

**MINUTES**  
**GLYNN COUNTY PLANNING COMMISSION**  
**April 15, 2003 - 6:00 P.M.**

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**MEMBERS PRESENT:** Hal Hart, Chairman  
Perry Fields, Vice Chairman  
Mike Aspinwall  
Ann McCormick (arrived at 6:40)  
Gary Nevill  
Robert Ussery  
Jonathan Williams

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

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Chairman Hal Hart 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.

Chairman Hart announced that the applicant for agenda item #5 (*SP-2003-0324-0900*) requested a deferral at this time.

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There being no other changes to the agenda, a motion was made by Mr. Gary Nevill to adopt the agenda for the April 15<sup>th</sup> Planning Commission meeting. The motion was seconded by Mr. Mike Aspinwall. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. (Ms McCormick had not arrived yet.)

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ZT-2003-02

Proposed Ordinance Amendment to the Glynn County Zoning Ordinance, Article XI, Section 1102.4 to provide for the submittal of a general layout plan in connection with any request for rezoning to the OC Office Commercial or GC General Commercial District.

In a memorandum addressed to the Planning Commission, Mr. York Phillips explained that the Planning Commission had observed that the OC Office Commercial District and the GC General Commercial District did not have the same requirements for submittal and review of a general layout plan as the other commercial and multi-family districts. During recent discussions of the site coverage issue, staff was instructed to advertise an amendment to address this issue.

The general layout plan is not a definitive site plan and is not binding on the property owner, but it does provide evidence that property can support the proposed development, assists the Planning Commission and the public in identifying possible issues associated with the prospective development. Mr. Phillips stated that staff's recommendation is for approval of this amendment.

Mr. Terry Driggers stated that this amendment means that you're preparing a plan for a piece of property that you're really not intending to develop. It is an incurred expense that is not necessary. He stated that he sees no purpose for the amendment. It would probably be beneficial for smaller tracts but not larger ones.

Mr. Robert Ussery stated that the amendment would probably not be helpful for typical tracts of property, but it would be helpful on atypical tracts. He stated that he could see how it would fit in with surrounding property and thinks that it is a good idea. Mr. Gary Nevill agreed.

Mr. Fields suggested that maybe instead of having a general layout plan, perhaps all classifications, regardless of where they are located, should require site plan approval. He stated that the layout plan does not give any planning to a sketch that has no future binding affect. He feels that the site plan process would give you more control over the types of developments planned; however, Chairman Hart commented that the site plan process was tried. He elaborated on this process in comparison with certain developments that took place on St. Simons and on the mainland.

Following discussion, a motion was made by Mr. Robert Ussery to recommend approval of this amendment. The motion was seconded by Mr. Mike Aspinwall. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Hal Hart, Mr. Gary Nevill and Mr. Robert Ussery. Abstained From Voting: Mr. Jonathan Williams.

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#### PP-2003-0305-1130 Bridgewater

Request by Driggers Construction Company, Inc. for approval of a preliminary plat. The request is for a 77-lot subdivision on 23.9 acres located near the intersection of Carteret Road and Emanuel Farm Road. The subject property is zoned Planned Development.

Mr. Terry Driggers was 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 77 lots located adjacent to the Leeswood Circle subdivision on Emanuel Farm Road. The subject property was rezoned from R-9 to planned development in 2002, and was rezoned from MH to R-9 in 1979. Additionally, a similar preliminary subdivision plat named Green Acres was approved for this site by the Joint Planning Commission on March 20, 1979.

The Green Acres subdivision plat was approved with the condition of payment for recreation and open space in lieu of incorporating these public facilities within the plat. At the time the plat for the subject property was considered, Section 610 of the Subdivision Regulations addressed requirements for Dedication of Local Recreation Sites Open Space.

Engineering, Building Inspections, Traffic Safety, Drainage Coordinator, and Fire have reviewed this plat and consider it to be in compliance with the applicable ordinances and regulations. GIS considers the plat to not be in compliance due to a street naming problem; the Planning Official's comments are as follows:

1. Cul-de-sac length OK. ROW widths need approval from County Engineer (will probably need to review cross-sections) for both 40' and 50' proposed widths. Engineer approval may be contingent on review of construction plans, so PC approval may need to be conditioned on Engineer approval.
2. Will need detail of entrance feature with construction plans for staff approval (including Fire, Traffic Safety, and Engineering). Construction plans and final plat will need to note that separate approval by BOC of sign will be required.

3. Drainage easement on north side (45') appears to overlap existing 10' easement - is this what was intended?
4. Note 6 indicates front setback is 20' "except where shown" - need to clarify how shown - can't tell. Lots 5 and 16 are only ones where setbacks are drawn and appear to show 30' setbacks, but there are other lots that have narrower street frontages - do these also need greater setbacks?
5. Does note 10 mean that the determination will be made other than according to provisions of Zoning Ordinance ?604? If so, may need to amend PD text to authorize this. Review lot arrangement and see if there are going to be problems with corner lots.
6. No information on water or sewer lines shown - PC approval will need to be conditioned on adequate water and sewer facilities being shown in construction plans.

The preliminary plat defines areas dedicated to different uses within the subject property.

Land Use	Area (acres)	Percentage of Total
Lots	14.203	59.33
Rights-of-Way	3.278	13.69
Common Areas	1.002	4.20
Buffers & Lagoon	4.384	18.31
Easements	1.071	4.47
Total	23.938	100.00

The planned development text for the subject property lists a number of permitted conditional uses. It also states that in the future, common areas may be permitted for residents of the subdivision and their guests. The planned development text also states that in such common areas, swimming pools, tennis courts, and other such facilities shall be included.

The Glynn County Comprehensive Plan, Housing Element, states two objectives that directly relate to the review of this preliminary plat.

- Goal II-2, Objective 2: Encourage a sufficient quantity of recreational areas and parks near neighborhoods.
- Goal II-3, Objective 3: Promote development decisions based on needs and long term benefits for the community.

The Glynn County Comprehensive Plan, Community Facility and Services Element, states one Goal that directly relates to the review of this preliminary plat.

- Goal IV-7: Provide adequate passive and active recreational opportunities to residents.

The Glynn County Comprehensive Plan, Land Use Element, states two Goals that directly relate to the review of this preliminary plat.

- Policy VI-10: Residential developments (sic) of 40 units or more should be planned as neighborhoods and encourage private recreational areas or open space through subdivision design.
- Policy VI-25: Mobile home parks and subdivisions will be encouraged to provide adequate amenities and infrastructure to maintain a minimum level of neighborhood standards among all housing types.

Staff's review of Article VI of the Subdivision Regulations indicates that recreational and open spaces are not required provisions of preliminary subdivision plats. However, this area does not have adequate parks and recreation areas for use by neighborhood residents.

The applicant's proposal conforms in large part with the Glynn County Subdivision Regulations. However it does not conform with a number of the goals, objectives, and policies set forth by the Glynn County Comprehensive Plan. Additionally, the subject property was previously approved with a condition that

stipulated inclusion of public recreational facilities. Staff's recommendation is for approval subject to the following:

- Modification of the preliminary plat to include a significant portion of the land dedicated for use as a recreational area or park; additionally this passive recreation area shall be specifically labeled according to the proposed use.

Mr. Gary Nevill stated that in discussing the 6 items with staff, Mr. Phillips advised that these were taken care of. Mr. Phillips concurred.

Mr. Terry Driggers stated that he feels that they have gone to great lengths to design this subdivision. He stated that this design is community and environmentally friendly and meets all requirements. He objects to the conditions placed on this request. The Planning Commission concurred.

Following a brief discussion, a motion was made by Mr. Robert Ussery to approve this request without the conditions stated by staff. The motion was seconded by Mr. Jonathan Williams. Voting Aye: Mr. Mike Aspinwall, Mr. Robert Ussery and Mr. Jonathan Williams. Abstained From Voting (to avoid a possible conflict of interest): Mr. Perry Fields and Mr. Gary Nevill.

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#### PP-2003-0410-1542 Boykin Ridge

Request by Ron Sluder for a 50-lot subdivision on 35 acres of land zoned Forest Agriculture. The property is located near the end of Fancy Bluff Road off Highway 17 South, generally east of Interstate 95. The proposed use of the property will be for single family modular homes. This subdivision received preliminary plat approval February 4, 2003 but has been resubmitted with a change to a private community water system in lieu of county water system.

Mr. Ron Sluder was present for discussion.

In a memorandum addressed to the Planning Commission, Mr. Phillips explained that the Planning Commission's approval on February 4<sup>th</sup> was based on Glynn County water service being extended to serve this subdivision. Subsequently, the applicant has determined that he prefers to provide water service using a private community water system. This necessitates approval of a variance from the public water requirement by the Board of Commissioners, which is scheduled for consideration at their April 17<sup>th</sup> meeting. It also requires re-approval of the preliminary plat by the Planning Commission.

The other issues addressed at the previously approved plat have been resolved or can be resolved prior to construction plan approval. The Board of Commissioners has approved a variance from the requirement for connection to the county sewer system and has also approved the rezoning of the small FC Freeway Commercial to FA Forest Agricultural. The information concerning the 404 permit for the wetlands has not been resolved, but will be before approval of the construction plans or issuance of the land disturbance permit.

Staff recommends that the preliminary plat be approved subject to the Board of Commissioners approval of the water variance, resolution of the wetland permit, and all other applicable conditions of the February 4<sup>th</sup> approval.

Mr. Fields wanted to know if the applicant is having a problem getting access to bring water across the private property. Mr. Sluder explained that there is actually two pieces of property between his and where the water is. Mr. Fields asked if it is possible to bring the water through the existing drainage canal right-of-way. Mr. Sluder stated that there is no water in that particular area and it is actually five miles away from his property. Mr. Fields stated that if there is a county drainage ditch near the property, why

couldn't the applicant just run the water through the county drainage ditch. Mr. Sluder stated that there is no water near the county ditch. He pointed out that the ditch does not tie in with the Pilot Truck Stop. Mr. Fields stated that he understands, and the fact that the ditch does not tie in with the truck stop has answered his questions.

Following discussion, a motion was made by Mr. Gary Nevill to approve this request. The motion was seconded by Mr. Robert Ussery. Discussion continued.

Mr. Nevill wanted to know if the previous items concerning net acreage on lots with buffers had been addressed. Mr. Sluder stated he did not know that he had to address these items at this time. He had planned on addressing them at the construction plan phase and on the final plat. Mr. Phillips pointed out that staff's recommendation is for approval of the plat subject to approval of the water variance, resolution of the wetland permit, and all other applicable conditions of the February 4<sup>th</sup> approval. He explained that most of the issues would be addressed through the construction plan phase or the final plat or both. Thereupon, Mr. Nevill amended his motion to include that approval is subject to staff's recommendations. The amendment was accepted and the motion was unanimously adopted.

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MP-2003-0219-1630 Chanslor Road, Lot 2

Review of staff's decision to not certify a re-subdivision for Felton Cope for property located on Chanslor Road, south of its intersection with SR 99. The re-subdivision consists of four lots, two of which are flag lots.

Mr. Ernie Johns was present for discussion.

In a memorandum addressed to the Planning Commission, Mrs. Segers explained that this request is for a re-subdivision of Chanslor Road, Lot 2, which was created as part of a four lot minor subdivision recorded on January 31, 2003.

The staff's decision to not certify the plat as submitted is based on language of Article VI, Section 603.1 (e) of the Glynn County Subdivision Regulations regarding flag lots. This section provides for flag lots in new minor subdivisions (regulated under Section 801 Minor Subdivisions) and new major subdivisions. No provision is made for creation of flag lots in re-subdivisions. Lacking such provision or standard, it is the opinion of staff that the proposed plat does not meet the standards of the Subdivision Regulations and therefore shall not be certified in accordance with Section 601.

Staff recommends that the Planning Commission uphold the determination of staff to not certify the proposed re-subdivision.

Mr. Ernie Johns stated that this is the first time that this situation has ever come up. He stated that he has been doing minor re-subdivisions in the county for years and never had a problem with putting in a flag lot until this issue came about. Mr. Aspinwall asked Mr. Johns if he had ever put more than one flag lot in. Mr. Johns replied yes.

Mr. Fields stated that he understands staff's dilemma and according to the Subdivision Regulations, he sees no other way around staff's recommendation. Mr. Ussery agreed.

Mr. Johns stated that he's concerned that a situation could be created where no flag lots could be used in a minor re-subdivision. Mr. Fields asked Mr. Johns if he could vacate the plat and perhaps resubmit it. Mr. Johns stated that the lots have already been sold. He stated that Lot 1 was intended to be a lake and not a buildable lot.

Following discussion, a motion was made by Mr. Perry Fields to uphold staff's determination to not certify the proposed re-subdivision. The motion was seconded by Mr. Gary Nevill. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Hal Hart, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. It was noted that Ms. Ann McCormick arrived during the middle of discussion and therefore abstained from voting.

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## CHAIRMAN ITEMS

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

A report from the Dead-End Street Committee was included in the packages for the Planning Commission's review and was presented by Mr. Phillips.

During the course of discussion, Mr. Fields stated that if the 1200 ft. is such a problem, perhaps it should be extended to 2000 ft. or 2500 ft. with a variance being required beyond that point. He suggested making this more compatible with the existing 2000 ft. for private roads. Mr. Nevill stated that the 1200 ft. originally was related to fire protection, and 99% of the time a variance was granted. He stated that length was not an issue, other than exceeding the 1200 ft. Mr. Fields stated that the problem he sees is getting into the areas of the county where there is no fire protection. Mr. Nevill stated that he would like to eliminate the length requirement, but there are some design issues that should remain. He stated that there are also safety issues with regard to turnarounds that need to be addressed. Mr. Ussery suggested leaving the 1200 ft. as the minimum distance to a turnaround. Mr. Fields stated that this could cause a problem with emergency vehicles turning around if they were to take the wrong road when answering a call. Mr. Nevill stated that other counties; such as Chatham and Camden, don't have that particular requirement.

Chairman Hart wanted to know how the 1200 ft. length road with a turnaround would work. Mr. Jeffery Counts of Driggers Construction stated that they have always measured from the main road. He stated that sometimes there could be a cul-de-sac off of a loop road in the subdivision with the cul-de-sac being 200 ft. long and over 1200 ft. from the main road.

Mr. Nevill stated that his recommendation would be to eliminate the length requirement; keep the section, but take out the 1200 ft. Chairman Hart stated that if we eliminate the length there would be no need for a variance, which means we would ultimately take out the variance section. However, he's not sure if this is what we want to do at this time. Mr. Fields stated that he would still like to have the ability to grant a variance when needed because of unique situations that would require some discretion.

At the end of discussion, it was suggested that perhaps the committee should examine the DOT standards and the engineering guidelines, gather more information on the turnaround issue, and continue working on the idea of eliminating the 1200 ft.

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## STAFF ITEMS

### a) **Height Limitations: Follow-up Discussion**

Background information was provided by Mr. Phillips and included in the packages for the Planning Commission's review as follows:

The Planning Commission has discussed this issue on a number of occasions. At one point, the Planning Commission forwarded a proposal to the Board of Commissioners consisting of a revised definition of "building height" and a recommendation that

section 502 be revised to delete the reference to the number of “habitable floors.” The Board of Commissioners returned this proposal to the Planning Commission for additional study.

At the April 1, 2003 Planning Commission meeting, staff was advised to prepare an amendment for discussion. The amendment is to establish the height definition as the higher of: (a) ground level; or (b) the FEMA base flood elevation up to a height of 14 feet MSL.

Staff was also asked to research a definition of “habitable floors.” A copy of several definitions was included in the packages for review. A draft copy of the proposed amendment was also included for discussion purposes only.

The floor was opened for discussion among the Planning Commission and the general public. It was noted that Mr. Ussery and staff provided flood maps for review.

Mr. Gary Nevill stated that he likes the way the proposal is written because it gives a definite place to measure from. The only thing it does not define is how to measure natural ground.

Mr. Ussery feels that they are getting closer to something that he can live with. However, he is concerned about existing neighborhoods built prior to the time of all of these changes, primarily on St. Simons Island. He stated that the following language was previously written into the ordinance: “In no case shall the height exceed 40 ft. as measured from the average ground elevation.” This was placed in the ordinance when contemplating a variance. Mr. Ussery feels that this type of language could still be used as a means of capping the height to avoid an excessive height jump in certain places. He explained that as it stands now, on a marsh lot with an AE 14 zone, the house would be measured from 6 ft. grade with a 35 ft. height. However, using the language that measures from the flood elevation, not to exceed 40 ft., would give you the 5 ft. that you would need. Mr. Fields stated that Mr. Ussery is looking at this from an aesthetic viewpoint. The only time you would be able to see the height difference is when you’re standing eyeball to eyeball and looking directly at the property.

Mr. Terry Driggers stated that he keeps hearing about the 14 ft. MSL, which seems to work for those who live in a 14 ft. zone or less. What about those living above that number. He stated that the Planning Commission needs to be careful not to write an ordinance that works for everybody that’s in a 14 ft. zone or less. It appears that those living above the 14 ft. zone would be penalized. He stated that the ordinance needs to be consistent and fair for all property owners in Glynn County.

Mr. Ussery stated that he views this as a community standard that has been maintained for about 27 years and we need to be very careful about how we break it. Right now we’re contemplating raising the height as much as 7 to 10 ft. in some cases. He stated that we need some relief. Mr. Driggers stated that if there are some areas that need relief, then look at those areas.

Referring to Mr. Ussery’s comment about community standard, Mr. Dan Coty stated that there is no community standard because the FEMA regulations took away that space and all he is saying is that “you need to give that space back.” Mr. Aspinwall stated that everyone has his own agenda, but when we say 35 ft. the constituents are thinking in their minds that it is from the ground. FEMA took it away. They don’t want buildings over 35 ft. on St. Simons; they don’t want 50 ft. buildings. He stated that “we’re trying to get back some of what FEMA took away.”

Mr. Fields stated that he is not necessarily opposed to capping the building height in the RR District, especially if the concern is the areas along the beach. Mr. Ussery stated that he doesn’t have a problem with measuring from the flood elevation. Mr. Driggers commented that “anytime you put a cap on something, it penalizes someone.”

Ms. Desiree Watson expressed concerns about habitable floors. She stated that habitable floors seem to stifle creativity. What difference does the number of floors make if you have the footage. She stated that staff's suggestion to do away with the habitable floors is an excellent idea.

Mr. Driggers stated that if we have height problems, we should address them. If we have density problems, they should be addressed separately and none of the issues should be disguised.

At the end of discussion, Mr. Phillips advised that staff has not completed its research and would continue to work on this proposal.

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## MINUTES

### **Regular Meeting: March 18<sup>th</sup>**

A motion was made by Mr. Perry Fields to approve the Minutes of the March 18, 2003 Planning Commission meeting. The motion was seconded by Mr. Jonathan Williams. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Hal Hart, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. Ms. McCormick did not attend the March 18<sup>th</sup> meeting and therefore abstained from voting.

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There being no further business to discuss, the meeting adjourned at 8:15 p.m.