

**MINUTES**  
**GLYNN COUNTY PLANNING COMMISSION**  
**September 16, 2003 - 6:00 P.M.**

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**MEMBERS PRESENT:** Perry Fields, Chairman  
Robert Ussery, Vice Chairman  
Jay Kaufman  
Ann McCormick  
Gary Nevill  
Jonathan Williams

**ABSENT:** Mike Aspinwall

**STAFF PRESENT:** John Peterson, Director  
York Phillips, Planning Manager  
Brenda Pittman, Code Enforcement  
Janet Loving, Admin/Recording Secretary

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Chairman Perry Fields called the meeting to order and the invocation was given, followed by the Pledge of Allegiance.

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Upon a motion made by Mr. Robert Ussery and seconded by Mr. Gary Nevill, the September 16, 2003 Planning Commission Agenda was approved and unanimously adopted.

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**Height Exception**

Request by Frank DeLoach for approval of a special height exception to allow a cupola and finial to exceed the maximum height by 8 ft. for a proposed bank building located on the west side of Frederica Road, just north of Harrison Pointe Drive. The property is zoned PC Planned Commercial.

Ms. Tracy Morelan of Ussery-Rule Architects was present for discussion.

The following report from staff was included in the packages for review and was presented by Mr. York Phillips.

Section 617 of the Glynn County Zoning Ordinance provides for the above reference exception with the following criteria:

**Section 617. Exceptions to Height Limits**

The height limitations in this ordinance shall not apply to chimneys, which can be constructed no greater than 5 ft. above the highest point of the roof.

Spires, belfries, cupolas, domes, monuments, roof signs, water towers, observation towers, electrical transmission towers, silos, chimneys, smokestacks, elevators, conveyors, flag poles, mast, steeples, and windmills that exceed the height limitations for the district in which they are located, as outlined in the ordinance, require approval from the Glynn County Planning Commission. When considering an exception, the Planning Commission must consider the following factors:

1. Maintenance of aesthetic appeal of the neighborhood;
2. Safety of any structure to be built above the maximum height in case of high winds;
3. The specific need of property owner for the exception;
4. Availability of alternative means of satisfying the owner's need;
5. Impact on property values in the neighborhood; and
6. Any other adverse impacts on surrounding properties.

Documentation provided by the applicant addressing these criteria was included in the packages for review. Staff's recommendation is for approval.

In order to avoid a conflict of interest, Mr. Robert Ussery stated that he would abstain from the discussion and from voting on this item.

Chairman Fields asked Ms. Morelan to describe what a "finial" is. Ms. Morelan explained that a "finial" is just a decorative object. Chairman Fields then asked what type of material would be used in this project. Ms. Morelan stated that the cupola would be an aluminum frame with an aluminum-clad finish. The roof and finial would be copper.

Following discussion, a motion was made by Mr. Gary Nevill to approve this request. The motion was seconded by Mr. Jay Kaufman. Voting Aye: Mr. Perry Fields, Mr. Jay Kaufman, Ms. Ann McCormick, Mr. Gary Nevill and Mr. Jonathan Williams. Abstained From Voting: Mr. Robert Ussery.

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#### PP-2003-0805-1300 Moss Creek Villas

Application by Michael D. Fell, agent for Moss Creek Villas, LLC, owner, for approval of a preliminary plat for property located on the east side of Old Cypress Mill Road near its intersection of Poplar Lane. The project consists of 85 row house units located on 10.622 acres zoned MR Medium Residential.

Mr. Michael Fell of Kern-Coleman was present for discussion. Also present was Mr. Vic Wainright representing the project's owner, Mr. Charlie Williams.

The following report from staff was included in the packages for review and was presented by Mr. Phillips.

The Planning Commission has reviewed this project on two previous occasions. On December 17, 2002, the Planning Commission gave site plan approval for the project. On January 7, 2003, the Planning Commission recommended approval for the rezoning of a small portion of the property from R-12 to MR to be consistent with the remainder of the property.

Staff approved the final site plan for building permit issuance in April 2003. Subsequently, the developer determined that he would prefer to plat the lots in the subdivision so as to be able to sell the individual units. The purpose of this preliminary plat is to move the platting process forward. Mr. Phillips stated that there are some questions about parking and street arrangement. However, he stated that staff has reviewed the preliminary plat and has no significant comments. All comments have been addressed on the plan submitted for Planning Commission review. Staff's recommendation is for approval.

Mr. Gary Nevill stated that some of the lots in this development have no frontage and some have less than the required amount. He stated that the right-of-way appears to be only 10 ft. wide and there should be a cul-de-sac towards the end of some of the

streets. Also, all of the common areas are shown on the plat as being dedicated to the public.

In addressing Mr. Nevill's last comment, Mr. Phillips stated that the intention is for the common areas, driveways, drainage areas, etc. to be owned and maintained by an owners association but with a dedicated access for public vehicles. He stated that he would have to check for the exact language. Regarding the frontage, he pointed out that some adjustments were made to the plat to provide for access to some of the lots that were blocked off by other lots. He stated that they might just need to change the nature of that access and frontage perhaps by narrowing the lots that are blocking the others so that there is a physical access.

Mr. Nevill stated that he thought residential lots normally had parking on the site. Mr. Phillips stated that the language in the zoning section is a little unclear as to how parking is handled in a row house configuration. He stated that there is language in the subdivision section about lots and lot frontage that should probably be reviewed.

Mr. Nevill had questions about the 10 ft. utility easement, but Mr. Phillips stated that he would have to refer to the applicant to answer questions about the utility easement.

Mr. Robert Ussery wanted to know how this development is different from a row house development. Mr. Phillips stated that the row house development is listed in the zoning classification. The language indicates a perimeter setback for the project. Mr. Phillips stated that staff also has several questions about this project in that there is no model of this type of development in Glynn County to use as a comparison.

Mr. Jonathan Williams stated that he has seen Brunswick water & sewer listed on plats, but he has never seen a location or designation on a plat listed as the City of Brunswick as depicted on this particular plat. Mr. Phillips stated that the address is Brunswick but the property is not physically located in the city limits.

Chairman Fields had questions about there not being any distance between units 14, 26 and 27. He also expressed concerns about the setbacks. He stated that these units would be individually owned, which means they become individual lots. Mr. Phillips pointed out that staff examined the zoning standards at first glance of this project and concluded that the zoning standards were intended to permit this type of development. Chairman Fields stated that this development is a subdivision; it is not a single project. These are individual lots, therefore they have to comply with the subdivision setbacks, but they don't. Mr. Phillips agreed, but added that it is not entirely clear that the setbacks listed do not apply to the project. He explained that the ordinance was written before a condominium style development was common. He stated that he has seen dozens of these types of developments that were platted like this particular one long before he saw a condominium style development.

Mr. Ussery stated that in the past, his interpretation has always been that the required front yard setback of 20 ft. was from a right-of-way and applied to each individual lot; the same way as the 7 ft. rear setback. He stated that if the intent in this case is for a row house development, this request does not meet the intent of our ordinance. Chairman Fields stated that there are a lot of real issues with this project, i.e., 20 ft. setback requirements, street frontage, 7 ft. widths. He stated that this is a condominium project being disguised as row houses.

Mr. Ussery wanted to know why the applicant would prefer to do this type of development as opposed to a condominium development. Mr. Michael Fell of Kern-Coleman explained that the applicants chose this type of development for financial reasons. He stated that it is easier to get this development financed as fee simple rather than a condominium development, which has a lot of rules, etc. Mr. Ussery suggested to Mr. Fell that he research this further. He stated that he had been involved in planning a project like this and thinking exactly the same way as the applicants only to discover that it did not matter because the lenders reviewed the project as a condominium due to the nature of the project.

Chairman Fields stated that the distance between units 14, 26 and 27 is not 20 ft. He then asked Mr. Fell if he could tell him what the distance is between these units. Mr. Fell stated that he does not have a scale, but as a wild guess he would say the distance is about 6 ft. He agreed that it is not 20 ft. Chairman Fields stated that the purpose of the setbacks is for maneuvering emergency vehicles in and out of the area.

During the course of discussion, it was the consensus of the Planning Commission that this request does not meet the requirements of the ordinance. At the end of discussion, a motion was made by Mr. Robert Ussery to deny this request. The motion was seconded by Mr. Gary Nevill and unanimously adopted.

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#### PP-2003-0805-1330 Coastal Pines Subdivision

Application by Kern-Coleman and Company, agent for Wade Caruth, owner, for approval of preliminary plat for property located on the north side of SR99 approximately 1,500 ft. west of its intersection with Canal Road.

Mr. Toss Allen was present for discussion.

The following report from staff was included in the packages for review and was presented by Mr. Phillips.

This is a request for approval of a preliminary plat for property located on the north side of SR 99 approximately 1,500 ft. west of its intersection with Canal Road. The project consists of 11 single family lots located on 8.83 acres zoned PD-G Planned Development-General (part of the Golden Isles Gateway tract). The project conforms to the provisions of the planned development text.

Staff has reviewed the plans and has made comments, which were included in the packages for review. The plans submitted for Planning Commission review have been revised to reflect the comments. Staff's recommendation is for approval of this preliminary plat subject to meeting all requirements.

Mr. Gary Nevill stated that the residential district text for PAWS shows one half to one-acre minimum lot width, 115 ft. He stated that there are a few lots listed on the proposal that do not meet the requirements. Also, the setbacks on some of the cul-de-sac lots need to be pushed back. Mr. Phillips stated that staff would have to look at each one individually. Perhaps some adjustments are needed to the lot lines to make everything work properly. He stated that this would be reviewed before the final plat is carried forward.

Ms. Ann McCormick wanted to know if GIS reviewed this project with regard to the name. Mr. Phillips stated that GIS had a concern with the original name that was proposed. This request came in late last week and was forwarded on to GIS; however, he is not sure if they have approved this particular name. Mr. Phillips stated that he would look into this and get it resolved before the final stage. Chairman Fields stated that this seems to be a common problem that we're being faced with. He stated that a great deal of time and effort was spent in developing the GIS Ordinance Addressing System, and it was clear that the name of the subdivision would be the name of the main road into the subdivision (unless there was a discrepancy). Chairman Fields stated that this is not being followed. Mr. Phillips explained that staff goes by the comments submitted by GIS. In this particular case, the subdivision name, Coastal Pines, may be the problem. He stated he believes that there is already a road named Coastal Pines, which is one of the more significant pods of development. The applicants may need to come up with a name for this particular subdivision and reserve the Coastal Pines name for the other part of the subdivision.

Regarding the adjustment of lot sizes to meet the minimum lot width requirement, Chairman Fields wanted to know if this means altering the number of lots, the general layout of the lots, or will this simply be a lot line shift. Mr. Phillips stated that the first thing would be to check the setbacks, and if that does not solve the problem, then there might be some side-to-side adjustments. Unless there is a serious problem, he stated that he doubts that the actual number of lots would be affected.

Mr. Toss Allen gave a brief presentation. He explained that the 115 ft. referenced by Mr. Nevill is in the residential text. He stated that this is a self-imposed half-acre, which is for aesthetics because it is on a golf course. He stated that if the lot lines do shift, they could probably net more. The dimensions on Lots 3 and 4 are inclusive of the easement. The pedestrian access is merely to get golf carts and people between the subdivision and the golf course itself without accessing a public road.

Chairman Fields asked Mr. Allen if he plans to deed restrict access off of Lots 11, 10, 9 and 1 to Mulligan. Mr. Allen stated it would not be a problem to do this. Mr. Nevill wanted to know if there is suppose to be a 30 ft. buffer on Lot 1. Mr. Allen replied no, not to his knowledge.

Mr. Nevill wanted to know if this request could be approved subject to revisions to Lot 3 and changing the setbacks on additional lots. Chairman Fields stated that he believes that there is a provision that allows for minor alterations of lot lines, etc. without having to come back to the Planning Commission. Mr. Phillips stated that this is implicit because there are frequent adjustments that are necessary after completion of construction plans. He stated that if there were a major change in the concept of what is being done, the plan would have to be brought back.

Following discussion, a motion was made by Mr. Gary Nevill to approve this request subject to all of the lots meeting the lot width requirement and showing a required setback on the cul-de-sac lots. The motion was seconded by Mr. Robert Ussery and unanimously adopted.

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PP-2003-0817-1000 (formerly PP- 97-16) Willow Creek Plantation, Phase II, Blocks C, D, and E - Application by Sunbelt, Inc., owner, for approval of a preliminary plat for property located south of Baumgartner Road and generally north and west of Deer Wood Way. The property is located approximately one mile west of US 82 and one-half mile north of US 17. The project consists of 110 lots on 70.58 acres.

Mr. Robert Jenkins and Mr. Charles Johnson were present for discussion.

The following report from staff was included in the packages for review and was presented by Mr. Phillips.

Phase I of this subdivision, and Phase II, Blocks A and B were platted earlier and have been largely developed. This portion was originally submitted for review in 1997 and was under review, but did not reach the point of being presented to the Planning Commission. The applicant is seeking to complete the review process started at that time.

There are some issues regarding drainage. This is part of larger area that drains through this property and under a bridge on US 17. A portion of the drainage system is wetland (most likely jurisdictional) and marsh. Staff has met with the applicant and his design team to discuss additional information and possible solutions that might be pursued during the construction plan phase. These issues may affect the final plat (such as easements that are determined to be needed after the detailed design is complete) but should not materially affect the review of the preliminary plat.

The project is proposed to be served by individual wells and septic tanks, as were the earlier phases. The applicant has submitted a request for approval by the Board of Commissioners of a variance under Section 606.2 of the Subdivision Regulations, but that request has not yet been heard.

Comments concerning wetland delineation have been discussed with the applicant and will be addressed during the review of construction plans. In addition, we have determined that Baumgartner Road is on a list for paving by the county, although there is no indication as to when this might occur.

Staff recommends that the preliminary plat be approved subject to approval by the Board of Commissioners of the variance for water and sewer.

During the course of discussion, it was determined that there is no distinction between jurisdictional wetlands and non-jurisdictional wetlands on this particular property. Therefore, a deferral was suggested until the wetlands questions are resolved. At this time, Mr. Jenkins requested a deferral until the October 7<sup>th</sup> Planning Commission meeting. The Planning Commission concurred.

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#### SP-2003-0806-1330 Cloisters Temporary Facilities

Application by Sea Island Company, owner, for approval of a site plan for temporary facilities during the redevelopment of the Cloisters complex on property consisting of 3.3 acres located at the southeast corner of Sea Island Drive and North 1<sup>st</sup> Street. The property is zoned RR Resort Residential.

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

The following report from staff was included in the packages for review and was presented by Mr. Phillips.

This is a request for approval of a site plan for temporary facilities during the redevelopment of the Cloisters complex. The site consists of 3.3 acres located at the southeast corner of Sea Island Drive and North 1<sup>st</sup> Street. The property is zoned RR Resort Residential. The previous use of the building on the site was for retail and office, while the temporary use is for offices and the hotel registration desk. In addition, temporary dining facilities will be provided using tent structures.

The layout has been reviewed by staff and comments have been addressed in the version of the plan submitted for Planning Commission review. Discussion primarily involved procedural issues, as well as fire and structural issues with the tent structures. These were fire code and building code issues that have been resolved. Plans for the redevelopment of the Cloisters facility and the area in general are expected soon for review.

While this is a temporary facility, all zoning standards apply as though it were a permanent facility. The proposed development conforms to the zoning requirements. Staff's recommendation is for approval.

Mr. Nevill stated that from looking at the site plan approval requirements there are a lot of items that are not shown on the plat, i.e., tree survey, etc. There is no doubt that the applicant submitted this information; however, Mr. Nevill wanted to know if they could perhaps get a letter to this affect for the file. Mr. Phillips stated that staff did not circulate all of the documents. For instance, there are utilities, but there is no proposal to rearrange the utilities with the exception of one piece of storm drain that's being moved. He stated he is sure that staff could produce something for the files.

Chairman Fields wanted to know if anything is currently located on the site. Mr. Edenfield stated that there is an existing building on the site that previously housed a real estate department. Attorney Jim Gilbert explained that when the old building is removed there would still be more than 200 rooms available. This particular site will be used as an office and check-in area.

Chairman Fields had questions about trees not being identified on the site plan, which he stated is part of the site plan requirement. He suggested that the Planning Commission review this and attach a copy as part of their consideration of this request. He then asked Mrs. Loving how this was handled in the past. Mrs. Loving replied that in the past, the required items were listed in the staff's report and referenced as having been completed. Chairman Fields explained that although Sea Island Company has always fulfilled its obligations; there are certain items that are required to be reviewed and approved as being completed during this process. Mr. Phillips stated that staff would note for the record that this information has been submitted, identified and included in the file. Chairman Fields emphasized that this is still a site plan approval and there are items that the Planning Commission is suppose to ascertain as having been done. He stressed that he wants a statement from staff that these items have been identified and completed. He does not want to start a habit of looking at incomplete sites plans contained in the planning packets. Mr. Nevill suggested that the report reflect a bullet statement indicating that they have received water & sewer, tree survey, etc. and all requirements have been met per Section 619.2 of the Zoning Ordinance. The Planning Commission and staff concurred.

Following discussion, a motion was made by Mr. Gary Nevill to approve this request with the record reflecting that the plans show the tree survey, water and sewer, etc. per Section 619.2 of the Glynn County Zoning Ordinance. The motion was seconded by Mr. Jay Kaufman and unanimously adopted.

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SP-2003-0819-1430 St. Simons Investments Condo

Application by Larry L. Bryson, agent for Liberty Construction, owner, for approval of a site plan for a six unit residential condominium on property consisting of 31,365 square feet (0.75 acres) located on the east side of Mallory Street, south of its intersection with Martin Street (620 Mallory Street). The property is zoned GR General Residential.

Mr. Larry Bryson and Mr. John Jones were present for discussion.

The following report from staff was included in the packages for review and was presented by Mr. Phillips.

The layout for this application has been reviewed by staff and comments have largely been addressed in the version of the plan submitted for Planning Commission review. There are some minor questions concerning the drainage outfall, which can be resolved prior to issuance of the building permit, but these should not require any delay in the Planning Commission's review.

Staff recommends that the site plan be approved, subject to resolution of the drainage questions prior to issuance of the building permit.

Chairman Fields wanted to know how many trees in this development would be removed. Mr. Larry Bryson stated that no trees would be removed. They are saving all of the trees.

Following discussion, a motion was made by Mr. Gary Nevill to approve this request. The motion was seconded by Ms. Ann McCormick and unanimously adopted.

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## MINUTES

### **Regular Meeting: September 2<sup>nd</sup>**

Upon a motion made by Ms. Ann McCormick and seconded by Mr. Gary Nevill, the Minutes of the September 2, 2003 Planning Commission meeting were approved and unanimously adopted.

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## CHAIRMAN ITEMS

Chairman Fields stated that there have been several projects in the past six months where the consensus has been to approve a specific project on a specific site. He stated that they have not been able to accommodate the applicants for fear of opening “Pandora’s Box.” Therefore, he would suggest that they incorporate in the commercial districts to allow for a specific use in each zoning classification for a specific project. For example, the application for the proposed school on Blythe Island was not located on a residential piece of property; it was surrounded by commercial property. He stated that the area in question was too small to accommodate the applicant’s proposal. Chairman Fields stated that there should be some type of mechanism in place to allow them to write certain specifications for a specific use.

Mr. Ussery suggested that they look at re-writing the requirements for Planned Commercial. Chairman Fields stated that he would not have problem with the idea, but he merely wants this placed on the October 7<sup>th</sup> agenda for discussion and subsequently advertised for public participation. Mr. Phillips suggested listing this on the agenda as “a specific use provision.” The Planning Commission concurred.

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## STAFF ITEMS

### **a) Training Opportunity**

Mr. Phillips advised that a training session sponsored by the Community Planning Institute is scheduled for November 6<sup>th</sup> and 7<sup>th</sup> at the Jekyll Island Club. Material will be circulated to the members as soon as possible. Mr. Phillips stated that funds are available for this training. Anyone interested in attending should contact Mr. Phillips.

### **b) Ordinance Amendments: Procedure for Issuance of Land Disturbing Permits**

Mr. John Peterson explained that “land disturbance activity” is listed in three Glynn County Ordinances and by reading any one of them, the reader is not given the whole regulatory picture in any one place as to when a land disturbance activity (clearing, grubbing and grading) may first occur. These documents were included in the packages for the Planning Commission’s review.

The intent of the proposed changes is not only to continue to be sure that all state and local regulations continue to be met before infrastructure is allowed to be installed, but also to allow land disturbing activity and Best Management Practices to be installed prior to the final EPD and county infrastructure approval, without having to obtain a separate land clearing only LDA permit. It is further staff’s intent to standardize wording among the three ordinances and combine language within the same ordinance with the intent to create more universal understanding of what is presently allowed but in a more scattered format.

Draft copies have been forwarded to EPD and to the Assistant County Attorney for review and comment. The Planning Commission is also being asked to review and comment on these documents and to perhaps schedule this as a staff item on the October 7<sup>th</sup> meeting agenda for discussion.

**c) Calendar of Amendments**

Staff presented an updated list of amendments for review, and a general discussion followed.

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There being no further business to discuss, the meeting adjourned at 7:45 p.m.