an expansion of the theater. The motion was seconded by Mr. Preston Kirkendall. During discussion, Chairman Dow passed the gavel to Vice Chairman Paul Sanders before making the following comments:

Mr. Dow stated that while driving and looking over the area at least two or three times, his main concern at the time was the elimination of the vegetation and drainage. He stated that he doesn't think the end of the building is attractive or unattractive, it is visible, but he personally doesn't see it as being a problem. Now that he knows that drainage isn't an issue and because of losing 8 trees, Mr. Dow stated that he would like to have seen some type of solution in terms of replacing the vegetation.

There being no further discussion, the gavel was returned to Chairman Dow and the following vote was taken: Voting Aye: Mr. Dow, Mr. Kirkendall and Mr. Ussery. Voting Nay: Mr. Humphries, Mr. Lawrence and Mr. Sanders. (The application will go forth with no action on the buffer.)

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**PP2754 Stones Throw Cottages:** Consider approval of a preliminary plat for a 6 lot subdivision on 0.33 acre. The property is located on the east side of First Street between Ocean Boulevard and Beachview Drive. Parcel ID: 04-03958, 04-03959. Property owned by Adam Swann.

Mr. Swann was present for discussion.

According to the staff's report, the proposed subdivision will have frontage on First Street and will create 6 lots. This is a permitted use within the RR zoning. The intensity of the development will be limited by density requirements (35 sleeping rooms an acre) and with lot coverage (not to exceed 63% based on Zoning Variance case *ZV1695*).

The following are preliminary plat requirements (and staff's comments) in accordance with Section 703 of the Glynn County Subdivision regulations - The preliminary plat shall consist of a map or maps, drawn at a scale of not less than one inch, two hundred feet, depicting the following:

1. The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate phonetically the name of other subdivisions or streets in Glynn County. If shown to the contrary, the Planning Commission or Geographic Information System (GIS) office may refuse to accept such subdivision and street names; must indicate whether the streets are to be public or private.  
**Staff Comment: Provided by applicant on plat.**
2. Name and address and telephone number of the owner of record.  
**Staff Comment: Provided by applicant on plat.**
3. Name, address, and telephone number of the Subdivider.  
**Staff Comment: Provided by applicant on plat.**
4. Date of survey, north point and graphic scale, source of data, date of plat drawing, and space for revision dates.  
**Staff Comment: Provided by applicant on plat.**
5. Preliminary Plat Certificates and Statements.  
**Staff Comment: Provided by applicant on plat.**
6. A vicinity map locating the subdivision in relation to the surrounding area with regard to well-known landmarks such as major streets and thoroughfares, railroad rights-of-way, rivers, streams and other named bodies of water. Vicinity maps may be drawn in freehand and at a scale sufficient to show clearly the information required, but not smaller than one inch to one mile.  
**Staff Comment: Provided by applicant on plat.**

7. Name of former subdivision(s), if any.  
**Staff Comment: None.**
8. Exact boundary lines of the tract or parcel to be subdivided, indicated by a heavy line giving length and bearings, and total subdivision land area in acres. The boundary lines shall apply to the entire tract to be subdivided.  
**Staff Comment: Provided by applicant on plat.**
9. Natural features within the proposed subdivision, including drainage channels, bodies of water, flood plain, wetlands and other significant features.  
**Staff Comment: Provided by applicant on plat.**
10. Cultural features within the proposed subdivision, including rights-of-way widths, and names of existing and proposed streets and alleys, existing structures, existing easements, buildings, city and county lines, zoning districts and boundaries, and other significant information.  
**Staff Comment: Provided by applicant on plat.**
11. Proposed layout including lot lines with rough dimensions, lot numbers, block letters, street and alley lines, sites reserved through covenants, dedication or otherwise for public uses.  
**Staff Comment: Provided by applicant on plat.**
12. Location of existing water and sewer utilities, if a connection to these public systems is proposed.  
**Staff Comment: Utilities do not exist at this location presently.**
13. Proposed unit division or stage of development, if any, by the subdivider.  
**Staff Comment: Provided by applicant on plat.**
14. The names of owners of record and zoning of land adjacent to the tract to be subdivided.  
**Staff Comment: Provided by applicant on plat.**
15. FIRM Panel Number and flood zone designation.  
**Staff Comment: Provided by applicant on plat.**
16. Building setback information per Zoning Ordinance including setback lines on odd shaped lot.  
**Staff Comment: Setbacks are standard. There are no odd shaped lots.**

Mr. Landon stated that staff recommends approval of **PP2754**, Stones Throw Cottages, subject to meeting all requirements during the development process.

Mr. Kirkendall asked for clarification on the variance and how it carries forward with a new owner. Mr. Hainley explained that variances run with the property. When the first builder failed and the property was taken over by someone else, a detailed analysis was done regarding parking requirements and other requirements. It was determined that the actual site coverage was in the 60% range rather than the 50% range. The property was approved with a 1920's style driveway which consists of two concrete paths leading up to the garage door. The new owner wanted something different and the Board of Appeals granted a variance at the 64% range. Mr. Hainley stated that there was also an issue with patios and coverage in the rear of the property. He pointed out that the Planning Commission has to abide by the variance that was granted.

Chairman Dow had questions about staff's comments that "utilities do not exist at this location presently." Mr. Hainley explained that utilities are available on the adjacent street but would have to be increased and extended to the applicant's property. Chairman Dow wanted to know when the calculation would be determined for the number of sleeping rooms. Mr. Hainley stated that the calculation would be determined during the building permit process. He stated that Mr. Landon is currently reviewing all building permits. Mr. Humphries asked if there are any provisions to remove the variance. Mr. Hainley replied no.

During a brief presentation, Mr. Adam Swan stated that he is one of the partners of TerraCap, LLC, and he is asking for 6 lots for a townhouse development. He pointed out the storm drainage area that comes off of Myrtle by way of a "sump pump" and stated that they are considering tying in the gutter system for the units into the back of the property. Mr. Swan stated that at this point, he's not sure if they will do an easement for the county to maintain or some other type of drainage. They will however put in another catch basin and update the pipes. He stated that he spoke with Mr. Hunkele, Superintendent of Planning & Construction Division of the JWSC, who advised that there is adequate utilities on site, but again, Mr. Swan stated that they are willing to upgrade the pipes, systems, etc., all of which to be addressed during the site plan approval process.

Regarding site coverage, Mr. Swan stated that they have not done a percentage of the footprint, but it will be substantially smaller than the previous footprint. He stated that he was not aware of the variance, but he expects to stay within the existing county code. He pointed out that the previous footprint for bedrooms allowed for about 20 bedrooms (five 4-bedroom units) at 4000 sq. ft. per unit totaling about 20,000 sq. ft. He reiterated that his proposed footprint will be substantially smaller and will not be invasive to the adjacent property owners. Chairman Dow asked Mr. Swan if he will abide by the county ordinance or at the very least, stay within the variance. Mr. Swan stated that he will definitely stay within the variance.

Mr. Ussery expressed concerns about the "jog" in the property lines, but it was pointed out that the applicant needed the "1 ft. bump" to make the rooms work.

On behalf of the public, Mr. Humphries thanked Mr. Swan and/or associates for taking the responsibility of removing the building previously located on the property.

There being no further discussion, a motion was made by Mr. Paul Sanders, seconded by Mr. Preston Kirkendall and unanimously adopted to approve application **PP2754**, Stones Throw Cottages, subject to meeting all requirements during the development process.

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**VP2755 400 Ocean Boulevard; 391,401,405 Lord Avenue:** Consider approval for the demolition of three structures at 400 Ocean Boulevard; 391,401,405 Lord Avenue in the Island Preservation District. Parcel ID: 04-11674, 04-04921, 04-13640, 04-04922. Bill Edenfield, agent for Atlas Georgia IX, owner.

Mr. Bill Edenfield was present for discussion.

In presenting the staff's report, Mr. Landon explained that the applicant is proposing to demolish the existing structures. The buildings elevation is non-compliant with Glynn County and FEMA requirements. The applicant has provided documentation stating that a rehabilitation of these structures is not feasible due to the fact that elevating these buildings to meet FEMA requirements exceeds the value of the structures. According to Glynn County GIS, the following are the existing improvement values:

1. Marshall Building (400 Ocean Blvd.)	\$341,000.00
2. 391 & 401 Lord Avenue	\$ 38,800.00
3. 405 Lord Avenue	<u>\$ 20,000.00</u>
	\$399,800.00

The cost to elevate all three structures based on the applicant's bid is \$424,950.00. The applicant will be required to re-submit an Island Preservation application prior to any redevelopment of this site.

Section 709.7 in the Island Preservation District requires the Planning Division to provide a report regarding the proposal addressing the four (4) criteria described below:

- (a) The building is of such architectural or historical interest that its removal would be to the detriment of the public interest. **Staff Comment: There is no known historical interest in the structures. They do not meet county or FEMA standards.**
- (b) The building is fifty (50) years or older and of such old and unusual or uncommon design, texture and material that it could be reproduced only with great difficulty. **Staff Comment: Tax records show the improvement**

**values of the existing structures to be very low, as compared to the property value and the value of surrounding properties.**

- (c) Retention of the building preserves and protects an historic place or historic presence. **Staff Comment: Staff is unaware of these structures having historical significance.**
- (d) Retention of the building promotes the general welfare by maintaining and increasing real estate values, generating business, attracting tourists, educating and encouraging study and interest in American history, culture and heritage, or making the county a more attractive and desirable place in which to live. **Staff Comment: It is likely that the redevelopment of this property would provide a positive impact on this neighborhood.**

Mr. Landon stated that staff recommends approval of application **VP2755** to allow the demolition of three buildings at 400 Ocean Boulevard; 391,401,405 Lord Avenue.

Mr. Humphries asked, "Who is Atlas Georgia IX?" Mr. Vassa Cate replied that he and Mr. Steve Been are Atlas Georgia IX.

There was no one present to oppose this request and at the end of discussion, a motion was made by Mr. Robert Ussery to approve application **VP2755** to allow the demolition of three buildings at 400 Ocean Boulevard; 391,401,405 Lord Avenue. The motion was seconded by Mr. Paul Sanders and unanimously adopted.

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There being no further business to discuss, the meeting was adjourned at 7:45 p.m.