

MINUTES
ISLANDS PLANNING COMMISSION
FEBRUARY 17, 2015 - 6:00 P.M.
St. William's Catholic Church, 2300 Frederica Road, SSI

MEMBERS PRESENT: Preston Kirkendall, Chairman
 Desiree Watson, Vice Chairman
 Stan Humphries
 William Lawrence
 Robert Ussery
 Karen Ward
 Joel Willis

STAFF PRESENT: David Hainley, Community Development Director
 Eric Johnson, Planning Manager
 Cayce Dagenhart, Planner II
 Karl Bursa, Planner II
 Ellis Carter, Building Official
 Janet Loving, Admin/Recording Secretary

Chairman Kirkendall 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
December 16, 2014 - Regular Meeting
January 20, 2015 - Regular Meeting

A motion was made by Ms. Desiree Watson, seconded by Mr. Stan Humphries and unanimously adopted to approve the Minutes of the *December 16th Regular Meeting*.

A motion was made by Mr. Joel Willis, seconded by Mr. Stan Humphries and unanimously adopted to approve the Minutes of the *January 20th Regular Meeting*.

AGENDA - Additions, Deferrals, Deletions, Postponements

Upon a request from the applicant, a motion was made by Mr. Stan Humphries, seconded by Mr. William Lawrence and unanimously adopted to defer application *SP2906* to the March 17, 2015 IPC Meeting, beginning at 6:00 p.m.

ZM2976 Tidal Shores: Consider a request to rezone four parcels from R-12 One-Family Residential to General Residential (GR). A portion of the 10.911 acre site fronts on the west side of Frederica Road approximately 250 ft. north of North Harrington Road and directly across from Musgrove Place. Parcel IDs: 04-13696, 04-05363, 04-00211, and 04-05362. Franklin L. Evans, agent for Cathy L. Williams, administrator of the estate of Eliza Cuyler, Dorothy Cuyler, Perth F. Pearson and Rhonda M. Pearson, property owners.

Mr. Larry Evans was present for discussion.

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

This property is adjacent to the Orange Hall Subdivision, and like the Orange Hall Subdivision, the ingress and egress for this property would be on Frederica Road. The differences between the R-12 One-Family Residential District and the General Residential District are the lot size requirement and the type of residence that can be built on the property.

The R-12 district requires a parcel to be at least 12,000 sq. ft. (.275 acres) for a one-family dwelling, while the GR district allows parcels to be 6,000 sq. ft. (.138 acres) for a one-family dwelling. The GR district allows one-family, two-family and multi-family dwellings as well as row houses. The R-12 district only allows a one-family dwelling as a residence.

The R-12 district and the GR district are both reserved for low to medium density residential purposes. The maximum dwelling units per acre in the R-12 district is three, which means approximately 32 dwelling units are currently permitted on the 10.911 acres. The maximum dwelling units per acre in the GR district is ten, which comes to approximately 109 dwelling units for this 10.911 acre parcel. According to the concept plan, the applicant proposes 42 one-family dwelling units along with several conditions that they would agree to as follows:

1. There will be no clear-cutting of the trees on the property;
2. There will be a 50% maximum lot and site coverage;
3. There will be no more than 3.84 units per acre; and

4. There will be a rear yard setback of 20 ft. consisting either of a Type “A” Buffer and/or a combination of a 12 ft. Type “A” Alternate Buffer and a yard.

The average lot size shown on the concept plan is 7,619 sq. ft. In a survey of 15 nearby subdivisions, there are four that have average lot sizes smaller than the proposed Tidal Shores Subdivision average lot size. Two of the four subdivisions, Bay Tree and West Lake, are zoned PD Planned Development, while Musgrove Place and Sea Palms North Cottages are both zoned R-6 One-Family Residential.

Nine of the 15 subdivisions/condominiums surveyed have a higher density than the proposed Tidal Shores Subdivision. Density is calculated as “the number of dwelling units or sleeping rooms as appropriate per net acre (Glynn County Zoning Ordinance Article III. Definition and Interpretation of Terms Used in this Ordinance). The proposed Tidal Shores Subdivision is adjacent to several parcels that are zoned CP Conservation Preservation, which should be taken into account when considering the appropriateness of the subdivision.

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.

This application will decrease the minimum required lot size by half and, though it will be residential, it would not be in-keeping with the surrounding neighborhoods. The property is also adjacent to a Conservation Preservation District which is a zero-density zone (no buildings may be built in this zone). A medium-to-high residential use would not be compatible adjacent to a zero-density zoning district.

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

The proposed zoning would not adversely affect the existing use or usability of adjacent or nearby property.

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

The property to be affected by the zoning proposal has a reasonable economic use as 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.

If this project is developed at its highest density, 109 units (10 units per acre x 10.911 acres) there is a potential to cause an excessive or burdensome use of existing streets, transportation facilities, utilities and schools. With 109 units, there is a potential for 60 school aged children and 1,091 ADT. The “Concept Plan” submitted by the applicant shows 42 lots which is significantly less than what would be permitted. Developed at 42 lots the burden on the existing streets, transportation facilities, utilities and schools would be insignificant.

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

The Future Land Use Map categorizes these properties as Low Density Residential. A medium to high density residential zoning use like General Residential adjacent to Conservation Preservation and R-12 One-Family Residential (low to very low density) would not be appropriate for this area.

- 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

Ms. Dagenhart stated that staff believes that this application is complete and contains all of the information required by the Glynn County Zoning Ordinance. Any positive motion on this case should include compliance with the submitted concept plan as a condition of the rezoning.

Mr. Robert Ussery asked if normally a request with a number of stipulations would be shown as a PD rather than a General Residential zoning. Mr. Hainley replied yes. Mr. Ussery stated that this appears to be an improper application because the GR is a base zoning that allows up to 10 units per acre. Mr. Hainley replied correct, but without restrictions. Mr. Ussery then commented that this submittal appears to be sort of patched together.

Ms. Karen Ward wanted to know if the Island is suitable for high density. Mr. Hainley replied that there are parts of the Island suitable for high density. Ms. Ward had additional questions about elevation and drainage in this particular area of the request. Mr. Hainley stated that according to the applicant, the drainage would be via Frederica Road which in his opinion would be difficult to achieve. He believes that drainage would be more towards the west.

During a brief presentation, Mr. Larry Evans, agent for the applicant, explained that the objective of this project is to do a very high quality development of detached family homes similar to adjacent structures surrounding this site. One of the conditions is that they would restrict the site and lot coverage to 50% which allows more open green space. Currently in the R-12 zoning there are no site restrictions on the lots themselves other than the setbacks. These restrictions would allow less site coverage than the current existing R-12 property. He stated that they would also provide buffers to the concept plan that would not be required in the current R-12 zoning. These restrictions would be part of the preliminary plat and the final plat, both of which will be reviewed and approved by the Planning Commission. He stated that they would also do deed restrictions so that any restrictions placed on the property would go with the lots.

At this time, Mr. Evans introduced Mr. Ryan Von Weller with Orange Crown Development who explained that the applicants would like to create the opportunity within the 11 acre site to have a multitude of sizable lots within reason. He stated that there are a number of communities currently being developed with a focus on common open space, rather than having large typical backyards. Mr. Von Weller pointed out that what they've tried to do is give as much common area as possible. They were very careful not to align smaller lots behind bigger lots and vice-versa, and he is hoping that they can come to a conclusion to allow some flexibility.

Mr. Von Weller stated that they did consider the PD zoning classification as referenced by Mr. Ussery, but they really wanted to provide a little more flexibility in the size of the lots. The 6000 sq. ft. lots that are shown on the plan are probably not the best use. They have actually found that the R-12 lots have very good demand within the local market place. However, geometrically, they have found this submittal to be the best approach. He pointed out that they would be happy to include the necessary restrictions, but again, it was not their intention to do anything more than what they have proposed. He stated that they would be willing to submit any formal agreement necessary to obtain approval.

Mr. Ussery stated that regardless of the greenspace, the applicant is still increasing the density on the parcel. Mr. Von Weller stated that the density for R-12 is 3 units per acre and they are proposing a little under 4, so there is an increase but not by much. He stated however that there are some irregular shaped lots.

Ms. Ward stated that Mr. Evans has pointed out that there would be no clear cutting and every effort would be made to save the trees, the buffers and opened areas. She stressed that trees are very important on the Island. Mr. Evans agreed. Ms. Ward stated that she doesn't like the term "every effort" and asked if he could be more definitive. Mr. Evans stated that the way they intend to do this is to actually use piers and beams to protect tree roots that are very close to the foundation and building structures. They would also use a method of not cutting another canopy of any tree. This

prompted Mr. Ussery to ask why wasn't a tree survey done. Mr. Evans stated that they are proposing to have a tree survey with the preliminary plat. However, Mr. Ussery stated that ordinarily with this type of proposal of an increase in density, the Planning Commission would like to see a tree survey, especially when a promise is being made to save trees. Mr. Evans stated that two 6,000 sq. ft. lots immediately contain more open space than one 12,000 sq. ft. lot because of the setbacks, and with the buffers that they've included for the rear yard of 20 ft. vs. 7 ft. there is a good chance that most of those trees can be saved also. He stated that they have further restricted the middle of those lots to 50% lot coverage which includes driveways and patio areas.

Mr. Ussery asked if they could keep the density the same as the R-12 zoning. Mr. Von Weller stated that it is very possible but with R-12 there is no flexibility. However, Mr. Ussery stated that it would make more sense if the applicant could keep the density the same as what the R-12 zoning allows, which would then allow for the flexibility needed to manipulate the lot sizes. He pointed out that personally, he would have a difficult time agreeing to an increase in density. Mr. Von Weller stated that they just didn't know the exact way to go about accomplishing what they wanted to do without going through the rezoning process. Although with the amount of restrictions, he agreed that this would typically be shown as a PD.

Chairman Kirkendall wanted to know what would restrict the applicants from accomplishing what they would like to do if the property were to remain R-12. Mr. Von Weller stated that they could still build the project, but the zoning would create "cookie cutter" type lots with very little geometric flexibility and very little community space.

Mr. Evans asked that if they decided to come back with a PD could they still have the restrictions, and if so, could they request a deferral. Mr. Hainley stated that he would have to confer with the County Attorney because the filing request would be subject to the current moratorium. However, if the applicants were to withdraw this request it would be done without prejudice with regard to the filing deadline. The time period would be one year if the Board of Commissioners were to take action and deny the request, but if the IPC were to take action and deny the request, there would be a six-month hiatus. For clarification, Chairman Kirkendall stated that the IPC could defer without prejudice and evaluate the withdrawal. Mr. Hainley stated that the applicant could re-file within the two and a half months that's left in the current moratorium. Mr. Evans stated that the deferral would be the best thing to do at this time.

There being no further discussion, a motion was made by Mr. Stan Humphries to accept the applicant's request for deferral. The motion was seconded by Ms. Desiree Watson and unanimously adopted.

CUP2981 Flash Foods: Consider a request for a conditional use permit for an automobile service station (gas station). The property is zoned PD Planned Development and located on the corner of Frederica Road and Riverview Drive. Parcel ID: 04-09733. James L. Rollins with The Summit Group, agent for SP Frederica LLC, owner.

Mr. James (Jim) Rollins was present for discussion.

The staff's report was included in the packages for review and was presented by Mr. Eric Johnston as follows:

This conditional use request is for an automobile service station, which is comprised of a 3,395 sq. ft. convenience store (1-story) building and eight fuel pumps.

This type of establishment requires conditional use permit approval in the HC Highway Commercial Zoning District, which is what staff used to determine the allowable uses for this parcel in the PD Planned Development.

According to Section 1102 of the Zoning Ordinance, a conditional use permit is considered a *zoning decision*. Zoning decision is defined as "a change in the zoning classification of property in the unincorporated area of Glynn County as indicated on the official zoning map of Glynn County, the granting of a special use permit, or the granting of a conditional use permit."

Mr. Johnson stated that staff has reviewed this request and initially had concerns regarding the project's anticipated traffic generation and traffic movements. A traffic impact and access study was provided by the applicant and satisfies staff's concerns.

It was noted that over 400 citizens were in attendance. Chairman Kirkendall reminded everyone of the rules of conducting this meeting and public hearing items. For the benefit of public comments, he explained that in reviewing an application for a conditional use permit, the Planning Commission shall consider the following criteria in accordance with *Section 904* of the Glynn County Zoning Ordinance:

- a) The effect the proposed activity will have on traffic flow along adjoining streets;
- b) The location of off-street parking facilities;
- c) The number, size and types of signs proposed for the site;
- d) The amount and location of open space;
- e) Protective screening;
- f) Hours and manner of operation;
- g) Outdoor lighting;
- h) Ingress and egress to the property; and
- i) Compatibility with surrounding land uses.

Chairman Kirkendall also reminded everyone that the Planning Commission's decision on a conditional use permit is the final decision and it must be made tonight. He stressed that all comments should be limited to the items listed above. He then opened the floor for comments from the Planning Commission Members.

Mr. Ussery stated that a traffic study was submitted detailing the number of vehicles, but he did not see any documentation addressing turning radiuses, stacking of vehicles or ingress and egress. Mr. Hainley stated that staff did not receive any other information. Mr. Lawrence stated that he is also concerned about ingress and egress and he would like to know the total number of vehicles projected to access Riverview Drive. His next concern is the fact that the traffic count, which took place between the hours of 7:00 a.m. and 9:00 a.m., did not include or take into consideration opening of the bank or the Post Office located on the adjoining street. Finally, Mr. Lawrence pointed out that the next area of concern is the proximity to the other service areas, which he stated is very close and will also have a negative effect on traffic.

Ms. Desiree Watson expressed concerns about traffic as well, especially the fact that the traffic study does not address turning radiuses as noted by Mr. Ussery. She is particularly concerned about the huge delivery trucks and the 40 ton fuel trucks which she stated would need a minimum turning radius of 27 ft. in order to make a 90 degree turn. She stated that Riverview Drive is simply not wide enough. She also pointed out that the driveway appears to be so close to Frederica that while the fuel truck is waiting to make its left turn into the site, the rear end of the truck will be blocking traffic on Frederica Road. Additionally, she noted that there is nowhere for the trucks to go out unless they are proposing to leave from the back of the property, which is private property.

Mr. Stan Humphries wanted to know if a conditional use is considered to be a privilege. Mr. Hainley replied yes. Mr. Humphries then asked if it is true that this Commission has the authority to approve or disapprove a conditional use. Mr. Hainley replied yes, but it must be evaluated based on the criteria previously outlined by the Chairman.

Ms. Karen Ward wanted to know what other uses could be placed on the property. Mr. Hainley stated that a restaurant, commercial facilities, offices or anything under the current HC Zoning District would be allowed. Ms. Ward also expressed concerns about the traffic and the current bottleneck affect during certain periods of the day. She stated that if the proposed use is allowed with no turn lanes, etc. it would be very difficult to maneuver in and out of the area. Mr. Hainley pointed out that there is a stacking lane configuration on the existing road.

To address Mr. Lawrence's concerns about the morning traffic count being done between the hours of 7 a.m. and 9 a.m., Mr. Hainley explained that this particular morning time is an engineering and transportation configuration that deals with the a.m. peaks and p.m. peaks. Nationwide studies are done on Trip Generation for these

particular stores and it is meant to remove the humps in the valleys of individual configurations. Mr. Lawrence asked if staff received a projection as to the number of vehicles expected to go on Riverview Drive. Mr. Hainley stated that he would have to consult the applicant because he doesn't recall a figure being generated.

At this time, Mr. Jim Rollins with The Summit Group advised that he is here soliciting the Planning Commission's approval of the conditional use permit. Regarding the traffic issue, he stated that as defined by the National Transportation Safety Board for the Georgia DOT, a convenience store is a by-pass business which takes the vast majority of its business from existing traffic. The other designation is defined as a destination location, and as such, increases the volume of traffic. Destination businesses are denoted as major retailers, i.e. Wal-Mart, restaurants, banks, doctors and dentists offices; they are points of destination.

Mr. Rollins stated that they have provided a traffic study from their Traffic Engineer, Mr. Alec Metzger, who is also here to answer questions. However, because of the issue, they have also solicited assistance from a local Traffic Engineer, Thomas Hutton. He stated that they did not provide a copy of that particular traffic study because it was just recently received, but he will present it tonight. He stated that both studies indicate that the addition will not significantly change current conditions. The studies also indicate that the addition will meet current zoning and traffic regulations.

Mr. Rollins stated that the site provides for three curb cuts; one on Frederica Road, one on Riverview Drive and the third at the back of the property on Riverview Drive. He noted that there is an existing public access easement from the shopping center to Riverview Drive, behind the property all the way to the traffic light.

Regarding gas deliveries, Mr. Rollins stated that the trucks can pull-in and pull-out through the rear of the property and can access the traffic signal at the shopping center; "those radiuses are sufficient." He stated that there is adequate access. The curb-cut on Frederica Road will be increased. The turning radiuses are located on the site plan and meet all current traffic regulations. Mr. Rollins stated that "there are no turning issues with the traffic." He also stated that the Glynn County Traffic Engineer has accepted their traffic study and has approved the curb-cut and access.

Mr. Rollins pointed out that an aesthetic issue was raised in the media suggesting that this proposal would not add to the ambiance of St. Simons Island. He completely understands but stated that it is a neighborhood store and was designed for that purpose. He stated that Flash Foods currently operates a similar convenience store on Jekyll Island and the Jekyll Island Executive Director, Jones Hooks, confirms Flash Foods efforts to be a good neighbor and to be an asset to the community. Mr. Rollins stated that they have also provided a landscape plan that probably exceeds any convenience store currently located on St. Simons Island.

In addressing the parking lot lighting, Mr. Rollins stated that they have met the lighting requirements of Glynn County and have provided a photometric of the site as well as photographs of the Jekyll Island store. He stated that no lighting will spill over or affect any residential property along St. Simons. They are in full compliance with the Glynn County lighting requirements and have been approved.

Regarding the tree canopy, Mr. Rollins stated that they will be removing some of the trees, but they have met all of the requirements of the tree canopy regulations for Glynn County. He pointed out that they will be adding a tree between the proposed site and the BB&T Bank building, which means that their tree canopy requirements will exceed the current regulations.

Mr. Rollins stated that the site in question represents a significant challenge. It was realized that Glynn County had taken a 10 ft. strip of frontage for a lane of traffic, the property owner was never compensated by Glynn County; however, they have been able to meet all of the regulations and guidelines stipulated by the county. They have also met with staff several times to ensure that they were in compliance with all regulations. Mr. Rollins stated that they respectfully ask at this time for approval of the conditional use permit. He pointed out that it was mentioned in the press that the Island Trust was purchasing this property. He stated that the Island Trust does not have a contract on the property and Flash Foods is moving to close on the purchase of the property.

Mr. Lawrence asked Mr. Rollins what he perceives as the need for a service station less than one tenth of a mile from another one; however, Chairman Kirkendall advised Mr. Lawrence that “need” is not one of the criteria on the list for the Planning Commission’s consideration.

Ms. Desiree Watson pointed out that Mr. Rollins has stated that there is no issue with turning radiuses. She asked if he has a new study by Thomas and Hutton that shows this information because it is not contained in the current study. Mr. Rollins stated that their Civil Engineer will have to address this particular issue. In the meantime, Mr. Humphries asked Mr. Rollins if he could tell them what the size of the property is on St. Simons and the size of the Jekyll Island property. Mr. Rollins stated that he does not know the size of the Jekyll Island property but he will find out. However, Mr. Humphries stated that it is a lot smaller. Mr. Rollins stated that it could very well be but he is not sure.

At this time, Mr. Rollins introduced the Civil Engineer, Mr. Alec Metzger who briefly addressed the traffic and turning radius of large vehicles. Mr. Metzger pointed out that currently, the county’s requirement is 40 to 60 ft. from the intersection based on the type of road classification. Both of the drives on Riverview and Frederica are more than 60 ft. which meets the county’s requirement. Ms. Watson stated that according to the American Association of State Highway and Transportation Officials, the length of a 40 ton fuel truck is 65 or 75 ft. long. Mr. Metzger agreed, but stated that normally a

turning radius for a passenger car is approximately 20 ft. The turning radius for a large delivery type truck may be approximately 40 ft. He stated that the drives are wider than a typical driveway. Ms. Watson disagreed and reiterated that according to National Standards, 27 ft. is needed to turn the vehicle at a 90 degree angle. She then asked if any thought had been given to 18-wheelers who can't make the left-hand turn because of the residents coming from the subdivision in the morning hours. Mr. Metzger disagreed, stating that the trucks will be able to make the left-hand turn without going into opposing traffic. They can also use the next driveway into the rear loading area where the fuel tanks are situated. *(The audience erupted during explanation - inaudible.)*

Mr. Ussery pointed out that the Jekyll Island store is attractive; however, there is a big difference between that store and what's being proposed for St. Simons. Jekyll has more property and plenty of transition areas to get on and off the roads. With tonight's proposal, there is not a transition area from the edge of the pavement at Frederica Road to the interior circulation route. Referring to the way the gas pumps are angled in the proposed plan, Mr. Ussery also explained the difficulties of customers coming from the south, making the turn into the gas station, and getting to the pumps. He stated that "sometimes just meeting the letter of the law doesn't necessarily mean it's a safe situation." With his office being located directly across the street from Riverview Drive, Mr. Ussery pointed out how difficult it is to get in and out of the parking lot especially when traffic is heavy. He stated that you have to totally rely on the goodwill of other drivers to let you in or out.

Mr. Mike Ridgeway with SRS Engineering from Columbia, SC, also a Licensed Professional Engineer in Georgia stated that it has been noted that this is a "pass-by use" and therefore most of the people that will come to the site are already traveling on Frederica Road. He explained that the reason they take the traffic count between 7 a.m. and 9 a.m. is because it is the peak time of day for this particular site; 4 to 6 in the afternoon is the peak time for this area as well. Again, he stated that most of the people coming to this site or to any other convenience store are already passing by. Mr. Ridgeway stated that one of the big benefits of this site is that it does have a back access and a traffic signal during peak traffic times. Mr. Humphries stated that "if you spend any time on the Island, you should recognize that the real traffic time is at noon, and just because you stand behind standards does not mean you should not face facts." Mr. Ridgeway stated that the recent study by Thomas & Hutton did address the noon time traffic and those volumes were very similar to the p.m. peak. He also stated that the study showed the traffic going north and southbound as equal.

Ms. Ward expressed concerns about the proposed access easement and stated that she would like assurance that there is actually an access easement because the applicants appear to be relying heavily on exiting by way of the existing back road. Mr. Rollins stated that as a matter of public record, the access easement does exist and it is recorded in the Glynn County Courthouse. However, in an effort to resolve some of the concerns about the trucks and traffic, Mr. Rollins stated that Flash Foods would make deliveries at night, after hours, which should eliminate any turning issues although they have complied

with all Engineering Practices and all regulations. He stressed that they have done everything humanly possible to make the site work and to comply with all Glynn County regulations. Mr. Joel Willis explained to Mr. Rollins that no one is questioning his efforts to comply with the regulations. He stated that the issues are the proposed challenges along the front, side and rear of the property. He is especially concerned about the trucks exiting to the rear of the convenience store. Traffic already backs up at the four-way stop and even more at the traffic light, which presents a real challenge of getting in and out of the access road in the rear.

At this time, Chairman Kirkendall opened the floor for public comments; however, he reminded everyone to limit all comments to the list of criteria that governs review of a conditional use permit application. He also asked that they not be repetitive.

Mr. Dick Wiederhorn, Island resident, stated that according to the applicant's traffic study, approximately 2,170 vehicles will visit this proposed site on an average day, and over 4000 exits and entrances each day on average. Mr. Wiederhorn stated enthusiastically, "that's a lot of cars." He stressed that this proposal will not work on St. Simons, in fact, it will be a mess. It does not meet the intent of what the residents are trying to do on the Island and it should be denied.

Mr. Gary Schwartz of 115 Riverview Drive stated that current residents are already putting up with traffic problems and this proposal, if approved, will make things worse on Riverview. He is opposed to this request and asked that it be denied.

Mr. Jack Overman, representing 160 property owners of Barnes Plantation, stated that they are all opposed to this request due to increased traffic, problems with ingress & egress and outdoor lighting. He also reminded the Planning Commission that when the PD was developed for the "Monkey Wrench" this Commission stated that there would be no gas stations on Frederica Road. He stated that if "Monkey Wrench" could not be a gas station, how can there be a gas station across the street. Mr. Overman stated that he is merely asking this Commission to be consistent and deny this request.

Ms. Phoebe Hoaster of 162 Laurel View Drive expressed opposition to this request due to increased traffic. She stated that the Commissioners need to listen to the people and take into consideration that "we don't want this."

Mr. Dave Kyler with the Center for Sustainable Coast stated that the applicants have submitted a bogus traffic study with no substance to justify its claim and it should be discounted. This proposal, if approved would add to the existing traffic problems.

Mr. York Phillips stated that this proposal is not consistent with the adopted Glynn County Comprehensive Plan in that it changes the character and look of the immediate area by removing trees, introducing larger structures (building and pump canopy), and expanding the paved area, which detracts from the sense of place. Additionally, this proposal is not consistent with the Future Land Use Map and Text.

Mr. Phillips noted that the applicants have chosen the wrong location for a use with such intensity and character. The proposal imposes a detrimental effect on community infrastructure, notably traffic circulation. Parking is inadequate as well. He stressed that the only reasonable decision would be to deny this request.

Ms. Bonnie Harris stated that there is no need for another gas station on St. Simons. Traffic is already horrendous. She also stated that Jekyll Island does not compare with St. Simons with respect to land area. Additionally, Ms. Harris stated that she is very impressed with the Islands Planning Commission and commended them for their relevant questions and discussion; however, she expressed disappointment with the county regarding the applicant's traffic plan.

Mr. Randy Thomas explained that he is trying to hold on to the ambiance of the Island. The residents need to stick together, stop the insanity, and preserve the trees. He emphatically recommends that this request be denied.

Ms. Monica Smith stated that putting gas trucks and gas pumps in the middle of a residential area is dangerous. She also stated that this proposal is not compatible with the existing residential use and she is appealing to the Islands Planning Commission to deny this request.

The following Island residents were also present to speak in opposition to this request: Mr. Burke Harrison, Mr. Al Sigler, Ms. Mary Stager, Mr. Tad Meeks, Mr. Fred Collins, Ms. Diane Haywood and Mr. Jim Branca. They are all opposed to having a gas station in their neighborhood and adding more traffic to an existing congested area. They feel that lighting will be a huge problem, as well as ingress and egress. They stressed that this development would have a negative impact on their neighborhood and on the entire Island.

During a brief rebuttal, Attorney Foster Lindberg, representing Flash Foods, explained that they are all faced with certain regulations and Zoning Ordinances. This property is zoned PD but with all Highway Commercial uses reserved. When applying for a conditional use under that umbrella, *Section 904* must be adhered to. If there is a ruling by the Islands Planning Commission for denial, that ruling cannot be arbitrary or capricious.

Mr. Lindberg stated that the engineering was all done according to generally excepted standards for engineers. All reports were done in accordance with professional engineering standards. County staff has stated that Flash Foods is in compliance. Mr. Lindberg pointed out that those are the rules and regulations. The uses listed under this particular zoning are permitted and have been on the books for a long time. His client wants to do everything possible toward being a good neighbor on St. Simons Island. He reiterated that they are faced with criteria under *Section 904*. There will be some increased traffic with anything that complies with Highway Commercial zoning.

In conclusion, Mr. Lindberg stressed that regardless of the opinions, which are not always correct, this request as presented is reasonable and it is in compliance with the Zoning Ordinance. He stated that the Planning Commission's decision has to be based upon the Zoning Ordinance as it exists today, and his client has satisfied the criteria for a conditional use permit for approval at this time.

There being no further public comments, Chairman Kirkendall closed the Public Hearing and discussion continued among the Planning Commission. He then reminded the members of the criteria upon which they should base their decision, and stated that they should first consider the compatibility of gas pumps with the area in question.

Mr. Robert Ussery pointed out that when the restaurant was operational, there were issues of getting in and out. This proposed plan does nothing to make that any better. In fact, he stated that it could be argued that the traffic will be worse because of the situation with the gas pumps. Therefore, a motion was made by Mr. Ussery to deny the conditional use permit for **CUP2981**, Flash Foods, because of difficult, problematic and potentially dangerous ingress and egress to the property depicted on the site plan. The motion was seconded by Mr. William Lawrence. Discussion continued.

Ms. Desiree Watson stated that the first item for consideration under *Section 904* is "the effect the proposed activity will have on traffic flow along adjoining streets." She stated that the traffic study that they've been presented with, supposedly done to National Standards, doesn't really address the "drag" that they've heard about with people trying to get in and out. It addresses the number of trips, but it does not address the "drag" of the congestion. She stated that the potential use of the site is over ambitious. She also feels that there is a safety issue for people who are visiting the site as well as the surrounding streets.

There being no further comments or discussion, the motion for denial of **CUP2981** was unanimously adopted.

The Islands Planning Commission took a 5-minute recess. The meeting resumed at 8:05 p.m.

PP2982 Island Retreat, 603 Bartow Street: Consider preliminary plat approval for a two lot subdivision that is zoned R-6 One-Family Residential. The 25,906 square foot (0.594-acre) parcel is located at 603 Bartow Street which occupies the north corner of the intersection of Bartow Street and Martin Street. Parcel ID: 04-04171. Michael Hardy, agent for Matthew C. Leiter with 603 Bartow, LLC, applicant and owner.

Mr. Bobby Shupe was present for discussion.

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

The applicant is proposing to divide a 25,906 sq. ft. parcel into two lots. The smallest lot would be 11,576 sq. ft. which complies with the minimum lot size in the R-6 Zoning District. The houses built on both properties would be access from driveways on Bartow Street.

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, 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: Provided by applicant on plat.

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: Provided by applicant on plat.

13. Proposed unit division or stage of development, if any, by the subdivider.

Staff Comment: Not pertinent to this application.

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: Provided by applicant on plat.

Ms. Dagenhart stated that staff believes that the submitted preliminary plat meets all Glynn County Subdivision Regulations.

Mr. Ussery wanted to know if this proposal is being done under the 801 process for subdivisions. Mr. Hainley replied no, this is actually being considered under the preliminary plat process because it is part of the recorded subdivision and it is less than one acre.

Chairman Kirkendall asked if this is a 1 platted lot. Ms. Dagenhart replied no, it is 2 platted lots with one house that straddles the center line. She stated that there are four access points; two on Martin Street and two on Bartow Street. The owner would like to demolish the house and build two single-family residential homes. He has agreed however to tear the house down before receiving any building permits. She stated that there would be no increase in the density.

Ms. Desiree Watson had questions about the trees; however, Chairman Kirkendall advised that the trees are not located in the Village and are therefore not covered by the Tree Ordinance.

Mr. Bobby Shupe, the surveyor of record for this project, advised that he and Mr. Michael Hardy, who represents the owners, are present to answer questions.

Mr. Stan Humphries had additional questions about the trees. Mr. Hardy explained that they are not planning to remove any trees unless it becomes necessary. He stated that the owners would prefer not to remove the trees.

At the end of discussion, a motion was made by Ms. Desiree Watson, seconded by Mr. Joel Willis and unanimously adopted to approve preliminary plat application **PP2982**, Island Retreat.

VP2967 Masonic Lodge Demolition, construction of a single-family home: Consider a request to demolish the Masonic Lodge at 546 Magnolia Avenue and a request to approve one of the proposed single family homes the applicant plans to construct on the cleared site. The property is zoned VR Village Residential and located in the Island Preservation District. Parcel IDs: 04-04692 and 04-14678. Ed Mecchella, owner and applicant.

Attorney Jeff Rentz, representing the applicant, was present for discussion.

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

The applicant proposes the demolition of the abandoned Masonic Lodge that currently occupies the subject parcels on Magnolia Avenue. With the removal of this structure, the applicant would be removing a building that is non-conforming with respect to its use (i.e. Institutional) to the zoning district and replacing it with two compliant structures that would be harmonious with the surrounding neighborhood. Part of the demolition plan involves the removal of three Live Oak Trees: a 32 inch caliber tree, a 40 inch caliber tree and a 64 inch caliber tree.

According to the applicant, it is necessary to remove these trees because of their location. The trees and the root system are positioned near the center of the lots. The applicant reports that the foundation work for the proposed houses would kill the trees. The 2012 international residential code states in *R408.5 Removal of Debris* “The under-floor grade shall be cleaned of all vegetation and organic material. All wood forms used for placing concrete shall be removed before a building is occupied or used for any purpose. All construction materials shall be removed before a building is occupied or used for any purpose.” The commentary related to this code states that “vegetation, stumps, roots and other matter left in an excavation around a building are major causes of termite infestation and moisture problems. As such material decays, the ground settles, negating the original drainage plan. Even before decay, the material provides pockets for water accumulation, which can have subsequent destructive impact on the structure. To eliminate a natural attraction to termites, insects or animals, all vegetation and organic materials must be cleared.”

The applicant has identified the trees to be preserved and proposes two new 10 ft. tall Live Oaks in the landscape plan. The applicant is also requesting that the Islands Planning Commission approve the design of one of the proposed single-family dwellings. The design review for the other proposed single-family dwelling on the second parcel at this site will be brought before the Planning Commission at a later date.

The following are findings for the Demolition Application within the Islands Preservation District as well as staff’s comments in accordance with Section 709.7(g) (6):

- (a) The building is of such architectural or historical interest that its removal would be to the detriment of the public interest.
Staff Comment: The building is constructed of cinderblock and has no architectural or historical interest. Its removal would not be to the detriment of the public interest.

- (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: The building is more than 50 years old; however, it has no historically significant design, use or material and could be reproduced easily.

- (c) Retention of the building preserves and protects an historic place or historic presence.
Staff Comment: The retention of the building would not preserve or protect a historic place or historic presence. This building is not historically, architecturally or culturally significant to Saint Simons Island or Glynn County.

- (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: Retention of this building does not promote 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 nor does it make the county a more attractive and desirable place in which to live. The building is abandoned and is out of place in a residential neighborhood.

Due to the fact that the applicant would be eliminating a non-conforming use by removing a non-historically significant institutional building and replacing it with single-family dwellings that will be compliant with the zoning and the nature of the neighborhood, staff requests that the Islands Planning Commission waive the need for in-depth information about the building in order for the application to be considered complete. The waived information includes: a floor plan, a building height survey, a grading plan and a lighting plan.

Ms. Dagenhart stated that staff believes the submitted application for the design review of one of the proposed single-family dwellings meets all ordinance requirements. An application for the second single-family dwelling will be submitted at a later date and will come before the Islands Planning Commission for approval.

Chairman Kirkendall stated that at its last review, the Planning Commission requested information or action by the County Attorney. He asked Mr. Hainley if this action had been carried out. Mr. Hainley replied that the County Attorney's action has been concluded with a signed agreement with the applicant. Mr. Humphries wanted to know the content of the agreement. Mr. Hainley explained that the agreement consists of planting a certain number of trees on the property in question and on the adjacent property, as well as county property. It also includes a penalty. Mr. Humphries asked Mr. Hainley if he could tell them what the penalty is. Mr. Hainley replied no because it is currently under litigation. Mr. Humphries stated that the public should know. However, Mr. Hainley replied that staff does not discuss legal matters in public.

Mr. Humphries asked if the settlement is being contested. Mr. Hainley replied no; it has been approved by the Board of Commissioners. Mr. Humphries then asked if we are subject to a lawsuit. Mr. Hainley indicated that the county would take appropriate legal action to resolve this matter. The county and the applicant agreed on a negotiated settlement. Mr. Humphries wanted to know the content of the lawsuit. Mr. Hainley stated that the applicant was threatened with certain punitive measures. Currently, there is no lawsuit. For clarification, Chairman Kirkendall asked if the matter is settled. Mr. Hainley replied yes.

Ms. Karen Ward stated that at the December 16th IPC Meeting, the IPC asked staff to go to counsel and come back with information. She then asked if the information went directly to the Board of Commissioners. Mr. Hainley explained that legal counsel works for the Board of Commissioners and not for the IPC, which is why the IPC was not involved in the negotiations for the resolution of issues that were raised.

Mr. Humphries stated that at the December 16th IPC Meeting, the IPC members wanted a response from the County Attorney advising if this Commission could consider an application when a violation of the ordinance had already occurred. However, the County Attorney has not given this Commission a ruling on this issue. Mr. Hainley explained that the Planning Commission can consider an application that is in violation of the ordinance because the applicant was brought into the review process when the violation was determined. He reiterated that there are multiple trees that will be replanted on county property as a result of the applicant's actions.

Mr. Joel Willis wanted to know what steps are being taken to prevent this from happening again. Mr. Hainley stated that staff is in the process of evaluating these types of issues more closely especially with the current moratorium and the tree issue on the Island. The county is also considering some type of educational program for builders as a preventative measure.

Mr. Jeff Rentz, local attorney representing Mr. Ed Mecchella, stated that according to the staff's report, the use in this case is consistent and meets all criteria of the Islands Preservation District. Regarding the agreed upon settlement, he stated that there was a lot of discussion between his office and the County Attorney about what the county could do in light of the circumstances, and they all agreed on what they believe to be a reasonable solution. Mr. Rentz apologized for the Islands Planning Commission not having a copy of the agreement, but stated that it was supposed to be conveyed to the members that the issue had been resolved and abated to the Board of Commissioners' satisfaction and to the satisfaction of the County Attorney. Therefore, on behalf of his client, Mr. Rentz stated that he is soliciting approval of this request. He is prepared to answer any questions at this time.

There being no questions of the applicant, a motion was made by Mr. Robert Ussery to approve Village Preservation application **VP2967** which includes: 1) the recognition that the demolition application for the existing building at 546 Magnolia Avenue is complete as submitted; and 2) the design of the single-family dwelling that has been proposed for one of the two parcels at this site is acceptable. The motion was seconded by Ms. Desiree Watson.

Discussion continued with Chairman Kirkendall opening the floor for public comments beginning with Ms. Beth Schwartz who was concerned that the applicant appears to be getting away with cutting down three Oak Trees. However, Mr. Hainley explained that the applicant is not getting away with cutting down the trees. Instead, he is being required to plant a certain number of trees on the lot in question, as well as on the adjacent lot. He is also required to plant trees on the county right-of-way, and he is subject to an economic penalty.

Ms. Lisa Norton expressed concerns about the civil procedure in this process. It is her understanding that at a previous meeting, the Planning Manager, Mr. Eric Johnson, advised the Islands Planning Commission that they could have rejected the developer's plan based upon his intentions to cut down the trees. Ms. Norton pointed out that the developer in this case is an experienced well known developer in the area. He has cut the trees and we are now giving him a pat on the back with what appears to be an inside deal. She disagrees with Mr. Hainley and stated that there is not a need for an educational program because there are ordinances and zoning regulations already in place. Ms. Norton stated that this developer should have been punished so that others would not follow in his footsteps. She encouraged the Islands Planning Commission to consider the levity of approving this application.

Ms. Minnie Way stated that the trees that the applicant is proposing to re-plant are 14 inches in diameter. The trees that were removed were a lot larger (36, 40, or 54 inches in diameter). She feels that it is not good planning, and it is not a good example of a Planning Commission to allow this person to proceed as if he had not cut down "ancient Live Oaks."

Chairman Kirkendall explained that the Islands Planning Commission never discussed whether or not we would have allowed the trees to be removed because of the applicant's right to build on the property. The Commission never had an opportunity to discuss this because the applicant removed the trees ahead of time and was stopped at that point. Chairman Kirkendall stated that from reviewing the plans, he did not see a way for the applicant to build a house on the lot without removing some of the trees. Mr. Ussery concurred.

At this time, Chairman Kirkendall reminded the members that there is a motion on the floor for approval; however, Mr. Hainley explained that if the motion is for approval, there needs to be an amendment to substitute the 14 to 16 ft. height Live Oak

with a 6 inch caliber Live Oak. After a brief clarification, Mr. Ussery agreed to the amendment.

The motion made by Mr. Ussery is for approval of the Village Preservation application **VP2967** which includes: 1) the recognition that the demolition application for the existing building at 546 Magnolia Avenue is complete as submitted; 2) the design of the single-family dwelling that has been proposed for one of the two parcels at this site is acceptable; and 3) with the amendment that the 14 to 16 ft. height Live Oak shall be substituted with a 6 inch caliber Live Oak. The motion was seconded by Ms. Desiree Watson. Voting Aye: Mr. Preston Kirkendall, Mr. William Lawrence, Mr. Robert Ussery, Ms. Desiree Watson and Mr. Joel Willis. Voting Nay: Mr. Stan Humphries and Ms. Karen Ward. The motion carried for approval as amended.

In other business, Mr. Humphries reminded the members that at the January 20th IPC meeting, it was requested that a list of items be compiled to consider in updating the Comprehensive Plan for the Islands. He stated that according to the Ordinance, one of the jobs of the Islands Planning Commission is to prepare a Comprehensive Plan for the Islands, but so far, this has not been done. A motion was then made by Mr. Humphries to add this item to the agenda at this time for discussion purposes; however, the motion died for lack of a second. For clarification, Chairman Kirkendall advised that the Islands Planning Commission worked diligently on the Comprehensive Plan.

There being no further business to discuss, the meeting was adjourned at 8:40 p.m.