

MINUTES

GLYNN COUNTY PLANNING COMMISSION SEPTEMBER 21, 2004 - 6:00 P.M.

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

ABSENT: Perry Fields

STAFF PRESENT: John Peterson, Director
York Phillips, Planning Manager
Eric Landon, Planner II
Janet Loving, Admin/Recording Secretary

Vice Chairman Robert Ussery 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.

Mr. Phillips advised that the applicant for agenda item #3 (*SUP-2004-03*) has requested that this item be continued. Official action by the Planning Commission is required. Thereupon, a motion was made by Mr. Jay Kaufman, seconded by Mr. Gary Nevill and unanimously adopted to continue this item (*SUP-2004-03*) at the October 5th Planning Commission meeting beginning at 6:00 p.m.

Mr. Phillips stated that the applicant for agenda item #8 (*Beachview House Inn*) has also requested a continuance until the October 5th Planning Commission meeting. (Planning Commission action is not required in this case.)

There being no further changes to the agenda, a motion was made by Mr. Jay Kaufman to accept the changes and approve the agenda for the September 21st Planning Commission meeting. The motion was seconded by Mr. Gary Nevill and unanimously adopted.

GC-2004-20

Consider a request to rezone from Highway Commercial to R-12 One Family Residential, property located at 141 Granville Nix Lane on the south side of Granville Nix Lane approximately 550 feet west of its intersection with Altama Avenue, and consisting of approximately .56 acres with 120 feet of frontage on Granville Nix Lane. Property owned by Robert Clark.

Ms. Renee Whittington, agent, was present for discussion.

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

This area is developed largely for non-residential uses, although a number of homes exist along Granville Nix Lane. The owner of this home does not wish to convert the use to commercial. The county's adopted Comprehensive Plan designates this area for residential 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.

- 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 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 proposed zoning change is consistent with the use of the land and with the adopted Comprehensive Plan. Staff's recommendation is for approval.

Ms. Maria Lugie, adjacent owner of three acres of property near the applicant, was present to oppose this request. She stated that one of her objections is the fact that Mr. Clark is not in attendance. If Ms. Whittington has power of attorney, she would like to see it in writing. She further stated that the property is more valuable as commercial. She explained that she and other property owners have been approached about someone purchasing the property. She feels that it would be in Mr. Clark's best interest and everyone else who owns property on that particular street to let it remain commercial.

For clarification, Mr. Phillips pointed out that Ms. Renee Whittington is the authorized agent for Mr. Clark. A signed "Authorization Form" is on file. Ms. Whittington stated that Mr. Clark has a heart condition and could not be here. He therefore asked her to speak on his behalf.

Mr. Claude Bunn, the son-in-law of the adjacent property owner, Mrs. Mary Ellen Woodham, was present to speak on her behalf. He stated that his mother-in-law is about 88 years old and could not be here. The property is zoned commercial but she owns a home near the commercial property. He stated that Ms. Woodham has been approached by an attorney who would not disclose who he represents or what development would be going on in the area. However, it appears to be a sizable development judging by the number of lots that this attorney stated he would be purchasing. Mr. Bunn stated that with these types of sensitive negotiations and on behalf of Ms. Woodham, he is opposed to changing the zoning. He stated that he doesn't know what kind of affect this change would have on Ms. Woodham's property and he would like to have more time to confer

with the attorneys and everybody involved. Basically, they need more information and time to sort things out.

Mr. Ron Eulenfield, Mr. Bunn's brother-in-law, stated that their mother-in-law is almost 90 years old. She lives on Grandville Nix Lane and the entire area around her is commercial. The shopping center that is proposed to be torn down is located in her back yard and there are also commercial developments located on the Altama side of her home. There is some residential property near her as well as a church. He stated that his mother-in-law's home was built in the early 60's and does not have a high value as residential. Mr. Eulenfield stated that although the area is zoned commercial, as it should be, she does have an existing residence there. But if she is willing, the family would like to sell her property and buy a condo for her to live out the remainder of her life more comfortably.

Ms. Renee Whittington stated that Mr. Clark is asking to have the property rezoned back to residential so that he can improve his property, add a room and eventually add a carport on to his house.

Mr. Lewis Williams was present to speak in favor of this request. He wanted to know how would rezoning the property back to residential affect the value of the adjacent properties. He doesn't think that it would. Mr. Ussery explained that the property owners are concerned that it might affect their property value in that the adjacent commercial property might be expanding and therefore would be worth more than the residential property, which is what they are debating.

Mr. Nevill stated that although the property is zoned commercial there is an existing residential structure on the property. He understands that they could not get a building permit to put another residential structure on the property, but wouldn't they be allowed to get a permit just for improvements on the existing structure? Mr. Phillips stated that it would have an affect if the building were destroyed or damaged beyond a certain point. It would also depend on the significance of the addition. He stated that non-conforming uses are outlined in Article V of the ordinance. There is also a section that deals with repairs and expansions after the use is discontinued, etc.

Mr. Kaufman stated it appears that the rezoning was brought about by the applicant's desire to improve his property. Personally, he would like for him to improve his property without having it rezoned if possible.

Mr. Ussery asked Ms. Whittington if she knew the size of the addition that the applicant is proposing. Ms. Whittington stated that she does not know.

Mr. Aspinwall asked if this particular rezoning would constitute spot zoning. Mr. Phillips replied no. He explained that spot zoning is really a problem if there is no related difference in the situation. In this case, there are two or three lots where the actual use is residential contiguous to some lots that are actually used as commercial. Mr. Aspinwall stated that if the Planning Commission were to grant this request and rezone the property to residential and if someone came in and offered to buy the property, there isn't anything that could stop the potential buyer from requesting that it be changed back to commercial. Mr. Phillips stated that is correct. Also, there is no time limit to prevent this unless the request is denied.

Mr. Eulenfield stated that he is concerned about the development of the shopping center behind his mother-in-law. Evidently the developers want to expand into the area and he does not want his elderly mother-in-law to be caught in the middle of everything that comes with construction, i.e., noise, etc. especially during what might be the last ten years of her life. Incidentally, he disagreed with Mr. Phillips and stated that in his opinion, this would be considered spot zoning.

Mr. Claude Bunn asked if it would be possible to leave the zoning as is and grant a variance for the addition and the repairs. Mr. Phillips explained that the 50% rule would apply and the alternative would be to rezone.

Ms. Maria Lugie asked if the request could be continued to allow the applicant to get an estimate of the cost to repair the house and determine what the size of the addition would be. This way, they would all have a chance to speak with Mr. Clark directly since he is the landowner. Mr. Ussery stated that it is possible, but there are a lot of possibilities.

Mr. Nevill stated that he would almost like to see the property remain commercial in that the value of the land would be greater, and if Mr. Clark could get a building permit, everybody would win. Mr. Ussery stated that if the size of the addition is less than 50% of the value of the home the applicant would not have to rezone the property. Mr. Nevill stated that perhaps Ms. Whittington could ask Mr. Clark if he would be amicable to delaying this request for two weeks to get an estimate of the cost of the repairs and the size of the addition. He could still come back and request the rezoning. Ms. Whittington stated she feels that Mr. Clark would prefer to have the property rezoned to residential at this time.

Following discussion, a motion was made by Mr. Jay Kaufman to recommend denial of this rezoning. However, the motion died for lack of a second. Discussion continued. Afterward, a motion was made by Ms. Ann McCormick to recommend approval of this rezoning. The motion was seconded by Mr. Mike Aspinwall. Voting Aye: Mr. Mike Aspinwall, Ms. Ann McCormick, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. Voting Nay: Mr. Jay Kaufman. It was noted that this recommendation would be forwarded to the County Commissioners for final action.

GC-2004-22

Consider a request to rezone from General Residential to Planned Development, property located on the south side of Southport Parkway and consisting of the Planting Hammock Subdivision containing 20 acres with 795 ft. frontage on Southport Parkway. The principal purpose of the change is to modify the development standards applicable to the platted subdivision and to allow permitted two-family dwellings to be conveyed on individual parcels of land. Property owned by Planting Hammock Development Corporation.

This request was deferred until later in the meeting pending arrival of a representative.

GC-2004-ZT2

An Amendment to the Glynn County Zoning Ordinance, Article VI, Section 723 (*Planned Development District*), Subsection 723.2 (*Eligibility Requirements*) by striking items 1) and 2) so as to delete the minimum parcel size and the minimum width requirements, and for other purposes. This item was originally heard August 17, 2004.

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

The Planning Commission has had a number of instances where development review problems could be satisfactorily resolved through the use of the Planned Development zoning district. In some cases, however, this is not possible because the district requires a minimum area of three acres and a minimum lot width of 300 feet. These minimums are appropriate (and in fact should probably be larger) where the intent of the district is to provide for a true integrated, multi-use development. Unfortunately, the ordinance doesn't allow much choice but to use the PD district in some cases, and the simple solution is to eliminate the minimums so that the district can help serve this purpose.

Mr. Phillips stated that the Planning Commission might wish to defer this item to a workshop to determine what type of recommendation to forward to the County Commissioners for final action. The Planning Commission concurred. Thereupon, a motion was made by Mr. Jay Kaufman to continue this item at a workshop beginning at 5:00 p.m. on October 5, 2004. The motion was seconded by Mr. Jonathan Williams. Voting Aye: Mr. Jay Kaufman, Ms. Ann McCormick, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. Mr. Mike Aspinwall stated that he will not be at the October 5th workshop or meeting and therefore he abstained from voting.

GC-2004-ZT3

An Amendment to the Glynn County Zoning Ordinance, Article X (*Appeals, How Taken*), Section 1008 (*Public Hearings on Appeals*), so as to provide for mailed notices and so as to allow expedited hearings on certain items, and for other purposes. This item was originally heard August 17, 2004.

In presenting the staff's report, Mr. Phillips stated that the requested changes result from discussions by the Board of Appeals. One issue is notice to nearby property owners. The notice requirements for Board of Appeals actions do not include a mailed notice to adjacent property owners, as do the requirements for rezoning. The Board of Appeals feels that this will remove a problem with failure of nearby owners to be aware of pending actions. The other issue deals with finding ways to expedite simple variance cases. There is no provision for administrative variances or other shortcuts. The proposed solutions will not appreciably affect the overall time required, but may expedite cases once they come to the Board of Appeals meetings.

The Planning Commission heard this item at the August 17th meeting and continued it to discuss other changes that might need to be made. Staff presented this item to the Board of Appeals at its September 9th meeting, at which time the Board concurred that other changes should be reviewed, but supported the pending changes as an interim approach.

Staff suggests at this time that the Planning Commission take action only on the amendment to Section 1008 (*Public Hearings on Appeals/Notices*). The Planning Commission concurred. Thereupon, a motion was made by Mr. Jay Kaufman to recommend approval of the proposed amendment to Section 1008. The motion was seconded by Ms. Ann McCormick and unanimously adopted.

PP-2004-0819-1500 Autumn's Wood

Application by Alta Road Developers, owner, for approval of a preliminary plat for a property located on SR 99 approximately 1.4 miles east of US 341. The project consists of a 209 single-family development on 80 acres. The project is zoned Planned Development and is located within the Tanglewood Planned Development.

Mr. Chris Amos 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 comments that cannot be addressed during the construction plan review phase. There is one issue, however, that needs to be addressed by the Planning Commission. The PD text and

master plan that applies to this development does not provide for street connections to the south. The master plan for the adjoining PD development to the south was adopted more recently and shows two street connections into this development. The proposed preliminary plat shows a single connection. While a connection is appropriate for traffic flow and emergency access purposes, a connection in the manner shown will create a major thoroughfare through this project, which is not desirable. On the other hand, if the project to the south is limited to access from Chanslor Road, this will place a significant burden on that facility.

Mr. Phillips stated that there is an area on the preliminary plat referred to as storage. Staff is not sure what that consists of or whether it is consistent with the PD text that was approved.

Mr. Chris Amos explained that the storage shown on the plat is for RV's and boats so that they can be adequately screened and fenced in. It is his understanding that it is consistent with the PD text, as discussed with Mr. Ray Richard who did the PD text on this project originally.

Mr. Phillips suggested approving the request subject to the Planning Commission's review of a site plan in order to see the detail of the design. Mr. Ussery asked if the Atlantic Gas & Light is listed as a roadway. Mr. Amos replied no, it is strictly an easement with no access to the storage area.

Mr. Nevill asked if the access to the lakes for maintenance would be through the greenspace and the park. Mr. Amos replied yes, that is the intent. Mr. Nevill then asked if Mr. Richard is amicable to pushing the road through to his property. Mr. Phillips replied yes. Mr. Amos added that he spoke with Mr. Richard who stated that he has no problem with what is being proposed. Mr. Nevill stated that before the plat gets signed he would like to see a few things added. He stated that the note should be added "Preliminary Plat Do Not Record," and he would like to see the rest of the boundary information on the plat.

Following discussion, a motion was made by Mr. Gary Nevill to approve this request subject to the modification to the plat to meet the preliminary plat requirement, i.e., the boundary and adjacent landowners. The motion was seconded by Mr. Mike Aspinwall. Discussion continued. Mr. Phillips stated that there needs to be a separate document submitted similar to a site plan for storage to be reviewed perhaps at another meeting. Mr. Amos suggested putting this as a separate item to avoid any delays. Mr. Phillips stated that it just needs to be reviewed before any permits are issued.

At this time, Mr. Nevill attempted to amend his motion by stating that the request be approved subject to meeting the preliminary plat requirements per Section VII and a site plan for the storage; however, discussion continued. Mr. Amos suggested stating that the RV and boat storage be approved subject to the Planning Commission's review prior to the issuance of land disturbing activities permits on that portion of the site. Mr. Nevill concurred and added that as an amendment to his motion. For the record, the official motion is for approval of the preliminary plat subject to the modification to the plat to meet the preliminary plat requirement, i.e., boundary and adjacent landowners, and subject to the Planning Commission's review of the RV and boat storage prior to issuance of any land disturbing activities permits on the storage site. The motion was seconded and unanimously adopted.

Variance Request - Marina Drive

Request by John Hunkele, Jr., agent for Boyce Mann and Golden Isles Marina for a variance from the minimum road elevation requirement in the Glynn County Subdivision Regulations.

Mr. Hunkele was present for discussion.

According to the staff's report, this property is zoned Planned Development and is located within the Golden Isles Marina Planned Development. A preliminary plat for this street has been approved. The objective is to plat the street so that development parcels can be created fronting on it. A plan is being prepared and a bond amount set to guarantee upgrading of the driveway to meet street standards in connection with the actual development of these parcels.

Staff has reviewed this proposal and has no significant comments. The County Engineer recommends approval of this variance and staff recommends approval subject to meeting all requirements.

Following review, a motion was made by Mr. Jay Kaufman to grant the variance as requested. The motion was seconded by Mr. Gary Nevill. Voting Aye: Mr. Mike Aspinwall, Mr. Jay Kaufman, Ms. Ann McCormick, Mr. Gary Nevill and Mr. Jonathan Williams. Abstained From Voting: Mr. Robert Ussery.

SP-2002-0507-1626 Sea Island Lake Cottages, Phase II
Request by Bill Edenfield for extension of site plan approval for five (5) row houses to be located on the south side of Sea Island Lake Cottages Drive, approximately 180 ft. east of the development entrance on Sea Island Causeway. Property owned by Sea Island Company.

Mr. Edenfield was present for discussion.

According to the staff's report, the original site plan was approved on August 6, 2002, and a one-year extension was approved on August 5, 2003. A preliminary plat and construction plans have also been approved for the road. The applicant is working to complete the requirements for final plat approval, and plans to submit a bond to guarantee construction of subdivision improvements.

The applicant has also submitted a request for extension of the site plan approval. A copy of this request, as well as a copy of the overall plan of development and the site plan for this phase was included in the packages for review.

There have not been any changes in applicable regulations or in the conditions affecting the site plan approval. Staff recommends approval of a one-year extension, to expire August 6, 2005.

Following review, a motion was made by Mr. Gary Nevill to approve this request. The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

It was noted that there was still no one present to represent agenda item #2 (GC-2004-22). Therefore, it was the consensus of the members to defer this item until the October 19th Planning Commission meeting beginning at 6:00 p.m.

MINUTES

Regular Meeting: September 7, 2004

Upon a motion made by Mr. Mike Aspinwall and seconded by Mr. Jay Kaufman, the Minutes of the September 7th Planning Commission meeting were approved and unanimously adopted.

Under **Chairman Items**, Mr. Ussery stated that he was approached by two County Commissioners asking that the Planning Commission revisit the height issue with regard to the number of floors allowed on St. Simons Island, perhaps similar to the Sea Island Planned Development, which has a limitation of four floors. Mr. Ussery stated that he would like to confer with Mr. Fields before placing this item on the agenda for discussion.

There being no further business to discuss, the meeting adjourned at 7:15 p.m.