

MINUTES
GLYNN COUNTY PLANNING COMMISSION
December 3, 2002 5:00 P.M.

MEMBERS PRESENT: Hal Hart, Acting Chairman
Mike Aspinwall
Perry Fields
Gary Nevill
Robert Ussery
Jonathan Williams (arrived at 5:50 p.m.)

ABSENT: Ann McCormick

STAFF PRESENT: York Phillips, Planning Manager
Carolynn Segers, Planner II
Tyler Frazier, Planner II
Janet Loving, Admin/Recording Secretary

Chairman Hal Hart welcomed everyone to the public workshop. He presented a report on "Site Coverage," the section of the ordinance that he was assigned to review. He stressed that he was not charged with writing an amendment, but to do research on site coverage. He distributed a copy of the report to the audience and proceeded to read it as follows:

Site Coverage (503.3 As Written): The area of land covered by the ground floor area of buildings and/or structures, surfaces parking and drives, whether permeable or impermeable to water, as well as walkways, patios and similar improvements that are impermeable to water. Site coverage will be computed from development area.

Development Area (As Written): All land determined to be suitable for improvement and building, but not including permanent preservation areas such as productive marsh, beach, most seaward stable dune, beach and dune development setback area, lake, stream, landmark tree, historical site, or utilized for street, alleys or access easements.

In the report, Mr. Hart emphasized that he and Mrs. Iris Touw (former Planning Commission Member who also worked on this section) were bothered by the statement "whether permeable or impermeable." Permeable (dirt/grass) is calculated as if it were impermeable. This seems to be a contradiction.

Also contained in the report is an outline of how the county currently limits site coverage and how it relates to various zoning districts.

In his summary, Mr. Hart listed what he feels is most important regarding site coverage as follows:

- 1) Amend 712 General Commercial to have front, side and rear setback. This would prevent lot line to lot line coverage or 100% as now available.
- 2) Amend 713 Highway Commercial to allow for greater side and rear setbacks.
- 3) Amend 710 Office Commercial to allow for greater side and rear setbacks
- 4) Consider amending 715 General Commercial Core to look at redevelopment standards in case of major (fire/flood) disasters...
- 5) Amend 1102.4 General Layout Plan to add General Commercial...

At this time, Mr. Hart opened the floor for public comment.

Mr. Ron Sawyer wanted to know if Items 1, 2 and 3 in Mr. Hart's summary pertain to the mainland. Mr. Hart replied yes. Mr. Sawyer stated that he did not think there was a problem with commercial developments on the mainland. He feels that the mainland should be left as it is (with no change in site coverage).

Mr. Dan Coty asked the following questions: "What is the problem?" "What are you trying to accomplish?" He stated that his consensus is to "leave it alone." He does not see a problem.

Mr. Terry Driggers also stated that he does not see a problem. He stated that it would be impossible to enforce what Mr. Hart is proposing, especially as it pertains to issuance of a CO (certificate of occupancy). He stated that "it is not fair to add another layer of bureaucracy and taxes to Glynn County when there is no issue."

Mr. Terry Carter stated that "it is not economically feasible to push something on people without understanding the impact."

Mr. George Marrow stated that he has heard the same question so many times; "what is the problem." He stated that the county should start thinking about what the people need, and should develop guidelines instead of regulations.

Mr. Royce Hobbs stated, "leave it like it is." The following people voiced the same sentiment: Marion Butler, Charlie Aldridge, Gary Yawn and Jimmy Fullard.

Mr. Marvin Massey stated that he has property rights and he is concerned that the Planning Commission wants to take away 45% of his property.

Ms. Laura Smithstrom stated that “this is the United States and if we pay for our property we should be able to do what we want.”

Mr. David Dubberly stated that “it is anti-American to infringe on property owners rights.”

Mr. Perry Fields stated that he is opposed to an arbitrary figure on site limitations on the use of property whether it is commercial or residential. He feels that it is a basic fundamental right to have and use property as you see fit as long as that use does not harm the community.

For clarification, Mr. Mike Aspinwall explained that “the Planning Commission was asked to review the ordinances. We are not trying to take away land. These changes and suggestions did not start with us and they won’t end with us. We will listen to what everybody has to say and pass it on to the Board of Commissioners. If anyone has a suggestion that would make things better, we want to hear it. But we are not here to take away your property. That is not our intent.” He stated that Mr. Hart was asked to look at site coverage and in doing so, he prepared the report that we have tonight and he is merely soliciting input from the public.

At this time, Mr. Phillips elaborated on the process of reviewing the amendments at the Planning Commission level with regard to advertisements, public hearings and subsequent final action by the Board of Commissioners.

Mr. Ben “Buzzy” Ramsey wanted to know if this is the first public hearing on site coverage since the two groups made recommendations. Mr. Hart replied yes.

Mr. Robert Ussery stated that it appears that there is no problem with the way that single-family homes are currently being addressed. He suggested that they remove any further study on single-family homes from the equation. Mr. Hart stated that was part of his recommendation.

Mr. LaRon Bennett, property owner, stated that he agrees with the recommendation to pull the residential property out. Regarding the issue of whether or not property is being taken away, he explained that if he has a piece of property and cannot use it for any purpose, in essence his property has been taken away and his only luxury is to continue to pay taxes on property that he cannot use. He stated that no one would gripe about reasonable setbacks, and what is reasonable in his mind at this time is to “leave it alone.”

Mr. Fields expressed concerns about treating property zoned the same differently simply because of the size. If the Planning Commission is leaning toward that direction, he suggested getting an opinion from the County Attorney on this issue. Mr. Hart agreed.

This concluded the 5:00 workshop. Chairman Hart called the regular meeting to order at 6:00 p.m. and the invocation was given, followed by the Pledge of Allegiance. He then gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items. At this time, he introduced and welcomed Mr. Robert Ussery as the new member appointed to the Planning Commission.

Mr. Hart announced that *Application GC-2002-18* (Agenda Item #3) has been deferred until the December 17th meeting.

GC-2002-17

Application by Mark R. Wendel, agent for Larry E. Wendel, property owner, to rezone from R-20 Residential to GC General Commercial property located at 6241 Blythe Island Highway and consisting of .573 acres with 100 feet frontage on Blythe Island Highway.

Mr. Mark Wendel was present for discussion.

It was noted that this application was presented at the past two November meetings. A motion was made recommending approval with conditions. The vote on the motion was deferred (twice) pending a legal response from the County Attorney regarding enforceability of the conditions, specifically, hours and days of operation. The motion is still on the table thereby impeding any further discussion from the public unless specific questions are asked by the Planning Commission.

The following response was provided by the Assistant County Attorney, Mr. Jerry Hegstrom, and was included in the Planning Commission packages:

Restricting Hours and Days of Operation: "...It is the opinion of this office that such restrictions carefully drafted could be enforced as a condition on the zoning...While conditions placed on a rezoning are not illegal, a contract or 'spot zoning' is...If the condition places an arbitrary or unreasonable limit on this single property as compared to other similarly zoned properties, it may be challenged...while regulations of days and hours can be a valid exercise of police powers, it would ordinarily be applied to the operations of a specific business wherever located and not to a specific zoned location. Since the zoning conditions applies to the property and would apply to any owner, the condition must not arbitrarily or unreasonably restrict the use of the land by potential successor owners."

Mr. Jonathan Williams asked why aren't any of the people listed on the applicant's petition present to speak on his behalf. Mr. Mark Wendel stated that when he circulated the petition, he didn't tell any of the property owners that they had to attend. He thought their signatures and addresses would be sufficient. There was a brief discussion between the members and the applicant with respect to matching the names and addresses of adjacent property owners listed on the petition in relation to the applicant's property.

Mrs. Segers asked if the motion was formally placed on the table or did the Planning Commission just defer the vote. In response, Mrs. Loving stated that the motion was placed on the table. Mrs. Segers then stated that the motion would have to be removed from the table. For clarification, Mr. Phillips explained that when a motion is on the table, before the Board could act on the motion, it has to be removed from the table. "Table" in this instance means to put in a safe keeping of the secretary. The Board has to remove the motion from the table in order to have it in hand to take action. When the main motion is removed, the motion is brand new and open for several actions, including but not limited to rescind, appeal, annul or amend action previously adopted such as an amendment to the main motion. Thereupon, a motion was made by Mr. Mike Aspinwall to remove the motion from the table. The motion was seconded by Mr. Gary Nevill and unanimously adopted.

The motion and second at this time is as follows: Recommendation for approval with the following conditions:

- 1) Site plan approval to be required.
- 2) Hours of operation to be from 8:00 a.m. to 4:00 p.m.;
Monday thru Friday, no weekends.
- 3) No operating on state recognized holidays.

Voting in favor of the motion: Mr. Jonathan Williams. Voting against the motion: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Hal Hart and Mr. Gary Nevill. Abstained From Voting: Mr. Robert Ussery. The motion failed to carry.

A motion was then made by Mr. Mike Aspinwall to recommend denial of this request. The motion was seconded by Mr. Gary Nevill. Voting in favor of the motion: Mr. Mike Aspinwall, Mr. Hal Hart and Mr. Gary Nevill. Voting against the motion: Mr. Jonathan Williams. Abstained From Voting: Mr. Perry Fields and Mr. Robert Ussery. The motion carried for a recommendation of denial.

GC-2002-23

Application by John A. Tuten, owner, to rezone from Forest Agricultural to Highway Commercial property located at 4704 U. S. Highway 17 North, on the east side of U.S. Highway 17, directly east of its intersection with Glynco Parkway, and consisting of approximately 15 acres with approximately 1,100 ft. of frontage on U.S. Highway 17.

It was the consensus of the Planning Commission to defer this request until later in the meeting pending arrival of a representative.

GC-2002-24

Application by William Edenfield, agent for Sea Island Company, owner, to amend the Planned Development Text for the “Sea Island Support Campus: North Planned Development” (GC-31-99, as amended) on property located on the north side of Sea Island Road, west of its intersection with Frederica Road, and consisting of approximately 30 acres with approximately 2,000 feet of frontage on Sea Island Road and approximately 650 feet of frontage on Frederica Road. The purpose of the amendment is to permit a private childcare center and other uses in Parcel C and to make other revisions.

Mr. Bill Edenfield and Attorney Jim Gilbert were present for discussion.

The staff’s report was included in the packages for review and was presented by Mr. Phillips as follows:

This property is located on the north side of Sea Island Road and on the west side of Frederica Road on St. Simons Island. The property was rezoned to PD-G in 1999 in order to provide for support functions associated with the Sea Island development. As originally intended, these support functions included receiving, warehousing, and distribution, as well as parking for employees. The planned development also includes the stables and a commercial facility along the west side of Frederica Road. In 2001 a small piece of land was added to the northwest corner of the planned development.

There has been a change in the nature of the support facilities from those originally contemplated. For example, some of the receiving and warehousing functions are now being handled in Brunswick. The site currently includes a significant parking area for employees, and it has become desirable to provide day care services for employees’ children at this location. The specific nature of the Planned Development Text does not leave flexibility to permit this without a change in the language.

The proposed changes are intended to add the day care facility as a permitted use and to incorporate changes concerning the buffer. These changes were added by the

Board of Commissioners as conditions on the earlier rezonings, but are now being added to the Planned Development Text itself. The Comprehensive Plan shows this area for commercial use.

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact were considered in making the recommendation:

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

Yes.

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

No.

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

Yes.

- Whether the zoning proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

No.

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

The future land use map identifies this area as commercial.

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

No.

The proposed changes will improve the functioning and appearance of the facility and contribute to the community and therefore staff recommends approval.

Mr. Fields stated that an acceptable plan was worked out with regard to the buffer on the north side of the property. He wanted to know if the added section in any way alters that plan. Attorney Jim Gilbert replied no.

Mr. Fields referred to Page 13, Item #9 of the PD Text regarding *private childcare*. According to the text, this use has to receive approval of the GA Department of Human Resources and the Fire Chief. He stated that Glynn County also has conditions for the implementation of a daycare center, such as a certain area of playground per student, etc. Mr. Fields wanted to know if the company intended to write this out of the text and perhaps not have a playground, etc. Mr. Gilbert replied no. He stated that they could add a general sentence, i.e., “in compliance with the requirements or conditions of Glynn County Ordinances.” Mr. Bill Edenfield stated that the site plan would demonstrate the conditions of the ordinance. Mr. Phillips stated that staff had recommended deleting this language. He stated that the company had originally submitted the text with the exact wording listed in the conditional use requirement in the Zoning Ordinance, but staff was concerned with DHR perhaps changing their requirements.

Mr. Fields explained that once a certificate is issued to a daycare licensee, the license is good as long as the daycare center passes the inspection for the requirements then existing at the time the original license was granted. If there is a lapse in excess of 30 days, in order to re-qualify as a daycare center, any new changes that would have occurred since granting the original license must be met.

At this time, Mr. Phillips read the original language in the application as follows: “Private childcare center, kindergarten or pre-school nursery provided that a) buildings or structures shall have a minimum of 35 sq. ft. per child of usable space within the building; b) outdoor play areas shall have a minimum of 100 sq. ft. per child of usable space; c) all facilities shall meet state and local requirements and codes for the operation of childcare center; and d) the plans for such facility shall receive written approval of the GA Department of Human Resources and the County Fire Chief prior to the issuance of any permits for construction and operation. Copies of such approval to be attached to the building permit to be retained in the files of the Building Official.” Mr. Phillips stated that staff would reinstate this language.

Following discussion, a motion was made by Mr. Jonathan Williams to recommend approval of this request with the above changes noted by staff. The motion was seconded by Mr. Perry Fields and unanimously adopted.

GC-2002-ZT12

An amendment to the Glynn County Zoning Ordinance, Article VI, Section 611 (Off-Street Automobile Parking Requirements), Section 611.6 (Number of Spaces Required), so as to change the number of spaces required for Automotive Service Establishments and Vehicle sales Establishments.

The amendment was included in the packages for review. In presenting the staff's report, Mr. Phillips stated that typically vehicle sales establishments provide a significant amount of parking. Most is used for display of cars for sale. The problem of having an excessive standard is not readily apparent because many of the required spaces are actually used for display. The problem, which prompted this amendment, came to light with the proposed Camden Motor Sports site. This company will sell motorcycles as opposed to automobiles.

Research indicates that most parking standards do not specifically address vehicle sales. The City of Tampa uses a standard of 2 spaces per 1,000 sq. ft. This would represent a considerable reduction compared with Glynn County's current standard of 1 space per 200 sq. ft. Similarly, the number of spaces required for vehicle servicing establishments is excessive when the current standard is used. Several ordinances use a standard based on the number of service bays in the establishment.

Mr. Phillips stated that staff is recommending approval of the proposed amendment as follows: (words with lines drawn through to be deleted; highlighted words to be added)

<u>LAND USE</u>	<u>NUMBER OF SPACES REQUIRED</u>
Automobile , Farm Equipment, Machinery, Furniture Sales and Repair Establishments, except Automobile Repair Establishments	1 space for each 2 shift employees, plus 1 space for each 400 sq. ft. of total floor area.
Automobile and Motorcycle Repair Establishments	3 spaces for each service bay or service workstation
Retail Business, Commercial Or Personal Service Establishments, except Vehicle Sales Establishment	1 space for each 200 sq. ft. of retail floor area.
Vehicle Sales Establishment	1 space for each 500 sq. ft. of display area

Mr. Robert Ussery stated that these are reasonable numbers based on the intensity of use expected in this type of facility. However, Mr. Fields stated that he doesn't fully understand the issues that they're being asked to look at. He wanted to know if there is a definition in the ordinance for vehicle sales. Also, in referring to a car lot does this mean

that you would have to have 500 sq. ft. of space per one car sale. Mr. Phillips replied no. It would be 500 sq. ft. of indoor display area. Mr. Fields stated that this could easily translate to a car lot with no indoor display. There needs to be a differentiation between display area and non-display area, unless inside and outside sales are included.

Mr. Ussery wanted to know if a different standard would be used to calculate office area of automobile sales. Mr. Phillips stated perhaps, if it is significant. He stated that in most car dealerships there are salesmen offices but there is also a substantial back office for the finance personnel, etc. A display area is usually occupied by salesmen and customers, therefore he feels that the 1 space for each 500 sq. ft. of display area is sufficient. Mr. Ussery stated that in essence, for an automobile sales facility the display area would be calculated at 1 space for each 500 sq. ft. and the office area would be 1 space for every 200 sq. ft.

Mr. Fields stated that this proposal should not be limited to automobile and motorcycle repair establishments. Perhaps we should also address boats, planes, and recreational vehicle sales. Mr. Phillips pointed out that the specific problems generated from automobile and motorcycle repair establishments but he would do additional research and bring back information on the other items. He stated that he would bring this item back with additional information along with clarification on indoor/outdoor displays at the December 17th meeting under staff items for further discussion.

SP-2002-1105-1525 Gruber Aviation

Request by Gruber Aviation Inc. for approval of a site plan on property consisting of 1.3889 acres located in the McKinnon Commercial Park Planned Development District, located at the end of Gary Moore Drive off Airport Road, St. Simons Island.

Mr. Larry Bryson and Mr. Don Hutchinson were present for discussion.

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

This site plan is a proposal to construct an airplane hanger and office building in the Limited Commercial Park area of the McKinnon Planned Development District on St. Simons Island. The proposed hanger would be located adjacent to Low Country Candles and approximately 1000 feet west of Demere Road. The Limited Commercial Park Planned Development Text has defined the design criteria used to develop the architectural character of the buildings in the surrounding area.

The Planned Development Text for the Commercial Park governs land use and development standards for all proposed new buildings. The text states that prior to Airport Commission approval, the Planning Commission shall review and approve the site plan, building exterior plans, and design criteria. The text elaborates on the criteria

for development standards by establishing parameters that define the accepted “architectural character” within the limited commercial park area. These guidelines are:

- Two story height limitation,
- Roof slope between 5/12 & 9/12,
- Exterior walls of wood siding, tabby and/or stucco but no metal or vinyl siding,
- Roofing material shall be “architectural style” fiberglass shingle or seamed metal roof,
- Exterior colors shall be subdued earth tones with limited contrasting colors.

The PD text also states that all Oak trees on the development shall be shown on the site plan. At the time this staff report was written staff was unable to make a site visit to describe the existing landscape.

The PD text also states that plans for parking, loading areas, accessways, signage, buffers, landscaping and lighting should be outlined in accordance with the design criteria and submitted to the Planning Commission. The site plan submitted does not appear to have addressed signage and lighting; also little or no landscaping has been provided within the leased area. The subject property is a considerable distance from Demere Road and in staff’s opinion will not create visual or noise nuisances that will extend into neighboring residential areas, therefore the need for buffering is assumed to be minimal.

The site plan conforms to the requirements set forth in section 619 of the Zoning Ordinance. The proposed airport hanger and office spaces does not appear to completely address the design criteria and “architectural character” set forth in the Planned Development Text for the Limited Commercial Park area of the McKinnon Airport District. The roof slope and exterior siding do not comply with the design criteria and the exterior color has not been stated. Furthermore, signage and lighting has not been addressed on the plan and little consideration has been given to provisions for landscaping the site.

Staff recommends that that the site plan and exterior building plans be considered as they relate to the design criteria used in developing the proposed architectural character of this airport hanger and office building.

Mr. Fields stated that staff has highlighted the written text outlining the criteria to be submitted to the Planning Commission with each site plan application. He assumes that the design criteria relate back to development standards listed on page 11 of the text. According to the text, “the architectural character shall be harmonious with the surrounding residential scale.” Mr. Fields was concerned about the Planning Commission being asked to approve a site plan when the exterior of the building itself requires their approval. He stated that the applicant would have to amend the text to remove the items listed or the building cannot be approved as submitted. Mr. Ussery agreed with Mr. Fields. There is also a hanger nearby. Mr. Fields wanted to know the distance of the

residential scale. Mr. Ussery stated that there are no residences in sight. Mr. Fields stated that the PD Text should be amended to allow for the structure. Mr. Phillips stated that staff suggested to the Airport Commission that it might be beneficial to modernize the language. He stated that they are in the process of doing a new Airport Master Plan, which should be the basis for updating the information.

Mr. Gary Nevill stated that McKinnon Airport has a general aviation area and then there is a limited commercial park. He thinks that this falls in the general aviation area. He asked if the development standards apply to the general aviation. Mr. Phillips stated that according to the PD Text there are two areas with two sets of standards: the service commercial area and the limited commercial area.

Mr. Hutchinson stated that what the Planning Commission is referring to is outside of the fence where there is limited commercial area. He stated that general aviation is inside of the fence and is serviceable to airplanes only.

Mr. Larry Bryson stated that he discussed this with Mr. Steve Brian of the Airport Commission and he assured him that the area being referred to is not controlled by the PD Text. It is outside the limited commercial area and it is general aviation. He stated that Mr. Brian was unable to attend tonight's meeting but he would be available to meet with staff tomorrow to resolve any outstanding issues. Mr. Bryson stated that the Airport Commission has reviewed the site plan and the architectural plans and they have approved the project.

Mr. Fields stated that the Planning Commission needs to have something in writing from the Airport Commission because there will be other buildings and this will come up again. Mr. Phillips stated that if it is the Planning Commission's determination that this plan is substantially in conformance with the intent of the PD, then he would suggest that they approve the site plan and allow staff to meet with the Airport Commission to clean up the language in the text, the maps, etc.

Following discussion, a motion was made by Mr. Perry Fields to approve the site plan as submitted as not being inside the limited commercial park based on the information presented at tonight's meeting. The motion was seconded by Mr. Gary Nevill and unanimously adopted.

Mr. Fields encouraged staff to meet with the Airport Commission staff and have them amend the text to define what they consider the aviation area and the service area to avoid this confusion in the future.

SP-2002-1112 Microtel Inn

Request by Natu and Niru Patel for approval of a site plan on property consisting of 1.866 acres located in the Southport Planned Development District. This project is located adjacent to the Dollar General Store on Palisade Drive in the vicinity of Exit 29 (US 17 at I-95)

Mr. and Mrs. Patel were present for discussion.

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

The subject property is located in the Southport Planned Development District. The Planned Development Text for this district is a copy of the Highway Commercial Zoning District. The requirements set forth in section 723 of the Zoning Ordinance were not been addressed at the time the rezone for the Southport Planned Development occurred on June 18, 1992. Earlier this year, a request for the Southport Commercial Park was submitted and Mr. Larry Bryson developed a Master Plan for a shopping center to be located on the western portion of the land defined by Palisade and Candler Drives.

The subject property suffers from the fact that the 1992 rezone did not clearly address the requirements of shopping center and individual commercial planned developments. Section 723 of the Zoning Ordinance states that individual commercial uses shall not have more than two (2) access points to any one public street, unless unusual circumstances demonstrate the need for additional access points. The Master Plan for the neighboring portion of the Southport Planned Development shows four access points on Palisade and four access points on Candler. Staff's position is that unusual circumstances do not demonstrate the need for additional curb cuts on either Palisade or Candler and the shopping center and individual commercial developments should be integrated to promote a better-planned development.

Section 723 also states that where shopping centers are located, applicants may be required to provide a market analysis showing the economic need for the use being provided. Such a "gravity model" would need to include developments within the market boundary in the Interstate 95 corridor.

Staff has reviewed the site plan with regard to its provisions for parking. There is no provision for gravel parking in this situation and staff's recommendation is for paving. Staff has also reviewed the water and sewer project improvements and determined the proposed development is not compliant. The Utilities Manager requires showing proposed water, sewer, and cross-connection control devices in accordance with the site plan ordinance.

The Southport Planned Development District text does not comply with the requirements set forth in the Zoning Ordinance under Section 723. This inherently poses problems for any new developments in this district. Specifically, requirements limiting the number of curb cuts along Palisade and Candler would affect site ingress and egress.

The Planning Official and Assistant County Engineer have identified that allowances for gravel parking is not provided by the ordinances. The Utilities Manager has determined this site plan is not compliant since water and sewer improvements have not been adequately addressed.

Staff recommends that the site plan be considered in relation to the Planned Development Text established under the guidelines set forth in Section 723 of the Glynn County Zoning Ordinances, address the issue of gravel parking for oversized vehicle parking, and require all water and sewer planning be provided.

Mr. Fields disagreed with staff's comment regarding the gravel parking. He stated that if the ordinance does not require this of the applicant, then the Planning Commission does not have a right to require it. Mr. Jonathan Williams and the other members agreed.

Following discussion, a motion was made by Mr. Mike Aspinwall to approve the site plan as is. The motion was seconded by Mr. Perry Fields. Discussion continued.

Mr. Don Hutchinson pointed out that water and sewer is available on both sides; however, this is a construction issue and will be addressed during that stage.

After discussion, the following vote was taken on the motion for approval: Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. Abstained from Voting: Mr. Hal Hart.

PP-2002-1125-1055 Foxcreek Estates

Request by the Southport Group, LLC for approval of a preliminary plat on property consisting of 51.45 acres located in the Forest Agricultural Zoning District. The property is located near the intersection of Buck Swamp Road and Highway 17 South.

Mr. Ronnie Perry was present for discussion.

In presenting the staff's report, Mr. Phillips explained that the Planning Commission approved the preliminary plat for this subdivision (then referred to as "Montclair") on June 6, 200. The proposal at that time was for a 41-lot development served by Glynn County water and individual septic tanks. The subdivision was depicted as part of the Southport Development, which had participated in provision of utilities for the US 17 South/I-95 area.

Subsequently, the Planning Commission approved a new preliminary plat on October 2, 2001. At that time, the proposal was for a 35-lot development served by

individual wells and septic tanks. The final plat was approved September 5, 2002. A variance from the requirement for public water and sewer was approved at the same time. The variance allows the development to be served by individual wells and septic systems.

After approval and recording of the final plat, the developer expressed a desire to modify the development to provide a private central water system. This requires revision of the preliminary plat and construction plans, as well as a revised final plat. A revised variance request has been submitted to allow the development to be served by a private community water system and individual septic systems. The variance is scheduled for consideration by the Board of Commissioners at its December 5th meeting.

Staff has reviewed the proposed revised preliminary plat in comparison to the recorded plat, with the following findings and comments:

- 1) A well site has been added on a portion of what was originally Lot 4. Lots 1 through 6 have been modified to accommodate the addition of the well lot. It appears that there have been no other material changes to the lot lines, particularly on the lots that have been sold or are under contract.
- 2) An access to the well site needs to be shown. There is a 30 ft. drainage and utility easement shown between Lots 4 and 5. In its present configuration, however, this will not serve as adequate access to the well site as there is an existing concrete drainage flume that cannot be driven on or crossed. This can be corrected with the construction plans and shown on the final plat.
- 3) The applicant will need to submit and obtain approval of construction plans, final plat and application for a land disturbing activities (LDA) permit.

Mr. Phillips stated that staff's recommendation is that the revised preliminary plat be approved.

Following review, a motion was made by Mr. Perry Fields to approve this request. The motion was seconded by Mr. Robert Ussery and unanimously adopted.

It was noted that a representative for Item #4 (GC-2002-23) had arrived. Staff proceeded with the item as follows:

GC-2002-23

Application by John A. Tuten, owner, to rezone from Forest Agricultural to Highway Commercial, property located at 4704 U.S. Highway 17 North on the east side of U.S. Highway 17 and directly east of its intersection with Glynco Parkway. Property consisting of approximately 15 acres with approximately 1,100 feet of frontage on U.S. Highway 17.

Mr. John Tuten was present for discussion.

The staff's report was included in the packages for review and was presented by Mrs.Carolynn Segers as follows:

This proposal is to provide for development of two office buildings. Adjacent property to the north is zoned FA Forest Agriculture with a portion fronting U.S. 17 zoned HC Highway Commercial. Property to the south also is zoned FA Forest Agriculture with a portion fronting U.S. 17 zoned HC Highway Commercial. Property to the east is zoned FA Forest Agriculture and is currently undeveloped. Property located to the west across U.S. 17 is zoned FA Forest Agriculture and is bisected by Glynco Parkway, which serves as a gateway to the Brunswick Golden Isles Airport and associated industrial park. One large parcel to the west of the subject property is under development as church.

The Future Land Use Map of the Glynn County Comprehensive Plan shows this property to be low density residential. Parcels to the north and south of the subject property, which are zoned HC, are shown as commercial. Development to the east is planned as residential. Property owner has already received a driveway permit for residential use from DOT. The permit requires the alignment of the driveway with Glynco Parkway, and requires re-permitting for use as a commercial driveway.

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact were considered in making the recommendation:

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

Yes, the area is a mixture of residential and commercial uses.

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

Unlikely.

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

Yes.

- Whether the zoning proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

No, the property fronts on U.S. 17 and the existing highway is sufficient for the proposed level of use. Size of lot is sufficient for well and septic tanks. Proposed use would not increase burden on schools.

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

The future land use map identifies this area as low density residential with adjacent parcels identified as commercial.

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

No.

The site is suitable for the proposed use. Since the Comprehensive Plan identifies this area as low density residential, consideration needs to be given to any changed conditions or other factors that support a departure from the Plan. Historically, development along a highway of this type is manifested by a fairly random pattern of commercial and non-commercial uses. A more organized pattern results from concentration of retail and service commercial uses at “nodes” and identification of areas in between for non-retail commercial and higher density residential development. Nodes are usually located near major intersections where the services offered can conveniently reach a larger population. The subject location would be appropriate for such a node.

Location of a retail and service commercial concentration at this site should be accompanied by a reduction of commercial zoning at other locations along the highway. This can be done when the Plan is updated. Existing uses would be protected, but there would be limitations on redevelopment of such uses in the future as the area develops. Staff’s recommendation is for approval.

Mr. Ussery had questions about the future use of the property. Mr. Tuten stated that the future use would probably be low profile but he has no development plans at this time.

Mr. Hart asked if the applicant would allow the Planning Commission to have site plan approval. Mr. Tuten replied that he would not have a problem with that.

Following discussion, a motion was made by Mr. Perry Fields to recommend approval of this request subject to site plan approval and a 35 ft. buffer along the area of the rezoned property where it adjoins any residential use. The motion was seconded by Mr. Robert Ussery and unanimously adopted.

MINUTES

Regular Meeting: November 5th

A motion was made by Mr. Gary Nevill to approve the Minutes of the November 5, 2002 Planning Commission meeting. The motion was seconded by Mr. Mike Aspinwall. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Hal Hart, Mr. Gary Nevill and Mr. Jonathan Williams. (Mr. Robert Ussery was not a member at that time and therefore abstained from voting.)

Under **Chairman Items**, election of Chairman and Vice Chairman for 2003 will take place at the December 17th meeting. Also, the 2003 Planning Commission calendar was accepted as presented.

Under **Planning Commission Items**, Mr. Fields stated that he would circulate information on buffers for discussion purposes at the next meeting.

There being no further business to discuss, the meeting adjourned at 8:25 p.m.