

**MINUTES**  
**GLYNN COUNTY PLANNING COMMISSION**  
**April 1, 2003 - 6:00 P.M.**

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**MEMBERS PRESENT:** Hal Hart, Chairman (arrived at 6:30)  
Perry Fields, Vice Chairman  
Mike Aspinwall  
Ann McCormick  
Gary Nevill  
Robert Ussery  
Jonathan Williams (arrived at 6:30)

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

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In the absence of the Chairman, Vice Chairman Perry Fields called the meeting to order at 6:05 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.

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Upon a motion made by Mr. Robert Ussery and seconded by Ms. Ann McCormick, the agenda for the April 1<sup>st</sup> Planning Commission meeting was approved and unanimously adopted.

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GC-2003-05

Application by Tom Pruitt, agent for Partridge Greene, Inc., to amend the Planned Development Zoning Text for a Regional Shopping Mall and Related Commercial Development for property located on the south side of the Altama Connector, immediately east of Wal-Mart, behind PayLess Shoes. Property consists of 2.75 acres and further identified as a portion of Village at Glynn Place, Phase III

Mr. Tom Wheeler and Mr. Tom Pruitt were present for discussion.

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

The subject property is 2.75 acres of the 335 acre development area known as Regional Shopping Mall and Related Commercial Development with plans first approved in June 1982. The property is located in an area now known as Village at Glynn Place Phase III. The applicant is requesting to amend the PD-S (Planned Development-Shopping) text to provide for a 10 ft. front setback (reduced from a 20 ft. requirement) along a section of the proposed extension of Scranton Connector. In April 2001, the Planning Commission denied a text amendment for this property requesting a 0 ft. front setback. This request differs in that the request is for a 10-foot front setback.

In January 2002, the Planning Commission denied a preliminary plat application for the area but approval was given for a 50 ft. right-of-way design for the proposed extension of Scranton Connector. Since that time, the applicant has worked with staff to develop construction plans for the proposed road connecting to Altama Avenue, with the intent to submit a preliminary plat in the near future.

The proposed request is consistent with the Glynn County Comprehensive Plan inasmuch as the area is designated for commercial use. Policies VI-13 and VI-17 encourage the development of shopping centers and a compact urban area. The submitted Master Plan illustrates a development layout with design modifications to building footprints (reduced corners) to improve traffic visibility and safety while providing for the proposed 10 ft. setback. If approved, the development of the site would require approval of a preliminary plat, and staff's approval of the site plan. This particular PD Text provides for Planning Commission site plan approval for sites more than 10 acres.

**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.

**The proposal does not alter permitted use per se, and the master plan illustrates intent to modify building design to be compatible with surrounding area.**

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

**The proposal should have no adverse impact on adjacent property uses. The proposal will impact only one portion of the proposed roadway (eastern side of Scranton Connector extension), and permit development slightly less intense than if zoned GC General Commercial.**

- 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.

**Location of needed utilities may be constrained, depending on the preliminary plat and the design of the site plan.**

Approval of the text amendment would provide for a reduced front setback, and development slightly less intense than if zoned GC General Commercial. Care should be taken during the plan review process to ensure that adequate site distance will be provided. Staff's recommendation is for approval.

Mr. Ussery wanted to know the initial setback on Scranton Connector. Mrs. Segers stated that the setback is defined as 20 ft. However, because of the creation of the road it would necessitate that the buildings be fronted to that road.

Mr. Fields expressed concerns about traffic. Mrs. Segers stated that traffic would be improved in that particular area with the addition of the road. Mr. Frazier stated that a 1999 traffic study was done in the area and was reviewed by staff in conjunction with the construction plans. He stated that Public Works and the Traffic Safety Engineer have also approved the plans. Mr. Frazier pointed out that there was an addendum to the traffic study concerning a traffic signal at the corner of Scranton Connector Extension and Altama Avenue, specifically across from Altama Seafood. There were also a number of goals and recommendations in the study relating to Altama Connector and Altama Avenue near Glynn Marsh. Staff feels that traffic in that area will be greatly improved.

Mr. Fields wanted to know if the 50 ft. road is still being proposed from the traffic signal over to the drainage ditch. Mr. Tom Wheeler, who is the officer of Partridge Greene, Inc., replied yes, a two-lane road with a 50 ft. right-of-way. Mr. Fields asked Mr. Wheeler if he owns the property on the south side of the drainage ditch. Mr. Wheeler replied yes. He then gave a brief overview of the Wal-Mart expansion project with regard to the road.

Mr. Fields expressed concerns about potential traffic problems behind Goody's and behind Publix Supermarket. Mr. Wheeler stated that if traffic becomes a problem he

would most likely install speed bumps. He would recognize the problem and address it at that time.

Ms. McCormick commented that she would like to see the road completed before any development of the commercial stores. Mr. Fields asked if Mr. Wheeler had a timetable for construction of the road. Mr. Frazier stated that staff is in the process of revalidating the plats that were approved in 1982 for the two portions of the property, including the area across the drainage ditch. He stated that staff also has construction plans on hand. Virtually, the construction plans for the road are approved. The road cuts through the area, changes the primary street and cuts off the setback by 10 ft. Mr. Fields stated that he doesn't have a problem with adjusting the setback; however, he reiterated that he would like to know if there is a timetable for commencing construction of the road. Mr. Wheeler explained that when he first presented the plans, at that time his dilemma was to build the buildings and then build the road. But what he thinks will happen is that he will sell the land behind Wal-Mart first, build the road, and then build the buildings. He pointed out that he is not the only person with input into these plans. He stated that in the interim and he has already passed up a couple of tenants. Mr. Wheeler stressed that he has been working on this one road for 7 years and he would like to get it off of his plate. His recommendation would be to go ahead and do it, if he can get the tenants, but he is only one vote.

Mr. Fields stated that Mr. Wheeler made it very clear the last time he was before the Planning Commission that he would build the road when he developed the property behind Wal-Mart, and now he is asking to amend the PD Text. Mr. Wheeler explained that he did move forward with having the road designed. He stated that it is very plain to him that he cannot build the shopping center without building the road. If he gets a buyer for the property behind Wal-Mart, he would go ahead and build the road because the buyer would insist on it. Mr. Fields asked Mr. Wheeler if he is saying that he would build the road when he has a need for it. Mr. Wheeler replied yes.

Ms. McCormick stated that she doesn't want to see the buildings constructed with no road to connect to Altama, thereby allowing the area to become a "bottle neck" with regard to traffic. Mr. Wheeler stated that he doesn't think he would be allowed to get a permit for the buildings without constructing the road, which is why he moved forward with designing the road and had all of the engineering work done before drawing up the plans for the buildings. He stated that the road has been approved all the way through.

Mr. Gary Nevill asked if the 10 ft. front yard setback is the entire length of the new road, all the way down to the storage facility. Mr. Wheeler replied no, just the section where the shopping center is. He stated that he would stipulate that the 10 ft. setback would be on the east side of Scranton Connector to the drainage ditch. The 10 ft. would stop at the drainage ditch.

Following discussion, a motion was made by Mr. Gary Nevill to recommend approval of this request. The motion was seconded by Mr. Mike Aspinwall. Discussion continued.

Mr. Ussery stated that it appears from the design of the road that the setback is 10 ft. but actually the road in two places comes within 10 ft. of the building. Mr. Wheeler explained that what Mr. Ussery is referring to was caused by the decel lane. He stated that he did not think that a decel lane was needed, but in order to get the design approved he provided a decel lane. He stated that he wanted to add another curb cut into the back of the shopping center to enable the garbage truck to maneuver in and out.

After discussion, the following vote was taken on the motion for approval. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields and Mr. Gary Nevill. Voting Nay: Mr. Robert Ussery and Ms. Ann McCormick.

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At this time, Chairman Hal Hart and Mr. Jonathan Williams arrived at 6:30 p.m. It was noted that the two commissioners were late because they had attended a Joint City/County Merger Meeting. Vice Chairman Perry Fields turned the remainder of the meeting over to Chairman Hart.

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#### PP-2003-0129-1500 Fox Run Properties

Request by Bill Morton, Jr., Fox Run Properties, for approval of a preliminary subdivision plat. The request is for a 65 lot subdivision on 22.7 acres located on Harry Driggers Boulevard adjacent to Walden Shores apartment complex. The subject property is located in the Golden Isles Gateway Planned Development district.

Messrs. Bill Morton, Jr., Chris Amos and Phillip Jackson were present for discussion.

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

This project consists of 65 building sites containing 130 units located on the north side of Harry Driggers Boulevard within the Lake Residential tract. The subject property is zoned planned development and is subject to the GR district permitted uses and requirements.

Staff has reviewed the plat and considers it compliant. A number of issues were addressed during the review process. These include providing a schematic of how Freedom Trail connects to the north and confirmation that 50 ft. is adequate based on projected traffic volumes.

Staff has also reviewed the Planned Development text for the Golden Isles Gateway Tract and does not find a requirement for buffering along Harry Driggers Boulevard. It is staff's understanding that a 30 ft. to 50 ft. buffer is typically required as part of the deed restrictions held in trust between the property owner and the Branigar Corporation. The deed submitted in association with this preliminary plat, as required by the Glynn County Subdivision Regulations, does not require a buffer. Furthermore, the Planning & Zoning office does not enforce deed restrictions.

The Glynn County Comprehensive Plan, Land Use Element, Implementation Strategy states an objective that directly relates to the review of this preliminary plat.

- Policy VI-11: Subdivisions shall be designed so that all individual lots have access to the internal street system, and lots along the periphery shall be buffered from major roads and incompatible land uses.

The Planned Development Text for the subject property states that Multi-family housing products shall be developed to be in compliance with the General Residential District regulations. The listed permitted uses for the GR district are both one-family and two-family dwellings. Note 3 indicates that each lot will be for construction of one duplex. Two definitions in the zoning ordinance relate to the idea of a duplex home as follows:

- Dwelling, One-Family Attached: A one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.
- Dwelling, Two-Family: A detached or semi-detached dwelling designed for or occupied exclusively by two (2) families living independently of each other.

Mr. Frazier stated that this afternoon the applicant revised the plat and indicated that the units would be a One-Family Attached Dwelling.

The preliminary plat is characterized by a jurisdictional freshwater wetland. Staff refers to Section 618 of the Zoning Ordinance, which states that development adjacent to freshwater wetlands, as defined by the Clean Water Act, shall provide a buffer of natural vegetation. Mr. Frazier stated that the applicant has provided this buffer on the revised plat.

Finally, note 8 has a typographical error which states that water and sewer would be provided by the City of Brunswick, but in fact, water and sewer would be provided by Glynn County.

The applicant's proposal conforms in large part with the Glynn County Subdivision Regulations. There is no clear indication that a buffer along Harry Driggers Boulevard is required but staff does refer to the Land Use Element of the Comprehensive Plan.

Staff's recommendation is for approval subject to inclusion of a 30 ft. buffer along Harry Driggers Boulevard. (Other conditions listed in the staff's report were satisfied prior to the meeting.)

Mr. Fields stated that the minimum lot width less than an acre is 60 ft. If the applicant were to split the lots, how would he get two 60 ft. lots out of 86 ft. (as referenced on Page 13 of the Development Text). He stated that the applicant would not be able to split the lots with 60 ft. minimum width frontage on each lot. Mr. Frazier stated that the initial plat listed the word "duplex" and staff asked to have it clarified. He stated that this is the first time that he has seen the clarification and the fact that it would be a one-family attached dwelling. He then posted the revised plat on the easel, which was clearly not the same plat that the Planning Commission received for review.

Mr. Fields stated that initially there was a 30 ft. buffer on Harry Driggers Boulevard. There was a subsequent amendment that dropped it to 10 ft. which he disagreed with because all other subdivisions prior to this one have a 30 ft. buffer. He further stated that the deed density is contained in the deed from Union Camp to the predecessor entitled to the current owner. It originally started out as a 2.5 acre unit per highland, but the amendment that was granted indicates that it is 2.76 units per acre. Mr. Fields stated that he is concerned about there being 130 units on 22 acres and he questioned if this means net acreage or gross acreage. Mr. Frazier pointed out that the definition of "development area" and the GR Density would come into play in this instance. However, he cannot answer the question as to whether this is net acreage or gross acreage.

Mr. Fields stated that the total density for the entire tract was set at 7,999 units and he is concerned that there will be more units than availability. He understands that staff does not enforce deed restrictions, but the infrastructure that was put into place for the Gateway Tract was based on 8,000 housing units, and not 10 or 12,000 housing units. He stated that eventually if we keep having high-density concentrations there won't be any developable area left unless the water and sewer lines are re-done, which would then fall on the taxpayers due to lack of proper planning.

Ms. McCormick reminded the members that according to the GIS Department, the street leading into a subdivision has to have the same name as the subdivision. She stated in this case, the names are different. Mr. Frazier stated that GIS has approved the plan. Mr. Fields stated that he doesn't really have a problem with this, but they spent months working on the addressing ordinance and this was one of the big issues with GIS. However, they are now approving a violation of their own ordinance.

Mr. Chris Amos, the engineer for this project, stated that he and Mr. Phillip Jackson are representing Mr. Morton. He explained that there are two main issues that Mr. Fields mentioned, one being Page 13 of the Development Text. He stated that he and Mr. Morton had two separate meetings with the planning staff before Mr. Morton purchased the property. The first meeting was to determine whether or not they needed to do an amendment to the Planned Development Text to fit this project in with the existing zoning. Page 13 covers all of the development standards and lot widths for single-family dwellings. The first paragraph on Page 14 states that “multi-family housing products shall be permitted on parcels adequate in size to meet the minimum size requirement of the Glynn County Zoning Ordinance and they shall be developed in compliance with the General Residential District regulations as amended from time to time.” Mr. Amos stated that those regulations are not contained in this but they were reviewed with staff to make sure that this particular project would fit within the PD and the Glynn County Zoning Ordinance.

Mr. Fields pointed out that the applicant does not have multi-family. He stated that single-family houses on two separate lots adjoined by a common wall is not a multi-family housing. Mr. Amos stated that there have been several other projects built that did not have 120 ft. lots in the county and those were handled under General Residential. He stated that he believes that the General Residential District includes single-family attached in other types of multi-type housing. Mr. Ussery commented that a duplex rather than a single-family attached dwelling would probably answer all of these questions. Mr. Amos stated that would depend on how Mr. Morton wants to market the property. A duplex might not fit within his marketing scheme. He stated that there is no specific mention in the PD of a one-family attached dwelling, and since there is more than one family in each house, he presumed that his discussions with staff was viewed as a multi-type structure. He stated that it does however, deal with one-family attached dwellings in the General Residential District section of the ordinance, which is what he used to put the project together.

Mr. Amos stated that the other issue was density. He explained that the density requirements were actually calculated from the overall Lexington Place property, phases I and II and both phases of Fox Run. Mr. Fields stated that he is not arguing that point. His point is that at the time the deed was created it did not say Lexington Place. Mr. Amos stated that the amendments were created in 2002. The 2.76 figure was actually a number that was calculated based on the number of lots in both phases of Lexington Place, plus the number of dwellings in both phases of Fox Run. Mr. Fields asked if it is 2.76 units per acre. Mr. Amos stated that it is 2.76 units per acre of the total area of all four phases. He explained that the amendment, which is the only thing that he has, says that “unless otherwise agreed in writing, the average maximum density of units to be constructed on the property will be 2.76 dwellings per acre.” Further down in the amendment it states that “in a one-family attached there will be 4000 square feet per dwelling unit of a one-family attached dwelling.” It also defines a dwelling as either a one-family dwelling or a one-family attached dwelling.

Mr. Fields stated that he is concerned about the excessive number of people, living space, parking and traffic.

In addressing the buffer issue, Mr. Amos stated that when Mr. Morton purchased the property, the 10 ft. buffer listed in the deed is what all of his site planning, lot layouts, construction cost, revenue and everything else was based on. He stated that he does not see any way to put a 30 ft. buffer in without severely impacting the number of lots. He stated that a 30 ft. buffer would wipe out all of the lots along the front of the property, which would have an economic impact on the project.

Chairman Hart stated that he's concerned that the preliminary plat that the Planning Commission is reviewing is not what the applicant is presenting at this time, which makes him very uncomfortable. Also, normally a letter is provided by Branigar indicating that they have reviewed and approved the plans. Mr. Frazier stated that he believes the Branigar Corporation has dissolved its business and no longer submits those types of letters. Chairman Hart asked if the text requires the letter. Mr. Frazier stated that the letters were required in the past, but staff would have to do additional research to find out the status of this issue.

Regarding the difference in the two preliminary plats, Mr. Phillip Jackson explained that staff submitted four additional items that needed to be addressed. He in turn clarified those items to staff's satisfaction. The plat that is being presented tonight reflects that those items are no longer an issue. Mr. Jackson stated that the map is the same and there are no other changes. He also pointed out that he made two attempts to contact the Branigar Corporation, to no avail.

There being no further discussion, a motion was made by Mr. Perry Fields to deny this request for the following reasons: problems with the 30 ft. buffer on the front of the property; problems with the lot split; and finally, the request is in violation of the PD Text. The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

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### Live Oak Place

Request by William M. McHugh, agent for Ed Mecchella for clarification of Planning Commission action taken December 5, 2000 approving the preliminary plat for the subdivision. The clarification involves the limitation that Lot 5 be accessed via Demere Road.

Mr. McHugh and Mr. Mecchella were present for discussion.

In a memorandum addressed to the Planning Commission, Mr. Phillips explained that this subdivision is located on the east side of Demere Road approximately one-third mile north of its intersection with Ocean Boulevard.

Mr. Mecchella is the builder who has purchased the lots in the subdivision and desires to maintain an access from Demere Road from Lot 5 as provided in the limitation. He would also like to provide for a driveway access to the interior street. The proposed driveway would be located so as not to interfere with the adjacent drainage and sewer easement. The applicant has submitted information describing this proposal.

The practical affect of the change would be to provide more safety for vehicular movements by directing these through the private street and reducing the number of driveways that directly access Demere Road.

Mr. Phillips stated that staff supports the proposal that the Planning Commission clarify the cited limitation to allow the additional access to Lot 5 through the private street.

During the course of discussion, the Planning Commission commended staff and the applicant for conscientiously bringing this matter to their attention but determined that it is a non-issue and therefore requires no action.

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## MINUTES

### **Regular Meeting: March 4<sup>th</sup>**

A motion was made by Ms. Ann McCormick to approve the Minutes of the March 4, 2003 Planning Commission meeting. The motion was seconded by Mr. Mike Aspinwall. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Hal Hart, Ms. Ann McCormick, Mr. Robert Ussery and Mr. Jonathan Williams. (Mr. Gary Nevill did not attend the March 4<sup>th</sup> meeting and therefore abstained from voting.)

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## CHAIRMAN ITEMS

### **a) Dead End Street Committee Report**

Mr. Phillips presented a report from the Dead End Street Committee. It was the consensus of the Planning Commission to discuss this item at the next meeting.

### **b) Discussion of Height Limitations**

The history of this proposed amendment was included in the packages for review. Also, Mr. Robert Ussery presented architectural opinions. Mr. Fields stated that the Planning Commission would probably never come to a unanimous consensus on this issue. During the course of a lengthy discussion, the Planning Commission somewhat

agreed to establish the building height as the higher of: 1) ground level; or 2) FEMA base flood elevation up to a height of 14 ft. MSL. Staff was asked to prepare language to this affect for further discussion at the next meeting. The issue of the number of “habitable floors” will also be discussed at the next meeting.

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Under **Planning Commission Items**, it was the consensus of the Planning Commission to discuss the definition of “site coverage” at the next meeting. Also, Mr. Fields will work on language for “buffers” to be presented at a future meeting.

Under **Staff Items**, Mr. Phillips presented data on the “General Layout Plan” for information purposes. A public hearing will be scheduled in May to discuss this item. Mr. Phillips also presented an “ordinance amendment schedule” for the Planning Commission’s review.

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There being no further business to discuss, the meeting adjourned at 8:50 p.m.