

MINUTES
ISLANDS PLANNING COMMISSION
APRIL 18, 2017 - 6:00 P.M.
St. Williams Catholic Church, 2300 Frederica Road, SSI

MEMBERS PRESENT: Desiree Watson, Chairman
 Carla Cate
 Patrick Duncan
 Ed Meadows
 Odessa Rooks
 Joel Willis

ABSENT: Stan Humphries

STAFF PRESENT: Pamela Thompson, Community Development Director
 Will Worley, Senior Assistant County Attorney
 Denise Grabowski, Planning & Zoning Consultant
 Denise Keller, Planning Technician
 Janet Loving, Admin/Recording Secretary

ALSO PRESENT: Commissioner Bob Coleman, BOC
 Commissioner Peter Murphy, BOC
 Alan Ours, County Manager

Chairman Desiree Watson called the meeting to order and the invocation was given followed by the Pledge of Allegiance. She then gave a brief recap of the meeting procedures.

MINUTES

February 21, 2017 - Regular Meeting

March 21, 2017 - Special Called Meeting

A motion was made by Mr. Joel Willis to approve the Minutes of the **February 21st Regular Meeting** with the following correction on page 12, last paragraph ...*adjourn for Executive Session for pending litigation.* The motion was seconded by Ms. Odessa Rooks. Voting Aye: Ms. Carla Cate, Mr. Patrick Duncan, Ms. Odessa Rooks, Ms. Desiree Watson and Mr. Joel Willis. Abstained From Voting: Mr. Ed Meadows.

A motion was made by Mr. Joel Willis to approve the Minutes of the **March 21st Special Called Meeting**. The motion was seconded by Mr. Ed Meadows. Voting Aye: Ms. Carla Cate, Mr. Ed Meadows, Ms. Odessa Rooks, Ms. Desiree Watson and Mr. Joel Willis. Abstained From Voting: Mr. Patrick Duncan.

Election of Chairman for 2017

Upon a motion made by Mr. Joel Willis and seconded by Mr. Patrick Duncan, election of IPC Chairman for 2017 was deferred until the May 16th Regular Meeting.

Consideration of adoption of IPC Public Comment Policy

The original **Public Comment Period Policy** was presented to the Islands Planning Commission for review at the February 21st Worksession. This document contained *Section I. Public Comment Period Overview; Section II. Location and Time; Section III. Number of Speakers/Sign Up; Section IV. Conduct of Public Business; Section V. Conduct and Decorum; Section VI. Changes or Amendments*. The Planning Commission discussed Sections I, II, III and proposed additional changes. Discussion of the remaining sections with additional comments concluded at the March 31st Special Called Meeting.

Senior Assistant County Attorney Will Worley incorporated the proposed changes into a redlined version of the draft which demonstrates the changes for adoption. (A copy of this document is contained in the files located in the office of Community Development.) For discussion purposes, a motion was made by Mr. Ed Meadows to approve the proposed changes in the Public Comment Policy. The motion was seconded by Mr. Patrick Duncan. Discussion continued, during which time additional modifications were suggested. At the end of discussion, the motion and the second were amended to accept the modifications; the vote was unanimous.

TA3479 St. Simons Island Tree Canopy Preservation: Consider recommendation to amend and replace section 624 of the Zoning Ordinance of Glynn County, Georgia; To provide for the preservation, planting, and replacement of trees; To protect and preserve the tree canopy of St. Simons Island; And for other purposes.

Attorney Will Worley provided an in-depth power-point presentation. He explained that the Board of Commissioners appointed a Tree Advisory Committee in 2015 and several meetings were conducted throughout 2015 and 2016. This committee,

which consisted of a diverse group of citizens, was tasked with re-writing the Tree Ordinance to be presented to the Board of Commissioners. Several town hall meetings were also conducted to obtain input from citizens. The Tree Advisory Committee consisted of the following:

Tim Murphy	Mainland Planning Commission
Joel Willis	Islands Planning Commission
Stan Humphries	Islands Planning Commission
Miriam Lancaster	Golden Isles Fund for Trees
Charles Taylor	Chairman, Tree Advisory Board
Cesar Rodriguez	Tree Advisory Board Member
Brad Brumbach	Golden Isles Custom Homes
David Hainley	Community Development Director
Will Worley	Senior Assistant County Attorney
Dr. Don Gardner	Advisor/UGA Extension Service

Mr. Worley stated that at the April 10, 2017 Mainland Planning Commission Meeting, the MPC voted 5 to 2 in favor of this proposal.

At the conclusion of Mr. Worley's presentation, the floor was opened for discussion. ***Note: For this item, discussion was transcribed verbatim from the recording of the meeting, most of which is inaudible.***

Mr. Joel Willis stated that he has several concerns. He was on the committee and he is for the Tree Ordinance but he is for a good Tree Ordinance. He thinks that the 25%, part of the problem, it's got to be set aside for the trees but it could be a taking situation in some instances. There could be some property that could not be developed because of that. If that's the case, something's got to give; you'd have to give up some parking or something. He's concerned because that could be a real legal issue for the county. Also, residential property that's less than 1 acre or substandard lots, you could have three of those lots and one could still be less than an acre, which should be exempt.

Mr. Willis stated that he's a very strong supporter of private property rights and he believes that if you own your piece of property and you own your house, then you own your trees. He's also concerned about off-site planting; where is that going to happen; and he's concerned about monitoring heritage trees. If a property owner wants to protect a tree he could put it in the deed restriction and when he goes to sell that property and it's in there, then the potential property owner buys the property knowing that he's got to protect that tree. He stated that he would much rather go that route. Mr. Worley stated that he did not add anything in about that, but there is a requirement indicating that trees that are designated as heritage trees, the owner will have to file...Mr. Willis suggested that we allow the property owner to do it himself and put it in a deed restriction and let potential property owners know that before they buy the property. He stated that he doesn't like the idea of having to go back to the Tree Board and asking if they can

remove property that is on their property. That's where he has a problem with private property rights; especially for residential property. He then suggested a deferral for additional work... He stated that he wants a good Tree Ordinance and he thinks that they can get better than this.

Mr. Ed Meadows stated that the aesthetics of St. Simons Island is considerably composed of the character of the public highways...access to and from the island. Probably most of those are going to be county trees in the public road right-of-way. He then asked if this proposal would affect that and will it help maintain that. Mr. Worley stated that county trees are regulated by the Tree Board...This ordinance will not apply to county right-of-way trees but it will apply to other county properties.

Mr. Meadows stated that in terms of off-site planting, is it possible that where it won't affect traffic safety that replacement trees could be added; for example, along Frederica Road where we're losing the canopy. Mr. Worley stated that it's possible, but the Board of Commissioners would have to address off-site planting. Mr. Meadows stated that if the Board of Commissioners approves this, how are we going to get the word out that this is in affect? Ms. Pam Thompson stated that staff would do something similar to the new enhanced Clean Community Ordinance... we had a business license from individuals who are contractors, tree trimmers or a landscaped company. We do have contacts for the Board of Realtors and the Chamber of Commerce that we are actually preparing to send notices to. We are also doing some public service announcements in an effort to get the word out. Additionally, if someone comes in to check on a building permit, we would inform them at that time that there is a Tree Ordinance in affect.

Mr. Meadows asked Mr. Willis if the Ad Hoc committee took a vote or some kind of consensus on the Tree Ordinance before it went to the Mainland Planning Commission. Mr. Willis stated that it went with reservations but there was a member from the MPC on the committee who expressed the same concerns. However, we did let the ordinance go forward.

Chairman Desiree Watson stated that she has a problem with it being criminalized. You're going to put somebody in jail and they're going to have a criminal record for cutting down trees. Regarding the \$500 dollar fine, why not make it \$500 dollars per tree. If someone cuts down ten trees they'd still have only a \$500 dollar fine for the first offense. Why not except the section that says violation of the ordinance is a misdemeanor; and then make those fines per tree plus the \$500. The first offense is \$500 per tree plus \$500. The second offense would be \$750 per tree plus \$750. Chairman Watson stated she would prefer that to criminalizing someone for cutting down a tree. Mr. Worley stated that it could be enforced per tree. If you cut down two trees on your property, two citations should be issued. He stated that he should have said that the criminal penalties are a minimum of \$500 dollars first and \$750 for the second offense and \$900 for the third offense. Chairman Watson stated that it could be "excepted." However, Mr. Worley stated that he's not sure what she means by "excepted." Chairman Watson explained that in the Code of Ordinances, Section 2110 says that violation of

these ordinances (of the Code of Ordinances or of the Ordinances, i.e., Zoning Ordinance, Subdivision Regulations, etc.) is a misdemeanor. Could you not state that this is an exception to a particular section of the Tree Ordinance, and also state that your fines are per tree plus the \$500 and so on?

Continuing, Chairman Watson stated to Mr. Worley that the proposal lists civil engineers and several other individuals as the people who could prepare tree plans, however, “registered architects” were left out. She stated that the IPC receives tree plans all the time from architects. They show trees that will stay and trees that will be removed and she feels that “registered architects” should be added to the list.

Chairman Watson had several questions about “open soil surface areas” of which Mr. Worley expounded on for clarification. She’s also concerned that there isn’t a way for people to identify what a small tree is, a medium tree or a large tree. Additionally, she stated that there needs to be something in the public record that a title searcher can find so that an innocent buyer understands what they’re buying. She also has an issue with heritage trees and remote trees.

Mr. Meadows stated that he was actually very concerned that trees would get planted on property and then the property (inaudible). Some of the people working on this proposal envisioned (inaudible). There are property owners and locations on this island where people would like to have trees planted on county property, or commercial parking lots or public buildings or (inaudible) or places where the landowner actually could apply..... Mr. Patrick Duncan had questions about substandard lots. *(The remaining discussion among the Planning Commission members and staff is inaudible.)*

At this time, Chairman Watson opened the floor for public comments beginning with Mr. Hugh Bourque who suggested that they strengthen the penalties, beef up ways to prevent clear cutting, and take a look at the whole island; not just the village.

Mr. John Dow feels that they’re creating a whole new layer of bureaucracy. “If we have an ordinance we need to make it enforceable or get rid of it.”

Ms. Mimi Waile stated that we desperately need this Tree Ordinance or we will lose the tree canopy. She is not in favor of off-site planting. She also stated that the punishment for violators is not severe enough. “We need an ordinance with teeth.”

Mr. Julian Smith stated that this ordinance comes too late and it has too many problems.

Ms. Miriam Lancaster, who served on the Tree Advisory Committee, gave a brief overview of the work that was done by the committee and stated that the concept has not changed. She expounded on the importance of having the tree canopy and stated that the concerns expressed tonight should have been brought forth years ago. Ms. Lancaster is

asking for approval of this ordinance, which she stated does not constitute a taking of property.

Mr. Scott Steilen, President of Sea Island Company, expressed concerns about what this ordinance means in relation to commercial developments. He feels that it should be deferred.

Mr. Robert Ussery, Ussery-Rule Architects, stated that he is not opposed to the Tree Ordinance but he thinks that this particular ordinance is not ready. He's concerned about how it affects existing commercial property on St. Simons and stated that perhaps a trade-off could be parking. He also stated that planting trees off-site would be beneficial.

Mr. William O'Kell stated that we need a process for replanting and preserving property in emergency situations. "Sending someone to jail is overkill."

Mr. Charlie Williams stated that this ordinance is very vague and should be deferred until we get more definitive answers.

Mr. Hal Hart stated that he is not opposed to this ordinance but he is opposed to the way it is written. His list of concerns includes definitions, the review process, the appeals process and how this ordinance will affect residential property. In conclusion, Mr. Hart stated that we need to have additional public hearings on this proposal.

There were no other comments from the floor and therefore the public hearing was closed.

Mr. Patrick Duncan stated that there is a lot of public interest and a lot more work to do. It was also noted that there are new members on the IPC who weren't members at the inception of this proposal. Mr. Willis stated that he would recommend sending the proposal back to the Tree Advisory Committee. Ms. Carla Cate stated that it is not fair to just hand this proposal over to the Board of Commissioners and wait to see what happens. For clarification, Mr. Worley pointed out that the Islands Planning Commission could submit a recommendation to send this item back to the Tree Board for additional review. Ms. Odessa Rooks agreed, stating that a good step in the right direction would be to send this back to the Tree Advisory Committee.

At the end of discussion, a motion was made by Ms. Odessa Rooks recommending that the IPC send the proposed Tree Ordinance back to the Tree Advisory Committee for additional consideration. The motion was seconded by Mr. Joel Willis with a caveat that the committee be expanded to include stakeholders. The stipulation was accepted and discussion continued. During which time, Mr. Meadows commented that it is not fair to ignore the work that has already been done. Ms. Lancaster stated that if this proposal goes back for additional review, she suggest that the county hire legal experts to assist the committee. There being no further discussion, the following vote was taken: Voting Aye: Ms. Carla Cate, Mr. Patrick Duncan, Ms. Odessa Rooks, Ms. Desiree Watson and Mr. Joel Willis. Voting Nay: Mr. Ed Meadows.

The Planning Commission took a 10 minute recess. The meeting resumed at 8:40 p.m.

CUP3481 549 & 547 Ocean Blvd: Consider conditional use permit application to allow for a restaurant, located in a former house. The property is zoned Village Mixed Use (VMU) and is located within the Island Preservation District. Parcel ID 04-04694 & 04-04695. Dianne Durand, applicant, and MS3, LLC, owner.

Mr. Jonathan Roberts was present for discussion. Mr. Palmer Fortune was also present to answer questions.

In presenting the staff's report, Ms. Denise Grabowski explained that this area of Ocean Boulevard includes several former residential structures which have been repurposed for commercial and/or office use. A restaurant is allowed as a conditional use, subject to the standards outlined in Section 715.3 of the Glynn County Zoning Ordinance.

The applicant has provided a sketch plan to demonstrate compliance with the conditional use permit application and the requirements of the Glynn County Zoning Ordinance. This sketch plan does not replace the required site plan. The site plan for this project is still under staff's review and will require review and approval by the IPC.

The structure on lot 3 is not a part of the conditional use permit application and will remain as is for the time. The exit of the circular drive is located on lot 3; therefore, this parcel is included in the application.

In conformance with Section 904.3 of the Glynn County Zoning Ordinance, the following factors are to be considered in making a decision on a request for a special use permit. (Staff's comments are included in **bold print**.)

- 1) The effect the proposed activity will have on traffic flow along adjoining streets;
This project is not anticipated to have a significant impact on Ocean Boulevard or adjoining streets.
- 2) The location of off-street parking facilities;
Parking is located to the side and rear of the existing building. Modifications to the site plan were made on staff's request to minimize impacts to existing trees on the property.
- 3) The number, size and types of signs proposed for the site;
Per the Glynn County Zoning Ordinance, signs will comply with Article VII of the Ordinance.

- 4) The amount and location of open space;
Open space is not required. The front of the property will remain open, with a walkway from the sidewalk to the front porch.
- 5) Protective screening;
An 8 ft. wooden fence is provided along the rear property line. The dumpster will be enclosed with a type “D” buffer.
- 6) Hours and manner of operation;
The hours of operation will be from 11:00 a.m. to 9:00 p.m.
- 7) Outdoor lighting;
All lighting will be in compliance with Glynn County Ordinances.
- 8) Ingress and egress to the property; and
Access for parking and deliveries is provided via circular drive. Ingress and egress are provided via one-way access points from Ocean Boulevard.
- 9) Compatibility with surrounding land use.
The property is located between an ice cream shop/restaurant and an office (located in a converted single-family house). Small-scale commercial uses are located across Ocean Boulevard. The properties across the rear property line are single-family residential. The applicant revised the site plan to minimize the parking provided along this rear property line.

Ms. Grabowski stated that staff has determined that this application is complete and contains all of the information required by the Glynn County Zoning Ordinance.

Following a brief presentation by Mr. Jonathan Roberts, Chairman Watson opened the floor for public comments. The following citizens were present to speak in favor of this request: Mr. Don Hogan, Mr. Don Maxey and Mr. Joe Wells. Mr. Jim Hunke was not necessarily in favor of this request but he expressed concerns about commercial activity in a residential area, traffic, parking and lighting.

Mr. Julian Smith was present to oppose this request.

During discussion, staff agreed to check the lighting issue but advised that lighting and parking concerns would be addressed during the site plan review process. Mr. Palmer Fortune stated that he would be open to having a discussion about the lighting issue with the property owners located behind his establishment. He stated that he is not opposed to having a 12 ft. high fence but he is concerned about the aesthetic appearance.

There being no further discussion, a motion was made by Mr. Ed Meadows to recommend approval of application *CUP3481*. The motion was seconded by Mr. Joel Willis and unanimously adopted.

VP3482 549 Ocean Blvd: Consider modifications of an existing structure to add a commercial kitchen and screened-in porch for the conversion of a house to a restaurant. Parcel ID04-04695. Dianne Durand, applicant; MS3, LLC, owner.

Mr. Jonathan Roberts was present for discussion. Mr. Palmer Fortune was also present to answer questions.

In presenting the staff's report, Ms. Grabowski explained that the applicant is requesting approval of a village preservation permit in order to renovate and expand the existing building to accommodate a 1,350 sq. ft. restaurant. The proposed changes to the building include construction of a commercial kitchen at the rear of the property and the construction of a screened porch on the side of the building. All materials, trims, details, finishing's and colors will match the existing items. All exterior trims and siding are wood and will remain wood to match existing items. (Photos of the existing building were included in staff's presentation.)

According to *Section 709.5 Design Review Required*, the following standards shall be adhered to in the rehabilitation, alteration of any structure and/or construction of new structures within a design overlay district: All development within the design overlay districts shall be reviewed by the Islands Planning Commission in accordance with the listed guidance standards. Also, the following defects may render an application for design review inappropriate resulting in disapproval and requiring the resubmittal of plans:

- (a) Construction, or remodeling or enlargement of an existing building in a manner inconsistent with the existing building massing (the three-dimensional bulk of a building: height, width, and depth), articulation (the pattern of the building base, middle and top, created by variations in detailing, color and materials or stepping back or extending forward a portion of the facade) and fenestration (the arrangement, proportioning, and design of windows and doors in a building) in the immediate area; or
- (b) An absence of unity or coherence in composition which is in opposition to the character of the present structure in the case of repair; or
- (c) Violent contrasts of materials or intense colors not representative of the existing buildings in the immediate area; or
- (d) A multiplicity or incongruity of details resulting in a disturbing appearance. (O-2009-08, 11/19/2009)

Ms. Grabowski stated that staff has determined that this application is complete and contains all of the information required by the Glynn County Zoning Ordinance.

Following a brief presentation by the applicant, a motion was made by Mr. Joel Willis, seconded by Ms. Odessa Rooks and unanimously adopted for approval of application **VP3482**.

VP3468 520 Ocean Blvd: Consider approval of a wall sign and new sign faces on current monument to replace existing signs for Hodnett Cooper Real Estate. Parcel ID 04-04661. Pat Cooper for The Hodnett Family LLP, applicant and owner.

Missy Neu was present for discussion.

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

The applicant is requesting approval of a village preservation permit to allow a wall sign and new sign faces on the current monument to replace existing signs for Hodnett Cooper Real Estate.

The existing wall sign (on the building) will be replaced with a new wall sign that is generally the same size; however, due to the change in shape, the dimensions are slightly different. The new sign will be the same width as the current sign (89 inches); the height of the new sign (37.55 inches) will be the same as the tallest point on the current sign. Changes to the monument sign will be for new wall faces only. The current three faces will be replaced with new sign faces of the same size and material. Each sign face comply with size limits for this overlay district.

According to *Section 709.5 Design Review Required*, the following standards shall be adhered to in the rehabilitation, alteration of any structure and/or construction of new structures within a design overlay district: All development within the design overlay districts shall be reviewed by the Islands Planning Commission in accordance with the listed guidance standards. Also, the following defects may render an application for design review inappropriate resulting in disapproval and requiring the resubmittal of plans:

- (a) Construction, or remodeling or enlargement of an existing building in a manner inconsistent with the existing building massing (the three-dimensional bulk of a building: height, width, and depth), articulation (the pattern of the building base, middle and top, created by variations in detailing, color and materials or stepping back or extending forward a portion of the facade) and fenestration (the arrangement, proportioning, and design of windows and doors in a building) in the immediate area; or
- (b) An absence of unity or coherence in composition which is in opposition to the character of the present structure in the case of repair; or
- (c) Violent contrasts of materials or intense colors not representative of the existing buildings in the immediate area; or

- (d) A multiplicity or incongruity of details resulting in a disturbing appearance. (O-2009-08, 11/19/2009)

Ms. Grabowski stated that staff has determined that this application is complete and contains all of the information required by the Glynn County Zoning Ordinance. Staff has also determined that the proposed signage is in compliance with *Section 709.5 Design Review Required*.

Following a brief presentation by the applicant, a motion was made by Mr. Patrick Duncan, seconded by Mr. Ed Meadows and unanimously adopted for approval of application **VP3468**.

SP3451 Tolleson Two Friends: Consider site plan approval for proposed addition to an existing building in Redfern Village. The current use is a commercial building housing two tenant spaces. The proposed addition is to one of the tenant spaces. Parcel 04-02807. Robert Ussery, Ussery-Rule Architect, P.C., agent for T F Properties Holdings LLC, applicant and owner.

Mr. Robert Ussery was present for discussion.

In presenting the staff's report, Ms. Pam Thompson explained that the current use of this property is a commercial building with two tenant spaces. The applicant is proposing a 644 sq. ft. addition for storage and shipping to one of the existing tenant spaces. The site is already developed, and some of the current site plan regulations are not applicable to this property. The proposed project will involve removing existing asphalt and replacing it with the foundation for this addition, which will not be creating any new additional impervious area.

Standards and criteria in accordance with Section 619.4 (a) of the Glynn County Zoning Ordinance, along with staff's comments, were included in the staff's report and contained in their entirety in application file **SP3451**.

The applicant gave a brief presentation and a general discussion followed. Afterward, a motion was made by Mr. Ed Meadows, seconded by Mr. Patrick Duncan and unanimously adopted to approve application **SP3451**.

PP3402 Sinclair: Consider preliminary plat approval for a 245 lot subdivision at 1900, 1960 and 2170 Lawrence Road. The property consists of 128.853 undeveloped acres and is zoned Planned Development. Parcel IDs: 04-14278, 04-11390 & 04-00207. Ocie L. Vest, agent for SLF IV GA – Sinclair LLC and St. Simons Sinclair Reserve Plantation LLC, applicants and owners.

Mr. Ocie Vest was present for discussion.

At this time, a motion was made by Ms. Carla Cate to allow public comments on this item. The motion was seconded by Mr. Ed Meadows and unanimously adopted.

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

The Sinclair PD District is intended to be a planned mix of single family residential units, together with amenities which may include a clubhouse, swimming pool, tennis courts, parks, and dock. The dock will be subject to state and federal permitting with the intent of providing access to deep water to lot owners in the subdivision.

This item was originally presented at the February 21st IPC Meeting. The following information is provided as an amendment to the original staff report to address questions raised during the February IPC meeting.

In addition to the information provided below, Thomas & Hutton Engineering Company submitted a letter dated March 10, 2017 as a follow-up to a meeting held with county staff. This letter also addresses some of the questions raised at the February IPC meeting.

The full Planned Development Text is included with this staff report. The Sinclair Planned Development Text on the website is the text that was submitted with the amended rezoning request (submitted in 2011, approved in 2012). During the 2012 rezoning, additional conditions were placed on the rezoning. An amended version of the PD Text, which includes all conditions required by the Board of Commissioners in 2012, is now available on the county website and included this report. The additional conditions included:

- That a 25 ft. buffer is provided along the northern, western, and southern boundaries consistent with the buffers described in Section X of the proposed PD Text.
- That a 75 ft. buffer is provided along the eastern boundaries of the property that fronts the six existing parcels to the east on the marsh.
- Section 2.1 (b) of the PD Text shall be modified to include Estate and Townhouse Lots.
- A maximum of 100 of the 250 units can be placed on the southern tract.

Buffers

- A 75 ft. buffer is included on the eastern edge of the property, as required as a condition of the PD Text. In some areas, this buffer coincides with the access easement to lots east of Sinclair. This access easement was in place at the time of the rezoning.
- A 25 ft. buffer is provided along the other edges of the property. The intent of this buffer is to provide veiled screening of buildings and improvements from Lawrence Road and to limit access to the PD District to two access points. Permitted improvements within the buffer shall include selective clearing vegetation, additional plantings, temporary or permanent irrigation and underground utilities. Two points of entry to the PD District shall be allowed through the buffer. In addition a public bike trail or pedestrian trail shall be allowed, subject to the design approval of the land owner.
 - The preliminary plat includes the following note: “The developer will not construct or maintain any trails within the buffer along the rear property lines of lots 13-19 or the side property line of lot 20.” This note generally references the 25 ft. buffer along the southern boundary of the property.

Entitlement and Ownership History

- The Sinclair Planned Development district was originally established in 2008 for 82 acres. Subsequently, Stratford Land purchased 68.78 acres within the PD zoning. In 2011, Stratford Land purchased an adjacent 60.073 acres. The 60.073-acre tract was rezoned from FA to PD in 2012. The two parcels of property together comprise the entire 128.853 Sinclair Property.
- The preliminary plat was submitted to Glynn County on November 18, 2016. At that time, the entire +/-120 acres was owned by “SLF IV-GA Sinclair LLC.”
- On November 23, 2016, 59.968 acres of the entire +/-120 tract were conveyed to “St. Simons Sinclair Plantation Reserve, LLC.” The preliminary plat application has been revised to include a signature page with the authorization of both property owners for the preliminary plat.

Process

- **Zoning:** The number of lots, size of lots, setbacks, and other development standards were all established when the property was rezoned to Planned Development in 2008 and amended in 2012.

The Planned Development zoning allows for a maximum overall density of the PD District (128.85 acres) not to exceed 250 units. The 60.073 acre tract on the southern end of the property (added to the development in 2012, shall have a maximum density of 100 of these units. The boundary of this 60.073 acre tract is

maximum density of 100 of these units. The boundary of this 60.073 acre tract is identified as “Original Zoning Line” on the Sheet 1 of the preliminary plat. This 60.073-acre portion of the property, limited to 100 lots, includes 90 lots plus a portion of five additional lots.

- Preliminary Plat: As defined in the Glynn County Subdivision Regulations, a preliminary plat is “a tentative subdivision plat, indicating approximate proposed layout of a subdivision submitted with supporting documentation for consideration and approval prior to preparation of the final plat.” The preliminary plat does not create any new lots.

Following the approval of a preliminary plat, the next step in the development process will be subdivision construction plans for the installation of infrastructure (roads, water, sewer, etc.). Following the completion of the improvements, the owner may then submit a final plat for approval by the Board of Commissioners. No lots may be sold or conveyed until the final plat is approved.

- Phases: The preliminary plat indicates two phases for the project. As noted on the plat, Phase 2 is under a conservation easement (note 21). The conservation easement is addressed below.

Conservation Easement

On December 22, 2016, a conservation easement was placed on the 59.97 acres of the property owned by St. Simons Sinclair Plantation Reserve LLC. This easement was put into place after the preliminary plat was initially submitted in November 2016. As described in more detail below, a conservation easement is a private agreement. The information provided below is provided for clarification and convenience to the IPC and the community.

What is a Conservation Easement?

The following information is taken from the State of Georgia’s Georgia Conservation Land Program (<https://glcp.georgia.gov/conservation-easements>).

Conservation easements provide landowners with a legal means of protecting their properties’ conservation values, while maintaining ownership, retaining certain uses of their land, and earning tax benefits.

A conservation easement, a voluntary legal agreement between a landowner and an easement holder, allows the landowner to impose permanent restrictions on the way the property is used. Conservation values are protected by extinguishing some property rights, such as mining and subdivision, while reinforcing rights such as passive recreation, agriculture, silviculture and some limited construction. Conservation easements are generally held by governmental entities or specialized nonprofit organizations known as land trusts.

Who is involved in the Sinclair conservation easement?

As described above, a conservation easement is a voluntary legal agreement between two parties - the landowner and the easement holder. In this case, the property owner is St. Simons Sinclair Plantation Reserve LLC. The easement holder is the Atlantic Coast Conservancy.

Conservation easements can be complex legal documents which can offer significant tax benefits, regulated by the IRS. Property owners often work with organizations that have experience in managing both the property and the benefits of the easement. Due to several requests from members of the IPC, a copy of the conservation easement was included in the packages for the Planning Commission's review.

- Property Owner - St. Simons Sinclair Plantation Reserve LLC
- Conservation Easement Holder – The conservation easement is held by Atlantic Coast Conservancy (www.atlanticcoastconservancy.org).

Atlantic Coast Conservancy does not own the property nor do they control the development rights. They hold the easement and are responsible for its enforcement. According to their website, “in 2010, the Atlantic Coast Conservancy began to offer conservation services throughout the Southeastern United States. This organization was created to rapidly respond to present day conservation needs in areas previously underserved by the land trust community.”

The Executive Director of the Atlantic Coast Conservancy is Dr. Robert Keller, PhD. County staff spoke extensively with Dr. Keller about conservation easements in general, as well as superficially to this conservation easement.

- The Atlantic Coast Conservancy has conserved over 80,000 acres in 11 states. The organization holds and manages almost 300 conservation easements.
- The organization utilizes remote sensing as well as annual site visits to ensure the terms of the conservation easements they manage are not violated.
- The Atlantic Coast Conservancy is a 501(c) (3) tax-exempt organization. They have two offices in Georgia and a staff of eleven people.
- As a land trust and holder of the conservation easement, Atlantic Coast Conservancy is the enforcement agent for the IRS.

What happens if the conservation easement is violated?

The conservation easement allows for limited use of the property, including two home sites. Per staff's conversation with Dr. Keller, if the terms of the conservation easement are violated, the conservation easement holder (Atlantic Coast Conservancy) would take legal action, including reporting of the violation to the IRS as well as filing suit in court.

What is the county's role with regards to the conservation easement?

This conservation easement is a legal agreement between two private parties. As such, the county does not have a role in the limitations included in the easement, nor does the county have a role in the enforcement of the easement. It is similar to restrictive covenants put in place by a private homeowner's association (HOA). If a property owner violates the terms of the restrictive covenant put in place by the HOA, the HOA is responsible for taking action, not Glynn County.

The role of Glynn County is to ensure that the requirements of Section 703 of the Glynn County Subdivision Regulations are met on the preliminary plat.

Standards and criteria in accordance with Section 703 of the Glynn County Zoning Ordinance, along with staff's comments, were also included in the staff's report and contained in their entirety in application file ***PP3402***.

Ms. Grabowski stated that staff has determined that this application is complete and contains all of the information required by the Glynn County Subdivision Regulations.

(Note: From this point, an attempt was made to transcribe verbatim discussion, but again, most of the recording is inaudible.)

Before the applicant's presentation, the IPC members engaged in a lengthy discussion. Ms. Carla Cate stated that they have been presented with an item that is incomplete. She then referred to JWSC comments as follows: "Approval of this preliminary plat by the JWSC does not guarantee sewer capacity. Current/future capacity may not be available. Capacity is only guaranteed through the payment and acceptance of Capital Tap Fees and the issuance of a sewer tap." Ms. Cate feels that this is a discrepancy in her opinion and she reiterated her concerns about this being an incomplete application. Ms. Cate also expressed concerns about the cultural and historic features on the property that should be protected, and stressed that "it is disgraceful to say that the burial ground is not significant."

Regarding JWSC, Mr. Joel Willis pointed out that it is his understanding that until utilities are available, there will be no construction.

Mr. Ed Meadows asked Senior Assistant County Attorney Will Worley, in his opinion, is this application complete? Mr. Worley stated that earlier today they (his office and IPC members) received notice from a law firm which leads him to believe that there is potential litigation concerning this application. Therefore, he is not comfortable with providing legal advice in open session. However, if the IPC were to go into Executive Session, he would be willing to discuss this matter further.

Mr. Willis pointed out that Ms. Thompson stated in the past that she would not present any application that is not compliant. Ms. Thompson concurred. She explained that in meeting with JWSC they indicated that there are three situations in which their internal decision making allows them to consider a preliminary plat; one is that sewer capacity does exist today; 2) if capacity is on their internal work program to be completed within the same time frame as the development; 3) if they're working with an applicant on an unsolicited bid process that they have to do the upgrade. Ms. Thompson stated that this application fell under #2 of those situations, meaning that it fell within their purview of what they determined complete to move forward and receive preliminary plat approval. She stated that staff fully understands that capacity is not just an island issue but the mainland as well. She further stated that staff has been working with JWSC and the GIS Department to help quantify existing lots that are vacant that could require capacity per basin which would help them to move forward in determining the capacity on the island. Staff will also be able to provide more detailed information per basin on each application. Their policies are recommended to staff because this is on their work plan for an upgrade.

Ms. Cate had additional concerns about sewer capacity and the possibility of voting on a plat of 240 possible sewer tap-ins. However, Mr. Patrick Duncan stated that this is a 119 lot project and "we keep getting boiled down into Phase II, which is not gonna happen. It has already been said multiple times that Phase II is conservation; it's not happening." We need to focus on the real deal; 119 lots.

Mr. Meadows asked staff if this application is complete. Ms. Thompson replied yes, this application is complete in accordance with the guidelines for preliminary plat review. She stated that there were consistent comments at the previous Islands Planning Commission meeting relating to the conservation easement which is not within the purview for review of preliminary plat approval. Staff provided documents for informational purposes. Again, she reiterated that it is staff's determination that this application is complete for preliminary plat approval. Mr. Meadows stated that it is his understanding that this is the only time that this proposal will be in front of this body. Therefore, he asked if this is the only time that we have to ask our questions. Ms. Thompson replied yes, the next step would be the construction plans. Once those have been formed, then the final plat will go directly to the Board of Commissioners.

Mr. Meadows stated that in December of 2016 a conservation easement was placed on the property and that conservation easement appears to allow only one residential project to be developed. Further, it is his understanding from reading the PD Text that there would be only 100 lots allowed in the southern part of the property, why are we talking about 245 lots. Ms. Denise Grabowski explained that note 21 has been added to the plat for clarification regarding the conservation easement, which she stated is a valid and legal document. She briefly expounded on the illustration of the lots in the area and the development potential which further defends the conservation easement and its value. Ms. Grabowski stated that she is not an attorney but it is also her understanding that conservation easements are being more closely scrutinized.

Mr. Meadows stated that if we believe that the conservation easement is a legal and binding valid transaction, then it is not legal to build any more than one residential structure on the 59 acres. He then asked if the Islands Planning Commission is being asked to approve a preliminary plat to allow permission to build something that they know is illegal. Attorney Will Worley stated that the Islands Planning Commission could ask the applicant for an explanation, but if they need an answer from him he would advise that they go into Executive Session. (Mr. Patrick Duncan corrected the number of lots that he referred to in this project. Instead of 119, he stated that there are 120 lots.)

At this time, Mr. Ocie Vest, listed on the application with SLF IV-GA Sinclair, LLC, and St. Simons Sinclair Plantation Reserve, LLC, gave a brief presentation. He thanked the Islands Planning Commission for allowing them to present this preliminary plat, and he commended staff for excellent assistance with this application. Mr. Vest explained his intentions, stating that he understands that there has been a lot of confusion. He thought that he had a fairly simple preliminary plat, which is usually an administrative process. He explained that the conservation easement is to establish value for the conservation which is the reason that they showed the 245 lots. He pointed out that they do have a conservation easement on the roughly 60 acres, but again, this plat just establishes the value of the property.

Mr. Vest stated that the pure and simple reason for the preliminary plat is to maintain that entitlement of 245 units or the additional 120 lots that would exist on the conservation property. He stated that the conservation easement is in place and they do not plan to build any more than 120 lots. He stated that there is a process that they have to go through and they have worked very hard with staff to try and meet all of those issues. He stressed that this property is important to them as well as to the community.

Mr. Vest explained that the second piece of information that they want to make sure everyone understands is the ability for them to take all 245 lots and somehow gather those on just the Phase I area; however that is not their proposal and that is not this preliminary plat. He stated that the PD Zoning would not allow it and that is not what they intend to do.

Mr. Vest acknowledged the efforts of Mr. Allen Burns and his family for being so cooperative with this proposal. Mr. Burns' family owns and lives on the German Village property adjacent to the southern boundary of the Sinclair property. Mr. Vest stated that Mr. Burns asked for increased setback, which was granted. He also asked for no trails in the setback. Mr. Vest stated that no one will be installing any trails in the buffer or setback area. Regarding Ms. Cate's concerns about the burial grounds, Mr. Vest stated that all cultural areas are located in the northern portion of the tract and protected by the conservation easement.

In clarifying ownership, Mr. Vest stated that Five Rivers is not part of his business. According to Ms. Grabowski, there are two property owners on file. Mr. Vest represents one and Sinclair is the other.

At the end of Mr. Vest's presentation, Chairman Watson opened the floor for public comments. The following people were present to speak in favor of this request: Mr. Allen Burns, who corroborated Mr. Vest's comments, added that his primary concerns were about the southern buffer adjacent to his property and his request for no trails to be built in. However, he stated that the actual PD Text needs to reflect the change on the southern buffer as proposed. Mr. Grabowski stated that the note on the plat could be modified.

There were no other comments from citizens speaking in favor of this request. The floor was then opened for those speaking in opposition beginning with Mr. Rich Seban who wanted to know what would happen if the plat is approved as is, and then the applicants pull the conservation easement. He stated that he would like to see them put it in writing that the conservation easement is in perpetuity. He also expressed concerns about tree protection, the buffer and the infrastructure. Mr. Seban stated that most importantly, "the government is supposed to protect the people." He stated that there is a potential for 4,000 more homes on the north end; "where is the infrastructure." He feels that Lawrence Road and Frederica Road should be four lanes.

Mr. Robert Magnus expressed concerns about the conservation easement which he feels is for tax purposes. He agreed with Mr. Seban that it should be placed in perpetuity.

Mr. George Ragsdale expressed concerns about the conservation easement, stormwater runoff and tree protection. He also commented that the traffic study performed by the developer was not available to the public.

Ms. Pat Featherstone expressed opposition. She talked about the current number of undeveloped subdivisions that already exist on the island and asked "how many more developments will you allow on the island to just sit vacant."

Ms. R. Thomas expressed opposition and asked, "when will we have a meeting to stop development... the island is dwindling away."

Mr. Julian Smith expressed concerns about the island being over developed and he complained about the way information is disseminated by the staff of Community Development.

At the end of the public comment period, discussion continued among the IPC members. Afterward, a motion was made by Mr. Patrick Duncan to approve application **PP3402** as presented. The motion was seconded by Mr. Joel Willis. Voting Aye: Mr. Patrick Duncan, Ms. Desiree Watson and Mr. Joel Willis. Voting Nay: Ms. Carla Cate, Mr. Ed Meadows and Ms. Odessa Rooks. The motion failed.

Upon a recommendation from Attorney Will Worley, at 10:55 pm a motion was unanimously adopted to adjourn the Islands Planning Commission Meeting for Executive Session to discuss potential litigation.

The regular meeting of the Islands Planning Commission reconvened at 11:15 pm and with there being no further business to discuss, a motion was unanimously adopted to adjourn at 11:20 pm.