

**MINUTES**  
**GLYNN COUNTY PLANNING COMMISSION**  
**August 20, 2002 6:00 P.M.**

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**MEMBERS PRESENT:** Wayne Stewart, Chairman  
Mike Aspinwall  
Perry Fields  
Ann McCormick  
Gary Nevill  
Jonathan Williams

**ABSENT:** Hal Hart

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

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Chairman Wayne 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 gave a brief explanation regarding **Application GC-2002-08**, which was deferred from the last meeting for a legal opinion from the County Attorney on how to proceed. The Planning Commission took action to deny this application at the June 4, 2002 meeting. The applicant did not take this action forward to the County Commission as outlined in the Zoning Ordinance. Instead, the application was amended and resubmitted to the Planning Commission. According to the County Attorney, the rejection follows the land, not the applicant; and therefore, the applicant would not be allowed to resubmit the application pertaining to the same parcel or parcels of property to the Planning Commission for period of six (6) months. Upon action of denial by the County Commission, the application shall not be initiated for a period of one (1) year.

Due to the ruling from the County Attorney, Mr. Phillips stated that he would contact the applicants and suggest either a withdrawal or proceed to the Board of Commissioners for final action in accordance with Section 1102.5 of the ordinance.

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**ADOPTION OF AGENDA**

Upon a motion made by Ms. Ann McCormick and seconded by Mr. Jonathan Williams, the August 20<sup>th</sup> Planning Commission Agenda was unanimously adopted.

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## CONSENT AGENDA

Upon a motion made by Mr. Gary Nevill and seconded by Ms. Ann McCormick, the following application listed under *Consent Agenda* was approved and unanimously adopted. It was noted that no opposition was present and there were no questions from the audience. (Additional information on this item is contained in the files located in the Planning & Zoning office.)

VP-2002-02

Application by Martin D. & Ann P. Gallagher for new construction of a residence at 405 Butler Avenue. The property is located on the north side of Butler Avenue between Mews Circle and Mallory Street, St. Simons Island.

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SUP-2002-04

Request for a Special Use Permit to allow a daycare center in R-6 One-Family Residential, on property located at the northeast corner of the intersection of Ocean Boulevard and Demere Road (729 Ocean Boulevard). Property owned by First Baptist Church of St. Simons Island.

Mr. Brian Dolan, Executive Director of the Boys & Girls Club, was present for discussion. (It was noted that the staff's report was read into the record at the August 6<sup>th</sup> meeting.)

Chairman Stewart explained that this item was deferred from the August 6<sup>th</sup> meeting to allow the applicant to obtain written permission from the Board of Education authorizing the use of the playground. The Planning Commission and staff received a letter from Dr. Robert Winter, Glynn County Schools Superintendent, authorizing this use. Thereupon, a motion was made by Mr. Gary Nevill to recommend approval of this request. The motion was seconded by Mr. Jonathan Williams. Mr. Fields requested that the motion be amended to include that the approval of the Special Use Permit be granted as long as the playground use remains in effect and that the applicant maintains compliance with all applicable state and local standards. The amendment was accepted and the motion was unanimously adopted.

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## STAFF ITEMS

### a) Discussion of ordinance provisions: excavation and filling

Chairman Stewart stated that in looking at the situations with landfills, bar pits, surface mining, etc., he realized that Glynn County really doesn't have any authority with respect to violations. He discussed this with Commissioner Tommy Clark and staff, and it wasn't long before he realized that we need some bar pits in Glynn County. The dirt is needed to construct the roads, subdivision, etc. However, the problems that he encountered were with landfills. Landfills are regulated under state guidelines, but the applications are submitted to the Community Development Department and then forwarded to the state. He pointed out that whenever there is a problem with any of the landfills we are told that Glynn County doesn't have any authority and that the problem would be handled by the state. But the state doesn't always respond.

Chairman Stewart feels that Glynn County should be authorized to regulate inert landfills, and that the restrictions should mirror the state's restrictions. If there are violations occurring under the Special Use Permits, Glynn County should have the right to revoke the permit instead of waiting and begging the state to do its job.

A proposed "Earth Moving Activities Ordinance" was included in the packages for review and was presented by Mr. Frazier.

Mr. Fields asked Mr. Frazier who authorized him to draft such an ordinance. Mr. Frazier explained that a number of people gave him direction to draft this ordinance, specifically, Attorney Gary Moore and the Assistant County Attorney, Mr. Hegstrom. A major portion of this ordinance is a synthesis of something that came directly from the County Attorney's office. Mr. Fields emphasized that the Glynn County Zoning Ordinance states that ordinances are originated from this body (Planning Commission) or from the Board of Commissioners; not from staff. Mr. Aspinwall pointed out that Mr. Frazier only did what he was told to do. Chairman Stewart explained that this all came about when Commissioner Tommy Clark approached the County Attorney and asked him to draft something that the Planning Commission and the Board of Commissioners could review. He stated that this draft is for informational purposes only and he has no intentions of taking any action on it tonight.

Mr. Fields stated if we are going to draft an ordinance, then there needs to be a consensus among the seven Planning Commission members and/or the seven County Commissioners. He stated that every time he opens up his planning package he finds a proposed ordinance or items to be discussed, with no clue of what the problem is. However, this past week he has learned what some of the problems are. Mr. Frazier stated that perhaps a workshop would help; not just with this issue, but other issues and concerns that individual members may have. Mr. Fields stated that he would just like to know beforehand what the problems are prior to an ordinance being drafted for discussion.

Chairman Stewart pointed out that the problem seems to be the landfills. The county cannot completely fix the problem because of the state. He reiterated that the state does not respond to some of the complaints and areas in the county, which is why the county needs some mechanism to intervene with regard to violations that occur with landfills. Mr. Fields agreed that citizens should have some input about landfills in their neighborhood, and this needs to be addressed. But until this week, he did not realize that this was the problem. He thought the problem was industrial activity going on in residential areas.

Chairman Stewart stated that if the other members agree, staff could draft a proposed ordinance for Special Use Permits on inert landfills and mirror the state regulations. This ordinance would be for information and review only and would be discussed perhaps at the next meeting. He also suggested that state officials from DNR be invited via written invitations.

Mr. Terry Driggers stated that he would like to know what type of problems the county is experiencing. In response, Chairman Stewart referred to a letter that Commissioner Tommy Clark received from a landowner, Mrs. Teston, who references an inert landfill in a residential area. The letter outlines a number of concerns, i.e. encroachments adversely affecting the character of the FA District; contradiction of sections of the ordinance with regard to industrial operations and FA Zoning Districts; noise; smoke; odors; dump trucks, etc. Chairman Stewart stressed that there is a problem and the state has not been enforcing the regulations.

Mr. Driggers stated that instead of spending tax dollars duplicating ordinances, we should explore the possibility of seeing what it would take to force the state to act on the regulations already in place. Chairman Stewart stated that if the county were to mirror the state's regulations, it would give the county the authority to shut down an operation until the state responds. He stressed that we would not be imposing any additional restrictions. Mr. Dan Coty pointed out that if the county starts regulating inert landfills, the county could be held liable if something were to go wrong, such as landfills being improperly regulated with regard to determining hazardous waste, etc.

Following discussion, Chairman Stewart appointed a committee consisting of Dan Coty, Terry Driggers and Bud Myrick to work together with staff and the Planning Commission in an effort to formulate guidelines and ideas on this issue.

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**b) Zoning Ordinance Amendment to prohibit rezoning of property to R-6 District**

Mr. Phillips presented a memo outlining this particular section of the ordinance and a general discussion followed. Afterward, it was the consensus of the Planning Commission to do away with the R-6 Zoning on St. Simons Island. Mr. Phillips will bring this item back in the form of an amendment for action at the September 3<sup>rd</sup> Planning Commission meeting.

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**c) Discussion of ordinance provisions: outside activities**

Mr. Phillips presented a list of particular types of outside activities and standards related to each and a general discussion followed. He stated that he would check with other communities to see how they handle outside sales, etc. and bring back more information at the next meeting.

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**d) Zoning Ordinance Amendment to remove the requirement for fees for Banner Permits issued to non-profit organizations;**

**e) Zoning Ordinance Amendment to require site plan approval by the Planning Commission for institutional uses on SSI and Sea Island;**

**f) Addressing & MUTCD Ordinances;**

Mr. Phillips stated that there are no changes in the status of the above items. Staff is waiting for feedback from the County Attorney's Office.

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**g) Water & Sewer issues in "Urban Service Districts"**

Mr. Phillips was advised to schedule a workshop and notify the Planning Commission to further discuss this item. Also, Mr. Fields asked that consideration be given to redefining "Urban Service Districts."

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**CHAIRMAN ITEMS**

Chairman Stewart scheduled a work session for Thursday, August 29<sup>th</sup> at 12:00 in Room 234 of the Office Park Building for status reports from the committee members assigned to study various sections of the ordinance.

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