

MINUTES
GLYNN COUNTY PLANNING COMMISSION
January 21, 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
Brenda Pittman, Code Enforcement
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.

In order to avoid a possible conflict of interest concerning staff item b) *Discussion of Amendment - Private Schools in Residential Zoning Districts*, Chairman Hart advised that he would move the item to the end of the agenda and excuse himself from the meeting at that time.

There being no further changes to the agenda, a motion was made by Mr. Perry Fields to approve the agenda for the January 21st meeting. The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

GC-2002-25

Application by Atlantic Survey Professionals, Inc., agent for Alice A. Lewman, owner, to rezone from Forest Agriculture to General Commercial, property located on the south side of the Atlantic Coast Line Railroad (Glynco Spur Railroad) right-of-way approximately 80 feet northwest of Canal Road, and consisting of approximately 20,878 square feet with approximately 181.57 feet of frontage on the Atlantic Coast Line Railroad right-of-way.

Mr. Ernie Johns was present for discussion.

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

The subject parcel is a portion of a triangular area bounded by Golden Isles Parkway (Spur 25) to the west, Atlantic Coastline Railroad right-of-way to the north, and Canal Road to the southeast. This triangle is adjacent to the Golden Isles Gateway Tract Parcel CR 1. Zoning in the general area is a mixture of commercial to the south, Planned Development General to the north, and Forest Agriculture to the east. The property directly adjacent to the west, south and east has been recently zoned to General Commercial. The stated intent of the applicant is that these parcels are to be developed in concert with each other.

The Glynn County future land use map identifies the subject property as low density residential, while the nearby HC and LC zoned property is shown as commercial. The location of this property, in close proximity to good transportation facilities (particularly the Spur) and separated from residential (the property is bounded by the railroad right of way, beyond which is a commercial area within the Golden Isles Gateway Tract), suggests that some commercial development is appropriate. Consideration needs to be given to the development of a coordinated commercial area and more likely for non-retail or mixed retail and non-retail uses. This suggests that a coordinated development plan be prepared with the participation of the other landowners, if possible.

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 zoning would allow uses that are compatible with the zoning of immediately adjacent land.

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

Not likely.

- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Yes, although single-family residential use would be of limited benefit.

- 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 low density residential and commercial. It is also in close proximity to the multi-use node at the intersection of I-95 and Spur 25.

- 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.

Commercial development of this site would be appropriate, but should be coordinated with the development of other land in this immediate vicinity if possible. Staff's recommendation is for approval.

It was noted that no one was present to oppose this request.

Following review, a motion was made by Mr. Perry Fields to recommend approval of this request. The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

SP00-11 PAWS, Phase 1-East

Request by Wildlife Realty Associates for extension of site plan approval for the parking lot area located on the east side of the Altamaha-Brunswick Canal, west of Petersville Road.

Mr. Jeff Halliburton and Mr. Cameron Bland were present for discussion.

In presenting the staff's report, Mr. York Phillips explained that this request is for a one-year extension. The above referenced parking lot will be one of the first projects associated with the development of the theme park area. The original approval ensured that perimeter buffers are preserved and authorizes staff to approve final building plans consistent with the approved site plan.

The site plan was originally approved in 2000 and extended on December 2, 2001 for one year. There are no significant changes in conditions or changes in regulations that would be inconsistent with the approved plan. It is expected that the final plans will be submitted in early 2003 and that construction will be underway by mid-year.

Staff recommends retroactive approval of the extension for one year, to expire on December 4, 2003.

For the benefit of the members who were not on the Planning Commission or part of the planning staff at the time of this project's inception, Mr. Perry Fields, with the assistance of Mr. Jeff Halliburton of Thomas & Hutton Engineering Co., gave a brief overview of the PAWS project. Mr. Halliburton assured everyone that the applicant is not asking for any changes, just an extension. He stated that this is the exact same plan that the Planning Commission reviewed and approved in 2000.

At the time of approval, concerns were expressed about traffic and the entrance roads. Mr. Fields stated that one of the conditions at that time was that the entrance to the park would be on the side road within the park with no entrance from GA Highway 99. Mr. Halliburton explained that there would be no entrance to the parking area east of the Altamaha Canal. He pointed out the traffic flow pattern and stated that the only other entrance is an emergency access on Petersville Road, which would be locked, gated and used only for emergencies. For future reference, Mr. Phillips added that the emergency access on Petersville Road would be used to accommodate some construction traffic.

Mr. Halliburton stated that there were several meetings held previously about this project and his offer still stands to conduct a workshop and give a more extensive update of the project. This workshop would include providing additional construction plans, detailed traffic design, etc.

During the course of discussion, Mr. Fields stated that the Planning Commission granted authority to the "Planning Official," who at that time was Ms. Cindy Olness, to approve changes to the site plan with certain stipulations. This authority was granted to avoid any delays in the project when the developers had minor changes that otherwise would require the full board's approval. Mr. Phillips pointed out that there is no longer a position entitled "Planning Official" listed in the department. The authority would probably have to be granted to Mr. Peterson or his designee. Mr. Fields stated that the "Planning Official" is still listed in the ordinance under Section 619. He stated he would not have a problem with this if they could get a consensus from Mr. Peterson as to who this designated person would be, preferably someone with a long-standing history of the project.

Following discussion, a motion was made by Mr. Perry Fields, seconded by Mr. Jonathan Williams and unanimously adopted to approve the one-year extension (to expire December 4, 2003) of Phase 1-East of the PAWS Site Plan with the same conditions approved at the May 2, 2000 Planning Commission meeting as referenced in a letter dated May 3, 2000 as follows:

- 1) Issuance of an LDA Permit.
- 2) Issuance of an Army Corps of Engineers permit to impact any wetlands.
- 3) A variance from the state must be obtained to disturb the buffer around the state waters (Brunswick-Altamaha Canal).
- 4) Approval from the State Historic Preservation Office for any impacts to the Brunswick-Altamaha Canal.
- 5) The Planning Official may approve changes to the site plan provided that such changes do not:
 - a) decrease the setbacks from property lines,
 - b) decrease the effectiveness of buffers, or
 - c) add any specific uses not already approved on the site plan.
- 6) Approval by the Board of Commissioners for the buffer as per the zoning conditions.
- 7) The buffer along Highway 99 may be reviewed by the Board of Commissioners within one year of the date the park opens to ensure that it is adequately screening the parking facilities. If it is found that the buffer is insufficient in some areas, additional plantings, berms or fences may be required.

SP00-15 PAWS Phase 3-West

Request by Wildlife Realty Associates for extension of site plan approval for the western portion of the project located generally north of SR 99 (north of the Coastal Pines Golf Course), approximately 2 ½ miles west of I-95.

Mr. Halliburton and Mr. Bland were present for discussion.

In presenting the staff's report, Mr. Phillips stated that this request is for a one-year extension. This portion of the site involves animal preserve, animal husbandry facilities, and support facilities. Initially, this area will not involve tourist traffic, although this may change later.

The site plan was originally approved in 2000, and extended on December 4, 2001 for one year. There are no significant changes in conditions or changes in regulations that would be inconsistent with the approved plan.

Staff recommends retroactive approval of the extension for one year, to expire December 4, 2003.

Mr. Halliburton stated the comments that he made on the previous request (Phase 1-East) also apply in this case.

Following discussion, a motion was made by Mr. Gary Nevill, seconded by Mr. Mike Aspinwall and unanimously adopted to approve the one-year extension (to expire December 4, 2003) of Phase 3-West of the PAWS Site Plan with the same conditions approved at the May 2, 2000 Planning Commission meeting as referenced in a letter dated May 3, 2000 as follows:

- 1) Issuance of an LDA Permit.
- 2) Issuance of an Army Corps of Engineers permit to impact any wetlands.
- 3) A variance from the state must be obtained to disturb the buffer around the state waters (Brunswick-Altamaha Canal).
- 4) Approval from the State Historic Preservation Office for any impacts to the Brunswick-Altamaha Canal.
- 5) The Planning Official may approve changes to the site plan provided that such changes do not:
 - a) decrease the setbacks from property lines,
 - b) decrease the effectiveness of buffers, or
 - c) add any specific uses not already approved on the site plan.
- 6) Approval by the Board of Commissioners for the buffer as per the zoning conditions.
- 7) The buffer along Highway 99 may be reviewed by the Board of Commissioners within one year of the date the park opens to ensure that it is adequately screening the parking facilities. If it is found that the buffer is insufficient in some areas, additional plantings, berms or fences may be required.

MINUTES

Regular Meeting: January 7th

A motion was made by Mr. Mike Aspinwall to approve the Minutes of the January 7, 2003 Planning Commission meeting. The motion was seconded by Mr. Perry Fields. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Ms. Ann McCormick, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. Mr. Hal Hart did not attend the January 7th meeting and therefore abstained from voting.

CHAIRMAN ITEMS

a) Planning Commission Items

Mr. Fields asked if the amendments that the Planning Commission reviewed on building heights and water limits had been forwarded to the Board of Commissioners with a recommendation. Mr. Phillips replied yes. The amendments, ***GC-2002-ZT10 Building Heights*** and ***GC-2002-ZT11 Water Supply Impacts***, will be heard by the Board of Commissioners on Thursday, January 23rd. He reminded the members that their recommendation on the water issue was that the amendment was premature and should not be considered at this time. Regarding the height limit, he stated that there were questions as to whether the proposed definition means to the top of the roof or to some other point. Chairman Hart stated he recalled it being from the highest point of the roof. Mr. Fields agreed with that recollection. Mr. Phillips stated that he would review his notes again for verification.

Mr. Phillips was asked to check on the status of a request to add “Institutional Uses” to site plan approval (***Section 619.1***) as proposed by the former ordinance subcommittee (Iris Touw and Hal Hart). Chairman Hart stated that there is no clear definition for the term “institutional” but it can be found in the Office Commercial Zoning Text.

Mr. Fields asked Mr. Phillips to follow up on the progress of the consulting firm, Duncan & Associates. He wanted to know if the consultants have carried out their plans to appoint committees to assist with the ordinance changes. Also, he was expecting more citizen involvement. Mr. Phillips stated that he would check on this and report back to the Planning Commission. In the meantime, a workshop is scheduled for Thursday, January 30th at 8:30 a.m. at the Chamber of Commerce to discuss the progress and update of the proposed ordinances. The Planning Commission is urged to attend.

b) Discussion of Returning to Daytime Meetings

Ms. Ann McCormick reported that she had received several requests to change the Planning Commission meetings back to morning meetings. She stated that these meetings were changed to accommodate residents who could not attend morning meetings. However, in her opinion, attendance seems to be about the same. Also, night meetings are harder on staff. Ms. McCormick stated that the two meetings are very good, but she would like to know how the other members feel about continuing with night meetings.

Mr. Williams stated that we need to consider what the attendance is based on. If attendance is based on the issues, then the time of day probably doesn't matter to those who are interested in the issue. Due to his hectic schedule, he prefers night meetings. Mr. Fields agreed that the issue is what draws the crowd. He also prefers night meetings, and so does Mr. Nevill, as well as Mr. Ussery. Mr. Hart stated that he too enjoys the night meetings. Mr. Aspinwall suggested they try alternating the meetings: have one nighttime meeting and one daytime meeting or perhaps the day meeting could begin at 3:00 p.m. rather than at 9:00 a.m. Mr. Jeff Halliburton commented that early afternoon is a good idea to help reduce staff time. Mr. Fields stated that since they've changed to nighttime meetings, there has been a 100% commission attendance.

After discussion, it was the consensus to continue having the Planning Commission meetings at night for another six months and re-address the issue in July.

STAFF ITEMS

a) Discuss Dead End Street Issue

Mr. Phillips stated that there has been a considerable amount of discussion on the dead end street issue in connection with various subdivision approvals. In addition, there are a number of projects that will soon be under review where this will need to be addressed more thoroughly. At the December 17, 2002 Planning Commission meeting, there was informal discussion of having a committee to review this subject and to make recommendations to the Planning Commission. Mr. Phillips stated that staff recommends that the scope of this issue be identified and that the information be referred to a committee for review.

Chairman Hart stated that Mr. Gary Nevill has consented to chair a committee to address this item. Mr. Nevill stated that he would like to confer with staff and get opinions from other county officials, i.e., the Police Chief, Fire Chief, Engineer, Traffic Safety and Water & Sewer as to what direction to take, and subsequently schedule a meeting for public input.

c) Discuss Amendment - Guest Quarters as Accessory Use

Mr. Phillips stated that staff has made a practice to permit guest quarters in conjunction with permitted single family residences. The limitations are drawn from the definition of “dwelling unit” and include: no separate kitchen facilities, (i.e. electrical connection for a stove), no separate address and no separate utility service. Mr. Phillips stated that staff recommends that an amendment be prepared to resolve this issue.

Mr. Ussery reflected back on days when guest cottages were beneficial to homeowners. He stated that he lived in one when he first came to this area. He stated that he’d like to know when this became such a problem. He then suggested that the definition of family be examined carefully in reviewing this issue. Mr. Williams stated that he also remembers when homes on East Beach utilized separate quarters for caregivers, housekeepers, caretakers, or relatives who just wanted to enjoy the summer months.

Mr. Fields stated that the obvious intent of this is to provide an accessory use for non-family members. He stated that in his mind, the problem is an enforcement issue. Ms. Pittman stated that these facilities usually end up as rental property and the general complaint is parking.

Mr. Ussery agreed to work with Ms. Pittman and Mr. Phillips and establish language for an amendment on this subject for further review.

d) Discuss Wetlands Buffer Requirement

Mr. Frazier stated that this issue has come up a number of times. He then referred to the section of the ordinance that focuses on this issue, Section 618 Environmental Protection as follows:

“...All development in areas of freshwater wetlands and marshland fringe shall comply with the following standards: Development adjacent to freshwater wetlands, defined as those protected by Section 404 of P. L. 92-500 as determined by the U.S. Corps of Engineers, shall provide a buffer of natural vegetation around all freshwater wetlands.”

Mr. Frazier stated that one of the issues is that there are no perimeters. This does not state exactly what the buffer should be, its relationship to the marsh protection and whether there would be any permits required for adverse impacts, etc.

Mr. Frazier stated that Kelly Hendricks of the Army Corps of Engineers has indicated that he would prepare a presentation concerning this issue if the Planning Commission is interested. Mr. Fields stated that he would be interested only if there is another balanced opinion, and not just the Army Corps of Engineers. Mr. Frazier stated that the presentation would just be in general with no specific recommendations being made. It would cover wetlands, its functions, purpose and benefits to the community.

Mr. Ussery stated that he thought the issue was consistency. Chairman Hart agreed. He stated that we want something that says, “this is what our buffer is.” Depending on the type of situation, any figure is going to be arbitrary. Mr. Ussery suggested using 7 feet as a side yard setback, which allows enough room to dig a foundation without encroaching into the wetlands.

Mr. Jeff Halliburton asked if the buffer is in excess of the current requirements relative to Section 404 wetland permits with regard to the type of wetlands, such as jurisdictional and non-jurisdictional wetlands. Mr. Fields pointed out that the ordinance clearly states “wetlands defined as those protected by Section 404.” Non-jurisdictional wetlands are no longer protected by Section 404. Mr. Halliburton wanted to know if this is in addition to the existing requirements in the permitting perimeters of Section 404; however, Mr. Fields replied that they are not sure. He stated that this is part of the problem. Mr. Williams stated that at one time, he was part of a committee that was established at the recommendation of the former governor to address this issue. He stated that a study was done on the marshland hammocks, but to date, no report was given.

Mrs. Saroyi Morris, Glynn County Environmental Health Manager, explained that her office requires a 50 ft. setback for septic systems and drain lines. They have no authority with regard to jurisdictional wetlands in terms of whether or not a septic system can be placed in a non-jurisdictional wetland. They only require them to be filled, and they make modifications to the system. She pointed out that her office also requires the applicant to provide a letter from the Army Corps of Engineers stating whether or not there are jurisdictional or non-jurisdictional wetlands.

Chairman Hart stated that basically, the county requires the Corps of Engineers to furnish a buffer on wetlands with regard to plats, but the problem is that the Corps has never stated what that buffer is supposed to be or any specifications such as the width of the buffer, etc. Mr. Phillips stated that Mr. Hart is correct, but this does not apply to the marsh, which is governed by State standards. Mr. Fields stated that the 25 ft. buffer will be challenged within the next two years. Mr. Phillips stated that Glynn County observes a 15 ft. buffer. Mr. Ussery stated that we are dealing with a Glynn County ordinance. Mr. Fields stated that he likes Mr. Ussery's earlier suggestion about the 7 ft. building setback. Chairman Hart agreed and added that it should state "not less than 7 ft." Mr. Phillips stated that he would draft language for the Planning Commission's review and before any action is taken, schedule a workshop for further discussion.

e) Discuss Amendment - Eliminating Fees for Banner Signs for Non Profit Organizations

Mr. Phillips stated that under the Sign Ordinance, permits are required for temporary banner signs and a fee is to be charged. Many such sign permits are issued to non-profit organizations, such as churches. The Board of Commissioners has proposed an amendment that would eliminate this fee but not the requirement for a permit. A copy of the amendment was included in the packages for the Planning Commission's review. Mr. Phillips stated that staff would advertise the amendment for a public hearing.

f) Status of Site Plan: Martin-Marietta Asphalt Plant

Mr. Frazier stated that the status report on the above item is included in the packages for information purposes only. An EPD Air Permit Hearing is scheduled for Tuesday, February 4, 2003 at 7:00 p.m. at the Glynn County Public Works Training Room on Norwich Street. It was noted that this is the same night of the Planning Commission meeting. Chairman Hart stated that arrangements would be made to try to adjourn early enough for the members to attend the EPD hearing.

At this time, Chairman Hart excused himself from the meeting. Vice Chairman Perry Fields presided over the remainder of the meeting.

b) Discuss Amendment - Private Schools in Residential Zoning Districts

Mr. Phillips stated that in reviewing the Zoning Ordinance, staff observed that there are discrepancies between the various zoning districts in terms of permitting private schools, such as Frederica Academy. In addition, there have been recent rezoning requests related to trade schools (beauty schools, automotive repair schools) that have presented problems because a more restrictive zoning solution was not available. A list analyzing some of the differences between the various zoning districts was included in the packages for review.

The following suggestions were made with regard to Frederica Academy's plans to expand their facilities: 1) Apply for a rezoning with a Planned Development Text; 2) Take out completely and make it a Special Use Permit in any zoning classification except residential. Mr. Phillips stated that in his experience, a special use permit has been the preferred technique for this type of use. However, he agreed to get additional information on the subject and bring this back for further discussion at the next meeting.

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