

MINUTES  
GLYNN COUNTY PLANNING COMMISSION  
OCTOBER 5, 2004 - 6:00 P.M.

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

**ABSENT:** Mike Aspinwall

**STAFF PRESENT:** York Phillips, Planning Manager  
Iris Scheff, Planner III  
Eric Landon, Planner II  
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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Mr. Phillips advised that staff is still waiting for a general layout plan for application **GC-2004-08** (agenda item #3); therefore this item will be continued.

There being no further changes to the agenda, a motion was made by Mr. Gary Nevill, seconded by Mr. Jay Kaufman and unanimously adopted to approve the agenda for the October 5<sup>th</sup> Planning Commission meeting.

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SUP-2004-03

Consider a request for a special use permit to allow a 300 ft. telecommunications tower on property located on the south side of Cutoff Road (Woods Road) approximately 500 feet east of its intersection with Old Jesup Road. The property is zoned Forest Agriculture. The tower is to be owned by Foresite, lessee, which also requests a waiver from the landscaping requirement. Belinda Bodie, agent for Ronald and Douglas Adams, owner. (Continued from the September 21<sup>st</sup> meeting.)

Ms. Belinda Bodie and Mr. John Farley were present for discussion.

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

This is a proposal to construct a 300 ft. telecommunications tower in a rural area of Glynn County near US 341. There are a few dwellings near the site, which is served by an unpaved road. The tower appears to meet the requirement that it be located at least 300 ft. (i.e. the height of the tower) from any residential structure. The applicant requests modification of the landscaping requirement on the basis that there is natural vegetation that can provide an equivalent visual buffer.

The ordinance requires the Planning Commission to consider any opportunities for co-location of proposed antennas on existing towers. There is a Glynn County tower on Zuta Branch Road off US 341 approximately three miles from this site. The applicant has indicated that the existing tower will not provide the same coverage area as would be provided by the proposed location. The county's telecommunications tower consultant has evaluated the proposal and concluded that it is possible that the existing tower might not serve the same coverage area. Note that this tower is in lieu of a tower, which was recently approved northeast of Thalman, approximately four to five miles from this site.

The county's adopted Comprehensive Plan designates this area for agriculture and forestry use.

This is a very sparsely developed area, which will receive limited impacts from the proposed tower. If it is preserved, the existing vegetation should provide an adequate buffer and obviate the need for landscaping.

Staff recommends approval of the special use permit application and approval of the request that the Planning Commission modify the landscaping requirement.

Chairman Fields had questions about the tower that was to be located northeast of Thalman. Ms. Bodie stated that the tower that Chairman Fields is referring to will not be built. To her knowledge, the lease has been cancelled and the permit could be revoked if the Planning Commission deemed necessary. Chairman Fields stated that the tower was approved with conditions that existed at that particular time and he is concerned about possible changes in those conditions in the future. Mr. Phillips stated that he would have to check the ordinance for procedural purposes particularly in the event of expiration. In an effort to satisfy those concerns, Ms. Bodie agreed to submit a letter of cancellation for the previous tower request.

Following discussion, a motion was made by Mr. Gary Nevill to approve this request with the modified landscaping requirement. The motion was seconded by Mr. Robert Ussery. Voting Aye: Mr. Perry Fields, Ms. Ann McCormick, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. Abstained From Voting: Mr. Jay Kaufman.

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GC-2004-21

Consider a request to rezone from Medium Residential and R-12 One Family Residential to General Commercial, property located at the southeast corner of Altama Connector and Old Cypress Mill Road (MR portion: 12.1 acres), together with a parcel located on the north side of Altama Connector approximately 825 feet east of its intersection with Old Cypress Mill Road (R-12 portion: 3.75 acres), and consisting of 15.85 acres total. The MR portion has approximately 632 feet of frontage on Old Cypress Mill Road and approximately 1,072 feet of frontage on Altama Connector. The R-12 portion has approximately 660 feet of frontage on Altama Connector. Pam Timbes, agent for Mike Morrison, owner.

Mrs. Pam Timbes was present for discussion.

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

This is a request to rezone from Medium Residential and R-12 to General Commercial to facilitate the sale of the property. The R-12 portion of the site (located on the north side of Altama Connector Extension) is shown as being in a conservation easement and may not be useable for development. The MR portion of the site has frontage on Old Cypress Mill Road and on Altama Connector Extension.

To the west, northwest, and southwest are residential areas, almost exclusively with single-family dwellings. To the east is a commercial area, including the Home Depot and the shopping center containing the Circuit City. These are part of the Glynn Place Mall Planned Development.

This site was previously requested for commercial zoning. That application was not approved and the MR zoning was subsequently requested and granted.

The county's adopted Comprehensive Plan appears to designate this area for agriculture and forestry use, however it is more likely that the designation should read as medium to high density residential.

**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, subject to consideration of traffic patterns and buffers for adjacent residential areas.**

- 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.

**Yes.**

- Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan.

**It is believed that the future land use map identifies this area as medium to high 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.**

While extensive commercial development has occurred in the vicinity of the Mall, some services may still be needed to serve the community. Specifically, a neighborhood level shopping center on the west side of the mall area is not inappropriate. The proposal here does not identify types of commercial development, so there is no specific assurance that this will be the type of commercial, which results. Consideration of traffic patterns and buffers may be addressed by requiring Planning Commission review of a site plan at the time of development.

Staff recommends that the request be approved subject to the Planning Commission's review of a site plan to address traffic patterns and buffers.

Mr. Ussery wanted to know if any other commercial zoning had been considered for this property other than General Commercial. Mr. Phillips stated that if staff were dealing with a developer, he would have suggested a PD zoning. However, in this case there is no developer and a PD would tie the hands of a prospective developer. Mr. Ussery stated that he's not particularly concerned about a PD. His concern is that there are no setbacks in the GC zoning district. Mr. Phillips stated that staff has suggested that the Planning Commission review the site plan because of the differences in GC and HC with regard to setbacks and the uses that would be more objectionable to a residential area. He stated that there is no zoning district other than a PD that would allow you to tear down a shopping center without putting some constraints on reasonable and appropriate development of the property.

Chairman Fields expressed concerns about traffic. He stated it appears that nothing was submitted to show how many trips per day would be generated by the development of this property. He feels that too much traffic would be placed in an already greatly congested area unless there are some road improvements, i.e., traffic light, etc. He is concerned about this being another "Home Depot/Circuit City fiasco."

Mrs. Pam Timbes stated that there is a traffic light at the intersection of Altama Connector and Old Cypress Mill Road. Currently, the use of the property could have 144 units, which would mean a lot more impact on the water and sewer system. There would be a lot less impact if a smaller community shopping center were developed. She stated that the property that has the conservation easement may remain that way and could possibly get donated to the county or some entity. Mrs. Timbes explained that there were two plats recorded on the very same day on that particular piece of property. One showed the entire area as a conservation easement and other one showed a portion of it having a conservation easement. She stated that they are in the process of determining which is correct. She stated that there is a retention pond on the larger tract.

Mr. Phillips stated that the indication of the conservation easement is listed on the survey contained in the files. It is not listed on the layout plan. Mrs. Timbes pointed out that there are existing deed restrictions on that particular piece of property, which states that the following would not be allowed: a home improvement store, a Circuit City, or stores that would compete with the stores in the other areas.

Mr. David Hobbs, adjacent property owner, expressed numerous concerns about this request. He stated that he is curious as to what types of businesses are allowed under the GC district. Further into the discussion, Chairman Fields read the permitted uses along with conditional uses allowed under the GC zoning district in accordance with the Zoning Ordinance. Mr. Hobbs stated that he is also curious about what types of buffers were required in the past and wanted to know if there is a legal description of the buffers, or is this left to the discretion of the developer. Chairman Fields explained that buffers are addressed by the Planning Commission.

Mr. Hobbs further stated that he is curious about the maximum number of vehicles per day that these parcels would accommodate and how this would affect existing traffic. He is also puzzled by the phrase in the staff's report indicating that the request for the rezoning is to facilitate the sale of the property. He assumes that this is from the developer's standpoint. Chairman Fields stated that this is not a concern acknowledged by the Planning Commission but they do need to look at what would be the highest and best use of the property in conjunction with what is appropriate for the neighborhood and the surrounding area.

Mr. Hobbs stated that the Comprehensive Plan does not designate this area as commercial. In fact, the verbiage indicates that it is designated as forestry and agricultural. He stated that the adjacent property is residential, and if this rezoning is allowed he feels that the residential property value would decrease greatly.

In response, Mrs. Timbes stated that she appreciates Mr. Hobbs' concerns. She added that if the Planning Commission would like to include restrictions on the rezoning regarding the buffers, she feels that it would be better to go forward with the rezoning to General Commercial. She reiterated that currently there could be 144 rental units allowed which would have a more adverse impact on the area in that it would increase the traffic and increase the impact on the water and sewer system.

Mr. Ussery stated that this particular area would be a good site for a PD rather than having to write in conditions on top of the principle use. There is always the fear of losing those conditions as time goes on. He stated that he has several concerns with zoning this property to General Commercial. Mr. Nevill stated that he shares some of those concerns but he does not see this as non-doable, provided they protect the residential area. However, Chairman Fields disagreed and added that an expansion of a commercial development is not needed in this neighborhood. It is an older established neighborhood. If the request was for something less intrusive, perhaps he could consider it, but not as submitted.

Following discussion, a motion was made by Mr. Robert Ussery to deny this request. The motion was seconded by Ms. Ann McCormick. Voting Aye: Mr. Perry Fields, Mr. Jay Kaufman, Ms. Ann McCormick, Mr. Robert Ussery and Mr. Jonathan Williams. Voting Nay: Mr. Gary Nevill.

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#### PP-2004-0909-1415 Danwoody Subdivision

(Original application number PP-99-18) Request by Harvey Sepler, owner for the extension of preliminary plat approval of a 9.9 acre 47 lot subdivision located on the north side of Butler Drive approximately 1,400 feet west of Highway 341. The property is zoned General Residential.

Mr. Brent Tawner was present for discussion.

According to the staff's report, this preliminary plat was approved originally on November 2, 1999. There have not been any changes in applicable regulations or in the conditions affecting the preliminary plat approval. Therefore, staff recommends approval of a two-year extension, to expire November 2, 2006.

During the course of discussion, Chairman Fields stated that the original approval was conditioned upon Lots 1 thru 4 and Lot 36 having no access to Butler Drive, and this was to appear on the plat itself. Mr. Nevill stated that a 1 ft. non-access easement was placed on the plan. Mr. Phillips stated that according to the Minutes of that particular meeting, a motion was adopted stipulating that access be limited to the internal road. Chairman Fields stated that he's not sure if the 1 ft. non-access easement accomplishes this. Mr. Nevill stated that note 3 on the plat indicates that Lots 1, 2, 3, 4 and 36 will not have access to Butler Drive, however, it does not show any reference to Lots 9 and 10. Chairman Fields stated that perhaps the easiest thing would be to revise the plat to include a statement that access would be limited to internal roads in the subdivision.

Following discussion, a motion was made by Mr. Gary Nevill to approve this request subject to adding a note to the plat that Lots 9 and 10 would have no access to existing streets. The motion was seconded by Mr. Robert Ussery and unanimously adopted.

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SP-2004-0915-1330 Fred's General Store

Application by Freddie White, owner, for site plan approval of a two building retail project totaling 24,130 square feet on a 4-acre parcel. This property is located on Highway 341 approximately 1,150 feet north of Crispen Boulevard and is zoned Highway Commercial.

Mr. Freddie White and Mr. Kip Goodbread were present for discussion.

According to the staff's report, this site was rezoned to Highway Commercial on March 4, 2004 subject to conditions. At the time of rezoning, staff discussed the need to connect commercial development in the US 341 corridor to utilities. The proposed development will use a well and septic system. Staff recommends that a condition be placed on the site plan requiring connection to utilities when they become available.

The proposed plan includes a requested reduction in parking in exchange for additional open space. A large open space area is shown for the northeast corner of the site, and is sufficient in size to compensate for the reduced parking.

A concern has been expressed by Engineering over drainage. This should be addressed under the building permit plan review, prior to issuance of the building permit.

Staff has reviewed the proposed plan and recommends approval subject to making some connection to utilities when they become available.

Chairman Fields had questions about the excerpt from the Minutes of the March 4, 2004 Board of Commissioners meeting where approval was granted for the rezoning "subject to a 6 ft. high solid fence being provided...specifications to be approved by the Planning Commission during site plan review." Chairman Fields stated that the Planning Commission is charged with approving the fence and as such, they need to know what type of fence is being proposed, i.e., wooden fence, masonry fence, or vinyl fence. Mr. Freddie White stated that he would like to install a 6 ft. high vinyl fence, or whatever the Planning Commission deems necessary.

Chairman Fields noted that lighting is not shown on the plan. Mr. White stated that the front and rear parking lot would be fully lit, and this would be included on the plan.

Mr. Nevill had questions about the entrance to the property. Mr. White stated that the entrance is supposed to lineup directly across from the Dollar General entrance, almost in the middle of the property. Mr. Kip Goodbread stated that the entrance was coordinated with DOT requirements.

Chairman Fields had questions about refuge. Mr. Goodbread explained that the refuge collection area is actually located at the end of the service entrance drive at the back of the property.

Ms. McCormick expressed concerns about a large Oak Tree and wanted to know if the building could be shifted in order to save this tree. Mr. White stated that the building could not be shifted any further. He pointed out that they have saved as many trees as they possibly could around the retention area and other areas of the parking. Mr. Goodbread explained that if they were to push the buildings closer to the front of the property, they would still have parking to deal with. He stated that they are trying to save the trees located in front of the property. In fact, they have worked around a 76-inch Live Oak Tree in order to save it.

Mr. Nevill noted that signage is not shown on the site plan. He asked if the signs would be on the building or in front toward the right-of-way. Mr. White stated that there would be a sign out front that says "Fred's General Store."

Referring back to lighting, Chairman Fields stated that he does not want the lights reflecting on or toward the neighborhood. Mr. White stated that the lights would be directed on the store, with dim lighting at night for security purposes. The hours of operation would be from 8:00 a.m. until 9:00 p.m. He explained that they have

constructed this type of business in other locations surrounded by residential dwellings and they have never had any complaints about lighting.

Chairman Fields stated that there are two conditions to be considered: 1) provide a 6 ft. high solid vinyl fence on the north, west and south side of the property; and 2) provide stub-outs to tie into utilities when they become available. Mr. White stated that they have no problems with these conditions; however, he expressed concerns about expenses relative to certain types of stub-outs. Mr. Nevill suggested they provide a gravity sewer stub-out. Mr. White concurred.

Following discussion, a motion was made by Mr. Robert Ussery to approve the site plan with the following conditions:

- 1) Gravity water and sewer stub-out to be provided to tie into future utilities;
- 2) Solid vinyl 6 ft. high fence to be installed north, south and west adjacent to the property line.
- 3) Dumpster site to be in the vicinity of the west side of the property.

The motion was seconded by Mr. Gary Nevill; however an amendment was added to include that signage is to be in conformance with the Glynn County Sign Ordinance. The amendment was accepted and the motion was unanimously adopted.

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SP-2004-0726-1530 Beachview House Inn v.2

Application by James Timbes, owner, for site plan approval of a 15-unit hotel (2 sleeping rooms each) consisting of 0.622 acre. The property is located on the east side of Neptune Drive between Forrest Street and Beachview Drive and is zoned Resort Residential.

Mr. James Timbes and Mr. Larry Bryson were present for discussion.

According to the staff's report, this is a site plan approval application for a 15-unit (30 sleeping room) hotel. The building will be three stories over parking. Staff has reviewed the proposed plan and finds no significant issues. This application has been revised slightly from a previous submission that was denied by the Planning Commission on July 6, 2004. Technical comments can be resolved during the building permit site plan review process.

The Planning Commission acted to deny the revised site plan at its meeting of August 17<sup>th</sup>. Subsequently, staff put the item on for discussion at the September 7<sup>th</sup> meeting to review the status of the request and to discuss the issue of residential vs. hotel use. The Planning Commission directed that the item be placed on the September 21<sup>st</sup> agenda. At the September 21<sup>st</sup> meeting, the item was continued to October 5<sup>th</sup> at the request of the applicant.

The principle issue involves the current discussion about the definition of "hotel" and the determination as to whether certain projects should be reviewed as hotels vs. residential. While this project has 15 units or suites, each consists of two sleeping rooms for a total of 30 sleeping rooms. Under the density standard based on units, the density is 24.12 units per acre, which is under the 35-unit/acre density permitted under the regulation that was in effect when the plan was submitted. Under the density standard based on sleeping rooms, the density is 48.23, which exceeds the standard adopted September 16<sup>th</sup> by the Board of Commissioners. If the units are treated as residential, the density limit is 16 units/acre. According to the County Attorney's Office, the project must be reviewed under the standards that were in effect as of the date the request was submitted.

Staff recommends approval of the site plan subject to meeting all requirements.

During a brief presentation, Mr. James Timbes explained that his proposal has always been planned as a hotel. The trend in this area and throughout the country is to have suites. He emphasized that this proposal has never been planned as anything other than a hotel and the only difference is that he is proposing suites. The project located to the west of this property, "The Arnold House," is a hotel and has always been a hotel. Mr. Timbes reflected back on comments made by some of the Planning Commission members who stated that during their travels with family members, they have stayed at hotels like the one he is proposing. He explained that reservations for this hotel would be handled through his office located one block away on the corner of Ocean Boulevard and Arnold Road.

Mr. Timbes pointed out that the Commissioners approved Cathy Dunn's project in July and Tommy Stewart's project in September. He feels that his project is the same as the two previously approved projects in concept and intent and should also be approved.

Mr. Ussery asked if the units are going to be sold. Mr. Timbes stated that he is planning to sell at least two or three units, but he would keep the majority of the units, which will be a condo hotel just like the Dunn and Stewart projects. Mr. Ussery asked Mr. Timbes if the buyers were going to be required to put the units in a rental pool. Mr. Timbes replied no, just like there is no requirement on the Dunn or Stewart projects for a rental pool. He stated that he has a situation where he markets the units as rental type units. He stressed that he has been in this business for a very long time and he has never known anyone to buy units to live in on a permanent basis; however, it could be done. He stated that he is offering a rental program. Mr. Ussery stated that in essence, there is nothing to prevent him from buying a unit and living in it permanently. Mr. Timbes stated that is correct, and the same could be done at the King & Prince, the Cloister, or at a lodge. He stated that it is his intent to keep at least 10 of the units, and those would be in a rental pool. He named other establishments throughout the country and some international companies that are doing the same exact thing. Again, he stated that there is a demand for these types of hotels and they need to be provided.

Chairman Fields stated that Mr. Timbes has raised an issue that wasn't raised before and that is the fact that he is selling the units, which then in his mind does not constitute a hotel because people could be buying the units to live in year round. The unit therefore becomes a residence. Chairman Fields stated that this bothers him. Mr. Timbes argued that Mr. Stewart and Ms. Dunn did the same thing with their projects. However, Chairman Fields pointed out that the question was not raised to Mr. Stewart who told the Commission that he was going to sell his units and rent them as a hotel. In fact, both Mr. Stewart and Ms. Dunn stated that their establishments would be operated as a hotel. Mr. Timbes stated that he intends to operate a hotel as well, and further more, if he keeps the majority of his units he then controls the association. Chairman Fields asked why would a hotel need an association. Mr. Timbes explained that if you sell one unit, you have to have a condominium association. He stated that the owners of the other two projects that the Planning Commission approved are going to sell their units as condominiums with the intent to operate as a hotel, which is what he plans to do.

Chairman Fields stated that he has twice supported this project but now he has a problem with it because Mr. Timbes has maintained that this development is a hotel; however, he is now stating that he is going to create a condominium association. Chairman Fields stated that he is concerned about density. He asked Mr. Timbes to reconsider that if he sells a unit, that it be required to go into a rental pool to be used and operated as a hotel. Mr. Timbes agreed to do so. Chairman Fields stated that the ownership does not bother him, but the use does.

Mr. Ussery pointed out that what Mr. Timbes is saying about the two previous projects is correct. Their intent, whether they said it or not, is exactly what Mr. Timbes is doing. Mr. Ussery stated that if the units are sold there are no guarantees that the owners won't be living in them.

There was continued discussion relative to the intent of the previous projects and that of Mr. Timbes. At the end of discussion, a motion was made by Mr. Jonathan Williams to approve this request based on the requirements being met. The motion was seconded by Mr. Gary Nevill. Voting Aye: Mr. Perry Fields, Mr. Jay Kaufman, Ms. Ann McCormick, Mr. Gary Nevill and Mr. Jonathan Williams. Voting Nay: Mr. Robert Ussery.

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## MINUTES

### **Regular Meeting: September 21, 2004**

The Minutes of the September 21<sup>st</sup> Planning Commission meeting were approved and unanimously adopted subject to any necessary corrections.

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Under **Staff Items**, Mrs. Iris Scheff, Planner III, was introduced and welcomed as the new member of the Planning & Zoning staff in the Community Development Department.

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Under **Planning Commission Items**, Mr. Ussery stated that at the last meeting, he advised the members that two County Commissioners had approached him and asked 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. Following a general discussion, Mr. Phillips stated that he would create additional language on this subject and include it on the next agenda as a discussion item. The Planning Commission concurred.

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