

MINUTES

MAINLAND PLANNING COMMISSION

MARCH 6, 2007 - 6:00 P.M.

Historic Courthouse, 701 G Street

MEMBERS PRESENT: Gary Nevill, Chairman
Wayne Stewart, Vice Chairman
Bill Brunson
Jeff Counts
Eric Croft
Buck Crosby
Buddy Hutchinson

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

Chairman Gary Nevill 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.

Minutes - February 6, 2007

A motion was made by Mr. Buck Crosby to approve the Minutes of the February 6th Mainland Planning Commission meeting. The motion was seconded by Mr. Bill Brunson. Voting Aye: Mr. Bill Brunson, Mr. Jeff Counts, Mr. Buck Crosby, Mr. Buddy Hutchinson and Mr. Wayne Stewart. Mr. Eric Croft did not attend the February 6th meeting and therefore abstained from voting.

Agenda - Deferrals, Deletions, Postponements, Additions

Mr. Hainley advised that the applicant/owner for application #ZM-2007-002 (M) requested a deferral in order to pursue a water and sewer variance. Thereupon, a motion was made by Mr. Wayne Stewart, seconded by Mr. Buddy Hutchinson and unanimously adopted to defer this application.

A motion was also made by Mr. Wayne Stewart to add a discussion item at the end of the agenda. The motion was seconded by Mr. Buddy Hutchinson and unanimously adopted.

ZM-2007-001 (M)

Consider a request to rezone from FA Forest Agricultural to PD-R Planned Development-Residential, property consisting of 9.818 acres located east of Interstate I-95 on the south side of Fancy Bluff Road and having 411 feet of frontage on Fancy Bluff Road. The project is known as “Flanagan Bluff”. Parcel ID 02-00830 & 02-00876. Atlantic Survey Professional, Inc., agent for Turnpike LLC, owners.

Mr. Ernie Johns and Mr. Jim Flanagan were present for discussion.

The following report from staff was included in the packages for review and was presented by Mr. Eric Landon.

Areas to the west, north, and east along Fancy Bluff Road are generally developed as low density residential. These areas were developed before public sewer and water started becoming available. To the south is the Pilot Travel Center complex, which is served by county water and sewer. The Exit 29 area is beginning to develop rapidly, and associated urban facilities are coming into existence. Accordingly, higher density development with water and sewer service is appropriate for this location when accompanied by appropriate buffers to protect adjoining lower density areas.

Staff met with the applicant to discuss changes to the PD text and PD Master Plan. Needed changes include corrections and clarifications to several provisions in the text and on the plan. For example, the plan shows a 30 ft. buffer surrounding the project. However the plan shows a road and an access easement located within the proposed buffer. In addition, the buffer is not referenced in the PD text, so there are no clear standards as to how the buffer is to be designed, or what activities are to be allowed in the buffer.

When the revised text and plan were submitted, these issues were still not addressed. The conflict between the text and the master plan will cause confusion and will make it difficult to regulate the project.

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Yes, subject to provision of adequate buffers.

- 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. Furthermore, this development will facilitate the extension of the utility system to serve existing development and potential redevelopment.

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

Yes.

- 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.

Engineering has raised several design issues that will need to be addressed during the site plan review phase. These issues need to be considered; however, the layout and PD text may need to be modified to accommodate their solution.

Eighty-five dwelling units will generate approximately 638 trips per day. Traffic counts are not shown for Fancy Bluff Road in data available to the county. Fancy Bluff Road connects to Andy Tostensen Road (1,300 vehicles per day, 2002 data) and the continuation of Fancy Bluff Road south of the railroad (700 vehicles per day, 2002 data).

A preliminary plat was approved in 2006 for an FA development on this site, but the required water and sewer variance was denied due to the availability of county water and sewer in close proximity. The response was to seek this zoning change to take advantage of the availability of water and sewer. Staff is working with the owner of the adjacent commercial development (to the south) to get the necessary easements established for the extension of service. The county is most interested in getting a water line to Fancy Bluff Road to better meet fire protection needs in that area.

Staff recommends that this request be denied or deferred until the issues raised about the master plan and the PD text are resolved.

It was noted that a number of adjacent property owners were present to express concerns about this request. Mr. Jim Flanagan asked at this time that the application be deferred to allow him to meet with the neighbors and address their concerns.

There being no further discussion, a motion was made by Mr. Wayne Stewart to defer this request until the April 3rd Mainland Planning Commission meeting beginning at 6:00 p.m. The motion was seconded by Mr. Jeff Counts and unanimously adopted.

ZM-2007-004 (M)

Consider a request to rezone from R-12 single-family, to LC Local Commercial, property consisting of 1.56 acres located on the east side of Old Jesup Highway approximately 280 feet north of its intersection with Community Road, and extending to the west side of B & W Grade Road approximately 300 feet from its intersection with Community Road. Parcel ID 03-04847. Jackson Survey, agent for Wendy and Michael Del'Acqua, owners.

Mr. Jason Boatright, representing Jackson Survey, was present for discussion.

The following report from staff was included in the packages for review and was presented by Mr. Landon:

The proposed zoning change is a result of a code violation. This property was converted from a single-family residence and is currently being used as an office, which is not a permitted use in the existing R-12 zoning district. The property owner was notified by County Code Enforcement that the existing use is not in compliance with zoning requirements and would therefore require a zoning change.

The proposed change is consistent with the property to the south which fronts on Old Jesup. However, this property extends to the east to B & W Grade Road which is surrounded by R-12 zoning. It may be appropriate that if this site is to be further developed, a site plan review by the Planning Commission be required to ensure that adequate buffers be provided to the adjacent residential properties.

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the following findings of fact are to be considered in making a decision on a request for rezoning:

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Yes, subject to further review if additional development is proposed for this site.

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

Yes, the adjacent properties to the north and east are zoned for single-family residential. If the property is further developed in any way it could have a detrimental impact on the surrounding properties. Therefore, staff recommends that any further development would require Planning Commission site plan review.

- 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.

Yes.

- 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.

Access to this location currently exists on Old Jesup. Additional development of this location would require closer review from County Engineering Staff due to its close proximity to Community Road. Also, drainage on this site is a potential issue. The applicant will need to provide for drainage easements to accommodate this project and any additional development on the site. Utilities are proposed by the City of Brunswick.

This project is located on the east side of Old Jesup Highway. ITE (Institute of Traffic Engineers) data suggests that this type of project would generate an average 13 daily trips based on existing square footage. The existing ADT (Average Daily Traffic) for this location is 8,140 non-directional. Highway 17 is considered an Urban Minor Arterial at this location.

Staff's recommendation is for approval subject to site plan review for any further development to protect adjacent property owners from conflicting land uses and to facilitate review of drainage and access.

Chairman Nevill stated that in addition to the site plan review, he would also like to obtain an inspection report from the Building Inspections Division with regard to structural suitability for commercial use.

During a brief presentation, Mr. Jason Boatright stated that as pointed out by staff, this was an existing residential building and the owners simply spruced it up to convert it to office space. The owner, Wendy Del'Acqua, works in real estate and she would like to use the building for that purpose. He stated that they have taken care of most of the issues but there are still some questions that they are trying to address, i.e., the county having access to a drainage ditch that runs through the property. In spite of those concerns, Mr. Boatright stated that he would like for the Planning Commission to approve the request and allow him to work out the problems as he progresses with the project.

Chairman Nevill explained to Mr. Boatright that if the Planning Commission were to vote at this time, the request would more than likely be denied due to the building code violations. Mr. Bill Brunson added that zoning requests with building code violations is not the message that the Planning Commission wants to send to the community. For clarification, Chairman Nevill elaborated on the difference between a denial and a deferral. During the course of discussion, Mr. Boatright conceded to a deferral; however, he wanted to know if the applicant could continue to use the building as an office at least until the next meeting. Chairman Nevill advised Mr. Boatright that the issue of using the building for something other than what it is zoned for is a code enforcement issue.

Following discussion, a motion was made by Mr. Jeff Counts to defer this item until the April 3rd Mainland Planning Commission meeting beginning at 6:00 p.m. The motion was seconded by Mr. Buck Crosby. However, during discussion, the motion was amended to include the following submissions: 1) inspection report from the Building Inspections Division indicating structural suitability of the building for commercial use; 2) site plan review; and 3) list of previous violations on the property. The amendment was accepted and the motion was unanimously adopted.

PP-2006-006 (M) The Refuge

Request for approval of a preliminary plat for property located on the north side of Lakes Drive approximately 1,100 ft. from its intersection with Highway 82. The property is zoned PD Planned Development. *(Previously deferred from February 6th and February 13th meetings.)*

Mr. Kip Goodbread was present for discussion.

According to the staff's report, this project consists of 191 single family lots on 190 acres. The Future Land Use Plan indicates that this site is designated for Low Density Residential, and Undeveloped/Unused. It is currently a vacant wooded area with the proposed use being a single-family subdivision.

The proposed development meets the requirements of the adopted planned development text. Engineering has determined that this project is compliant for Planning Commission approval; however, drainage conditions will need to be reviewed prior to approval of construction plans. In addition, Corps of Engineers permitting may also be required prior to development of this site.

The property is accessed by Lakes Drive, which is approximately 1,100 feet from its intersection with Highway 82. ITE (Institute of Traffic Engineers) data suggests that this type of project would generate an average 1,900 daily trips based on dwelling units. The existing ADT (Average Daily Traffic) for this location along Highway 82 is 9,000 bi-directional. Highway 82 is considered a Rural Principal Arterial at this location.

The site is served by county water and sewer. EPD review and approval is required for this project.

The plat meets all ordinance requirements and complies with the conditions of zoning; therefore, staff's recommendation is for approval.

Following review, a motion was made by Mr. Wayne Stewart to approve this request. The motion was seconded by Mr. Buddy Hutchinson and unanimously adopted.

PP-2006-026 (M) Millennium (Revised)

Request for approval of a preliminary plat for property located on the east side of Golden Isles Parkway approximately 800 feet north of its intersection with Interstate 95. The project consists of a commercial subdivision on approximately 26 acres. The property is zoned FC Freeway Commercial.

Mr. Ernie Johns was present for discussion.

Mr. Landon explained that this is a preliminary plat that the Planning Commission reviewed a few months ago for the second phase of the Millennium Tract. The first phase was done several years ago and included hotels, gas stations, and a bowling alley. The applicant is requesting to revise the preliminary plat to include additional property to the north, along with a right-of-way that parallels I-95. The first submission contained

several lots, but the applicant would like for the property to be broken into three lots as opposed to what was shown on the original plan.

For clarification, Mr. Landon pointed out that the report included in the Planning Commission packages was actually written before staff received the final version of the plan, which arrived on the same day that the packages were mailed. He stated however that the plan that is being reviewed at this time is accurate and correct. Staff's recommendation is for approval.

Mr. Stewart asked if all of the issues had been addressed, to which Mr. Johns replied yes. Thereupon, a motion was made by Mr. Stewart to approve this request. The motion was seconded by Mr. Jeff Counts and unanimously adopted.

PP-2007-001 (M) Sawgrass Reserve

Request for approval of a preliminary plat for property located on the south side of Highway 99 approximately 1,400 ft. from its intersection with Highway 341. The application includes a request for a variance from the requirements of §602.2 (g) of the Subdivision Regulations to allow a dead end street in excess of 1,200 feet.

Mr. Kip Goodbread was present for discussion.

According to the staff's report, this project consists of 90 single family lots on 47.5 acres, and is zoned PD Planned Development.

As noted above, the application also includes a request for a variance from the requirements of Section 602.2 (g) of the Subdivision Regulations to allow a dead end street in excess of 1,200 feet.

The Future Land Use Plan indicates that this site is designated for Low Density Residential use. The site was previously rezoned from Forest Agricultural to Planned-Development Residential (*ZM-2006-024 M*). The proposed subdivision is consistent with the approved PD text and master plan.

Access to the site will need to be approved by Georgia DOT and a variance from cul-de-sac length will need to be granted to Bent Grass Trail. The length of the proposed Sawgrass Trail is 1,238 ft., which is in excess of the 1,200 ft. limit.

Section 901 of the Glynn County Subdivision Regulations authorizes the Planning Commission to grant a variance to a design requirement where the requirement is impractical to meet. According to Section 901, variances shall be permitted as follows:

- 1) General:** When a peculiar shape, or the topography of a tract of land, or other unusual condition, makes it impractical for a subdivider to comply with the literal

interpretations of the design requirements of this Ordinance, the Planning Commission shall be authorized to vary such requirements, provided, however that in so doing the intent and purposes of this Ordinance are not violated.

2) Conditions: In approving variances, the Planning Commission may require such conditions that will, in its judgment, secure substantially the objectives of the standards and requirements of these regulations.

3) Procedures: A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

This project is served by county water and sewer and is located on the south side of Highway 99. EPD review and approval is required. ITE (Institute of Traffic Engineers) data suggests that this type of project would generate an average 900 daily trips based on dwelling units. The existing ADT (Average Daily Traffic) for this location along Highway 99 is 5,250 non-directional. Highway 99 is considered an Urban Minor Arterial at this location.

Staff recommends approval of the preliminary plat. Staff also recommends approval of the variance for cul-de-sac length to allow Sawgrass Trail to exceed the established maximum length for a dead-end street as outlined in Section 602.2 (g) of the Subdivision Regulations to allow a dead-end street in excess of 1,200 feet. (Note that the requested length is 1,238, or only 38 ft. in excess of the limitation.)

Following review, a motion was made by Mr. Bill Brunson to approve the preliminary plat and the variance request. The motion was seconded by Mr. Buck Crosby and unanimously adopted.

SP-2007-001 (M) Whitlock Commerce Center

Request for approval of a site plan for property located on the east side of Whitlock Street approximately 1,100 feet north of its intersection with Cedar Street. The project consists of 8,000 square feet of office, warehouse space on 1.05 acres and is zoned GI General Industrial.

According to the staff's report, this site is located within a primarily industrial area and has access to Whitlock Street. It is adjacent to an existing railway. The proposed use consists of a single building for office space and warehousing. The property is currently vacant. The Future Land Use Plan indicates that this site is designated for commercial use. Utilities are provided by the City of Brunswick. Staff's recommendation is for approval.

Following review, a motion was made by Mr. Jeff Counts to approve this request. The motion was seconded by Mr. Eric Croft and unanimously adopted.

At this time, Mr. Wayne Stewart reported that Commissioner Carl Johnson approached him with concerns about application *ZM-2006-035(M)*, which was forwarded for review by the Board of Commissioners. His concern was that the Planning Commission's recommendation included specific conditions with the application; however, the conditions were not made very clear to the Board of Commissioners. Also, the Planning Commission's motion for application *ZM-2006-45(M)* included a recommendation for site plan review, but the site plan was not presented to the Board. Mr. Stewart stated that the Board wants to ensure that all pertinent information is included with the materials submitted for their review. Mr. Hainley advised that staff is aware of the situation and is in the process of correcting the problem.

In other business, Chairman Nevill appointed Mr. Wayne Stewart as liaison to the Glynn County Board of Commissioners with Mr. Nevill filling in when necessary.

There being no further business to discuss, the meeting was adjourned at 6:40 p.m.