

MINUTES

MAINLAND PLANNING COMMISSION

MARCH 4, 2008 - 6:00 P.M.

Historic Courthouse, 701 G Street

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

STAFF PRESENT: David Hainley, Director
York Phillips, Planning Manager
Iris Scheff, Planner III
Sarah Smolek, Planner I
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 5, 2008 Regular Meeting
February 12, 2008 AM Called Meeting
February 12, 2008 PM Called Meeting
February 21, 2008 Called Meeting

Upon a motion made by Mr. Wayne Stewart and seconded by Mr. Buck Crosby, the above listed Minutes were approved and unanimously adopted.

ZM-2007-037 (M)

Consider a request to rezone from R-12 One-Family Residential to Mobile Home Park, property consisting of approximately 6.6 acres located between Frazier Road and Fraser Street, and lying on both sides of Benfield Lane. The purpose of the request is to zone the property based on its actual use. Parcel IDs 03-04313, 03-04314, & 03-04381, & 03-04383. Property owned by Marian B. Benfield.

Mrs. Benfield was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review and was presented by Mrs. Iris Scheff:

This property has been used for mobile homes for an unknown length of time; however, based on anecdotal evidence, staff believes two mobile homes were placed on the property in approximately 1990. More mobile homes were said to have been brought onto the property in the last four to five years.

The property owner, Mrs. Marian Benfield, first visited Glynn County Community Development last year to request that a person she identified as her land lessee be allowed to connect electricity to her mobile home, explaining the lessee was refused service by Georgia Power Company based on no previous record of a customer location for which the power was requested.

Because of Mrs. Benfield's request for immediate assistance in acquiring electric power for her lessee, planning staff issued a temporary permit for connection to power. The permit was issued pending a historical search to investigate what was thought might be a record keeping error that could be resolved. It was discovered a mobile home use was nonconforming in that the property was zoned R-12.

By way of certified letter, Mrs. Benfield was reminded of the temporary nature of the permit issued, and based on the information that she had been "running the mobile home park for over 20 years and never had any problems before" she was given six months to; 1) apply for a rezoning to attempt to correct the nonconformity; or 2) remove (or have removed by the county) the "extraneous" mobile home from her property.

Mrs. Benfield did submit a rezoning request in response to the letter prior to the deadline, and paid the fee as required. Subsequently, a staff report was written under the initial premise stated by the applicant - that the property had been run as a mobile home park for a long time with no outstanding problems. It was believed at the time that the main issue was not that the property was used as a mobile home park, but that the use was non-conforming with zoning.

The strategy initiated by the Planning Department was that once the property was rezoned, and its zoning district was in conformance, the property could then be brought along incrementally to meet zoning and building code standards in a two step approach to

1) first bring the zoning and 2) then the property development characteristics into compliance.

Based upon citizen input, staff concluded that the facts may be different than they appeared, and decided to analyze the situation and circumstances surrounding the property more precisely in order to handle the correction of both its nonconformity and its development characteristics.

Field research as well as records research was done and staff found there was not much on record about the property regarding mobile homes. It was this lack of records that told the story more than the existing records themselves. The following information (some anecdotal) was gathered:

1. Mrs. Benfield's property (subject property) consists of four parcels.
2. Some parcels were conveyed by deed of sale to Eager Beaver Tree Company and/or to Mr. Benfield, while subsequently some parcels were conveyed to Mr. and Mrs. Benfield. The most recent conveyance occurred for all four parcels from Mr. Benfield to Marian Benfield.
3. Zoning records of the property show the property zoning as R-12, One-Family Residential. No rezoning request previous to the present request was in County minute books or files.
4. The pond on the property appears to be man made; there is no plat depicting it or written record of a water body on the property deeds. It is speculated to have been a result of dirt removal for other property (this parcel does not have a mobile home).
5. Neighbors who reportedly grew up in the area state that two mobile homes were on the property in approximately 1990; according to them, no mobile homes existed previous to those.
6. Nine mobile homes are currently located on three of the four parcels (based on aerial views).
7. Only one permit was issued for a mobile home in Building Department records, prior to the six month temporary permit issued as discussed above.
8. No septic tank permits are in the Glynn County Environmental Health records.
9. Mrs. Benfield's listed residential phone number on the rezoning application corresponds to the listed number in the white and yellow pages of the telephone directory for Eager Beaver Tree Company, 123 Benfield Lane, Brunswick, Georgia.
10. According to Glynn County records, Eager Beaver Tree Company maintained an occupational license for a tree service for over thirty years at 123 Benfield Lane, Brunswick, Georgia, with the most recent owner listed as Marian Benfield. The license went inactive in 2006.
11. The Georgia Secretary of State has no record of Eager Beaver Tree Company as a corporation in Brunswick, Georgia.

Mrs. Benfield is requesting the rezoning to bring the current use of the property consistent with the zoning for a Mobile Home Park due to the request of the Planning Department because of the temporary permit that was issued on a conditional basis.

A review of specific zoning district requirements for a mobile home park zoning reveals that in order to fulfill her request to rezone from R-12 to MH, Section 725.3 of the Glynn County Zoning Ordinance requires:

- 1) No less than five (5) acres, well drained, properly graded.
OK
- 2) Shall not contain more than eight (8) mobile homes per acre.
OK
- 3) Each mobile home space must have a minimum, of five thousand six hundred (5,600) square feet and have a minimum lot width of fifty (50) feet, clearly defined.
Not compliant.
- 4) Located so as to have a minimum of fifteen (15) feet clearance between mobile homes.
To be determined.
- 5) Tie downs and skirting required. (Because no permits were obtained for the majority of the mobile homes, tie downs and skirting was not checked.)
To be determined.
- 6) Located a minimum of twenty (20) feet between mobile home and abutting driveway.
To be determined.
- 7) Located not more than ten (10) feet away from any building within the park or from any property line bounding the park.
To be determined.
- 8) Set aside, within the park, a minimum area of twenty thousand (20,000) square feet for common open space (area of open space available to all residents for recreational purposes, or for a clubhouse, or laundry, or such like facility) used by all residents as determined suitable in the opinion of the Planning Commission or the County Commission.
To be determined.
- 9) All mobile home space shall abut a paved all-weather surface street of a minimum of twenty (20) feet width, with a minimum forty (40) feet right of way, and the right of way shall have unobstructed access to a (public).
Not compliant.

10) A suitable buffer planting screen, wall, or fence six (6) feet in height shall be located along the lot lines of the park.

Not compliant.

11) Plans for streets, drainage and utilities must be reviewed by the County Engineer, who shall advise the Planning Commission making a recommendation on the proposal.

To be determined.

12) Plans for a MH district must be reviewed by the Glynn County Board of Health, which shall advise the Planning Commission of its finding in writing prior to the Planning Commission making a recommendation on the proposal. The Planning Commission shall be restricted from making a favorable recommendation unless the Board of Health determines that all local and state codes pertaining to health and environmental sanitation in mobile home parks have been met by the applicants.

Not performed.

13) Site plan approval is required in conformance with section 619 of the Zoning Ordinance.

Not performed.

14) The Certificate of Occupancy shall be conspicuously posted in the office or on the premises of the mobile home park at all time. (Since only two building permits, one temporary, were issued, this has not been checked.)

Not compliant.

Below the four parcels are listed, their area, and the current number of mobile homes on each.

Parcel ID 03-04314	44,942 sq. ft. or 1.03 acres	three mobile homes
Parcel ID 03-04313	31,458 sq. ft. or 0.72 acres	two mobile homes
Parcel ID 03-04381	138,085 sq. ft. or 3.17 acres	no mobile homes (pond)
<u>Parcel ID 03-04383</u>	<u>73,026 sq. ft. or 1.68 acres</u>	<u>four mobile homes</u>
	287,511 sq. ft. or 6.60 acres	nine mobile homes

The density of the property as a whole is one and thirty-six one-hundredths (1.36) dwelling units per acre at this time. If density is calculated not including the pond parcel, the density is two and six-tenths (2.6) dwelling units per acre.

If the potential density is calculated based on allowable density for a mobile home park (eight (8) dwelling units per acre), then [3.43 acres x 8 du = 27.44 du] twenty-seven (27) dwelling units could be placed on the three (3) parcels without the pond, or fifty-two and eight-tenths (52.8) units if the pond were able to be filled and mobile home units were located there also.

In reality, the above estimates based on mathematical formulas for density cannot be realized because there are minimum lot sizes, minimum lot widths, and minimum acreages required for the use of septic tanks and wells, in order to place mobile homes on the property that can comply with all requirements.

Parcel ID 03-04314 has one-hundred sixty (160) feet of frontage on Frazier Road which would allow three lots, and an average depth of about one hundred fifty (150) feet [$50 \times 150 = 7,500$ sq ft lot] so it appears that three (3) mobile homes could be located on this parcel based on MH zoning requirements, if the road were paved.

Parcel ID 03-04313 has one-hundred ninety (190) feet of frontage on Frazier Road and at least one-hundred fifty (150) feet of frontage on Benfield Lane, so if the lots were divided along Benfield Lane in fifty (50) foot increments, [$50 \times 190 = 9,500$ sq. ft. lot] it appears that another three (3) mobile homes could be located on this parcel, if the road were paved.

Parcel ID 03-04381 has three-hundred ninety-eight (398) feet of frontage on Benfield Lane and over five-hundred fifty-six (556) feet of depth, but has a pond on it. If the pond were able to be filled, then perhaps seven (7) lots in the front, with a right-of-way leading back to perhaps another seven to eight (7-8) lots could support fourteen (14) or fifteen (15) additional mobile homes. This would require that good drainage be achieved for the entire mobile home park without the pond, if the road were paved.

Counteracting this estimate for Parcel ID 03-04381 is the fact that twenty-thousand (20,000) square feet of common open space is required in a mobile home park, which is now provided through the existence of the pond on this parcel, if available to all residents for their recreational use. Twenty-thousand (20,000) square feet of space would then have to be set aside somewhere within the mobile home park and would prevent the development of space equal to that amount. Twenty thousand (20,000) square feet is equivalent to approximately four (4) five-thousand six-hundred (5,600) sq. ft. lots. If one was to subtract four (4) lots from the possible lots, the result would be an estimated ten (10) mobile home units that might be placed on this parcel, if the pond were filled, and the driveways and roads paved.

Parcel ID 03-04383 has three hundred (300) feet of frontage on Benfield Lane, which would allow six (6) lots, with a depth of two-hundred fifteen (215) feet [$50' \times 215' = 10,700$ sq. ft.]; since there is nearly double the square footage above the minimum of five-thousand six-hundred (5,600) sq. ft. required by the MH zoning district, then another two (2) lots could be put in back of front lots allowing a total of perhaps eight (8) mobile home units on this parcel, and still meet zoning requirements.

If density for the subject property is calculated using the above conceptual model utilizing a minimum lot size of five-thousand six-hundred (5,600) square feet with minimum widths of fifty (50) feet, there could be fourteen (14) mobile homes without the pond parcel, or approximately twenty-four (24) mobile homes with the pond filled in and units located there also.

A realistic density of two (2.12) du/acre is derived from the conceptual calculations using the three (3) occupied parcels. This assumes the pond will remain and no mobile homes will be placed on the parcel, which is the present status. A density of approximately four (3.63) du/acre is derived in the unlikely event that the pond is filled and units are placed there. Both these estimates are low density and fall within the one to four (1-4) units per acre range for low density in housing.

Glynn County Environmental Health has different, more stringent requirements for lots in mobile home parks using septic tanks and well water. Their minimum lot size is at least seven-thousand five-hundred (7,500) square foot lots for each mobile home. It also has other requirements that would not allow the density estimated above in the conceptual model (of 5,600 sq. ft. lots), and may actually prohibit the use of septic tanks in certain soils or limit the number of units based on the well system, or due to other factors that would cause denial of permits.

In summary, based upon MH zoning requirements (listed above) for a mobile home park, the Benfield Property zoning request, if approved, would require the submittal of a site plan for the entire mobile home park, depicting (as outlined above) clearly defined five thousand six hundred (5,600) square foot lots (or larger lots required by Glynn County Health Department), forty (40) foot wide rights-of-ways with twenty (20) foot wide pavement, fifteen (15) foot separation distances, and buffer plantings, walls, or fences along park lot lines. (The MH zoning requires roads and driveways to be paved.)

Staff did not require all the materials for the rezoning request at the outset of the application process due to the fact that the project dealt with existing non-conforming development. First there was uncertainty of the outcome of whether the applicant would apply for the rezoning, and then of the zoning determination outcome by the Planning Commission.

Once such a mobile home park site plan is submitted, then Glynn County Environmental Health is to review the plan and provide a written report to the Planning Commission of its findings. The plan and rezoning could only be approved by the Planning Commission if those findings are favorable. Because the applicant requested this zoning, these are the minimum standards that must be met in order for the zoning requirements to be compliant with the code.

Staff recommends that plans meeting the outlined requirements for a mobile home park zoning district be submitted for review to both the Community Development Department and the Environmental Health Services Department, for issuance of findings, prior to a public hearing to consider the request. It is recommended that a date be set for submittal of such plans, or alternate action, to bring the request forward or to a conclusion so as to comply with Glynn County Zoning Regulations.

In lieu of a rezoning approval, all mobile homes would need to be removed from the property so as to comply with R-12, One-Family zoning, the established district for the subject property.

Engineering commented that there were no known problems with the road or drainage infrastructure in the area that would limit continued use for mobile homes. This comment was based on one parcel ID that was provided on the application, not four.

The mobile homes are on well and septic systems. However, Glynn County Environmental Health has no permits on record for the systems and indicates that all previous comments concerning the rezoning of the Benfield property are withdrawn, as the applicant provided insufficient information.

This is an existing populated site. If the number of mobile homes were increased to twenty-seven (27) from the current number of nine (9), then fifteen (15) students would be anticipated to reside in the area, versus the current five (5) (statistical average-not actual count).

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, the principal site use will not change, and is like adjacent use to the immediate east of the property. However, this property and the adjacent property are not in compliance with the standards for a mobile home park outlined in the body of this report.

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

Yes, since opposition has been expressed, it is noted that neighbors believe their property values have been adversely affected. Both the subject and adjacent property with the mobile home park need to be brought into compliance with standards established for the mobile home zoning district, thus by meeting those standards the subject and adjacent property should improve.

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

Yes it does; however, it is currently used and occupied as a site for mobile homes, and not as an R-12 Single Family residential site, and so it is not currently consistent with its zoning.

- 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 it is not anticipated to do so more than is already the case. As mentioned previously, if the request is approved, the subject property needs to be brought into compliance to meet mobile home park standards, which require each mobile home to abut a twenty feet wide paved access contained within forty feet of right-of-way, and connect directly to a public street, and have planted buffers, walls, or fences on mobile home park lot lines. This is currently not the case.

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

Technically no, because eight dwelling units per acre does not fall within the range considered low density, however, in applying the MH standards for lot sizes, widths, paved access, separations, and 20,000 square feet of common space, the zoning proposal is low density and thus conforms with the site's Comprehensive Future Land Use Map designation.

- Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or disapproval.

Yes, as stated the existing condition is that it is used as a Mobile Home Park and approval of the request would make the use consistent with MH (Mobile Home Park) zoning. However, in order to approve the rezoning request, specific conditions must be met that require a master mobile home park plan with clearly defined lots of minimum sizes, specific spacing, common open space, paved access, a favorable report from the Health Department, planted or other buffers, all of which remain to be met, and until they are met, prevent the approval of this request.

In conclusion, the application was submitted to make the zoning of the property consistent with the use of the site. However, certain other requirements outlined in this report have not been met, thereby preventing approval of this request.

Staff recommends denial of ZM-2007-037 (M) Benfield Property from R-12, One Family Residential to MH, Mobile Home Park unless the requirements for an MH district are met. Alternatively, staff recommends that the Planning Commission may consider a request from the applicant for deferral of ZM-2007-037 (M) until April 1, 2008, to give the applicant time to submit a master mobile home site plan and other materials to complete the requirements for MH zoning classification. After which, Glynn County Environmental Health may evaluate the plan and issue findings to the Planning Commission as required by the Zoning Ordinance.

In addition, staff advises that the applicant may in the alternate withdraw the rezoning request with the understanding that if the mobile homes are not removed by the applicant, code compliance procedures will be initiated to remove the mobile homes from the subject property.

Mr. Wayne Stewart stated that it is very obvious to him that the applicants need help with this request. However, if the Planning Commission determines that a deferral is the best route to take; 30 days might not be a sufficient amount of time, given all of the deficiencies noted by staff. Mrs. Benfield agreed that it would be impossible for her to do everything that needs to be done within a month's time. She stated that the income generated from the mobile home park is her only source of income aside from what she receives from social security. She then expounded on the history of the property dating back to 1965 at which time her husband, who is deceased, was told that the property was under the grandfather clause for mobile homes. Mrs. Benfield stated she assumed that she was working under this clause since that time and the only mobile home that she has added is the one that she is seeking the electric service approval for.

Mr. Stewart elaborated on the requirements needed to bring the property into compliance and suggested a deferral, but noted that 30 days would not be adequate. He stated that he would like to allow 60 days for the applicant to confer with staff on the items listed in the report. Mr. Clifford Benfield (Mrs. Benfield's son) was present to speak on behalf of this request and stated that he is soliciting as much help as possible with this application.

Following discussion, a motion was made by Mr. Wayne Stewart to defer this request for 60 days to allow enough time for the applicant to confer with staff and review the regulations, etc. The motion was seconded by Mr. Buck Crosby and unanimously adopted. (The request will be heard at the May 6th Mainland Planning Commission meeting, beginning at 6:00 p.m.)

ZM-2008-001 (M)

Consider a request to rezone from Mobile Home Park, R-6 One-Family Residential, and Limited Industrial to Basic Industrial, property consisting of 49.74 acres lying generally between Ross Road and Cypress Avenue, and between Seventh Street and Griffith Street in the ARCO area. Brunswick Cellulose, Inc., agent for Brunswick Land Holdings, LLC, owner.

Mr. Randall Morris was present for discussion.

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

This area was primarily occupied by single family dwellings generally associated with the industrial uses nearby. More recently, the land has been cleared or is occupied by vacant dwellings.

This request follows the acquisition of the land by Brunswick Cellulose and would permit the development of industrial uses. The initial proposed use is a “laydown” yard to be used for parking of freight containers and trucks used to bring materials to the plant and/or take materials produced by the plant.

The site is in close proximity to the Brunswick Cellulose plant. To the south are residential and public facility areas. To the east is generally residential. The proposed use is consistent with the operation of an industrial use and allows for its long-term expansion.

Site plan approval will be required. This process will provide an opportunity to address details of the physical design of the laydown yard and its relationship with surrounding areas.

Issues such as drainage have been discussed with the applicant and will be addressed as needed during the review process. Note that a concurrent proposal is being reviewed to abandon several of the existing streets within the area.

Traffic from the laydown yard will largely be made up of trips that already come and go to the plant, so there will be very few additional trips.

The abandonment process has incorporated a dialogue addressing the abandonment of water and sewer lines in the streets being abandoned, and has involved finding solutions to the need for water for fire protection purposes.

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.

The proposed use is consistent with the existing industrial uses in the area.

- 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. The traffic primarily consists of trips that would go to and from the industrial area even without the proposed change.

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

The site is shown as Low-Density Residential on the adopted Future Land Use Plan; however, the site is adjacent to an industrial use.

- 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.

In conclusion, the proposal accommodates a reasonable expansion of the existing industrial use. The site plan process will allow a review of the physical layout and will help reduce any negative impacts on surrounding areas. The requested zoning change is consistent with the expansion of the industrial use; therefore, staff's recommendation is for approval subject to site plan approval being required.

During a brief presentation, Mr. Randall Morris of BP Cellulose gave an overview of the acquisition of the property including relocation of all tenants and the mobile homes that previously existed on the property. Mr. Buddy Hutchinson asked Mr. Morris if BP Cellulose intends to purchase the two existing out-parcels. Mr. Morris stated that they hope to purchase the two parcels once they become available.

It was noted that several surrounding neighbors were present to either express concerns or to oppose this request. Ms. Ursula Camo, adjacent property owner, stated that when this project was first proposed it was advertised that the property would be turned into a forest to grow pine trees, but that proposal seemed to have disappeared and now she feels that she is being squeezed into an industrial area. She stated that her property has already been adversely affected by the noise and the truck traffic, and if this request is approved, it would devalue her property and destroy her investment. She is also concerned about buffers as well as the proposal to close Sycamore Street, which would only allow for one access and thereby endanger lives in emergency situations.

Ms. Joan Brikowski of Atlantic Avenue stated that she is very upset about this proposal. She loves her house and thought that it would be her final home. She is adamantly opposed to this request and expressed particular concerns about the buffer. She stated that the applicants erected a 12 ft. chain link fence and she feels like she's in prison.

Chairman Nevill explained that if this approval does go forward, the applicants will be required to have site plan approval, which will be advertised to come back to the Planning Commission for review. This will also allow for concerns to be addressed about buffers and other features of the proposal. He stated that there are new buffer requirements in the ordinance involving considerable distances, and in some cases, require up to 50 ft., vegetation, etc.; however, he stated that the requirements depend upon the use.

Ms. Sally Henry stated that she lives on Griffiths Street and her house is the only house in that particular area. She stated that from the location and position of her house, she would be sitting in the middle of whatever use the developers decide on and this is very disturbing to her. Mr. Phillips pointed out Ms. Henry's house on the location map for the Planning Commission's benefit.

Ms. Camo wanted to know what happened to the advertised proposal to have a pine tree forest on the property. She maintained that when the residents were asked to move out of the trailers and houses the paper reported that the area would be re-planted with pine trees. Several members of the Planning Commission advised that they had not seen the news article and was not aware of any plans to have a pine tree forest in the area.

Mr. Buddy Hutchinson stated that from the location of Ms. Henry's house, he's concerned about her property being landlocked in between the industrial zoning. Chairman Nevill stated that Ms. Henry's property is residential and he agrees that she will be surrounded by industrial, but he stated that her property won't be landlocked.

Ms. Julie Crews pointed out that she lives on the corner of Eighth Street, directly across from the pond. She stated that the house that she lives in, as well as family members before her, was built in 1888 and she has lived there all of her life. She stated that she is concerned about how the applicant's property is going to be rezoned and stressed that she is very worried about her future, the value of her property, and preserving her family heritage. She is asking the Planning Commission to please take all of these issues into consideration before approving this request.

Mr. Calvert Jones stated that he owns property on Seventh Street and he is concerned about the noise and the buffers affecting his rental property and tenants. Mr. Stewart explained that buffers are required around industrial sites. The type of buffer will be addressed at a later date but if it is not sufficient to protect the adjacent property owners, the Planning Commission has the authority to increase the requirements.

In rebuttal, Mr. Randall Morris stated that for the 70 years that the pulp mill facility has been in the area, it has always tried to be a good neighbor and a good corporate citizen. Realizing that they would be acquiring the property, he stated that they were very open and communicative with the individuals formerly living on the property and had several open public meetings with them. Some of the residents who live along Atlantic and Seventh Street attended those meetings. Mr. Morris stated that his phone number is published and he has actually spoken with some of the residents who are here

tonight and answered every question addressed to him personally. However, he would be willing to meet with the residents again this week to answer questions and have additional discussion about the planning process as it relates to this particular piece of property. He stressed that his company wants to remain a good corporate citizen and a good neighbor.

In addressing some of the concerns, Mr. Morris stated that Griffith Street is not proposed to be abandoned and the property on Griffith Street will have uninterrupted access off of Griffith back onto Ross Road. There will also be access onto Ross Road. He pointed out other out-parcels that will have available access and stated that the company is proposing to abandon Sycamore Street, which would in turn do away with the dirt lane that ties back into Atlantic. Mr. Morris reiterated that he is willing to meet with the residents this week for a more in-depth discussion and additional explanation of the project.

At the end of discussion, a motion was made by Mr. Bill Brunson to recommend approval of this rezoning request. The motion was seconded by Mr. Wayne Stewart and unanimously adopted. Mr. Stewart urged the residents to attend the Board of Commissioners meeting on Thursday, March 6th at 6:00 p.m. regarding the street abandonment proposal.

ZM-2008-002 (M)

Consider a request to amend the Planned Development Text for property located on the southeast side of Glynco Parkway approximately 1,600 feet east of its intersection with Charing Cross. The property consists of 4 acres with approximately 500 feet of frontage on Glynco Parkway. The property is occupied by the Fairhaven Assisted Living Center. The request is to increase the height limit to 60 feet and to reduce the setback to 0 feet adjacent to an unbuildable lot. The property is zoned Planned Development and is in the Golden Isles Gateway Planned Development. Parcel ID 03-14372. Gary Moore, agent for Fairhaven Assisted Living Center, owner.

Mr. Garry Moore was present for discussion.

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

This site is in the Golden Isles Gateway PD, which references Highway Commercial and Freeway Commercial zoning districts for areas designated as commercial. This site is one that is designated for Highway Commercial. The Freeway Commercial district would allow the height that is requested. The height increase is to allow a five story addition, where four would probably be feasible under the current zoning. The additional height would not be a significant impact, since it would be on a side of the project away from existing residential areas. The other request is to allow the

buildings to be closer to the property line (of the property with the wetland) than normal. The adjacent land cannot be developed due to wetlands. Again, the impact would be limited.

The Traffic Safety Engineer has approved this request. According to the Institute of Traffic Engineers (ITE) Traffic manual, the additional beds would generate a total of 63 additional trips. Note that a very small percentage of these trips occur in either the AM or PM peak hour. The most recent data (2002) shows this segment of Glynco Parkway as serving 2,500 daily trips.

Sewer capacity is not currently available to the site, and not anticipated to be in place for several months. Therefore the applicant is cautioned that building permits will not be issued unless the owner signs an agreement holding the county harmless in the event of delays resulting from this situation, and further, certificates of occupancy will not be issued until the capacity problem is resolved.

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.

The proposed use is consistent with the existing use of the property. The changes requested are limited to an increase in building height and a reduction in setback.

- 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. The size of potential additional development is not significantly affected by the changes.

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

Yes. The site is shown as commercial on the adopted Future Land Use Plan.

- 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.

In conclusion, the proposal does not significantly alter the overall character of the facility, but accommodates a reasonable expansion. The reduced setback only applies against land which cannot be developed due to natural conditions. The increase in the height limit allows, as a practical matter, an increase of one story, and is consistent with the height limit applicable to other nearby areas within the Golden Isles Gateway Planned Development (specifically the hotels at the intersection of Glynco Parkway and Golden Isles Parkway).

The lack of sewer lift station capacity presents an impediment. While this problem is expected to be addressed shortly, it would be appropriate for the applicant to acknowledge that no permit will be issued until resolution is assured, and that the county will need to be held harmless from consequences of any delay in resolving the problem.

Staff recommends that this request to amend the PD text for the Golden Isles Gateway Planned Development be approved as being consistent with the character of existing development in the vicinity, subject to the applicant's acknowledgement that the current sewer lift station capacity problem might delay issuance of permits, and subject to an agreement that the county will be held harmless from consequences of any delay in issuance of a building permit and/or certificate of occupancy due to this capacity problem.

Mr. Gary Moore, agent for Fairhaven Assisted Living Center, concurred with staff's recommendation.

Following a brief discussion, a motion was made by Mr. Wayne Stewart recommending approval of this rezoning request subject to the applicant's acknowledgement that the current sewer lift station capacity problem might delay issuance of permits, and subject to an agreement that the county will be held harmless from consequences of any delay in issuance of a building permit and/or certificate of occupancy due to this capacity problem. The motion was seconded by Mr. Buddy Hutchinson and unanimously adopted.

ZM-2008-004 (M)

Consider a request to rezone by amending a Planned Development Master Plan and Planned Development Text for a 41.4332 acre property located at 3060 Old Cypress Mill Road, generally between Spur 25 and Cypress Mill Road. The property has approximately 965 feet of frontage on Old Cypress Mill Road. The purpose of the request is to amend the master plan and text so as to allow multi-family development, as well as two-family and/or one-family attached development. The project is known as “Edgewater Place.” Parcel ID 03-04945. Taylor Hansen Haley, agent for John A. Jones, owner.

Attorney Taylor Hansen Haley was present for discussion.

The following report from staff was included in the packages for the Planning Commission’s review and was presented by Mrs. Iris Scheff:

The Glynn County Future Land Use Map depicts this property as Medium to High Density Residential. The property is currently undeveloped but it was previously used as a borrow pit for fill medium by the Hercules Company.

Overall, for the purposes of a zoning amendment, staff supports the request in concept because of the limit placed on the maximum number of units, which was not increased with this proposal. However, there are some complexities outlined by Engineering in response to the original submittal of planned development materials. Accordingly, revisions have been made by the agent to Edgewater Place Planned Development text since then.

Although it is generally understood that the applicant would like to remain open to the possibility of developing either duplexes, single family attached, or multi-family dwellings, the illustrative plan showed only multi-family buildings. Since master plans are adopted along with their text for a planned development, each becomes a regulatory instrument when reviewing construction proposals. If a construction plan is subsequently submitted proposing an allowed use based on the text that is not depicted on the master plan, then it will not likely be allowed. Both the text and the master site layout must be in synchrony prior to adoption, to avoid “un-allowed” scenarios. This lack of synchrony was the case with Edgewater Place, in that it originally was approved for so-called duplex development, which was in actuality single-family attached development intended for potential splitting of lots.

The present amendment contemplates adding the potential for multi-family development in addition to one-family attached development. A “master plan” illustrated how the entire parcel might be developed with multi-family structures, whereas the text contemplated a variety of residential structures. The planned development text was revised to refer to an illustrative plan, versus a master plan which would be regulatory in nature, to put the plan and the text in synchrony.

As pointed out by Engineering, in the event both single family attached and multi-family development were allowed, ownership may vary from a lease to a deed, thus

necessitating property division with accurate legal descriptions that match precise locations. Utility meters and their locations must also be predetermined, must be precise, and their types and locations would be dependent on the type of dwelling as to the number of meters and point(s) of connection.

If the site is to be subdivided as referenced in the text, lot widths must be determined prior to construction, sales, of property, etc. to prevent haphazard lot configuration.

Access to the site must be limited with no direct access from residential structures to either Old Cypress Mill or Spur 25 be allowed. This is spelled out in the text. Access will be by common driveway or by internal street in the development.

Whether the multi-family structures were to be sold as individual units or condominiums in single-family ownership will affect the utility layout, particularly taps and metering.

Finally, drainage from the site must be addressed at construction plan stage due to the fact that drainage easements must be provided for outfall, which occurs across Spur 25. Parking must also be determined based on the type of dwelling units, and off street parking formulas are specified in order to ensure that they are adequate.

An estimate of 2,400 ADT (average daily trips) would be anticipated to be generated by this development at maximum potential build-out. If fewer units are built, then the number of trips anticipated would be reduced correspondingly.

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 the proposed revision is suitable in that the maximum units allowed is not proposed to change, while multi-family dwellings are proposed to be added. If multi-family dwellings are developed, this should leave more green space than would be the case with duplexes.

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

No, because a buffer is proposed to the south that will separate single family residences from this development.

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

Yes, since it is zoned for planned residential.

- 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, as previously stated, the maximum number of units will not increase which number was acceptable upon the first proposed rezoning and was therefore approved.

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

Yes, the proposed density corresponds to the Future Land Use designation.

- Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or disapproval.

Yes, the cap on the number of units is supporting grounds for approval, along with the fact the same use (residential) is proposed.

In conclusion, the application submitted is to allow multi-family dwelling in addition to duplex dwelling, consistent with the previously approved residential use of the site.

Staff recommends approval of ZM-2008-004 (M) Edgewater Place to amend the PD to allow multi-family use in addition to single-family attached use, with the following stipulations:

1. Rename master plan site overlay map “Illustrative Site Map,” and depict the 25 ft. perimeter buffer, setbacks and other map features consistent as to scale and labeling.
2. Provide certain other minor revisions as determined appropriate by the Community Development Director, prior to final consideration by the Board of Commissioners.

During a brief presentation, Attorney Taylor Haley explained that she is the agent for Mr. John Jones who is the current owner of the property. She stated that her promise to Mr. Jones was that nothing would be taken away from what he was currently zoned for because the property is still under contract. In doing so, she stated that she tried to leave the current PD allowances in place. However, she did make some corrections and included some additional uses. The noted revisions were distributed for review. However, several members of the Planning Commission took exception to submittal of additional information during the meeting and noted that this does not allow enough time for them

to accurately review the material. Mr. Wayne Stewart reminded staff that the Planning Commission expressed dissatisfaction with this practice in the past and he thought that it had been stopped; however, it appears to be re-occurring and they highly disapprove. Mrs. Scheff explained that the applicant was responding to staff's request for the information which is actually needed prior to final consideration by the Board of Commissioners.

At this time, the floor was opened for public comments beginning with Mr. David Hayes, President of the Cypress Run Property Owners Association. Mr. Hayes stated that he is not necessarily opposed to this request but he does have some concerns with respect to Benedict Road, i.e., 1) how much of a buffer is being proposed; 2) will the county open up Benedict Road to perhaps be an entrance; 3) will there be provisions to curtail flooding; 4) is the existing body of water a lake or a retention pond; 5) has a water study been done; and 6) will there be increased traffic.

In response, Chairman Nevill stated that the plan does not show Benedict Road being opened but it does show a 25 ft. buffer adjacent to Cypress Run. For clarification, Mr. Wayne Stewart stated that a buffer is actually not required between two residential properties. Continuing, Chairman Nevill stated that he does not have any information on a water study or a traffic study. Engineering will address the water issue because of past flooding. Regarding the drainage, he stated that the applicant will have to comply with the Glynn County Stormwater Ordinance. Chairman Nevill pointed out that the existing body of water that Mr. Hayes referred to is a lake but it is also used for detention and according to the applicant, it drains across the Spur.

Ms. Jean Campbell was also present to express concerns about drainage, traffic and additional parking. She stated that they want to be good neighbors.

Ms. Sally Rose of 348 Moss Creek Lane stated that according to the Glynn County code, it appears to her that site plans are only valid for 24 months unless construction has occurred. From reviewing the records at the Planning Office, she stated that the applicant had an approval either in late 2005 or early 2006 and therefore the 24 months has passed. She pointed out some of the standards under Section 1103 of which this proposal should be evaluated and stated that this request as proposed will adversely affect the existing use of adjacent properties; specifically due to lighting, buffers, setbacks, noise and traffic. Also, the applicant is proposing a 45 ft. height restriction, however, there aren't any structures to the north or south of the property that are 45 ft. in height. Ms. Rose stated that perhaps this request should not be reviewed until there is a specific developer with a specific plan and specific details so that the proposal can be evaluated against the requirements of the code. It appears to her that the request is for the commission to give approval for 240 units in whatever configuration the developers ultimately want.

For clarification, Chairman Nevill explained that the applicant is only adding an additional use. The applicant already has approval for the 240 units. Based on the plan, this will create a lot more greenspace, especially since they are only going up to the lake area at this point.

Mr. William Bamberger of 330 Moss Creek Lane expressed concerns about drainage. He also asked that the developer consider reconfiguring the plans so that there are buildings versus buildings with the parking to the interior. He stated that the current proposal has the parking lot abutting his bedroom, which is what he would like to avoid.

Mr. Trey Ross, applicant, explained that this proposed project is not an increase in density. It is for the same amount of units, as pointed out by the Chairman. According to the site plan, the only units that have parking toward the units are the interior units. The buildings are on the edges of the property in front of the proposed buffer and setback. Regarding the water study, Mr. Ross stated that there has been a hydrology study done and there are two proposed ways to take care of the drainage. One way is the continuous flow under the spur through an easement from Hercules on the other side of the property. The other way is containment of drainage on the site where the property would drain into the existing lake. He stated that they would expand the lake in order to pick up the water. The adjacent property, Moss Villas, does drain into the lake. By using this particular plan and using the lake, it increases the capacity of the facility, which in turn benefits the surrounding properties.

There was continued discussion about density and the location of parking. Afterward, a motion was made by Mr. Bill Brunson, seconded by Mr. Jason Counts and unanimously adopted to recommend approval of rezoning request **ZM-2008-004** Edgewater Place to amend the PD text to allow multi-family use in addition to single-family attached residential use, with the following stipulations:

1. Rename master plan site overlay map “Illustrative Site Map” and depict the 25 ft. perimeter buffer, setbacks and other map features consistent as to scale and labeling.
2. Provide certain other minor revisions as determined appropriate by the Community Development Director prior to final consideration by the Board of Commissioners.

SU-2008-002 (M)

Consider a request for a special use permit for a drinking establishment in addition to the allowed use for a restaurant on a .697 acre property zoned Highway Commercial located at 6461 New Jesup Highway, on its west side approximately 600 feet north of its intersection with Oak Grove Road. The property has 282 feet of frontage on New Jesup Highway. The project is known as “Tiffany’s Wine and Gourmet.” Parcel ID 03-05349. Tony Taylor Sr., applicant and owner.

Mr. Taylor was present for discussion.

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

The application indicates that the site is vacant; however, county aerial photography and tax records indicate that there is a single-family structure on the property. The applicant proposes to construct a building on the property.

The property is currently zoned Highway Commercial which allows a drinking establishment by special use request before the Planning Commission plus approval by the Board of Commissioners.

Alcoholic beverages are allowed in restaurants within Highway Commercial zoning districts. However, both the licensing process and zoning district require a separation distance (two hundred (200) yards, or six hundred (600) feet, and five-hundred (500) feet respectively) from the nearest residential property. The nearest residential property is a mobile home park to the west of the site, which is estimated to be six-hundred forty-three (643) feet from the subject site property line.

The site will undergo review at the time of building plan submittal. A permit will be required for any access or work on SR 341.

Utilities review indicates that the site is compliant, and commented that in order to connect to the existing sewer system on Oak Grove Island Road: 1) a low pressure grinder pump station was to be installed; 2) the existing force main be tapped; and 3) a service would be installed from the force main to the pump station.

The proposal is for a restaurant and sale of gourmet wines, which is a use not yet provided in this local and surrounding area. Staff supports this request on the basis that it meets requirements for the special use request under the Highway Commercial zoning. Staff feels that this request is reasonable in view of surrounding uses and complies with location parameters, and therefore staff’s recommendation is for approval.

Chairman Nevill pointed out that the Planning Commission is actually looking at approval of the special use.

Mr. Stewart stated that he politely disagrees with staff relative to allowable uses. He stated that FA is considered a residential use and having a drinking establishment within close proximity to residential is a problem. Again, he stated that Forest Agricultural allows residential and even if the structure is a mobile home it is still residential. Mrs. Scheff stated that FA zoning also allows mini go-karts, race tracks and a number of recreational activities that are commercial and are not residential. She stated that staff does not consider residential to be the primary use of an FA zone; instead, it is considered to be agricultural or horticultural.

Mr. Hainley stated that FA, in his opinion, is the problem zone because subdivisions are allowed without rezoning to residential classification at densities that probably should not be allowed. It is considered to be a catch-all zone and has many uses including residential. He stated that it needs to be clarified as to whether it is defined as a residential district or residential use. Mr. Stewart assured Mr. Hainley that FA has been called residential in the past and has been corroborated as such by the (former) County Attorney. He suggested that this item be deferred until a ruling is handed down from the County Attorney's office. Mr. Brunson agreed that FA in Glynn County contains more residential uses than anything else.

At this time, Mr. Tony Taylor elaborated on the type of establishment that he is proposing; however, he consented to the deferral. Afterward, a motion was made by Mr. Wayne Stewart to defer this request until the April 1st Mainland Planning Commission meeting beginning at 6:00 p.m. The motion was seconded by Mr. Bill Brunson and unanimously adopted.

PP-2008-002 (M) Northside Drive

Consider a request for approval of a preliminary plat for property located on the northwest side of Highway 99 1,650 feet southwest of its intersection with Middle Ground Road. The project consists of one road on 1.099 acres. Parcel ID 03-17032. Driggers Homes, Inc., owner.

Mr. Bobby Shupe was present for discussion.

According to the staff's report, the site is currently vacant but it is shown for Low Density Residential on the Future Land Use Plan.

The GIS Department has noted that the road should be renamed due to there being so many "Norths" existing in Glynn County.

The GA DOT approval is needed for the location of the road intersection. Engineering had several questions regarding this planned road. First, how the placement of the road/intersection relates to the other existing and proposed driveways and roads in

the area. Second, if the road will be extended and what it might be extended to. Third, if this matches with work already completed on a conceptual road plan for the area. Fourth, why the right-of-way changes in width, where the dimension changes, if it is planned to be a major intersection with turn lanes, a divided median, or other features that might mean a radial/chamfered connection to the right-of-way would be more adequate. Finally, staff wanted to know if there are wetlands in the area.

This project will be served by Highway 99 and is proposed to be served by public water and sewer. Utilities noted that the location of existing water and sewer is not shown on the plat. These facilities should be shown.

Ms. Sarah Smolek stated that staff recommends approval of this preliminary plat, subject to the following conditions:

1. Applicant shall submit plat showing existing water and sewer facilities;
2. Applicant shall rename road; and
3. Applicant shall obtain DOT approval for all work in the right-of-way.

Staff also recommends that the Planning Commission authorize the Vice Chairman to sign the plat due to the Chairman being the plat surveyor.

Following review, a motion was made by Mr. Wayne Stewart for approval of this preliminary plat subject to the following conditions:

1. Applicant shall submit plat showing existing water and sewer facilities;
2. Applicant shall rename road; and
3. Applicant shall obtain DOT approval for all work in the right-of-way.

The motion was seconded by Mr. Jason Counts. Voting Aye: Mr. Bill Brunson, Mr. Jason Counts, Mr. Eric Croft, Mr. Buck Crosby, Mr. Buddy Hutchinson and Mr. Wayne Stewart. Abstained From Voting: Mr. Gary Nevill.

A motion was also made by Mr. Wayne Stewart authorizing the Vice Chairman to sign the plat. The motion was seconded by Mr. Buck Crosby. Voting Aye: Mr. Bill Brunson, Mr. Jason Counts, Mr. Eric Croft, Mr. Buck Crosby, Mr. Buddy Hutchinson and Mr. Wayne Stewart. Abstained From Voting: Mr. Gary Nevill.

SP-2008-002 (M)

Consider a request for approval of a site plan for property located on the north side of Cypress Mill Road (SR 303) approximately 13,300 feet east of its intersection with Golden Isles Parkway (Spur 25). The project consists of an 8,084 square foot office building (2-story building with a 4,042 square foot footprint) on .91 acres. The property is zoned Office Commercial. Parcel ID 03-03000. EMC Engineering Services, Inc., agent for Donna Pruitt, owner.

Mr. Kip Goodbread was present for discussion.

According to the staff's report, the proposed project appears to meet requirements for the zoning and sites for which it is proposed. The applicant is proposing a new 8,084 square foot 2-story office building with a 4,042 square foot footprint.

The driveway should meet minimum driveway requirements for a commercial drive. A drainage easement is needed for the existing ditch at the rear and GA DOT approval is needed for the installation/increased use of the driveway. Staff noted that additional improvements may be needed on the driveway at its connection to Cypress Mill Road and that these could be dealt with in the building permit site plan process. Staff also noted that drainage easements may be needed for the right-of-way drainage. It would be beneficial to combine this driveway with the adjacent property to reduce the number of curb cuts. GA DOT approval is also needed for storm water discharges to the right-of-way.

This project is served by Cypress Mill Road and the site plan needs approval by GA DOT as it is located on a state highway. Additionally, the site is proposed to be served by public water and sewer.

According to the Fire Department, the plans should show all fire hydrants within 1000 ft. of the site. The applicant must install one hydrant within 300 ft. of the building to meet the needed fire flow for the building.

Ms. Smolek stated that staff recommends approval of this site plan with the following conditions:

1. Applicant shall install a fire hydrant within 300 ft. of the building;
2. Applicant shall obtain GA DOT approval for the site driveway and all work in the right-of-way;
3. Driveway width shall be modified to meet the minimum requirements for a commercial drive; and
4. Drainage easement shall be placed at the rear for the existing ditch.

Mr. Kip Goodbread stated that he has two concerns: 1) In obtaining DOT approval for the driveway DOT may require him to shift the driveway from its proposed location. If this occurs, he asked if he would have to go back through the site plan approval process. 2) He would like to have some flexibility to reshape the building to not

take on the appearance of a box. In response, Chairman Nevill advised Mr. Goodbread that as long as he meets the setback requirements he should be fine in both instances.

There being no further discussion, a motion was made by Mr. Wayne Stewart, seconded by Mr. Buddy Hutchinson and unanimously adopted to approve this site plan with the following conditions:

1. Applicant shall install a fire hydrant within 300 ft. of the building;
2. Applicant shall obtain GA DOT approval for the site driveway and all work in the right-of-way;
3. Driveway width shall be modified to meet the minimum requirements for a commercial drive; and
4. Drainage easement shall be placed at the rear for the existing ditch.

SP-2007-006 (M) Canal Road Plaza

Consider a request to modify the site plan to increase the parking for a property located southeast of the intersection of Canal Road and Glyngo Parkway. The project consists of 21,000 square feet of retail space on 2.943 acres and was approved in April, 2007.

Mr. Don Hutchinson was present for discussion.

Mr. Phillips reported that this site is part of the Golden Isles Gateway Planned Development and is shown for commercial on the Future Land Use Plan. It is currently under development as a strip shopping center.

The project was previously approved with parking based on an assumption that 20% of each unit would be used for storage and related uses. In practice, the project is developing in a different manner with a mix of uses, and the parking calculation has become an issue. The revised plan increases the number of parking spaces to remove this problem and allow the remainder of the spaces to be permitted.

Mr. Phillips stated that staff's recommendation is for approval of the revised site plan showing the additional parking.

Following review, a motion was made by Mr. Wayne Stewart for approval of the revised site plan showing the additional parking. The motion was seconded by Mr. Jason Counts and unanimously adopted.

There being no further business to discuss, the meeting was adjourned at 8:45 p.m.