

MINUTES
GLYNN COUNTY PLANNING COMMISSION
February 4, 2003 - 6:00 P.M.

MEMBERS PRESENT: Hal Hart, Chairman
Perry Fields, Vice Chairman
Mike Aspinwall
Ann McCormick
Gary Nevill
Robert Ussery
Jonathan Williams

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

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.

Upon a motion made by Mr. Perry Fields and seconded by Ms. Ann McCormick, the agenda for the February 4th meeting was approved and unanimously adopted.

GC-2003-01

Application by Scott Markowitz, agent for Simon One Properties, LLC to rezone from FA Forest Agricultural to OC Office Commercial property located at 2915 Demere Road near the intersection of Main Street and consisting of .62 acres with 132.32 ft. of frontage on Demere Road.

Mr. Markowitz and Mr. Jimmy Bishop were present for discussion.

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

Adjacent properties to the east, west and south are zoned FA Forest Agriculture. There are a few scattered single-family dwellings on these parcels, and other nearby properties are vacant. A short distance to the west is the Charter Treatment Facility. The nearest retail commercial is the Ace Garden Center and the Island Car Wash located a short distance to the west on the south side of Demere Road. Property to the north across Demere Road is a mixture of Office Commercial, MR Medium Residential, and PDG Planned Development General. This property to the north contains offices, beyond which is residential development. This proposal limits the commercial use to office type uses so as to limit the impacts (particularly traffic) on the area.

The parcel is served by public water. There is a private sewage collection system on the property to the north, which in turn is connected to the county system. Demere Road is characterized by relatively high traffic volumes and limited right-of-way.

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.

Yes, while the immediately adjacent property is residential, the overall character of the area is non-retail commercial and institutional.

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

Development of office use will not impair the continued enjoyment of residential or the ability of adjoining parcels to be redeveloped as similar (office) uses.

- 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.

The proposed use (office) does not present an inherent problem, although care will have to be taken to coordinate development of these properties to ensure adequate access without overburdening traffic flow on Demere Road.

- 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 residential. The Plan contains a policy calling for future rezonings on Demere Road to be for Planned Development or Planned 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.

No.

The development pattern in the area has evolved so as to include non-retail commercial uses (particularly office) and institutional uses. The development of this property will have to resolve issues of adequate sewage treatment and drainage. There is a concern for traffic flow and adequate access. Staff recommends that access be limited to the northeast corner of this property and that properties to the east and west be allowed to use the same access.

The property is too small to be developed under the Planned Development district, and would have difficulty meeting the buffer standard contained in the Planned Commercial district.

Staff recommends that the rezoning be approved with a condition that access be limited and that other adjacent parcels be allowed access through this access point.

Mr. Mike Aspinwall wanted to know what type of building the applicant is proposing to locate on the property. Mr. Jimmy Bishop stated that they do not have anything planned at this time. Mr. Robert Ussery asked if the applicant agrees with the staff's recommendation to limit the access point. Mr. Bishop replied yes.

Mr. Perry Fields had questions about the encroachment of the adjacent property. Mrs. Segers stated that a building permit was issued with regard to the activity on the parcel to the west. Based on the information on the application there was a sufficient separation from the property line. She has seen the same survey and directed it to the Building Official's attention. Mrs. Segers further stated that the activity is over the line

from the subject property and is therefore not controlled by Mr. Markowitz. Mr. Fields stated he understands that there is a boundary dispute involving this property. Mr. Bishop explained that there is a boundary dispute and the applicant has discussed this with Mr. William Ligon. The applicant contends that the boundary is in accordance with the legal description of the survey that he had done.

Mr. Jonathan Williams stated that the area in question is already congested. He expressed concerns about traffic and stated that he would like to have more information on what is being proposed. In an effort to ease some of the congestion of traffic and parking, Mr. Markowitz stated that the existing house would be torn down. Mr. Bishop added that if this request is approved, the applicant would come back to the Planning Commission for site plan approval.

Mr. & Mrs. Ray Johnson of 2915 Demere Road were present to oppose this request. Mr. Johnson stated that he does not want an office building next door to him. He stated that he lives in a good neighborhood and it is not fair for someone to come in and inconvenience his family with a commercial development or an office building in a residential area. He stated that he owns the property and has no intentions of ever selling it. In fact, upon his death, the property will go to his children. He pointed out that the applicant should have done a more thorough research before he bought the property. Mrs. Mary Johnson stated that the property is currently in litigation because there is clearly a land dispute. She presented a survey and a letter from her attorney, Mr. William Ligon, for verification. She pointed out that Mr. Markowitz cannot file for a rezoning on property that they are both claiming.

Mr. Gloster Buchanan of 2312 Demere Road was present to oppose this request. He stated that property in this area has been passed down through five generations. He would like for the property to remain residential. He also pointed out that there is a pond on the property and there is drainage into the pond during rainstorms. When the pond gets full, the water then backs up into the low area. Mr. Buchanan asked the Planning Commission to deny this request.

Ms. Jane Johnson, 104 Demere Oaks Circle and representing RUPA, stated that the Comprehensive Plan designates this particular area as Planned Development or Planned Commercial rather than Office Commercial. She stated that there is no buffer requirement for Office Commercial. She also expressed concerns about the building height and the traffic that Office Commercial would allow. Ms. Johnson stated that her overriding concern is property rights. She urged the Planning Commission to postpone their decision until the property dispute is settled.

Mrs. Berthenia Gibson of St. Simons Island was present to oppose this request. She gave a brief history of the Jewtown area and stated that the residents of Jewtown had been fighting encroachment in the area for 30 years. Mrs. Gibson spoke passionately about her neighborhood and stressed that no other neighborhood had been destroyed like the Jewtown area. She pointed out the number of commercial developments that have encroached into her neighborhood and the number of broken promises made over the years by developers. She stated that she and the other residents live in this area and they have been paying taxes for a very long time. Mrs. Gibson stated that she is not against growth but she is against what has happened to her community. She pleaded with the Planning Commission to help them preserve what is left of the Jewtown area, to be considerate of the citizens, and to deny this request.

Mrs. Ruthie Cobb of 114 LaCosta Lane stated that she is also a longtime resident of the area and she does not want to see another encroachment in her neighborhood. She stated that their heritage means a lot and she is asking that this request be denied.

At this time, Mr. Jimmy Bishop requested a deferral to allow him to clarify the issues presented tonight. Mr. Fields assured Mr. Bishop that he would not vote on this item as long as there is a bonafide property dispute at hand. Mr. Williams agreed with

Mr. Fields. Mr. Bishop feels that this could all be resolved in a few weeks. The request was deferred until the February 18th Planning Commission meeting, beginning at 6:00 p.m.

VP2003-01

Application by Melissa O. Wellford for exterior painting and sign approval for ice cream and sandwich shop located at 119 Mallory Street, St. Simons Island.

Ms. Melissa Wellford was present for discussion.

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

The applicant is requesting placement of a sign at 119 Mallory Street for a new ice cream parlor known as "Beaches and Cream." The proposed sign is 24 inches high, 20 square feet total, non-illuminated and attached to the building. It will be painted wood with raised letters. Suggested color for the lettering and border is Island Green with an Ivory background. (Color samples were presented for review.) The property is zoned GC-Core.

The applicant also plans to improve the façade by repainting an Ivory color in harmony with adjacent properties, and removal of the existing awning. This proposed improvement does not require a building permit and therefore does not require additional Planning Commission approval.

Signs in the Village Preservation District are regulated under Article VIII Section 814 of the Zoning Ordinance. The proposed sign meets the requirements of the ordinance and staff's recommendation is for approval.

Following review, a motion was made by Mr. Robert Ussery to approve this request. The motion was seconded by Mr. Jonathan Williams and unanimously adopted.

PP-2002-1216-1600 Boykin Ridge Subdivision

Request by Mr. Ron Sluder for a 50-lot subdivision on 35 acres of land that is zoned Forest Agriculture. The property is located towards the end of Fancy Bluff Road off Highway 17 South and east of Interstate 95. The proposed use of the property will be for single family, modular homes.

Mr. Ron Sluder was present for discussion.

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

This subdivision is located near exit 29 of Interstate 95. The subject property is also located adjacent to the Highway Commercial zoning district that was originally rezoned in the late 1960's during the construction of the Interstate Highway system.

The majority of this area is zoned Forest Agriculture, although two large tracts (approximately 20 & 11 acres respectively) adjacent to the subject property and bordering Highway 17 have been rezoned to Planned Development.

The future land use plan for this area designates the property for Forest Agricultural uses. The majority of the surrounding area has been identified as low density residential.

Staff has reviewed the subdivision plan and several issues have been raised. The first is the issue associated with the small portion of the property that will require rezoning from Highway Commercial to a zoning district that allows for a residential type use. This rezoning will need to be completed prior to final platting of the subdivision.

Drainage maintenance has reviewed the subdivision plat and considers it not compliant due to requirements for a maintenance easement along open ditches. Section 605.3 requires a 15 ft. maintenance easement to be provided where cleaning is needed.

Engineering has reviewed the subdivision plat and considers it not compliant due to base information for jurisdictional wetlands that has not been provided.

The Planning Official has reviewed the site and has made a number of comments about the subdivision. These comments have been included within the staff's report for review. According to the planning staff, no buffer from jurisdictional wetlands has been provided as required per Section 618 of the Zoning Ordinance. Staff recommends a 15 ft. buffer from all jurisdictional wetlands.

Mr. Sluder has addressed a number of issues with the two revisions to the originally submitted preliminary plat. These issues include providing access restrictions on double frontage lots, attempting to resolve the dead-end street requirements, and clarifying width and building setback information where lots were located on corners or curves.

A major issue that Mr. Sluder has worked very hard towards resolving is the requirement for providing water and sewer to the subject property. In accordance with the Subdivision Regulations and the County Code of Ordinances, Utilities Management Section, developments that are within a certain distance are required to bring public utilities to the site. This site is in close proximity to the public water available at the Pilot Travel Center property. Mr. Sluder has worked closely with Julie Chapman to acquire an easement from Mr. Tom Edwards in order to have public water brought to his property. The subject property is also in close proximity to public sewer. Utilities Management has stated that sewage is not available since the capacity has been reserved for the Southport Group commercial site. The issue of sewage capacity available to this area of the county is largely unresolved.

The plat is largely in compliance with the Subdivision Regulations and may proceed as submitted. A number of the issues that have been addressed by staff will continue to be a part of the construction plan submittal and review.

Staff recommends that the preliminary plat named Boykin Ridge Subdivision be approved subject to:

- the highway commercial portion of the property being rezoned to residential prior to final platting;
- providing a 15 ft. maintenance easement;
- providing base information associated with jurisdictional wetlands; and
- providing a 15 ft. buffer from all jurisdictional wetlands.

Mr. Nevill wanted to know if the ½ acre (as required by Environmental Health) includes easements or required buffers. Mr. Sluder stated that it does and he has a letter from the Health Department stating that everything is approved. He pointed out that he actually had to go back and add a little more land to a few of the lots because of the easements. Regarding the road issue, Mr. Sluder explained that the Engineering Department recommended two entrances for safety purposes. This also benefits him because he can get four more lots in the area.

Regarding the temporary easement for the cul-de-sac, Mr. Fields stated that it doesn't appear that Mr. Sluder owns the property on the south of Boykin Ridge. He wanted to know why this is not a permanent cul-de-sac instead. Mr. Phillips stated that the property to the south and the two parcels that lie between this particular parcel and Tostensen Road are zoned Planned Development, but there is no approved master plan for the development of those properties. It is staff's recommendation that for the overall traffic circulation in the area and for adequate safety access that this road be connected through. Staff feels that the least intrusive and most convenient way to accomplish this would be to have it in the area of the dividing line between those two parcels. Staff's suggestion was to carry it to the parcel line and put in the temporary cul-de-sac.

Mr. Fields wanted to know if there is anything in the ordinance that addresses a time limit on a temporary cul-de-sac. Mr. Phillips stated that he is not sure at this time but he would find out. He stated that the advantage of a temporary cul-de-sac is that it could go away when the need is no longer there. Mr. Fields stated that he would prefer to make this a permanent cul-de-sac rather than temporary. Mr. Sluder stated that he would not benefit from this one way or the other, and therefore he would have no problem with a permanent cul-de-sac. Chairman Hart stated that if the developer could come up with a temporary cul-de-sac built to permanent specifications it would cover all bases. Mr. Sluder concurred.

Mr. Nevill wanted to know if Mr. Sluder has a letter from the Corps regarding wetlands delineation. Mr. Sluder stated that he does have the letter now.

For the record, Mr. Frazier pointed out that he received two letters from property owners who are opposed to this development. These property owners are J. Golden of 351 Fancy Bluff Road and Bill Autry of 402 Stutts Road. They are opposed to the potential traffic increase, the train blocking the area thereby creating problems in case of emergencies, and an increase of criminal activity in the area.

Mr. Fields stated that he has a problem with the net acreage not being shown. He stated that if they vote to approve this preliminary plat, he would like something in writing on the preliminary plat showing the net acreage of each lot (at least the ones with the issues of buffers and setbacks) to avoid approving substandard lots. Mr. Phillips stated that the construction plans are suppose to include a copy of the preliminary plat as approved by the Planning Commission. He stated that if this is a component of the Planning Commission's approval, staff would ensure that the construction plans include this information.

Following discussion, a motion was made by Mr. Perry Fields, seconded by Mr. Mike Aspinwall and unanimously adopted to approve this preliminary plat subject to the following:

- 1) The Highway Commercial portion of the property being rezoned to residential prior to final plat approval.
- 2) Provide a 15 ft. maintenance drainage easement.
- 3) Revise the preliminary plat to show the net acreage of the lots that have buffers or wetlands attached to them.
- 4) Provide a 7 ft. development setback line on all jurisdictional wetlands.

Variance Request - Capitol Drive
Request for Variance from the Glynn County Subdivision Regulations
Section 602.2(r)

Mr. Terry Driggers was present for discussion.

According to the staff's report, the applicant is requesting a variance from the requirement for vertical clearance of all limbs to be reduced from 16 feet to 13 feet, 6 inches.

Mr. Frazier stated that staff recommends approval subject to the Fire Department's consideration of the request. He pointed out that staff has still not heard back from the Fire Department.

Mr. Terry Driggers stated that he spoke with the Assistant Fire Chief who reported that the height of the tallest vehicle that they have would fit within the 12 ft. clearance. According to the Department of Transportation, the maximum vehicle height in the State of Georgia is 13 ft. 6 in. without a special permit.

Following a brief discussion, a motion was made by Mr. Perry Fields to approve the variance request. The motion was seconded by Ms. Ann McCormick and unanimously adopted.

PP-2002-1218-0930 - Capitol Drive

Request by Glyndale Commercial Inc. and Mr. Terry Driggers for a right-of-way subdivision on 12.4 acres of land zoned Highway Commercial. The property is located in the northwest quadrant of the intersection of Highway 341 and Crispin Blvd.

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 subdivision is located near exit 36 of Interstate 95. The subject property is also located within the Highway Commercial zoning district that was originally rezoned in the late 1960's during the construction of the Interstate Highway system.

The future land use plan for this area designates the property for commercial uses. Staff has reviewed the plat and largely considers it compliant. Zoning has raised issues associated with the 1999 rezoning of the subject property. A number of conditions were included with the approval of the rezoning action.

The plat is largely in compliance with the Subdivision Regulations and may proceed as submitted. Staff's recommendation is for approval subject to all conditions of the 1999 rezoning being met by all future development within the subdivision.

Ms. Margaret Thrower, adjacent property owner, expressed concerns about the 1999 rezoning. She stated that she would like for the buffer to remain the same. Also, she would like for the developer to not remove the existing building unless he absolutely has to. Mr. Driggers stated that he is not proposing to remove the building at this time. He stated that there are some issues with the buffer that they need to come back to the Planning Commission with due to the way the area was rezoned previously. He stated that he would have no problem with the approval being contingent upon the buffer issues (on any commercial development adjacent to the neighbors) being resolved prior to site plan approval.

Following discussion, a motion was made by Ms. Ann McCormick to approve this request subject to the conditions placed on the 1999 rezoning as recommended by staff. The motion was seconded by Mr. Robert Ussery. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Hal Hart, Ms. Ann McCormick, Mr. Robert Ussery and Mr. Jonathan Williams. Abstained from Voting: Mr. Gary Nevill.

MINUTES

Regular Meeting: January 21st

Upon a motion made by Mr. Mike Aspinwall and seconded by Mr. Gary Nevill, the Minutes of the January 21, 2003 Planning Commission meeting were approved and unanimously adopted.

CHAIRMAN ITEMS

a) Cul-de-sac Committee

Chairman Hart stated that Mr. Gary Nevill is currently working on the issue of dead-end streets and has scheduled a meeting for Wednesday, February 5th.

b) Guest Quarters

Mr. Robert Ussery stated that he gave Mr. Phillips a copy of the 1999 report that was prepared by the previous Planning Commission sub-committee. The sub-committee at that time had recommended that accessory buildings be allowed with either a kitchen or a bedroom but not both. The idea being that a pool house could have a kitchen for entertaining purposes but it would not be necessarily classified as guest quarters. Mr. Phillips stated that he would study the document and discuss it with Mr. Ussery and the Building Official. Afterward, he would prepare language and place the item back on the agenda for further discussion.

c) Wetland Buffers

Mr. Phillips stated that he is still trying to coordinate a workshop to discuss the Planning Commission's proposal to designate this as a "7 ft. development setback." He stated that he would draft language to this affect and report back to the members on a time and date. This would be a workshop for general discussion purposes of different points of view.

STAFF ITEMS

a) Discuss Amendment: Private Schools in Residential Zoning Districts

Mr. Phillips stated that due to his workload, he has not had time to prepare language for this amendment. Mr. Fields stated that he would like to confer with the other members with regard to the suggestion of placing this under a special use permit. Mr. Ussery asked if the special use would be allowed in any zoning classification. Mr. Fields stated that it would be allowed in any zoning classification except residential. In situations of property currently zoned residential, he suggested rezoning the property for a special use to be a school. Mr. Ussery liked the idea of a Planned Development, but Mr. Fields stated that would work only if there is enough acreage. Mr. Ussery stated that in order to make this a special use, the Zoning Ordinance would have to be amended in all of the areas that would allow a school.

Mr. Phillips elaborated on the special use process with regard to the standards and the ability to establish conditions to ensure that potential impacts are adequately addressed. Chairman Hart stated that the special use seems to be more feasible. Mr. Phillips stated that he would research this further and draft some type of language for the special use permit option, perhaps in time for the next agenda.

b) Organization of Advisory Committees for Ordinance Update

Chairman Hart stated that Mr. Wayne Stewart, who was previously appointed to review the section of the ordinance dealing with Trees, has indicated that he is willing to come back and give a status report on this section. However, Mr. Lamar Cole, who was appointed to review Resort Residential, has expressed no interest in coming back to give a report. Mr. Robert Ussery has consented to review Resort Residential.

As a reminder, the following members were appointed to review specific areas of the proposed ordinance:

Mike Aspinwall	Village Preservation
Perry Fields	Buffers
Hal Hart	Site Coverage
Ann McCormick	Building Height
Jonathan Williams	Site Plans

Chairman Hart stated that he requested the Building Height amendment be placed back on the Planning Commission's agenda for additional review. Mr. Phillips stated that he would gather all material (including FEMA maps) and information on this item for discussion at a workshop and subsequently re-advertise the item for public hearing.

Under **Planning Commission Items**, there was a general discussion regarding the January 30th work session that was held at the Chamber of Commerce for the consultants, Duncan & Associates, to give a status report on the progress of their work on the ordinances. At the end of the discussion, a motion was made by Mr. Perry Fields authorizing Chairman Hart to write a letter to the Chairman of the Board of Commissioners asking for guidance on the appointment of the advisory committee and what they expect the advisory committee to do. The motion was seconded by Ms. Ann McCormick and unanimously adopted.

There being no further business to discuss, the meeting adjourned at 8:40 p.m.