

# MINUTES

## GLYNN COUNTY PLANNING COMMISSION AUGUST 3, 2004 - 6:00 P.M.

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

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

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Chairman Fields 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.

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Upon a motion made by Mr. Jay Kaufman and seconded by Ms. Ann McCormick, the agenda for the August 3<sup>rd</sup> Planning Commission meeting was approved and unanimously adopted.

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GC-2004-08

Consider a request to rezone from R-9 One-Family Residential to Highway Commercial, property located at 4584 New Jesup Highway consisting of approximately 19,000 square feet on the northeast side of New Jesup Highway, 220 feet southeast of its intersection with Park Way, and having 67 feet of frontage on New Jesup Highway. Application by Clara C. Gaetz, Executor of the Estate of Lois B. Chaney.

Ms. Judy Kicklighter, realtor, was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

It was noted that this request was deferred several times for lack of representation. However, at the July 6<sup>th</sup> meeting it was deferred because a general layout plan had not been provided. The request is to rezone property to facilitate its sale. The property is involved in an estate, and no specific use or development is proposed. The property currently contains a home, and there appear to be homes on some of the adjacent properties. To the north is the Glenwood Estate Subdivision with a number of existing homes. There are commercial developments to the west and south across New Jesup Highway. This area is not served by public water or sewer.

The county's adopted Comprehensive Plan designates this area and the area to the north for low-density residential use. Areas to the northwest and across New Jesup Highway are designated for commercial use.

**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, provided that there is a comprehensive approach to the development of the several parcels making up the “triangle” area bounded by US 341, the Altamaha Canal right-of-way, and the Glenwood Estates subdivision.**

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

**An adverse impact is possible if the properties are developed in a piecemeal fashion.**

- 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.

**Not likely.**

- 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.**

- 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.**

This parcel is part of a triangle area bounded by the highway, the residential subdivision to the north, and the right-of-way for the Altamaha Canal. In view of the frontage for this triangle area along New Jesup Highway, single family residential is a less desirable use. Uses will, however, need to be selected that do not create undesirable impacts on neighboring residential property, and to function well. While it would be reasonable to change the zoning on the properties in this triangle, it would be appropriate to consider all of the properties together to the maximum extent possible.

Among other issues, access is significant. The subject property has virtually no access that will allow it to be developed to its full potential. Even if an access point can be developed, the adjoining properties will need adequate access if they are developed, and will need to share access since they may not be able to meet the criteria for separate entrances. In addition, some consideration needs to be given to creating a buffer between the existing residential area to the north and this area. This will be much more difficult to do as a practical solution without treating all of the properties in the triangle collectively.

Staff recommends that the application be approved with the clear understanding of the applicant that use of this property will be limited unless development can be coordinated with the other owners in the immediate area.

During the course of discussion, Chairman Fields reminded the applicant that according to Section 1102.4 of the Zoning Ordinance, “applications to rezone property, special use permit or conditional use permit...shall be accompanied by a general layout plan...” He stated that there is no getting around this point. Ms. Kicklighter provided

photographs in lieu of the general layout plan, which showed the property in question and the surrounding area. However, Chairman Fields stated that photographs are no substitute for a general layout plan. He explained that photographs do not show the items that the planning members are required to review, i.e., access drives, property lines, dimensions of the property, etc. He stated that they simply cannot consider this application without a general layout plan.

It was noted that Ms. Sherry Gainey, adjacent property owner, was present to speak in favor of this request.

Following discussion, a motion was made by Mr. Robert Ussery to defer this request for 60 days to allow the applicant enough time to obtain a general layout plan of the property. The motion was seconded by Ms. Ann McCormick. Discussion continued. Mr. Phillips stated that this item could be placed on the agenda for the October 5<sup>th</sup> meeting beginning at 6:00 p.m. if deferred for 60 days. However, Chairman Fields pointed out that the request could be considered sooner if the applicant provides the general layout plan before the October 5<sup>th</sup> meeting. Ms. Kicklighter concurred. There being no further discussion, the motion for deferral was unanimously adopted.

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SUP-2004-02

Consider a request for a special use permit for a restaurant at 121 Mallory Street, Unit 101. The property is located on the west side of Mallory Street approximately 100 feet south of its intersection with Butler Avenue. Zoning is GC-Core. Application by Jeff Rentz, agent for Hinnants In Common, Inc.

Mr. Jeff Rentz was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

This proposed restaurant is on the west side of Mallory Street, a short distance south of Butler Avenue in the St. Simons village area. This is part of a row of shops and restaurants that line this side of the street. To the west is an alley, across which is residential. To the east of the street is the public parking area in the village, serving the businesses and the Pier.

This site was occupied by a restaurant (Coconut Willies) for many years until late 1999 or early 2000. A church club was located in this building for a short time, after which it was remodeled. This application is for one-half of the space formerly used by Coconut Willies.

The county's adopted Comprehensive Plan designates this area for commercial. The site is subject to the provisions of the GC-Core Zoning District (which is only found in this area) and the Village Preservation Overlay District. Specific issues raised by these regulations address building appearance and parking.

The building received minor changes when it was remodeled, notably the addition of a second doorway so that the space could be divided into two spaces. No specific approval was required. The only outward change left to make is the likely addition of a sign. Any change to the exterior will be governed by applicable provisions of the Village Preservation Overlay District, as well as the sign regulations.

Parking is an issue for the GC-Core District. Very few, if any, of the businesses in the district provide any parking at all, and any that do generally provide less than the amount required by the Zoning Ordinance. Based on the general parking standards contained in the ordinance, it appears that 20 spaces would be required to support the patron seating area and the number of employees.

Under the GC-Core provisions, parking for a use of this type and size must be provided for at least 50% of the number of spaces required by the general parking regulations, or 10 spaces. According to the GC-Core provisions, parking may be provided in one of two ways: (1) provision of private parking on-site or within 100 feet, or (2) provision of public parking within 500 feet. The site is developed with 100% building coverage and cannot provide parking on site. Consequently, parking will have to be provided as private parking within 100 feet or public parking within 500 feet of the district. The applicant contends that the parking requirement is met because the site is located adjacent to the public parking that is on the street and in the public parking area adjacent to the Pier.

Location and use of dumpsters in the public alley behind this site has been an issue in the past. In addition, it appears that the grease trap in the alley behind this site needs repairs. Measures will need to be taken to address these issues under the general guidance of the Department of Public Works and the Utilities Division.

The proposed use is consistent with the historic use and with the uses in the area. There are some technical issues related to the dumpsters and grease trap that need to be addressed. The most significant issue appears to be the parking requirement.

Staff recommends that this application be approved subject to meeting the parking requirement.

Mr. Robert Ussery stated that according to the applicant, there is public parking in the village, which is true, but public parking in the village is actually private areas that have been turned into public parking. He then gave several examples of where this has occurred. He stated it appears to him that parking is still an issue and this request doesn't meet the requirement of the ordinance.

Chairman Fields stated that he thought there was some type of arrangement where certain businesses could only be open at certain times to accommodate the multi use of the public parking at the end of Mallory near the pier. He stated that perhaps something could be done through the hours of operation to reduce the parking conflict. Mr. Phillips stated that if there is a recommendation for approval, the Planning Commission, in accordance with the ordinance, could attach conditions and hours of operation could be included.

During a brief presentation, Mr. Jeff Rentz pointed out corrections to the application. He stated that the information that was first provided about the dimensions indicated that the property contained 5,254 sq. ft. with 70 ft. of frontage. Those are the dimensions of the property as it existed originally when it was "Coconut Willies." However, since that time, Hinnants In Common have made improvements. They have divided the one piece of property into two units, and the square footage is now approximately 2,100.

In addressing the parking issue, Mr. Rentz stated that this is a matter of interpreting the statute. The ordinance that governs this application is Section 715 General Commercial Core District, which states that it is the intent of this section to be developed and reserved for St. Simons Island Village Area. He agrees with Mr. Phillips that this area is unique in that it has been in existence for a very long time and the parking situation has almost been grandfathered in. He stated that the use as a restaurant is specific to this property and it is already setup to be used as a restaurant. It has an existing grease trap, which was recently inspected and he was told that it is in working condition.

Regarding the dumpsters and garbage pickup in the back, Mr. Rentz stated that it is his understanding that all of the businesses in that area use the alley for disposal and delivery of supplies. He is certain that all parties involved would be willing to make arrangements or some type of agreement to use whichever dumpster is most convenient for everybody within that strip of businesses.

Referring back to the parking situation, Mr. Rentz pointed out that the language that is most applicable in this case, as indicated by Mr. Phillips, is listed under Section 715.3 b) 3, which states that “restaurant and/or drinking establishments having a patron space larger than 400 sq. ft. and 16 person seating capacity will be allowed as a special use only when parking spaces are provided for 50% or greater of the total number of spaces required as per Section 611.6...” He stated that he agrees with Mr. Phillips in that the number should be 10. However, the issue is whether or not the establishment has to provide these parking spaces, or that the district itself need only provide the availability of public parking for the establishment. He stated that if it is available to buy or lease 10 spaces of public parking, he is confident that all parties involved would be willing to do so. To avoid any delays in obtaining a recommendation, he is asking that the Planning Commission approve the request on the condition that the applicants get those 10 spaces. Mr. Rentz stated that in his opinion, if the burden were placed upon new establishments to provide 10 additional spaces, it would almost preclude any establishments from opening up a business in that particular area of the Island. He feels that it would be an undo burden to place that responsibility on new establishments. It is clear to him that there is enough parking to meet the 10 space requirement.

Mr. Mike Aspinwall wanted to know the actual hours of operation for the proposed establishment. Mr. Rentz stated that the hours would be from 4 p.m. to 10 p.m. on weekdays and from 11:30 a.m. to 11:00 p.m. on weekends. Mr. Aspinwall asked Mr. Rentz if most of his clientele would be local residents or visitors. Mr. Rentz stated that he is hoping to attract both the local residents and tourists because he thinks that there is a need for a raw bar in the village area.

Mr. Ussery asked Mr. Rentz if he had looked at what other restaurants in the area have had to do relative to parking. Mr. Rentz replied no. Mr. Ussery stated that having enough parking has always been an issue. However, the most recent restaurants have had to provide parking. He stated that he would like for Mr. Rentz to look at what others have done in the past in an effort to solve the parking situation.

Chairman Fields stressed that an inventory is needed to show what is available in terms of public parking, and also to show how many spaces are allocated. Mr. Ussery stated that in order to do a proper inventory we need to look at all of the businesses and all of the requirements for all parking in the district; not just for restaurants.

Following discussion, a motion was made by Mr. Robert Ussery to defer this request until the August 17<sup>th</sup> meeting beginning at 6:00 p.m. to allow staff to research the last few special use permits issued in the pier area, and to also do an inventory of the number of public parking spaces available and the number of spaces allocated. The motion was seconded by Mr. Jay Kaufman and unanimously adopted.

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GC-2004-18

Consider a request to rezone from R-12 One-Family Residential to Mh-6 One-Family Residential, property located at 865 Old Jesup Road consisting of approximately 10,800 square feet on the west side of Old Jesup Road approximately 325 feet south of its intersection with Boyd Drive. Application by Shirley & Deonne Bonamie, owners.

Ms. Deonne Bonamie was present for discussion.

The following report from staff was included in the packages for the Planning Commission’s review:

This site is located along Old Jesup Road in an area of mixed residential uses. The land on the west side of Old Jesup Road is generally zoned R-12, while the east side is a mix of R-9, M-9 and other residential zones.

The county's adopted Comprehensive Plan designates this area for low-density residential use. Because the lots have been previously platted, they may be used under the subdivision and zoning regulations, provided the uses and setback requirements of zoning are met.

**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.**

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

**No.**

- 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 low density residential.**

- 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 applicant has a fairly large parcel consisting of six previously plated lots and seeks to locate a mobile home on the property. While one lot (lot 17) will be zoned differently and used for a mobile home, this lot would not be able to be conveyed without providing an access. An Mh-9 or Mh-12 would be more appropriate in light of the overall density of the zoning in the area, but would necessitate re-subdivision. A restriction on further units without meeting subdivision requirements (particularly access) would be appropriate.

Staff recommends that the application be approved subject to no further zoning changes and a limit of two units on the six lots without meeting requirements for subdivision.

Mr. Nevill stated that the applicant could actually have three residences on the property since there is frontage on Old Jesup Road. Mr. Phillips agreed but stated that the problem is the lot width. The existing house occupies four of the six lots. The intention is not to convey the property to avoid going through several steps. Chairman Fields disagreed. He stated that if Lots 18 and 19 are lots of record, the property owner should not be forced to change it.

Ms. Deonne Bonamie gave a brief presentation. She stated that she purchased the property, which contains six lots. She explained that Lot 3 is an empty lot and the house sits on Lots 4 and 5. Lots 17, 18, 19 located in the back are empty. She stated that she

would access Lot 17 via Lot 3. Chairman Fields stated that although he doesn't agree with the stipulation noted by staff, he does not have a problem with the rezoning itself.

Following discussion, a motion was made by Mr. Gary Nevill to recommend approval of this request. The motion was seconded by Mr. Jay Kaufman and unanimously adopted.

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PP-2004-0706-1400 Woodman Acres

Application for approval of a preliminary plat for property located on W.O.W. Camp Road, approximately 1,200 feet south of Keith Road. The project consists of 6 duplex lots on 4.2 acres, and will be served by a community well, individual septic tanks, and a public road. The property is zoned General Residential. Nathan Boudreaux, owner.

Mr. Ray Richard was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

Staff has reviewed this proposed preliminary plat and has no significant comments that cannot be addressed during the construction plan review phase. Therefore, staff's recommendation is for approval subject to meeting all requirements.

Chairman Fields asked if the lots would have one septic tank or dual septic tanks. Mr. Richard stated that he discussed this with the Health Department and due to the size of the duplexes, there will be a single septic tank for the duplex building with a community well. Chairman Fields wanted to know the size limitation on the units using only one septic tank. Mr. Richard replied that it would be limited to two restrooms per unit.

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

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PP-2004-0727-1200 Marina Drive

Application for approval of a preliminary plat for a private street to serve the Golden Isles Marina development. The property is located on the south side of the Torras Causeway approximately 2,000 feet west of St. Simons Island, and consists of 28,602 square feet. The property is zoned Planned Development and is part of the Golden Isles Marina Planned Development. Golden Isles Marina Village, owner.

Mr. Ernie Johns and Mr. Bob Miles were present for discussion

According to the staff's report, the intent of the action at this time is to make it possible to divide (by minor plat) the Golden Isles Marina property into several parcels to facilitate the continued development and redevelopment of the site. Zoning approval to support this project was given in July 2003.

All improvements exist; however, the road that will become the private street was originally constructed as a driveway. The Engineering Division indicates that the Planning Commission should express its determination that the existing road meets the intent of the requirement for a street. Technical details on the current status of the road will be supplied to the County Engineer before final plat approval. The maintenance of

the road will remain with the property owners. Also note that all future building projects will require site plan approval by the Planning Commission.

Staff recommends approval of the preliminary plat subject to the submission of technical information regarding the road.

Chairman Fields expressed concerns about staff's comment regarding the existing road meeting the intent of the requirement for a street. He stated that he is particularly concerned about possible improvements and the design criteria needed to bring the road up to standards. However, Mr. Nevill stated that the issues about the road would be addressed and all requirements would be met when the applicant goes for final plat approval. Mr. Phillips added that perhaps he should have stated that staff's recommendation is for approval subject to the County Engineer finding that the street is acceptable under the regulations.

Following discussion, a motion was made by Mr. Gary Nevill to approve this preliminary plat. (Mr. Nevill felt that the condition regarding the County Engineer finding the street acceptable is not necessary at this time.) The motion was seconded by Mr. Jonathan Williams. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Jay Kaufman, Ms. Ann McCormick, Mr. Gary Nevill and Mr. Jonathan Williams. Abstained From Voting: Mr. Robert Ussery.

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## MINUTES

### **Regular Meeting: July 20, 2004**

The Minutes of the July 20<sup>th</sup> Planning Commission meeting were approved and unanimously adopted subject to any necessary corrections.

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There being no further business to discuss, the meeting adjourned at 7:35 p.m.