REQUEST FOR A REVERSE SUBDIVISION
379 MOECKEL PLACE FOR WARREN BENNETT

APPLICANT: Warren Bennett
379 Moeckel Place
St. Marys, Georgia, 31558

APPLICANT REQUEST and LOCATION OF PROPERTY: Applicant requests Approval from the City of St. Marys for:

REVERSE SUBDIVISION: Warren Bennett, 379 Moeckel Place, St. Marys, Georgia, 31558, is requesting a reverse subdivision to combine two lots. The zoning is PD R-1. The parcel IDs are 135N 174 and 135 094Q.

MEETING DATES: Planning Commission City Council
May 15th, 2018 June 4, 2018

PUBLIC NOTICE: Posted on City website April 13, 2018
Surrounding Landowner Letters Mailed April 17, 2018
July 2, 2018
Applicant Notice Letter April 17, 2018
July 2, 2018
Public notice sent to Tribune & Georgian April 30, 2018
and all media outlets June 29, 2018

MATERIALS: Agenda April 13, 2018
Staff Report April 3, 2018
Application March 21, 2018

STAFF REPORT:

Warren Bennett is requesting a reverse subdivision to combine two lots on Moeckel Place to create a single large lot. In the weekly permit review meeting held on March 21, 2018, Mr. Bennett submitted plans to erect a barn-like structure on the large lot (Tax Parcel 135 094Q). Mr. Bennett was informed by the Community Development Staff that he cannot erect an accessory structure on the vacant lot because it currently does not have a primary structure and therefore would violate the current zoning ordinances. Mr. Bennett was asked a series of questions regarding the proposed structure including if it would have electricity, Mr. Bennett stated that he would not require electricity. He was then informed by the permit review team that he would be required to have electricity in a building of this type. He was also informed that he would not be permitted to run plumbing to the structure. Mr. Bennett stated that plumbing would not be required, nor was it planned, and that the structure would only be large enough to hold his tractor and a small workshop. The reverse subdivision would combine the proposed barn building site with the parcel currently containing the primary residence allowing Mr. Bennett to apply for permits to construct his proposed structure. A private road runs through the currently vacant lot and provides access to at least twelve (12) properties, at least ten (10) of which are developed. The structure would be located on the opposite side of the road from the existing primary structure. The reverse subdivision may therefore interfere with the private road access along Moeckel Place which is owned by Mr. Bennett.

APPLICABLE STANDARDS:

Sec. 86-4. – Purpose
The purposes of the regulations are to promote the public health, safety and general welfare of the city. The overall objective of this chapter is to consider land subdivision plats as part of a plan for the orderly, efficient, and economical development of the land within the planning commission's jurisdiction. The following provisions shall guide the planning commission in formulating its decisions:

(1) Proposed streets shall compose a convenient and efficient traffic circulation system, properly related to the proposals of any transportation plan. Streets shall be of such width, grade and location to accommodate prospective traffic, provide adequate light and air, and to provide access by service and emergency vehicles.

(2) Land of suitable location, size and character for utility or drainage easements or public community services shall be shown on the subdivision plat wherever appropriate.

(3) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health and welfare from flooding, fire, contamination, erosion and other menace.

(4) The development of any subdivision should avoid unnecessary environmental degradation; pollution of air, streams, ponds, and so on; and be in harmony with the natural environment.

(5) Protect and conserve the value of land and buildings throughout the city while avoiding conflicts among the uses of lands and buildings.

(6) Provide for adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements, facilities, and open space needs as will accommodate the anticipated rate of development.

(7) Establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land: and insurance of proper legal descriptions and monumenting of subdivided land to provide adequate records for land titles.

(8) Avoid excessive expenditure of public funds for the supply of public services.

Staff Comment: With the exception of purpose seven (7), the proposed reverse subdivision does not go against the purposes of the subdivisions ordinance. As for purpose seven (7), it is the opinion of the Community Development Department that the proposed reverse subdivision is counterintuitive towards the goal of establishing an orderly layout of land. The proposed reverse subdivision would create frontage in three locations on a single street. The L-shaped frontage along the western end of Moeckel Place as created by the reverse subdivision is not a reasonable design to ensure logical and orderly planning.

Sec. 86-33. - Lots

All lots which shall hereafter be established within a subdivision shall comply with the following design standards:

(1) General provisions. The following general requirements shall apply to all lots hereafter established within a subdivision:
   a. Street access. Each lot shall abut on a street with a minimum of 25 feet, which shall conform to the design requirements of this chapter.
   b. Corner lots. Corner lots for residential use shall be provided with sufficient width and depth to permit the establishment of appropriate building setback lines from both streets.
   c. Double frontage lots. Double frontage lots shall only be permitted where it shall be found necessary to separate a development from major streets or to overcome specific disadvantages of topography and orientation.
   d. FEMA minimum lot elevation. The finish floor elevation (FFE) of lots within floodprone areas as defined officially by the Federal Emergency Management Agency (FEMA) or the United States Army Corps of Engineers, shall be a minimum of 12 inches above the established 100-year flood elevation. All development within the city shall conform to the requirements established for development within the established boundaries.
   e. Drainage slope: All building pads shall be constructed a sufficient height above the crown of the road abutting the property so as to permit a drainage slope to the street of at least one-eighth-inch, per foot or steeper.
f. Lot area: All lots shall have upland area equivalent to, or greater than the minimum requirements of zoning ordinance, chapter 110.

**Staff Comment:** The proposal does not meet the standard for double frontage. Double frontage lots may only be permitted in order to either separate a development from major streets or to overcome geographical issues. This proposal meets neither of the requirements as outlined above.

(2) Lot width and lot area requirements. Lots hereafter established within subdivisions shall conform to the lot area and lot width requirements set forth in the zoning ordinance, chapter 110, and this chapter.

**Staff Comment:** The proposal meets the standards for lot width and area.

(3) Building lines. Building, or "setback," lines shall be provided on all lots and delineated on all final plats and shall conform at least to the city zoning ordinance, chapter 110, pertaining to the classification in which the lots to be subdivided are located.

**Staff Comment:** The final plat does not delineate setbacks or building restriction lines (BRL).

**STAFF RECOMMENDATION:**

Staff will abstain from making a recommendation because of difficulty in making a discrete conclusion under the current law.

**PLANNING COMMISSION MOTIONS:**

**Approval:** Motion to approve the reverse subdivision application

**Approval with Conditions:** Motion to approve upon the condition that...

**Denial:** Motion to deny application.

**PLANNING COMMISSION RECOMMENDATIONS:** The Planning Commission is scheduled to meet Tuesday, May 15th, 2018, for a Regular Called meeting, to consider this application.

Action taken: Approved ( ) Denied ( ) Postponed ( )

**CITY COUNCIL RECOMMENDATION:** The City Council is scheduled to meet on Monday, May 21st, 2018, to consider the Planning Commission’s recommendation.

Action taken: Approved ( ) Denied ( ) Postponed ( )
CITY OF ST. MARYS, GEORGIA
APPLICATION FOR SUBDIVISION

APPLICANT: READ PART A COMPLETELY, THEN ANSWER EACH ITEM IN PART B. PLEASE PRINT OR TYPE.
DO NOT WRITE IN PART C, THE BUILDING DEPARTMENT WILL HELP YOU, IF NECESSARY.
FAILURE TO SUPPLY COMPLETE INFORMATION WILL RESULT IN PLAT DISAPPROVAL. YOU MUST
FILE THIS APPLICATION AND ALL REQUIRED MATERIALS WITH THE BUILDING DEPARTMENT AT LEAST
16 DAYS PRIOR TO THE PLANNING COMMISSION MEETING AT WHICH IT WILL BE CONSIDERED.

PART A – GENERAL INFORMATION
YOU ARE ENCOURAGED TO READ ARTICLES THREE
THROUGH SIX OF THE SUBDIVISION REGULATIONS OF
THE CITY OF ST. MARYS. THESE ARTICLES DESCRIBE
THE STANDARDS EACH SUBDIVISION MUST MEET AND
EXPLAIN THE PROCEDURES THE CITY WILL FOLLOW
TO REVIEW YOUR PROPOSED PLAT. THE SKETCH
BELOW SHOWS THESE STEPS FOR A TYPICAL PLAT.
(See Section 122 for filing fees and Section 128 for
exceptions.)

APPLICATION, FEE, AND REQUIRED MATERIALS FILED
WITH THE COMMUNITY DEVELOPMENT DIRECTOR.

PLANNING COMMISSION REVIEWS SKETCH PLAN
(OPTIONAL)

PLANNING COMMISSION REVIEWS PRELIMINARY PLAT
(MAJOR SUBDIVISION ONLY)

PLANNING COMMISSION REVIEWS FINAL PLAT

CITY COUNCIL REVIEWS AND SIGNS FINAL PLAT

SUPERIOR COURT CLERK RECORDS FINAL PLAT

YOU SHOULD ALSO BE AWARE OF THESE
IMPORTANT REQUIREMENTS:
1. NO WORK TO OPEN THE PROPOSED SUBDIVISION SHALL
BEGIN (WITH THE EXCEPTION OF CLEARING UNDERBRUSH
FOR SURVEYING OR ENGINEERING PURPOSES) UNTIL THE
PRELIMINARY PLAT HAS BEEN APPROVED AND ANY
REQUIRED PERMITS OBTAINED. APPROVAL VALID FOR ONE
YEAR FROM DATE OF RECEIPT OF PERMIT.
2. NO LOTS SHALL BE SOLD UNTIL THE FINAL PLAT HAS BEEN
APPROVED.
3. THE FINAL PLAT SHALL BE APPROVED ONLY IF ALL
APPLICABLE REQUIREMENTS OF THE SUBDIVISION
REGULATIONS AND OTHER REGULATIONS HAVE BEEN MET.
ALL BONDS ACTIVATED AND WRITTEN AUTHORIZATION OF
AVAILABILITY OF SEWER AND WATER SERVICE IS RECEIVED
FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
(EPD), THE GEORGIA DEPARTMENT OF NATURAL
RESOURCES AND THE CITY OF ST. MARYS, GEORGIA.

PART B – APPLICANT ONLY
1. YOUR NAME: Warren Bennett
ADDRESS: 379 Moore Place
ST. MARYS, GA ZIP 31558
PHONE NUMBER: EMAIL

2. OWNER’S NAME: (IF NOT YOU)
ADDRESS __________________  ZIP ______________

3. WHAT IS YOUR INTEREST IF YOU ARE NOT THE OWNER?
AGENT __________________________

4. NAME OF PROPOSED SUBDIVISION __________________________

5. LOCATION OF PROPOSED SUBDIVISION
NEIGHBORHOOD ______________________
STREET __________________________________
PARCEL # ______ LOT # ______ ZONING MAP # __________

6. PRESENT ZONING CLASSIFICATION ________

7. NUMBER OF PROPOSED lots ______

8. AREA OF PROPOSED SUBDIVISION _______ ACRE

9. PLEASE ATTACH THE FOLLOWING ITEMS TO THIS
APPLICATION. THE APPLICATION WILL NOT BE
CONSIDERED COMPLETE AND CANNOT BE PROCESSED
• PRELIMINARY PLAT (ORIGINAL AND 21 COPIES)
• VICINITY MAP
• LIST OF ADJOINING PROPERTY OWNERS AND THEIR
TAX PARCEL #’S AND ADDRESSES
• CONSTRUCTION PLANS (IF APPLICABLE)

10. YOU MUST RECEIVE THE FOLLOWING ENDORSEMENTS
OF YOUR PLAT BEFORE THIS APPLICATION CAN BE
PROCESSED:
• THE ENVIRONMENTAL PROTECTION DIVISION OF THE
GEORGIA DEPARTMENT OF NATURAL RESOURCES
• THE COUNTY SOIL AND CONSERVATION SERVICE
• THE CITY ENGINEER

11. SIGNED __________________ DATE: /10/07

PART C – COMMUNITY DEVELOPMENT DEPT. ONLY
1. DATE APPLICATION WAS FILED
2. WAS THIS AT LEAST 16 DAYS BEFORE THE PLANNING
COMMISSION MEETING AT WHICH IT WILL BE REVIEWED?
YES _____ NO ______
3. CHECKED BY
4. THIS SUBDIVISION IS ________ MAJOR ________ MINOR
5. ARE PRELIMINARY PLAT AND APPLICATION COMPLETE
YES _____ NO ______ (SEE SUBDIVISION CHECKLIST)
6. CORRECT FEE PAID _____ YES _____ NO ______
DOES NOT APPLY AMOUNT $______
7. DATE PRELIMINARY PLAT REVIEWED BY PLANNING
COMMISSION ________
Both "RED" decals affixed to "FWD" Port/Starboard sides. Bow lights are removed while tied next to shore. Garage box.

Jet Dock Systems, Hull ID # H1N 9217112013
Floating Dory Dock/Barrier

Power to lot & water
Utility power under road mat routed by myself and inspected by Robbie Horton / Terry Singewald from previous complaint by the Store/Greens/Hill clan which my in-clude Mike & Melodie Page.

Warren Bennett
3/11/2018
May 8, 2018

Mr. & Mrs. Warren Bennett
379 Moeckel Place
St. Marys, Georgia 31558

Mr. & Mrs. Bennett,

Thank you for taking time to speak with me regarding the Stop Work Order that was placed on your property, on May 2, 2018. As you are aware, our Code Enforcement Officer received a complaint that you were clearing the land across the street from your house at 379 Moeckel Place, and he responded according to what was being reported and what he saw at the time. The Ordinance that the Stop Work Order addressed is the City Code of Ordinances, Chapter 102, Article II Trees and Shrubs.

Initially it did in fact appear that you were in the process of clearing the lot for a construction project. After we were able to discuss the situation I found out that prior to this you had been given permission by our City Manager to clear trees that had been damaged by the last two tropical storms. Most of the trees that I saw did in fact appear to be those trees that you had been working on. I also understand that you have had to clear some of the brush in order to get to the downed trees so that the roadway would not be blocked. You also cleared out the muscadine vines to be able to get to the remote locations and opened the area up to been seen from the roadway.

At this time we are lifting the Stop Work Order, however, I must remind you any more than removal of the storm damaged trees without the proper permits will require us to place another Stop Work Order on your property.
If there are further questions you may speak with myself or James Samson. Again thank you for your time.

Respectfully,

Robert T. Horton, Fire Chief/Building Director
City of St. Marys
US ARMY CORPS OF ENGINEERS
LETTER OF PERMISSION (LOP) NOTIFICATION
Coordination with Georgia Department of Natural Resources – Coastal Resources Division

DATE: December 8, 2014

This notification is to advise you that an application has been received for a Department of the Army permit, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). In accordance with Part 352.2(a) (1) of our regulations, we must notify Government Agencies of the proposed work.

Please review the enclosed, check the appropriate line below and return this form by FAX to 912-652-5995 within 10 days of the date at the top of this notice. Please contact the Project Manager within 5 days of the above date if you require more information or plan to provide substantive, site-specific comments. If the Project Manager is contacted directly, a maximum of 15 days from the above date can be provided for your review and comment. (1) For Georgia Department of Natural Resources-Coastal Resources Division (CRD): If you fail to return this form within 10 days, and/or have not notified the Project Manager of forthcoming comments, we will assume that the Georgia Department of Natural Resources-Coastal Resources Division objects to our issuance of a LOP for the proposed project, and the proposed project is not consistent with Georgia’s Coastal Management Program (GCMP). (2) For all other agencies and contacted parties: If you fail to return this form within 10 days of the above date, we will assume your agency does not object to our issuance of a LOP for the proposed project.

RD PROJECT MANAGER: Barbara Bass               PHONE #: 912-652-5690

ACTION ID NUMBER: SAS-1996-09050               APPLICANT: Warren Bennett

PROJECT DESCRIPTION: Assemble a 5 section floating Jet Dock Tri-toon System and securing it by two metal rings to existing East side poles that support the 1996 permitted boat lift (General Permit PGP0083, (960009050). The Jet Dock will ride the poles have access and egress via a 20 ft gangway to the bluff.

PROJECT LOCATION: The proposed project is located at 379 Moeckel Place, on Borrell Creek, Saint Mary’s County, Georgia (Latitude 30.7418, Longitude -81.5914).

REVIEW AGENCY: GADNR, CRD               Attention: Kellie Moore

This agency has no objection to the issuance of a LOP for the proposed project.

This agency objects to issuance of a LOP for the proposed project for the following reason(s):

__________________________________________________________________________
The Georgia Federal Consistency Coordinator (GFCC) has determined the proposed project to be consistent with Georgia Coastal Management Program (GCMP).

The GAFCF has determined the proposed project to be inconsistent with GCMP due to the following reason(s):  no revocable license has been issued.

Kelie Moore
SIGNATURE OF AGENCY REPRESENTATIVE

12/9/14
DATE
Good Afternoon,

Mr. Bennett called this morning stating that code enforcement had placed a stick notice violation in his yard yesterday evening. He also stated that he tried to research the violation and found no such violation. He asked to meet with the City Manager and Mr. Holman asked if you could please follow up with Mr. Bennett accordingly. He may be reached at 912-674-3350.

I spoke to Mr. Samson who clarified this gentlemen lives in Meckel Place not Burrow Creek. Please let me know if I can provide additional information.

Thank you,

Jillian McCann
Executive Administrative Assistant
City of St. Marys

418 Osborne Street
St. Marys, GA 31558
912-510-4041
If you don't mind, also please ask him to take a look at the fill that Mr. Bennett put in the river behind his house. It is asphalt and is slowly leaking oil into the river.

----- Original Message ----- 
From: Darlene Ellis <Darlene.Ellis@stmarys.ga.gov>
To: James Samson <jsamson@stmarys.ga.gov>
Cc: Terry Stover Construction <tsci@tds.net>
Sent: Thu, 10 May 2018 16:43:10 -0400 (EDT)
Subject: FW: Code enforcement 379 Moeckel Place

Else:
I do not have a permit on final for this address.
For this property I do not have any permits being issued since year 2010.
I have forwarded your email to Jim.

Best Regards,

Darlene R. Ellis
Community Development & Building Dept.
City of St. Marys
418 Osborne Street
St. Marys, GA 31558
912-510-4032
912-510-4014 (fax)
dellis@stmarys.ga.gov<mailto:dellis@stmarys.ga.gov>

CONFIDENTIALITY NOTICE: Please note that Georgia has a very broad public records law. Most written communications to or from staff regarding City business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure. This e-mail message including any attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review use disclosure or distribution is prohibited. If you are not the intended recipient contact the sender by reply e-mail and destroy all copies of the original message.

From: Terry Stover Construction [mailto:tsci@tds.net]
Sent: Thursday, May 10, 2018 4:38 PM
To: Darlene Ellis
Subject: Code enforcement 379 Moeckel Place

Hi Darlene,

I do not have the email address of the new code enforcement officer, but we have a concern about our neighborhood. The resident of 379 Moeckel Place has placed a speed bump in front of his home. It appears that he has some sort of wires and/or hoses running under this "bump" in order to reach property that he also owns across the street. Terry would like to know if this was permitted, or if it needs to be permitted. Lastly, is it even legal? Thank you for your time. Can you please share with code enforcement?

Sincerely,

May 2, 2018

To Whom It May Concern:

Subject: Reverse Subdivision Moeckel Place

My wife and I have lived at 359 Moeckel Place since 2013. Our property is next door to the subject property. We have watched the appeal and allure of our subdivision diminish drastically since the Bennetts purchased the subject property. There has been a constant accumulation of boats, lawn equipment, trailers, and now commercial heavy equipment. There are 7 trailers, three boats, two tractors, commercial lawn mowers, and multiple attachments stacked on the two pieces of property in question. (Please see attached photos) Our fear is that if the reverse subdivision is approved then it will allow the construction of outbuildings which will be numerous and not in keeping with the subdivision. He also does not heed to rules and regulations. Right now he is in violation of the following: unpermitted dock, non code water and power (to subject property they both run over the road), and there is a fuel tank on the property over 300 gallons without spill containment. Therefore, we are not in agreement with Warren Bennett, 379 Moeckel Place, to reverse subdivide the properties he owns across the street from his personal residence. We drive through his this property via an easement as it is the only ingress/egress to our homes. This easement has been in place from the outset of the Moeckel Place development since the mid 1900s. This easement is permanently attached to the properties. Warren Bennett knew this agreement when he bought his properties.

I hope you take in consideration the value we want to keep in our homes. I feel as the value of my home is decreasing drastically daily with every new piece of equipment and trash drug home by The Bennetts. We would hate to see barns, more debris in the river and yard, and equipment in the lot that Bennett wants to reverse subdivide.

Sincerely,

Brandon and Robyn Baily

359 Moeckel Place

Saint Marys, GA
Public Hearing
St Marys Planning Commission
Tuesday, May 15, 2108 at 5:30 pm
City Hall Council Chambers

RE: Warren Bennett, 379 Moeckel Place, St. Marys, Georgia, 31558, is requesting a reverse subdivision to combine two lots. The zoning is PD R-1. The parcel IDs are 135N 174 and 135 094Q.

First, I would like to thank Mr. and Mrs. Bennett for clearing the underbrush along the road. Visibility is much better from the stop sign on Deerwood Ct.

As a Realtor® I have shown properties for sale on Moeckel Place. Clients have asked about the heavy equipment parked on the lot. I assume Mr. and Mrs. Bennett had graciously allowed temporary parking for local construction. Upon investigation I found this is not the case. The equipment belongs to Mr. and Mrs. Bennett. My concern as a Realtor® is if this is a permanent parking place for this heavy equipment it may make the properties less desirable for potential buyers.

Clients have also questioned the speedbump. They treated it as a joke and said something along the lines that we have so many speeders that we need speed bumps. While they said it as a joke, they did say something about it. They may have assumed there is an issue resulting in the installation of a speedbump.

As a local home owner, I love my neighborhood. I love driving in and out of my neighborhood. I have often had to stop for deer to cross the road. This is one of the main reasons I purchased a home in Hidden Lake. It would not be the same if I had to drive by heavy equipment everyday on my way in and out. It would feel like an industrial area. That may affect desirability of future buyers in Hidden Lakes.

As an environment conscious citizen I know builders must adhere to strict rules about water purity. The sites are inspected to ensure the builder/owner are following the rules to protect water such as Hidden Lake. Will the home owner who stores heavy equipment or possible fuel be monitored in the same way?

As a tax payer I am concerned with the cost to maintain roads. Earlier this year there were some issues on Shadowlawn that I am sure costs the town (tax payer) dearly. Were the residential roads and underlying infrastructure designed for the transport of heavy equipment. Will the owner, being builder or private citizen, be responsible for any damages to these roads? If so how will the town hold them responsible?

Thank you very much for hearing my concerns.

Jackie Frye
Realtor®, Associate Broker
160 Deerwood Ct
St Marys, GA 31558
912-552-0005 JackieFrye@WatsonRealtyCorp.com
Dear City Manager, Planning Commission and Council Members,

My family and I have lived in the Moeckel Place neighborhood for more than two decades. I've raised my three children here and I look forward to watching my grandchildren grow up appreciating the natural beauty of this area. This is the reason I am writing you today. It is with true sincerity and intention that with this letter, I can assist in better educating and informing each of you of the inconsiderate and illegal actions made by one of the newest members of our beloved Moeckel Place community.

When Mr. Bennett purchased his house at 379 Moeckel Place in 2013 he was well aware of the covenants and restrictions that came with his deed. The first thing he did was to “lawyer up” and find a way to get out of the HOA. He did not want anyone or any document to tell him what he can and cannot do. He proceeded to denigrate his property with an overabundance of trailers, boats, construction equipment until both side of his property were full of “stuff”. His approach, to do whatever he wishes, has only his “rights” as a land owner in mind, without the slightest consideration for his neighbors. This selfish approach has been a consistent pattern since he moved to Moeckel Place.

Mr. Bennett recently (2016) purchased approximately three acres of land across from his house at 379 Moeckel Place that he now uses as a storage area or as he calls it “his lay down yard” for his land-clearing equipment. This property also serves and the entry to Moeckel Place Subdivision. Within the last year, he has been moving heavy construction equipment on and off the property – tractor, skidsteer, back hoe, 250 gallon fuel tank, trailers, root rake, box blades, cements mixer, broken concrete blocks and various other tools which he uses for clearing land. He posts signs on his property and along the communal road threatening people nearby – “Keep Out!”, “Private Property”, “Video Surveillance on the Property”, “No Trespassing”. He also installed a distasteful steel cable to enforce any entry. Not only do Moeckel Place guests feel unwelcomed, but they continuously question whether Mr. Bennett’s property is being used for commercial purposes. (see Exhibit A)

Now Mr. Bennett wants to gain a “Reversed Subdivision” status for his “laydown yard” to be combined with his property at 379 Moeckel Place so he can circumvent the requirement of having a dwelling on said property. This would allow him permission to construct an unlimited number of visually distressing barn-style metal buildings and sheds on this property to store his heavy construction equipment and other over-flow materials. This ultimately puts the residents of Moeckel Place in a financial risk due to loss of aesthetic appeal resulting in diminishing property values.
The biggest issue here is whether Mr. Bennett is now operating a business from this property, with his brand new Kubota land clearing equipment, and/or will have a business in the future. If he gains permission based on the premise that he doesn’t have a business going on now as he has claimed to St. Marys City officials, the granting of a “Reverse Subdivision” would allow him to put unlimited storage buildings on this property, probably with concrete foundations. If his business materializes in the near future as is predictable (as the new equipment would indicate this), will the city make him dismantle the buildings on the “lay down yard”?

A lot of this discussion revolves around what Mr. Bennett says he’s going to do and what he actually ends up doing. His credibility should be in question after reviewing the timeline of his actions below:

- **2013**: Mr. Warren Bennett purchased the property at 379 Moeckel Place. Upon signing the contract, Mr. Bennett made a legal commitment to abide by the covenants and restrictions that came with the deed.

- **Spring 2014**: With the assistance from a lawyer, Mr. Bennett informed his neighbors that he’d discovered a way around the original deed; this removed him, his family and his residence from the Home Owners Association (HOA) of the neighborhood. After this action, it became clear that Mr. Bennett had no intention of positively contributing to our community nor wanted any interaction with his neighbors.

- **Spring 2015**: By no longer having any restrictions dictated by the HOA, Mr. Bennett began using both sides of his yard to hoard numerous trailers, boats, log splitter, tractors and miscellaneous machinery. While the HOA made several attempts to resolve any disagreements with Mr. Bennett, he refused to discuss anything, stating he was free to do things “as he pleased” since he was no longer associated with the HOA. He even made notice to his next door neighbor (Baily) that he was going to put a “lean to” on the side of his property to cover his possessions. This was later denied due to code restrictions by the City of St. Marys regulating lot set back requirements. Instead, he purchased a 10’x10’x30’ covered trailer to park on this area. (see Exhibit B)

- **2015**: The Moeckel Place HOA received a text from Mr. Bennett to convince the committee to sign an official petition to secede our neighborhood from the City St. Marys. (see Exhibit C) When questioned about why he wanted out of the City of St. Marys, he simply stated “it will save us a bunch of money on our taxes”. After seeking legal advice, the HOA was informed that Mr. Bennett had discovered loopholes in order to circumvent city codes. He could do what he wanted if he got out of the city; he would not have to obey city ordinances.

- **2016**: Mr. Bennett self-built his own “floating barge” to bypass the legal requirement for obtaining a dock permit. The law clearing defines a “floating barge” by its mobility and temporary residency with commercial intent, however Mr. Bennett turned his “floating barge” into a docking platform. He attached an aluminum gangway from the “floating barge” on to his property. Once this one done, the “floating barge” became an immobile, permanent and illegal dock with no permit. (see Exhibit D)
Appeal to Reverse Subdivision at 379 Moeckel Place

- **2017:** Mr. Bennett dumped toxic asphalt into the river to use as rip-rap along the river bank at his property, endangering sea life and polluting the Borrell Creek area and marshlands. He acts as if he owns the creek and he can do as he pleases. (see Exhibit E)

- **2017:** Mr. Bennett has been learning the business of land clearing by trial and error. During one of his attempts on January 29, 2018, it was confirmed by a Georgia Power lineman (Gary) that Mr. Bennett hit a transformer box (located at the front entry of Moeckel Place) with his SkidSteer and moved the box over several inches (see exhibit F) cutting off the electricity to the subdivisions of Hidden Lake, Moeckel Place, and Otter Point for five hours. When confronting Mr. Bennett, he denied any allegations and refused to admit to the damage he had made.

- **2018:** Mr. Bennett performed work and received a $50 payment for services provided using the machinery on his “lay down yard”. (see Exhibit G) The City Building code states “Commercial vehicles and trailers of all types, including travel, boat, camping and hauling shall not be parked or stored on any lot occupied by a dwelling” (see Sec. 110-125-f). This gives the HOA reason to believe that Mr. Bennett is not only using this property for businesses purposes, but also running a business without the proper licenses that are required by the State of Georgia. Mr. Bennett is legally required to use this land for residential purposes only.

- **Now:** With all these past “character issues” over the past 4+ years, how can anyone believe that Mr. Bennet will not be putting a land clearing business on this “Lay Down Yard” at some future date.

In conclusion, I’d like to ask the City of St. Marys for assistance in our appeal. It is my hope that we can one day live in peace among one other on this beautiful land of ours; that I can watch my own children bring their kids back home and remember what it was like growing up here; that my wife and I can watch a sunset on the dock and enjoy its beauty. I understand that things change with time; all I ask is that you assist us in maintaining the residential character of Moeckel Place by enforcing Mr. Bennett to relocate his machinery for his business to a commercial lot. We are simple people looking for a simple solution – we’re just asking for a little help in the city’s decision to deny Mr. Bennett of reverse subdivision. I thank you for your time in reading this letter and your consideration in my request.

Kindly,

James E. Greer
Appeal to Reverse Subdivision at 379 Moeckel Place

Exhibit B
I heard the real reasons for not supporting deannexation by y'all, Greers, Baileys. No problem. It still can be done but I'm not putting anymore effort in it. The money y'all would have saved would have more than off set our leaving the sunset HOA. I was prepared to us my resources to deannex all of us out here. Sally had no idea until we bought Hill property what financial resources I had or have and will pass on to the children. Let alone my SSI and Navy Medical retirement and contractor. Just fact. I thought this would help some of y'all but some just can't accept we are here and that's about that as Forest Gump would say. I get along fine with military vets but a guess not here. Oh well. I have the highest regard for Mr Hill and what he did as a flyer. My family flew too in WWII and made it home changes people. It gives you a different perspective on life when you survive and other members die. My wife never knew me then and I to the children. Let alone my SSI and Navy Medical retirement and contractor. Just fact. I thought this would help some of y'all but some just can't accept we are here and that's about that as Forest Gump would say. I get along fine with military vets but a guess not here. Oh well. I have the highest regard for Mr Hill and what he did as a flyer. My family flew too in WWII and made it home changes people. It gives you a different perspective on life when you survive and other members die. My wife never knew me then and I
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Exhibit D
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Exhibit E
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Exhibit F
Exhibit G
St Marys Planning Commission & St Marys City Council,

Good day to you all. I am Steve Hegi of 319 Moeckel Place, St Marys, Georgia, 31558. My family has lived in our residence for approximately 4 years. I am a licensed Real Estate Broker in the State of Georgia and I am the managing broker of Signature Properties. My wife Dori co-owns Signature Properties and has sold real estate in Camden for 17 years.

It has come to our attention through a city notification that Mr. Bennet desires to reverse subdivide property he owns on Moeckel Place. The intention to reverse subdivide is to erect storage facilities to store commercial equipment he currently owns that is currently being located on this property. What appears to be a 500 gallon fuel tank without containment is located on this property. The current use of this property appears to be for commercial use.

At this point my wife and I feel the current use of this land is damaging our property value by being a visual blight and potentially will be used for a commercial business. We understand Mr. Bennett desires to build storage facilities on his property. Whatever structure or structures he does build will significantly lower my property value as well as other residents living on Moeckel Place, Otter Point, and Hidden Lakes. Although my wife and I do not desire to impede Mr. Bennet’s liberty, we feel Mr. Bennet is impeding our liberty by directly depreciating our property value.

Kind regards,

Steve Hegi
319 Moeckel Place
St Marys, GA 31558

RECEIVED
MAY 11 2018
BY: [Signature]
9:42 am
To City of St. Marys City Council and Planning Commission

April 30, 2018

RE: Application of Warren Bennett – REVERSE SUBDIVISION

My wife and I have lived at 429 Moeckel Place since 1996. During this period we have paid approximately $35,000 in City property taxes. If this application for a reverse subdivision is approved our property values will decline at least 25% in our opinion, which pales in comparison to the loss of pride and enjoyment in what was once an idyllic, untouched marvel of nature.

THEREFORE, WE VEHEMENTLY AND COMPLETELY REJECT THE VILE APPLICATION BY WARREN BENNETT, 379 MOECKEL PLACE, TO REVERSE SUBDIVIDE THE PROPERTIES HE OWNS ACROSS THE STREET FROM HIS PERSONAL RESIDENCE. WE DRIVE THROUGH THIS PROPERTY VIA AN EASEMENT AS IT IS THE ONLY INGRESS / EGRESS TO OUR HOMES. THIS EASEMENT HAS BEEN IN PLACE FROM THE OUTSET OF THE MOECKEL PLACE DEVELOPMENT IN THE MID-1990s. THIS EASEMENT IS PERMANENTLY ATTACHED TO THE PROPERTIES. OF COURSE BENNETT KNEW THIS WHEN HE BOUGHT THEM.

Background

We bought our lots and built the house due to the pristine natural beauty of this rare and unique waterfront property. It reminded us and many others of Cumberland Island. We got to know all of our neighbors very closely becoming a tight knit group with pot lucks, crab boils, and 4th of July parades. This paradise lasted until 2013 when Bennett bought the house at 379 Moeckel Place. Immediately thereafter he began to scoff, reject, and disassociate himself from all things we held dear. We held a homeowners association meeting to welcome he and his family, break bread, and review our covenants, community pool and common areas, road agreement, and so on. He left the meeting mid-way saying under his breath ‘you all don’t have a homeowners association’.

Even though these issues may not be directly pertinent to the reverse subdivision, they illustrate a pattern of actions, behavior, and true intent. It’s obvious now, in retrospect, he has some kind of master plan that he reveals incrementally. Otherwise such a plan inside a beautiful residential neighborhood would bring about obvious rejection. We property owners are trying to protect our investments we have worked our entire lives to pay for. These homes are worth just shy of $1 million each. If he continues down the path none of us will be able to recoup our investments much less enjoy any appreciation. Is this the type of housing market the City wants to create? He should not be grandfathered in for any zoning regulations that may be changed. He must be held accountable and stopped. We ask ourselves would this be allowed in Osprey Cove? The Historical District? Likely not.

He has consistently abused Borrell Creek and its bank by using his propeller on his boat and a pressure washer on his dock to move the silt/mud to make it deeper for his boat. We have video. Of course this pluff mud ended up underneath his neighbor’s docks and ours. He then put a “floating barge”, after finding the one loophole in all the Ga. DNR boat registration regulations allowing this, complying with the letter of the rule but certainly NOT the intent. Later he attached a gangplank to it which is illegal but no enforcement. He must spend hours on end researching these schemes, which is what he will do with this property. His modus operandi also includes hanging around government offices trying to ingratiates himself to those holding decision making authority over his schemes. He makes a mockery of all things civil and communal about living in a neighborhood, a City.
Other ‘activities’ that further illustrate his destructive approach to our neighborhood and by extension the City:

- Researched how to get out of Homeowners association so that he was not restricted to any rules or regulations for equipment to be parked on his property.
- Bought property with the intention of building barns to house equipment for his commercial business he intends to run.
- Running water and electrical wires on top of the road with a speed bump covering over it.
- Dug a well after leaving subdivision and obtaining a variance so that the well could be 75 feet from septic tank instead of the required 100 feet. To do this he told the well company that it was going to be an irrigation well, but it is the only water source for the house and property.

These are some of the issues he continues with once he finds a crack in the rules/regulations or the enforcement thereof. We know from this experience that once he receives a reverse subdivision, it is only the beginning of his plan to build barns, more barns, out buildings, more equipment, and begin commercial work. Why else would he have so much equipment parked on his lay yard? He either intends to run a business, or is an overgrown teenager with big boy toys, or is the worst business person on the planet.

It is our understanding this same sort of activity played out in Kingsland when he lived there. Many neighbors complained then much as we are now. He was also a one term City Councilman in Kingsland.

Please take all these facts into consideration. If you do you will draw the correct conclusion which is to deny this application else destroy an entire residential neighborhood.

Sincerely

Michael E. and Melodie Page

429 Moeckel Place

St. Marys, GA.
May 10, 2018

To Whom It May Concern,

We have recently purchased property at 500 Moeckel Place and it has come to our attention that an application has been filed to create a reversed subdivision within Moeckel Place Subdivision.

We feel, that if this is passed, it will diminish the value of our property due to it’s proximity to this proposed land change. We have great concern of the impact this will have on the aesthetics and overall quality of the neighborhood and the adjacent properties as well as the character of the neighborhood.

Please consider our plea to deny this request.

Frederic C. Parvey

Wannelle B. Parvey
April 30, 2018  
To Whom It May Concern:  
Subject: Reverse Subdivision-Moeckel Place

My name is Logan Stover, I am 27 years old and I am writing today from my physical address of 542 Moeckel Place, St. Marys, GA. I have been a resident here since August of 2015. My previous residence was 359 Moeckel Place St. Marys, GA where I was raised and spent most of my childhood (14 years).

I am writing today to express my opposition to the Reverse Subdivision proposed by Warren Bennett, resident of 379 Moeckel Place. Mr. Bennett closed on the property in September of 2013. I would like to add that the so called “subdivision property” (Parcel # 135 094Q) that he wants to include in his subdivision was not part of the sale of the residence 379 Moeckel Place and is completely adjacent to it. It was a buffer between Hidden Lakes subdivision and Moeckel Place that he purchased from Bertram Rhyne in June 2015.

Moeckel Place was developed over the course of a couple of years starting in 1994 a. My parents bought a lot, my grandmother (Cecily Hill) bought the lot next door to them, and my aunt and uncle (Suzanne & Jim) purchased the lot with the original home that Mrs. Moeckel used to live in. It was a dream come true, literally. Here we had our own piece of paradise that we would be able to appreciate forever, leaving its natural beauty and preserving the habitat of the wild animals that live there. Wrong. When Mr. Bennett purchased the property from my grandmother in 2013 after the passing of my grandfather, our piece of paradise became less peaceful. Mr. Bennett first seceded from the Moeckel Place HOA after finding out that the covenants and restrictions were unsuitable for him. Upon succeeding he began to bring in old boats, concrete mixers, floating docks, tractors etc. and staging them around his home until he purchased the adjacent property from Bert Rhyne in Summer 2015 where he then began to clear the trees and load the property up with junk. On top of that, when the city hired Chuck Hester to repair the manholes at the entrance of Shadowlawn in late 2017, Mr. Bennett took his tractor and trailer, went and recovered the expired asphalt and dumped it off the river bank to preserve the bank. Asphalt is a petroleum-based product and releases oil from the masses of it as time goes on. Just and example of Mr. Bennett’s blatant disregard to natural habitat

Foremost, I would encourage you all to take a drive down to my house as a guest of mine, so you can actually see what is going on. Mr. Bennett is claiming the above referenced area as his “lay down yard.” There are approximately 3 acres of now cleared land that are home to multiple tractors, fuel tanks, tractor implements, boat trailers, and car haulers. It is a COMPLETE eye sore for one, but more so I am beginning to wonder what this so called “lay down” yard is going to do to our property values in the long run. Here we are in one of the most beautiful estates in St. Marys, yet we drive through a junkyard everyday to get to our houses.
The next issue I would like to bring to your attention is the fact that John Holman from the city has already questioned Mr. Bennett about his use for the area if the city were to approve the reverse subdivision. Mr. Bennett claims that he will not be using this proposed subdivision land to operate a business out of. This is completely untrue. I have hired Mr. Bennett myself to help with storm damage clean up post hurricane Irma that he graciously accepted a $50 check for. There are numerous other people who have paid this man for work performed. This is a variable that is important. Say Mr. Bennett denies the use of using the area for a business when he is questioned and hypothetically the city grants his reverse subdivision application, what happens next? I will tell you, Mr. Bennett will be right back in the city’s office applying for a “special use accessory building permit” so he could build barns and operate his business. How many subdivisions in St. Marys have a “lay down yard” or where people operate a business out of their yard in the middle of them?? Osprey Cove? Riverview? Shadowlawn?

In closing, I would highly recommend direct attention to this issue. If our property values are lowered that also lowers the amount of taxes we pay in to the city. I know this is the process and I am trying to follow it, but I do live in the city and at some point the city has to be held accountable for helping preserve its beauty whether it be in front of city hall, or in our case, off the beaten path. Lastly, my generation is the one that are going to face the long term effects of this decision and as a concerned, tax paying citizen, I encourage you all to oppose the reverse subdivision application proposed by Warren Bennett.

Sincerely,

Logan Stover
542 Moeckel Place
St. Marys, GA 31558
TO WHOM IT MAY CONCERN:

We are residents of 305 Moeckel Place, and we formerly resided at 359 Moeckel Place. We are writing this letter in reference to the application from the resident of 379 Moeckel Place for reverse subdivision.

For many years, in particular when we lived at “359”, the Moeckel Place area was a haven for wildlife and nature. The original Moeckel property on which the subdivision sits was purchased by a group in the 1990s. We were interested in preserving the natural scenery and raising our children in the woods area. We had our own subdivision festivals and cookouts, and we particularly enjoyed our Fourth of July “Parade”. We succeeded until Mr. Bennett purchased his home (2013) and subsequently, in June 2015, the property across the street. He resigned from the subdivision organization (five homeowners) because he didn’t want to follow the covenants and restrictions. Neighbors had been upset that he was disturbing the beauty of the area by parking numerous vehicles and trailers in his yard. His retaliation was to remove himself from the group so that he didn’t have to follow the rules. When he purchased the adjacent property, he continued to collect vehicles, trailers, tanks, golf carts, etc. The covenants and restrictions of a once pristine, nature-filled area no longer apply to Mr. Bennett. Although his home with all surrounding clutter sits in the midst of a well-controlled and beautiful neighborhood, his unwillingness to be a team player has caused all residents to suffer. Imagine something like this at Cumberland Harbour or Osprey Cove, right in the middle of gorgeous and highly-valued homes.

Once again, it appears that he does not want to conform to his duties as a resident of the area. His application for a reverse subdivision would allow him to have one contiguous piece of property. We would expect that his next move would be to apply for a permit to build a large storage structure, although he currently denies same. If he is granted the reverse subdivision, he will more than likely move forward to operate his “tractor” business from the area. We would anticipate someone having a setup like Mr. Bennett’s on acreage in the country, but it is disturbing to see it take place within city limits on EXTREMELY VALUABLE property. The value of the surrounding homes has been and will continue to be diminished by his irrational behavior. We just received an assessment on our residence in Phase III of Moeckel Place, and the assessed value is in excess of $607,000. If Mr. Bennett “junks up” this area any more, we will definitely be visiting the county assessors come appeal time. This will affect the entire St. Marys tax base on this area because others in this area will follow suit. Our property values are diminishing because of this situation.
Since the purchase of the property, Mr. Bennett has clear cut the majority of it with the exception of the ones taken by Hurricane Irma, and he has continued with his unsightly additions to the area, all the while reminding others either verbally or through his signage that he is continuously watching. In order to run power to that area, he has run electrical cords and hoses across the road and installed his very own speed bump which all residents have to drive over. There is “warning” signage everywhere with cables blocking his “laydown yard”. This negatively affects ALL who enter the area, not just Warren Bennett. Everyone who passes by see his hideous mess. It’s a slap in the face to those of us who initially purchased the property with the intent of maintaining the beauty of the area. This valuable and very private subdivision doesn’t deserve any more of his antics.

In summary, we would request the DENIAL of Mr. Bennett’s application. Thank you for your consideration in this matter.

Sincerely,

Terry and Elese Stover
To City of St. Marys City Council and Planning Commission  
April 30, 2018  
RE: Application of Warren Bennett – REVERSE SUBDIVISION  

My wife and I have lived at 429 Moeckel Place since 1996. During this period we have paid approximately $35,000 in City property taxes. If this application for a reverse subdivision is approved our property values will decline at least 25% in our opinion, which pales in comparison to the loss of pride and enjoyment in what was once an idyllic, untouched marvel of nature.

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Please take all these facts into consideration. If you do you will draw the correct conclusion which is to deny this application else destroy an entire residential neighborhood.

Sincerely

Michael E. and Melodie Page
429 Moeckel Place
St. Marys, GA.
May 16, 2018

Warren Bennett
379 Moeckel Place
St. Marys, GA 31558

**FINAL PLAT-REVERSE SUBDIVISION:** Warren Bennett requested a reverse subdivision for two parcels of land located along Moeckel Place. Zoning is PD R-1. Tax parcel IDs are 135N 174 and 135 094Q.

Dear Property Owner:

At the meeting of the Planning Commission of the City of St. Marys held on May 15, 2018, your application for the above noted reverse subdivision was **TABLED**. The Planning Commission has rescheduled your public hearing regarding the above reverse subdivision for the regularly scheduled meeting on July 17, 2018.

Should you have any questions on the above, please contact this office at 912-510-4025.

Sincerely,

*Morgan Granger*

Morgan Granger
Planner
City of St. Marys