

**MINUTES**  
**GLYNN COUNTY PLANNING COMMISSION**  
**October 15, 2002 6:00 P.M.**

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**MEMBERS PRESENT:** Wayne Stewart, Chairman  
Hal Hart, Vice Chairman  
Mike Aspinwall (arrived at 6:35 p.m.)  
Perry Fields  
Ann McCormick  
Gary Nevill  
Jonathan Williams

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

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Chairman Stewart called the meeting to order and the invocation was given, followed by the Pledge of Allegiance. He then gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

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At this time, Chairman Stewart stated that he would have to leave tonight's meeting at 6:30. Vice Chairman Hal Hart would preside in his absence. He then announced that the workshop items listed on the agenda as ***GC-2002-ZT10 (Building Heights) and GC-2002-ZT11 (Water Supply Impact/Site Plan Review)*** would not be discussed due to the items not being placed in the Brunswick News 15 days prior to the public hearing (in accordance with Section 1105.1 of the Glynn County Zoning Ordinance). Mr. Terry Driggers and several other residents criticized staff for not informing them of this earlier. Mr. Driggers exclaimed that had he known, he would not have rushed to the meeting. Chairman Stewart apologized for the inconvenience and advised that these items will be re-advertised for discussion at the November 5<sup>th</sup> Planning Commission meeting beginning at 5:00 p.m. in Room 234 of the Office Park Building.

Chairman Stewart stated that the Board of Commissioners has asked that the proposed ordinance changes be expediently forwarded to them for final action. The Planning Commission will review two amendments at one time. Site Coverage and Trees will be discussed at the November 19<sup>th</sup> meeting beginning at 5:00 p.m.

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**Adoption of Agenda**

Upon a motion made by Ms. Ann McCormick and seconded by Mr. Gary Nevill, the October 15<sup>th</sup> Planning Commission Agenda was unanimously adopted. (Mr. Aspinwall was not in attendance at this time.)

**SUP-2002-05**

Application by Yewone Shirley Hendricks, owner, for a medical hardship Special Use Permit for 101 Hendricks Lane, Brunswick, GA, a 1.3 acre tract located west of the intersection of Hendricks Lane and Frazier Road.

Mr. Hendricks was present for discussion.

In accordance with the ordinance, it was noted that the applicant had not provided official written documentation from a medical doctor verifying that 24-hour constant care is needed in this instance. Therefore, this request was deferred until the November 5<sup>th</sup> Planning Commission meeting. The applicant was advised to provide the necessary documents to staff prior to the November 5<sup>th</sup> meeting.

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**GC-2002-15**

Application by Atlantic Survey Professionals, agent for Sawyer and Associates, owner, to amend the Planned Development Text of Golden Isles Gateway Tract for the R7 Tract, located on the south side of U.S. Highway 99 east of Canal Road and consisting of 199.846 acres with 6,032 feet of frontage on State Highway 99.

Mr. Ernie Johns and Mr. Ron Sawyer were present for discussion.

Mr. Phillips explained that this item was deferred from the October 1<sup>st</sup> meeting to allow staff and the applicant to revise specific language in the Planned Development Text. The revised text was included in the packages for review. Staff's recommendation is for approval.

During the course of discussion, additional changes were made as follows: (words highlighted were added; words with strike through lines have been deleted)

- F. Tabulations showing the maximum number, type and net density of dwelling units proposed for each building site.
  - 1. There will be a ~~total~~ **maximum** of 525 **dwelling** units in the subdivision (**duplex counts as two units**).

Following discussion, a motion was made by Mr. Gary Nevill to recommend approval of this request with the noted changes. The motion was seconded by Mr. Perry Fields and unanimously adopted. (Mr. Aspinwall was not in attendance at this time.)

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Chairman Stewart excused himself from the meeting at 6:30 p.m. Vice Chairman Hal Hart presided over the remainder of the meeting.

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**GC-2002ZT8**

*An Amendment to the Glynn County Zoning Ordinance, Article VII, Sections 709 (SSVPD) and 709.3 (Permitted Uses in Overlay Zone) to Clarify Restrictions on Outside Activities*

Mr. Phillips explained that this amendment was continued from the October 1<sup>st</sup> meeting in order to clarify some of the language. The revised amendment was included

in the packages as follows: (words highlighted were added; words with strike through lines have been deleted)

709.3 Permitted Uses in Overlay Zone

Unless otherwise specified elsewhere in this ordinance, the permitted uses, conditional uses or special uses allowed in the base zoning district will be allowed in the Overlay Zoning District. Each ~~zoning district~~ **land use and development** shall be required to conform to this ordinance as well as the standards set forth in ~~each~~ **the underlying** zoning district.

There shall be no open or outside storage area or sales area **within the district. ~~or organized promotions which involves outside storage or sales area.~~ **There shall be no sales or storage activities** on public right-of-way or sidewalks in the district. **Notwithstanding these provisions, outside sales and storage may be permitted on individual lots and/or on public right-of-way or sidewalks unless an organized promotion of a Merchants Association or similar group where specifically authorized and approved by the Glynn County Board of Commissioners.****

Following review, a motion was made by Ms Ann McCormick to recommend approval of this amendment. The motion was seconded by Mr. Jonathan Williams. Discussion continued. Mr. Hart expressed concerns about phone booths, news racks and outside restaurant seating with regard to this amendment. He wanted to know if these had to be specifically approved by the Board of Commissioners. Mr. Phillips stated that restaurant seating areas are specifically approved by the Board; News racks are covered by the Supreme Court, which is out of our jurisdiction; but he is not sure about phone booths. Mr. Fields stated that phone booths would soon become a non-issue due to the popularity of cell phones. The phone companies are probably not going to install additional phone booths and the existing ones will be grandfathered in.

After discussion, the following vote was taken on the motion for approval. Voting Aye: Mr. Perry Fields, Ms. Ann McCormick, Mr. Gary Nevill and Mr. Jonathan Williams. Voting Nay: Mr. Hal Hart.

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**PP-2002.0918.14:45 Royal Oaks, Phase IV**

SR: 602.2g Variance (Permanent Dead-End Streets)

Request for approval of a preliminary plat for Royal Oaks Subdivision, Phase IV on property consisting of 14.382 acres located in the R-20 Zoning District on the south side of U.S. Hwy 17.

Mr. Ernie Johns was present for discussion.

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

Royal Oaks is an older subdivision that has been developed in a number of phases since the mid 1990s. The last phase to be recorded by Planning & Zoning was a Minor Plat. The Planning Commission considered a similar request for approval of Phase IV, March 7, 2000. At that time, the applicant requested a variance from Section 602.2g of the Glynn County Subdivision Regulations for the excessive length of Regal Road. Staff noted that per Section 901, no hardship was involved that would necessitate granting a variance and recommended denial. The plat was unanimously approved.

This preliminary plat has four associated issues: 1) validity of the variance granted March 7, 2000; 2) conditions to re-align the temporary cul-de-sac; 3) proposals to run water and sewer through an "undisturbed buffer"; and 4) what requirements, if any, the Glynn County Tree Ordinance necessitates.

During the March 7, 2000 Planning Commission meeting it was stated that the proposed dead-end street would be 1600 ft. in length. In a telephone conversation with Allison Johnson of Atlantic Survey Professionals on October 7<sup>th</sup>, she stated that the current proposed preliminary plat does not significantly differ from the previously approved plat. Section 705 of the Subdivision Regulations states that a Preliminary Plat is valid for 5 years. Staff's interpretation is that the associated variance also remains valid for 5 years. While the changes proposed by the new plat are minor in nature, it seems they have necessitated reconsideration by the Planning Commission. In order for this new plat to be approved, a variance for the length of a dead-end street would also need consideration.

Staff observed that the temporary cul-de-sac would need to be aligned to incorporate a straight transition from the existing portion of Royal Oaks to the proposed Phase IV.

The neighboring properties, Brampton Commercial and the Planned Development-General along Highway 17 South, have rezoning conditions that require a "50 foot undisturbed buffer." Utilities Management has determined this preliminary plat is not compliant based on the need to loop the 8 inch water line back through the commercial developments and towards the state highway. Planning & Zoning has requested an opinion from the County Attorney regarding what types of activities may occur within an "undisturbed buffer."

Glynn County Code states: "The initial plans for any county-designed or reviewed roadway improvement project shall be submitted to the Tree Board during the design or review phase and prior to their submission to Glynn County Board of Commissioners for final approval... The Tree Board shall have fourteen (14) days to submit their recommendations to the County Engineer as to such project. The County Engineer or his designee shall respond to the Tree Boards' recommendations and make such changes, as he deems appropriate prior to submission to the Glynn County Board of Commissioners for final approval."

This requirement conflicts with Article VII of the Subdivision Regulations and the procedures associated with development applications. As stated by code, if the Tree Board were to review the plat prior to acceptance by the County Commission, the appropriate time would be at the preliminary plat and/or construction plan stage. Otherwise, any Tree Board recommendation would be moot since development improvements would have already occurred. Staff believes an opinion from the County Attorney on this issue is advisable.

Staff recommends approval of the preliminary plat's design, but recommends deferring this item until the County Attorney can render an opinion regarding utilities issues as they relate to the conditioned "50 foot undisturbed buffer" and what reviews, if any, are necessitated by the Glynn County Tree Ordinance.

At this time, Mr. Frazier presented an addendum to the staff's report containing the verbal response from Mr. Jerry Hegstrom, Assistant County Attorney, as follows:

This memorandum is intended as an update to the Planning Commissioners staff report prepared Oct. 11, 2002. Staff asked for a legal opinion regarding a number of issues associated with this plat and has received a verbal response. While this summary is provided for informative purposes, it should not be considered as replacement for the forthcoming rendered opinion.

- 1. Does the March 7, 2000 variance granted by the Planning Commission continue to be valid and can it be applied to this plat under consideration.**

The Assistant County Attorney stated that while the variance continues to be valid for the plat approved March 7<sup>th</sup>, it cannot be applied to this plat. Therefore the variance requires re-consideration by the Planning Commission. Mr. Johns has submitted a variance request to the Planning Commission.

- 2. Should this plat have been submitted to the Tree Committee? How should this process occur?**

The Assistant County Attorney stated that Section 2-16-310 requires a submission to the Tree Committee. He also noted that it is not the developer's obligation, but rather Community Development's responsibility to forward the plat to the Tree Committee and receive their **recommendation within 14 days**.

**3. Can a water main exist within an undisturbed natural buffer?**

The ordinances are unclear in their determination of what activities, if any can occur within an "undisturbed buffer."

**4. Is the developer/owner required to show easements at the Preliminary Plat stage?**

Yes. Section 703 of the Subdivision Regulations states the plat shall depict the existing easements and proposed sites reserved for dedication or public uses as well as the location of existing water and sewer utilities when a connection is proposed (SR: 703.10-12). Thus Utilities Management's comment that the plat is not compliant due to lacking easements to the proposed point for looping the 8" water main is valid.

Mr. Hart had questions about the location of the undisturbed buffer. Mr. Frazier stated that buffers run between the properties of Brampton Commercial and Royal Oaks, Phase IV. Mr. Hart asked if the natural buffer and the undisturbed buffer were considered the same. Mr. Frazier replied yes. The language, "undisturbed natural buffer," came about as a condition of the rezoning in 1997.

Mr. Frazier stated that the water and sewer issue is the greatest concern, which has been considered as not compliant. In reviewing the plat, Mr. Fields stated that there appears to be a 40 ft. existing drainage easement through the 50 ft. undisturbed buffer. He stated that if the water and sewer cannot run through the buffer, then he feels that the drainage easement should not run through.

Mr. Gary Nevill pointed out that engineering plans are not required to be turned in with a preliminary plat according to the new application procedure. Mr. Frazier stated that they would have to have the easement to show where the water line is being located and demonstrate that it would meet the criteria when the construction drawings come through. Mr. Nevill stated that if the engineering plans are not required with the preliminary plat, there is no way to know where the easements are going to be located. However, Mr. Frazier pointed out that Section 703 of the Subdivision Regulations states that the plat shall depict the existing easements and proposed sites reserved for dedication or public uses, as well as location of existing water and sewer utilities when a connection is proposed.

For clarification, Mr. Tim Ransom explained the process of looping the system with regard to the water lines. He stated that they could no longer allow the water to continuously run. Mr. Ernie Johns explained that the developer has contacted the owners of Lots 83 and 84 and has an agreement in principle to acquire an easement from them for the water line to loop. He stated that there has never been an issue of looping the water line. Mr. Johns further stated that he received comments regarding this issue at a very late date. But as soon as staff told him that there may be an issue with putting the water line in the buffer, he looked at alternatives to place it in a different area, thereby moving the proposed utility easement off of the buffer and on to Lot 13. This will run down Lot 13, across the back of Lots 83 and 84 to the former proposed roadway.

Mr. Phillips wanted to know if the existing drainage easement predates the natural buffer. Mr. Johns replied yes.

Concern was expressed as to whether or not Mr. Johns had applied for a variance. This was verified by staff and Mr. Johns in the affirmative. Following discussion, a motion was made by Mr. Perry Fields to grant the variance as requested. The motion was seconded by Mr. Jonathan Williams. Voting Aye: Mr. Perry Fields, Mr. Hal Hart, Mr. Gary Nevill and Mr. Jonathan Williams. Voting Nay: Ms. Ann McCormick. Abstained From Voting: Mr. Mike Aspinwall. (Mr. Stewart was no longer in attendance.)

Regarding Mr. Hegstrom's verbal response, the members expressed concerns that new issues had been created, i.e., submitting the plat to the Tree Board, the easements being shown, etc. Therefore, it was the consensus of the Planning Commission to defer the preliminary plat request until the November 5<sup>th</sup> meeting for further clarification.

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**PP-2002.0910.10:23 Somersby Pointe, Phase II**

Request for approval of a preliminary plat for Somersby Pointe on property consisting of 9.27 acres located in the R-9 Zoning District in the South Port Development area.

Mr. Toss Allen and Mr. Terry Carter were present for discussion.

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

In April of 2000, the Planning Commission approved a preliminary plat that proposed a 238-lot subdivision. In the Spring of 2001 the County Commission approved the final plat for Somersby Pointe, Phase 1, a 39-lot subdivision. At that time, wetland determination by the Army Corps of Engineers was a significant issue. Community Development files have recorded a letter from David E. Crosby, Chief of the Southern Section stating the on site wetlands were extensive but isolated, non-navigable, and not considered as waters of the United States.

The item under consideration is a revised Master Plan for the entire 238-lot subdivision and a preliminary plat for Phase II. The Master Plan is a revision to the preliminary plat approved by the Planning Commission in April of 2000. Also under consideration is a preliminary plat for Phase II, a 28-lot residential home-site subdivision. Lot 135 is not contiguous with Phase II. Also submitted by the applicant and not considered as part of this action is a minor re-subdivision of the park recorded in Phase I. The applicant has answered all of staff's comments with the revised preliminary plat with the one exception that streets have not been identified as public or private.

This submission establishes procedural compliance with the Subdivision Regulations in terms of both the Master Plan and Phase II. The applicant has submitted Phase II construction plans for staff's review. Staff is recommending approval of this preliminary plat.

Following a brief discussion, a motion was made by Mr. Perry Fields to approve Phase II of this preliminary plat and Lot 135. The motion was seconded by Mr. Mike Aspinwall. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Hal Hart, Ms. Ann McCormick, Mr. Gary Nevill and Mr. Jonathan Williams. (Mr. Stewart was no longer in attendance.)

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Under Staff Items, Mr. Phillips conveyed concerns, via memo to the Planning Commission, regarding parking standards-vehicular sales and service uses. He stated that staff is recommending that the Planning Commission authorize the preparation of a formal proposal for consideration at a future meeting. The Planning Commission concurred.

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There being no further business to discuss, the meeting adjourned at 7:30 p.m.