

**MINUTES**  
**MAINLAND PLANNING COMMISSION**  
**OCTOBER 7, 2014 - 6:00 P.M.**  
**Historic Courthouse, 701 G Street**

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- MEMBERS PRESENT:     Tim Murphy, Chairman  
                          Tom Boland, Sr., Vice Chairman  
                          Bill Brunson  
                          Larissa Harris  
                          Buddy Hutchinson  
                          Gary Nevill  
                          John Williams
- STAFF PRESENT:        David Hainley, Community Development Director  
                          Eric Johnson, Planning Manager  
                          Cayce Dagenhart, Planner II  
                          Janet Loving, Admin/Recording Secretary
- ALSO PRESENT:         Chairman Mike Browning, Board of Commissioners  
                          Alan Ours, County Administrator

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Chairman Murphy called the meeting to order and the invocation was given, followed by the Pledge of Allegiance.

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MINUTES

**September 2, 2014 - Regular Meeting**

Upon a motion made by Mr. Tom Boland and seconded by Mr. Bill Brunson, the Minutes of the September 2<sup>nd</sup> Regular Meeting were approved and unanimously adopted.

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At this time, Chairman Murphy gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

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**ZM2698 12 Star Ranch:** Consider a request to rezone approximately 416 acres of an 1163.91-acre parcel from Forest Agricultural (FA) to Planned Development (PD). The purpose of the request is to allow a low density residential and agricultural development. Parcel ID: a portion of 03-20986. Chris Amos with CSEC, Inc., agent for 12 Star Ranch, LLC, owner.

Mr. Chris Amos and Mr. Kyle Colafrancesco were present for discussion.

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

The applicant is proposing to rezone approximately 416 acres of land from FA to PD and create a new Development Text. The Development Text proposes a minimum lot size of at least three acres, which is larger than the minimum 20,000 sq. ft. required in the FA Zoning District. The proposed text prevents the property owners from further subdividing their property.

The permitted uses in this PD would include one-family dwellings, community gardens, private or semi-private clubs, lodges or social centers and cemeteries. The applicant is seeking an exception from the requirements of the Glynn County Subdivision Regulations to pave the private roads to county standards; instead, they propose all-weather roads. Staff has concerns that community fire protection standards have not been adequately addressed, particularly with respect to the proposed fire protection water source and the drivability of emergency vehicles on the proposed road surface.

**In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:**

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

**The proposed use is suitable to the development of adjacent parcels as they are currently zoned.**

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

**The proposed changes will not adversely affect the existing use or usability of the adjacent property.**

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

**The property currently has a reasonable economic use as it is currently zoned.**

- 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.

**The proposed development would not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The Georgia Department of Transportation (GDOT) is required to review the subdivision of this property since it is accessed from State Route 99. The comments from GDOT's study will be taken into consideration when the entrance to the proposed subdivision is in the preliminary plat phase. The project is expected to generate approximately 16 students.**

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

**Yes, the proposed request is consistent with the policy and intent of the Comprehensive Land Use Plan.**

- Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or disapproval.

**In the proposed Development Text, the developer is requesting an exemption from Article VI Section 602.4 of the Subdivision Regulations which governs the paving of streets. The proposed Development Text states that "Road construction within the private rights-of-way will utilize improved gravel or graded aggregate surface. Road construction, including materials and typical sections, shall be approved by Glynn County." There have been problems with unpaved subdivision roads in Glynn County in the past and several knowledgeable members of the Development Review Team have repeatedly stated that they will not approve an unpaved roadway nor recommend the exception.**

Ms. Dagenhart stated that staff recommends approval of application **ZM2698** to rezone a portion of Parcel ID: 03-20986 from Forest Agricultural to Planned Development with the stipulation that this proposed development shall not be exempt from Article VI Section 602 of the Glynn County Subdivision Regulations.

Mr. Hutchinson had questions about the minimum lot sizes in this proposal relative to Environmental Health requirements for utilities. Ms. Dagenhart explained that Forest Agricultural requires a minimum lot size of 20,000 sq. ft. The lots in this case are a minimum of 3 acres. The Environmental Health Department requires 1 acre for a well and septic tank. Mr. Hutchinson stated it appears to him that the applicant could accomplish what he wants without changing the zoning. Mr. Hainley stated that he is correct, but when this process began one of the considerations going into this was the

exemption under the paving requirements, and since the Planned Development Text method worked in the past, it was used again in this case. He further explained that four structures are allowed if you're on an easement but on a private and/or county road you would have to adhere to the standards of Section 602.

Mr. Nevill stated that several years ago there used to be a 10 lot maximum on an unpaved road, which was completely eliminated. But since that time he can only recall there being one subdivision that may have been approved with an unpaved road. Mr. Hainley agreed, stating that there may have been one in the last 8 years of his employment with Glynn County.

Chairman Murphy had questions about the water source issue. Mr. Hainley explained that the applicant is proposing to not build a community well and tank because the area in question does not have county water. Instead, the applicant is proposing to improve a lake that's located in the front of the property to allow for a dry hydrant with a tank in case of a fire. He stated that the Fire Department may impose a requirement to have sprinklers for all of the structures off of individual wells. Chairman Murphy feels that this may be difficult due to the maximum height of the structures being 45 ft.

Mr. Brunson asked if impervious roads would change the formula for stormwater run-off. Mr. Hainley replied no, the material ends up being solidified and impervious.

Mr. Hutchinson stated that if the variance is not approved there is no reason to change the zoning. Mr. Hainley stated that he's correct but that would only be one option.

Mr. Boland stated that if this is a gated community would there be a problem with access for the Fire Department or other emergency vehicles. Mr. Hainley stated that a "Knox Box" will be required to be located at the gate off of Highway 99. Chairman Murphy wanted to know who sets the standards for maintaining the road. Mr. Hainley stated that maintenance is actually one of staff's concerns relative to private roads and private easements. Mr. Boland wanted to know where the proposed cemetery would be located, however Mr. Hainley stated that the applicant has not requested that particular use, which would have to come back to the Planning Commission for approval.

During a brief presentation, Mr. Kyle Colafrancesco, applicant/owner, explained that their intent with changing the zoning was based on the loose gravel surface being more in line with the style of the community that they are proposing to build, which is a mini farm type estate community. The construction of the roads was engineered up to county specs with upgrades, drainage and gravel like any other road in Glynn County with the exception of 1½ inch of asphalt. Procedurally, he stated that they are requesting a full up or down vote on the rezoning at this time. They would prefer to have the property remain zoned FA if they cannot get approved for the gravel streets.

Mr. Brunson asked Mr. Colafrancesco if the gravel is a deal breaker in this case. Mr. Colafrancesco stated that it is a situation that changes the technical aspect of the community to a point where they would want the FA zoning to remain in place. He stated that they may need to change some of the parcel sizes, which they would do between this Commission and filing for a plat change.

Mr. Hutchinson stated that he is very concerned with the following comments listed under staff's findings of fact: ***"In the proposed Development Text, the developer is requesting an exemption from Article VI Section 602.4 of the Subdivision Regulations which governs the paving of streets. The proposed Development Text states that 'Road construction within the private rights-of-way will utilize improved gravel or graded aggregate surface. Road construction, including materials and typical sections, shall be approved by Glynn County.'*** ***There have been problems with unpaved subdivision roads in Glynn County in the past and several knowledgeable members of the Development Review Team have repeatedly stated that they will not approve an unpaved roadway nor recommend the exception."***

Mr. Hutchinson stated that he has been on the Planning Commission for over 10 years and to his knowledge there has never been a dirt road approved. If this Commission approves a dirt road he feels that every developer in this county would complain about it. Speaking only for himself, Mr. Hutchinson stated that "dirt roads are not an option; this county is not going back to dirt roads." That being the case, Mr. Colafrancesco asked if he could request a deferral for the zoning change. However, Chairman Murphy pointed out that a deferral is not necessary if the property is already zoned Forest Agricultural.

Mr. Chris Amos, engineer and consultant, stated that the reason that they are here with the PD is because of the paving issue. He worked on a previous project which fits the development style of this applicant's request. Otherwise, he would not have asked for the rezoning. Again, he stressed that without the road paving issue they would not be here today. Mr. Hutchinson stated for clarification that if the property remains Forest Agricultural the applicant won't have to come to this Commission again with the exception of requesting a plat approval. He then asked Mr. Amos if there are any plans for a decel lane. Mr. Amos stated that they are currently in the process of permitting the driveway with GDOT and based on the warrants in the driveway manual, he doesn't think that a right-turn lane will be required because there are not enough right-turn movements with the current number of lots. He stated that they don't meet the warrants based on the traffic volume that the project will generate, although he is not the person responsible for making this determination. Mr. Colafrancesco confirmed that they have been working very closely with GDOT in this area of the project.

Mr. Boland asked if the proprietors next door have access or authority to use the applicant's gate. Mr. Colafrancesco replied yes, they are very neighborly and this is not a problem.

There being no further discussion, Chairman Murphy reminded the members of their options to approve this request as submitted, deny it, or defer it. However at this time, Mr. Colafrancesco stated that he would like to withdraw his application. Mr. Hainley explained that the applicant has a right to withdraw or defer. According to the ordinance, in the case of withdrawal or if action is taken to deny the request, “an application shall not be initiated for an amendment affecting the same parcel or parcels of property, or any part thereof, by a property owner for a period of six months.” (The six month time period does not apply in case of a deferral.)

At the end of discussion, a motion was made by Mr. Buddy Hutchinson to defer application **ZM2698**. The motion was seconded by Ms. Larissa Harris. However, it was determined that the Public Hearing on this item had not taken place. Therefore, the motion and the second to defer were withdrawn and the floor was opened for public comments beginning with Mr. Wayne Hutchinson, adjacent property owner.

Mr. Wayne Hutchinson stated that he supports this project and feels that it is very worthwhile. He stated that it may be a different lifestyle than what we’re used to seeing but the applicants are trying to make an upscale subdivision in a growing area of our community. Additionally, this development for the most part will be secluded from the highway. He believes that Glynn County will be missing out if this request is not approved. Mr. Hutchinson stated that he would like to see this project go forward.

Ms. Monica Smith, local resident of St. Simons Island, was present to speak in opposition. She stated that FA is an inappropriate zoning designation and she is asking that this request be denied.

Mr. Dave Kyler of the Center for a Sustainable Coast stated that this request should be denied due to the possible affect it may have on the environment, the economy and the infrastructure.

Mr. Daniel Parshley, Environmental Coalition Director, expressed concerns about the saltwater intrusion and the potential danger of nearby wildlife. He stated that we need to leave the community better for our children.

Ms. Megan Desrosiers expressed similar concerns; however, she feels that the request should be deferred, rather than denied, to allow the applicants a chance to find a workable/livable solution for everyone.

Ms. Jessica Chanclor, local resident and member of the Glynn County School Board, spoke in opposition to this request. She expressed concerns about traffic and overcrowded schools, and she urged the Planning Commission to recommend denial of this request.

Mr. Bill Jenkins of Glynn County Environmental Health Department stated that this proposal appears to be adequate and he doesn’t see any problems at this stage. He stated that the lots are very suitable for what the applicants are proposing.

After a brief rebuttal from Mr. Colafrancesco, during which he addressed fire protection and adequate utilities, Chairman Murphy asked if there were any other public comments, to which there were none. The Public Hearing portion of this request was then closed.

Mr. Buddy Hutchinson stated that he is not opposed to a Planned Development zoning as long as there is a stipulation that there is to be no exemption from the road paving ordinance. Afterward, a motion was made by Mr. Hutchinson to recommend approval of application **ZM2698** to rezone a portion of Parcel ID: 03-20986 from Forest Agricultural to Planned Development with the stipulation that this proposed development shall not be exempt from Article VI Section 602 of the Glynn County Subdivision Regulations. The motion was seconded by Mr. Bill Brunson. However, before the vote was taken, Mr. Colafrancesco stated that it is within his best interest to request a deferral if the stipulation is included in the motion. Chairman Murphy advised Mr. Colafrancesco that the Public Hearing portion of this item was closed and a formal motion/second is now on the floor. This prompted a disruption from the applicant's attorney, Ms. Taylor Haley, in which she contends that the Public Hearing was never officially opened. Chairman Murphy advised that the Public Hearing was in fact opened (*page 6, paragraph 2*), the applicant gave a rebuttal, there were no other comments and the Public Hearing was closed. (*page 7, paragraph 1*)

After a heated debate regarding proper procedure, the current motion on the floor for approval from Mr. Buddy Hutchinson, and the second from Mr. Brunson were withdrawn and discussion continued. At the end of this discussion, a motion was made by Ms. Larissa Harris to allow the applicant to defer this request. The motion was seconded by Mr. John Williams and unanimously adopted.

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**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 reduce the minimum lot size of Resort Residential Single-Family to 4,000 sq. ft., and lot width to 40 ft., and for other purposes. 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. Eric Johnson:

The proposed changes to Section 705.5 of the Zoning Ordinance were requested in an application submitted on July 26, 2013 by Hal Sigman. The purpose of this amendment was intended to establish a smaller lot size and width for single-family uses in the RR Resort Residential Zoning District.

In his application, Mr. Sigman indicated 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.”

The proposed amendment was reviewed by the Mainland Planning Commission (MPC) on September 3, 2013; however, it was deferred in order have a joint workshop for additional discussion. The MPC also requested staff provide additional information regarding the potential impacts the proposal would have on other areas, as well as the possibility of designating one particular area that the proposal would be applicable to. The joint workshop was held on January 14, 2014.

During a brief presentation, Mr. Hal Sigman explained that when this amendment was previously discussed by the Planning Commission members, there was a lot of confusion, misinformation and miscommunication at the Islands Planning Commission level. However, since that time he has explained the request and cleared up the confusion. Several of the IPC members have stated that they would now support his request. Mr. Sigman feels that if this amendment is not approved, the area in question will become all condos and the single-family residences will be gone.

Mr. Brunson stated that his problem is with “blanketing” the whole area with this amendment and feels that parcels should be dealt with individually. Chairman Murphy stated that it is too broad and may not be good for the rest of the community. Mr. Nevill pointed out that St. Simons is unique and most of the sites should stand on their own merit.

At the end of discussion, a motion was made by Mr. Gary Nevill to recommend denial of **TA2668** to amend the RR Zoning District to reduce the minimum lot size to 4,000 sq. ft., lot width to 40 ft.; and for other purposes. The motion was seconded by Ms. Larissa Harris. Voting Aye (in favor of denial): Mr. Bill Brunson, Ms. Larissa Harris, Mr. Buddy Hutchinson, Mr. Tim Murphy, Mr. Gary Nevill and Mr. John Williams. Voting Nay (against denial): Mr. Tom Boland. The motion carried for denial.

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In other business, due to Election Day, a motion was unanimously adopted to change the November MPC Meeting Date from Tuesday, November 4<sup>th</sup> to Wednesday, November 5<sup>th</sup> beginning at 6:00 p.m.

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