

MINUTES
GLYNN COUNTY PLANNING COMMISSION
FEBRUARY 1, 2005 - 6:00 P.M.

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
Iris Scheff, Planner III
Eric Landon, Planner II
Janet Loving, Admin/Recording Secretary

ALSO PRESENT: Don Hogan, County Commissioner

Vice Chairman Robert Ussery called the meeting to order and the invocation was given, followed by the Pledge of Allegiance.

Upon a motion made by Mr. Jay Kaufman and seconded by Mr. Gary Nevill, the agenda for the February 1st Planning Commission meeting was approved and unanimously adopted.

GC-2004-37

Consider a request to rezone from R-12 One Family Residential and Conservation/Preservation (CP) to R-6 One-Family Residential, property located generally to the north of Magnolia Street and west of Sixth Street and the Ash Street right-of-way, and property west of Cedar Street (in the platted Seventh Street right-of-way), in and adjacent to the Glynn Haven Subdivision. The total area is approximately 2.96 acres. This proposal corrects discrepancies between the digital zoning layer and the

Glynn County Zoning Map, and makes the map consistent with previous interpretations of mapped boundaries. Glynn County Planning Commission, applicant.

It was noted that the staff's report, including property background, analysis and the six (6) criteria outlined in Section 1103 of the Glynn County Zoning Ordinance are contained in the January 18th Minutes for the record.

Mr. Phillips explained that at the January 18th meeting, the Planning Commission adopted a motion recommending approval of the changes related to certain existing lots containing residences but requested that the County Attorney address the issue of the prohibition adopted in 2002 on rezoning additional property to R-6. The County Attorney did not relay a specific response; however, during the course of research, staff discovered that the County Attorney prepared an ordinance amendment, which addresses the issue. This amendment was apparently forwarded to staff in November 2004 but somehow staff was not aware of it. (Copies were included in the packages for the Planning Commission's review.) Mr. Phillips stated that this amendment has been advertised for the Planning Commission's consideration at its February 15th meeting. Final action will be taken by the Board of Commissioners at its February 17th meeting.

Mr. Phillips pointed out that the other issue of concern was the question of the marsh boundary delineation. He stated that Mr. Peterson had discussions with Rhonda Knight of DNR who explained that there have been no changes in the delineation and that the delineated marsh boundary is on the portion that affects Mr. Linwood Collins' property. Mr. Ussery asked Mr. Phillips if Mr. Collins' lot is part of this consideration. Mr. Phillips replied yes. Also, the marsh boundary delineation would have an affect on the location of the structure but it would not render the lot non-buildable.

Chairman Fields pointed out that in his mind the County Attorney has answered their question by proposing an amendment to the text to allow this occurrence in order to correct the mistakes. In that case, Mr. Ussery asked if the process would be for the Planning Commission to first consider the amendment. Chairman Fields replied yes, and if the amendment is adopted by the County Commissioners, the Planning Commission would then have the tool to address the corrections and consider the request. However, until that time the Planning Commission cannot take definitive action on this particular item, but would allow public comments.

Mr. Larry Bryson gave a brief presentation. He distributed a complete layout of the three lots in Glynn Haven Estates indicating the footprint of the lots, etc. He also distributed, a letter from Environmental Services relative to the drainage ditch located along the north side of the lots, and reported on official information on the recorded subdivision plat indicating that the minor plat was created on May 7, 2001, recorded in Plat Drawer 27, Page #139. He stated that he actually purchased the lots on December 19, 2001.

Mr. Bryson stated that if it is agreeable with the two adjoining neighbors, and allowed to be permitted through the Corps of Engineers, he is proposing to pipe the ditch

and place the pipe on his property. He would also provide an 8 ft. tall fence, and enhance the landscaping by adding some plantings. Chairman Fields wanted to know if the service area for the drainage ditch is in Dunbar Creek Plantation. Mr. Bryson replied yes, the 20 ft. ditch easement is on the lots in Dunbar Creek. Chairman Fields asked Mr. Bryson if he would be willing to offer deed restrictions. Mr. Bryson replied yes, within reason.

At this time, Chairman Fields opened the floor for public comments, beginning with Mr. Dennis King of 323 Dunbarton Drive. Mr. King asked the Planning Commission to remember the golden rule, "Do unto others as you'd have them do unto you." He stated that if this proposal is approved, it would lower his property value and would be an eyesore in his community. Regarding the ditch, he stated that if it is filled as proposed, the water would come back down to his property. He is already having problems with water and moisture.

Mr. King stated that there are other ways to solve the problem. He pointed out that recently a new Georgia Law was passed that grants money to fast growing areas. St. Simons certainly falls into this category and perhaps the county could apply for this grant. Another option would be to possibly sell the property to the adjoining property owners. He and Paul Christian would be willing to purchase the property and figure out a way to re-subdivide it to be part of their lots. The third option would be to consider the St. Simons Land Trust.

Mr. King stated that he is trying to be reasonable and he is appealing to reasonable people who he believes are good people. He stressed that this is a battle that won't go away, and building a home on the property is not an option.

Chairman Fields stated that he appreciates Mr. King's remarks, but the Planning Commission cannot make anybody sell anything. He then asked Mr. King if he is opposed to any structure, or is he opposed to the number of structures proposed for the property. Mr. King stated that he is "opposed to a house being built right on his bedroom window." He stated that he would work with the Planning Commission on any of the above options because he wants to do what's right; however, if the Planning Commission follows through with a proposal to build houses on this property it will "galvanize two neighborhoods that are strongly opposed to this."

Mr. Paul Christian of 315 Dunbarton Way wanted to know that if the decision is made not to amend the 2002 restriction of R-6 would this issue ever be re-visited. Chairman Fields stated that he could not give a definitive answer because there are multiple things that could happen, but for the moment he feels that it would be moot. For clarification, he pointed out to everyone that Mr. Bryson is not the applicant in this case. The applicant is Glynn County.

Mr. Christian stated that according to the newspaper, the County Attorney stated that "we are between the proverbial rock and a hard place." He admitted that the zoning map is right and it was the final and is still the correct piece of paper that should have

been used. The County Attorney further stated that county employees did make a mistake and the mistake needs to be corrected. Mr. Christian agrees with that fact, but feels that other options should be explored; one that would not penalize adjacent property owners for a mistake that the county made. He stated that when he purchased his property it was zoned R-12 and it is still zoned R-12, so why should he bear the brunt of a county mistake. If a recommendation could have been made tonight, he would have proposed that this item be postponed to explore other options.

Chairman Fields asked Mr. Christian if he is opposed to any structure, or is he opposed to the number of possible structures. Mr. Christian stated that he is opposed to the number of possible structures. He wants the property to remain R-12.

Mr. Mr. Jim Frazier of 216 Dunbarton Drive and president of the Dunbar Creek Plantation Homeowners Association stated that he appreciates the Planning Commission's concerns and he feels that they have done a great job of bringing the two neighborhoods of Glynn Haven and Dunbar Creek together. He stated that the issue consists of three procedural errors. Staff let everybody down by issuing a permit to build a house on property zoned Conservation Preservation, which was the first serious procedural error. He expects a bureaucracy with organizations to do their job and to do it well. There is too much generalization from staff. There are procedural errors that nobody seems to be able to specifically identify. He stated that the property should remain R-12.

Mr. Frazier commented on the "Bird Rookery" and wanted to know if it is protected property and/or if it is a part of the ordinance. Mr. Phillips stated that the "Bird Rookery" is not a county regulation.

Mr. Frazier stated that St. Simons is losing property day-by-day and he wants to make sure that whatever is done, it is done properly and for the right reasons. He stated that the property owners are stewards of the land, and if they don't protect their property no one else will.

Chairman Fields asked Mr. Frazier if he is opposed to any structure or is he opposed to the number of possible structures. Mr. Frazier stated that he would prefer to see the structure first, but he would have to say that he is opposed to any structure.

There being no further comments, a motion was made by Ms. Ann McCormick to defer this item. The motion was seconded by Mr. Robert Ussery. Discussion continued regarding a deferral to a time certain relative to the timeline of the two meetings scheduled to consider the proposed ordinance amendment. However, during the course of discussion, Ms. McCormick stated that the Planning Commission is the applicant in this case and as such, they could withdraw the application. Chairman Fields stated that is correct, but there is a motion on the floor. At this time, Ms. McCormick withdrew her motion for deferral and Mr. Ussery withdrew his second. It was the consensus of the Planning Commission to withdraw the application (except for the portion acted on at the January 18th meeting).

The Planning Commission took a 10-minute recess. The meeting resumed at 7:10 p.m.

ZM-2005-001 (M)

Consider a request to rezone from Basic Industrial (BI) to General Industrial (GI), property at 195 B & F Road, located generally to the north of Tindall Drive that intersects with Highway 341 to the west. The total area is approximately 10.77 acres. The request is intended to zone the property consistent with adjacent and nearby uses. Property owned by Southern Salvage, Inc.

Mr. Keith Boone and Mr. Bobby Boone were present for discussion.

The following report from staff was included in the packages for review:

The proposed rezoning is for a property that is contiguous with other industrial properties to the north, east and south zoned Basic Industrial. The site is adjacent to a railway, and existing industrial uses, including metal manufacturing and open salvage yards. The applicant states that “All surrounding companies are in some type of industrial business. Example: Griffis Steel (heavy steel manufacturer), Consolidated Motors (heavy truck parts). The property has been an active salvage yard for more than 25 years, and to my knowledge, no one has ever issued a complaint to Glynn County for any reason.”

The county’s adopted Comprehensive Plan designates this area for Industrial and Undeveloped.

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 proposed use is consistent with the surrounding industrial uses. However, the proposed zoning will allow a more intense use than the surrounding zoning that currently exists.

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

The proposed property is adjacent to existing industrial uses to the north, east and south. In addition, there is an existing railway to the south of this property, which is consistent with an industrial use.

- 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, the proposed site has a paved access for ingress and egress (B&F Road), and access to an existing railway.

- 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 industrial and undeveloped.

- 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 is consistent with the existing use, which has been in place for many years. Under the Zoning Ordinance, site plan approval will be required for any new structures. Staff's recommendation is for approval.

Following a brief 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.

ZM-2005-002 (M)

Consider a request to rezone from R-9 Single Family Residential to Highway Commercial (HC), property at 4588 New Jesup Road, located generally south of Park Way and east of the intersection of Park Way and New Jesup Highway. The property consists of 1.73 acres, with approximately 301.5 feet of frontage on New Jesup Highway. Property owned by Floyd and Deborah Faircloth.

Floyd and Deborah Faircloth were present for discussion.

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

These parcels are part of a larger area platted many years ago. Subsequently, US 341 has been improved and other development has occurred in the area. The overall objective is to assemble several parcels in order to sell them for commercial development. The adjacent property to the south was recently rezoned to HC. The area to the north is residential, while areas to the west and southwest along US 341 are changing 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.

The proposed zoning will allow commercial uses that are consistent with the existing commercial character of US 341.

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

The proposed zoning change will be consistent with the property to the south (zoned HC), and with the commercial character of US 341. However, there is adjacent residential property to the north, which could have an adverse impact if the proposed zoning is approved without adequate buffers.

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

Yes.

- Whether the zoning proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The property has access to Park, and to US 341. The intent of this proposal is to join with the adjacent property to the south, which also has access onto US 341.

- 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.

US 341 is an emerging commercial corridor. Properties with access to this roadway are developing to accommodate the growing demand for commercial use.

The development of this property should respect the existence of the residential subdivision to the north. This can be done by conditioning approval on the maintenance of a buffer abutting Park Way and by restricting access to Park Way.

Staff's recommendation is that the request be approved subject to a condition that a buffer be provided along the boundary with Park Way and that no access be permitted from Park Way.

Ms. Cheryl Murphey of 104 Glenwood Drive and Ms. Edna Grassi of 141 Glenwood Drive spoke in opposition to this request. They expressed concerns about traffic and access to Park Way. If approved, they asked that restrictions be placed regarding the permitted uses and also limitations to avoid excessive traffic.

Following a brief presentation by Ms. Faircloth and an in depth discussion regarding the traffic concerns, a motion was made by Mr. Gary Nevill to recommend approval of this request subject to 1) site plan approval by the Planning Commission, 2) a 10 ft. buffer being placed on Park Street to be determined during site plan approval, and 3) no access being allowed from Park Street. The motion was seconded by Mr. Jay Kaufman. Discussion continued. Chairman Fields suggested there be a 12 1/2 ft. buffer and that it completely screens the neighborhood from the commercial property, and also obtain at least an 80% opacity with the manner of opacity being determined by the Planning Commission at site plan approval. Mr. Ussery stated that he would like to have a more descriptive buffer so as to distinguish it from a setback. After discussion, the motion was amended to include that the buffer be 12 1/2 ft. with at least 80% opacity to be determined by the Planning Commission at site plan approval. The amendment was accepted and the motion was unanimously adopted.

TA-2005-01

Consider an amendment to the Glynn County Zoning Ordinance, Article V (Application of Regulations), Section 507 (Use of Substandard Lots-of-record), so as to permit combining or modifying substandard lots-of-record under certain conditions, and for other purposes.

TA-2005-02

Consider an amendment to the Glynn County Subdivision Regulations, Article VIII (Minor Subdivisions, Re-subdivisions of Land, and Vacation of Plats), Section 802 (Re-subdivision of Land), so as to permit combining or modifying substandard lots-of-record under certain conditions and to permit splitting of lots less than one acre in size under certain conditions, and for other purposes.

A workshop was held at 5:00 p.m. to discuss the above referenced amendments in detail. The amendments were included in the packages for review and presented by Mr. Phillips.

According to the staff's report, the Planning Commission has recently been confronted with a variety of requests associated with re-subdivision of lots, and expects the number of such requests to increase. Some of these requests involve the combining or partial combining of substandard lots-of-record so as to create lots that are larger, but still substandard. Currently, such an action would violate the requirements of Section 507 of the Zoning Ordinance and Section 802 of the Subdivision Regulations.

The County Attorney has prepared amendments to these sections to address the situation associated with the re-subdivision of three lots in the King City subdivision. (The amendments were included in the packages for the Planning Commission's review.) The change to Section 507 would allow the lots to be reconfigured even though the resulting lots do not meet the area requirement of the Zoning Ordinance. The change to Section 802 would allow the re-subdivision even though the resulting lots do not meet the area requirement of the Zoning Ordinance and even though the lots being divided are not at least one acre in size.

At the end of staff's presentation, Mr. Phillips advised that although the two proposed amendments were discussed simultaneously, they require separate action.

After review, a motion was made by Mr. Robert Ussery, seconded by Mr. Jonathan Williams and unanimously adopted to recommend approval of the proposed amendment (*TA-2005-01*) to the Glynn County Zoning Ordinance, Article V, (Application of Regulations) Section 507 (Use of Substandard Lots of Record), so as to permit combining or modifying substandard lots-of-record under certain conditions; and for other purposes.

A motion was made by Mr. Robert Ussery, seconded by Ms. Ann McCormick and unanimously adopted to recommend approval of the proposed amendment (*TA-2005-02*) to the Glynn County Subdivision Regulations, Article VIII (Minor Subdivisions, Re-subdivisions of Land, and Vacation of Plats), Section 802 (Re-subdivision of Land), so as to permit combining or modifying substandard lots-of-record under certain conditions and to permit splitting of lots under one acre in size under certain conditions; and for other purposes, subject to the revision of paragraph 5 as follows:

- “5. A Re-subdivision of two or more existing lots-of-record to form one or more resulting lots shall be approved if ~~all~~ **each** of the resulting lots ~~have the same or~~ **has greater area and the same or greater width** than the original lots. Resulting lots re-subdivided under this provision need not meet the minimum area **or width** requirements, which would otherwise be applicable but must meet all other requirements of these Subdivision Regulations and any other Glynn County

Ordinances or state laws. Re-subdivisions under this paragraph shall be submitted by the procedures outlined in Section 802.1 of these regulations.”

VP-2005-001

Application by John Tuten, agent for Glynn County Board of Commissioners, owner, for approval to make renovations and additions to the Old Casino Building located at 530 Beachview Drive, on the south side of Beachview Drive (between Mallory and 12th Streets).

It was noted that no one was present to represent this request, therefore this item was deferred until the February 15th Planning Commission meeting beginning at 6:00 p.m.

VP-2005-002

Application by Sarah Tipton-Downie, owner, for approval to make an addition to an existing residence located at 552 Magnolia, St. Simons Island, on the south side of Magnolia Avenue, 100 ft. west of its intersection with Oak Street. This item was continued from January 18th to allow a request for a variance from the building footprint restriction.

Ms. Sarah Tipton-Downie and Mr. Ed Mecchella were present for discussion.

According to the staff's report, the application indicates that this property is located on the east side of Demere Way, however, the property with this address is actually located on the south side of the street, approximately 250 ft. west of the intersection of Demere Way and Demere Road.

This item was deferred from the December 21st meeting to allow the applicant to supply additional information. The application was approved at the January 4th meeting based on new information about the proposed building footprint and on the reduction in the size of the garage. Subsequently, the building permit was issued.

The applicant is now asking that the original approval of January 4th for approval of a 2,243 sq. ft. house and garage be reconsidered and amended to permit a larger garage.

Under Section 709.5 (Village Preservation), new construction must remain within certain size limitations based on the size of structures on the property and neighboring structures as they existed at the time of the adoption of the Village Preservation provisions. The size limits address: maximum building height (up to 10 ft. higher than the average height of the previous structure and structures on the adjacent side lots),

maximum coverage (no more than 50% of the lot), and maximum building footprint (no more than the average of the previous building and the buildings on the adjacent side lots). Staff previously determined that the proposed building meets the first two criteria. The new information submitted concerning the building footprints of the building, which previously occupied this lot and the buildings on the adjacent side lots, indicates that the maximum footprint for this lot is 2,930 sq ft. The proposed building with the full garage is 2,515 sq. ft.

The provisions of Section 709 have been met, and therefore staff's recommendation is for approval.

Following review, a motion was made by Mr. Robert Ussery to grant the variance for the above reference property. The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

Chairman Fields advised that the agenda would have to be amended in order to take action on the Village Preservation portion of this request. Thereupon, a motion was made by Mr. Jonathan Williams to add the Village Preservation request to the February 1st agenda. The motion was seconded by Mr. Mike Aspinwall and unanimously adopted.

Chairman Fields inquired about the color of the house. Ms. Tipton-Downie stated that the house would be a blue color and the shingles would be a standard blue-grey. Samples were provided for review.

Following discussion, a motion was made by Mr. Robert Ussery to approve the Village Preservation request. The motion was seconded by Mr. Jonathan Williams and unanimously adopted.

VP-2004-03

Application by Ed Mecchella, owner, for approval to construct a new cottage to be located at 632 Demere Way, on the east side of Demere Way between Demere Road and Oak Street. This item was considered at the December 21, 2004, and January 4, 2005 meetings. Reconsideration of the approval is requested to reflect new information about the footprint area of the buildings on the adjoining side lots.

Mr. Ed Mecchella was present for discussion.

According to the staff's report, the application indicates that this property is located on the east side of Demere Way, however, the property with this address is

actually located on the south side of the street, approximately 250 ft. west of the intersection of Demere Way and Demere Road.

This item was deferred from the December 21st meeting to allow the applicant to supply additional information. The application was approved at the January 4th meeting based on new information about the proposed building footprint and on the reduction in the size of the garage. Subsequently, the building permit was issued.

The applicant is now asking that the original approval of January 4th for of a 2,243 sq. ft. house and garage be reconsidered and amended to permit a larger garage.

Under Section 709.5 (Village Preservation), new construction must remain within certain size limitations based on the size of structures on the property and neighboring structures as they existed at the time of the adoption of the Village Preservation provisions. The size limits address: maximum building height (up to 10 ft. higher than the average height of the previous structure and structures on the adjacent side lots), maximum coverage (no more than 50% of the lot), and maximum building footprint (no more than the average of the previous building and the buildings on the adjacent side lots). Staff previously determined that the proposed building meets the first two criteria. The new information submitted concerning the building footprints of the building, which previously occupied this lot and the buildings on the adjacent side lots indicates that the maximum footprint for this lot is 2,930 sq. ft. The proposed building with the full garage is 2,515 sq. ft.

The provisions of Section 709 have been met, and therefore staff's recommendation is for approval.

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

Variance Request

Request by Sea Island Coastal Properties for a variance from the limitation on the length of a proposed dead-end street for a street in Frederica Township Phase III.

Mr. Bill Edenfield and Mr. Bobby Shupe were present for discussion.

According to the staff's report, this is a request for a variance to the limitation on the length of a permanent dead-end street. The request is in connection with the approval of a revised preliminary plat for Frederica Township, Phase III Subdivision located in the North End Planned Development.

The proposed variance is requested for Darien Lane, which extends west from its intersection with Pikes Bluff Drive. The proposed development shows using a cul-de-sac with only a single entrance on Darien Lane. The proposed cul-de-sac is approximately 1,750 ft. in length, which is in excess of the 1,200 ft. limit established in the Subdivision Regulations. The layout and topography of the site preclude connection of this street to avoid a dead-end condition. Staff's recommendation is for approval.

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

PP-2005-001 (I) Frederica Township Phase III

Application by Sea Island Coastal Properties, owner, for approval of a preliminary plat for a property located south and west of Pike's Bluff Road, approximately 6,000 ft. from its intersection with Lawrence Road. The property is zoned Planned Development (PD), and is located within the North End Planned Development.

Mr. Bill Edenfield and Mr. Bobby Shupe were present for discussion.

According to the staff's report, this proposed project consists of 43 single-family lots on 167.198 acres. The property is zoned Planned Development, and is located within the North End Planned Development.

Staff comments have either been addressed or can be addressed in the construction plan review phase.

Staff's recommendation is for approval of this preliminary plat subject to meeting all requirements and subject to submittal of three (3) copies of a corrected preliminary plat for the Planning Commission Chairman's signature before processing of the construction plans.

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

MINUTES

Regular Meeting: January 18, 2005

The Minutes of the January 18th Planning Commission meeting were approved and unanimously adopted subject to any necessary corrections.

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