

MINUTES
MAINLAND PLANNING COMMISSION
CALLED MEETING
MARCH 17, 2009 - 9:00 A.M.
Harold Pate Building, 1725 Reynolds Street, Bwk, GA

MEMBERS PRESENT: Gary Nevill, Chairman
Bill Brunson, Vice Chairman
Alan Dixon
Julie Hunter
Buddy Hutchinson

ABSENT: Jason Counts
Buck Crosby

STAFF PRESENT: York Phillips, Planning Manager
Janet Loving, Admin/Recording Secretary

Chairman Gary Nevill called the meeting to order at 9:00 a.m.

Agenda - Changes, Additions, Deferrals, Postponements

Upon staff's request, a motion was unanimously adopted to modify the agenda by adding Site Plan Application *SP1264, Mercedes-Benz USA*.

Minutes

February 24, 2009 Called Meeting

Upon a motion made by Mr. Bill Brunson and seconded by Ms. Julie Hunter, the Minutes of the February 24th Called Meeting were approved and unanimously adopted.

ZM1484 (I) Hampton Inn

Consider a request to rezone from Freeway Commercial to Planned Development, property consisting of 1.811 acres located at 128 Venture Drive, on the south side of Venture Drive approximately 600 feet south of Perry Lane Road. The project consists of a five-story hotel with associated parking. The Planned Development would permit accessory structures to be located within 5 ft. of the rear line. Parcel ID 03-21883. Peter Schoenauer, agent for Aneil Patel, owner.

Mr. Peter Schoenaur and Mr. Rick Shumate were present for discussion.

In presenting the staff's report, Mr. Phillips pointed out the area in question, located north to the south property line, which encroaches into the drainage easement; however, he stated that there is an agreement with the beneficiaries of the easement that this is an acceptable situation.

Mr. Phillips stated that the hotel is in compliance and a Certificate of Occupancy has been issued. The accessory building was built too close to the rear line, which prompted the request for a variance; however, the application did not meet the criteria and the variance was denied. Therefore, the solution is to amend the zoning to allow the reduced rear setback.

Mr. Phillips stated that staff recommends approval of the PD zoning, including the PD Text and Master Plan.

Mr. Brunson wanted to know why the variance was denied. Mr. Phillips explained that there are very strict criteria for variances and one specifically is that the situation cannot be a self-imposed hardship. The application did not meet this specific criterion.

Mr. Dixon had questions about what was actually shown on the original plan. Mr. Phillips stated that the dumpster pad was shown on the original plans and there was some line work that was shown on the building plans but was not identified or reviewed as part of the site plan.

Mr. Peter Schoenaur of Tidewater Engineering stated that although he is not the engineer of record for this property, he is representing the applicant, Mr. Patel, and was asked to help navigate through this process. He stated that he is working on the Baymont Inn located next door to the applicant's property.

Mr. Rick Shumate gave a brief history of this property. He stated that there was a site plan that was turned in to Glynn County for review and it showed the storage building. He constructed the building in accordance with the detail sheet. He explained that the problem came about from what was shown on the very front of the site plan, which actually showed a notation that says "*proposed portable building.*" Mr. Shumate stated that he did not pay any attention to the note and he takes full responsibility for this oversight. He pointed out that once the building was put in, the owner wanted to increase the size. He then sent Ms. Smith to the Building Department to get a permit and she was

informed that a permit was not needed; the building in question would fall under the previous permit. He stated that he gave the Building Department a drawing of what he was going to do. They came out and conducted an inspection. He in turn poured the slab. The Inspectors came out and inspected the plumbing, the sewer line, etc. He stated that when he put the concrete block up he was red tagged and he stopped immediately. He approached the property owners who told him that they did not have a problem with the variance request. He went to the Board of Appeals for the variance and was turned down. He then presented his case to the County Commissioners and explained the situation to them in detail.

Chairman Nevill asked, what is the purpose of the building? Mr. Shumate replied that the building could be for storage, it could be an apartment or anything they want it to be. He stated that his intention is for the maintenance workers to use the building for their purpose instead of coming into the hotel. He stated that it is not an accessory building but the dumpster portion is.

Mr. Dixon wanted to know how a small out-building was overlooked on such a substantial size project. Mr. Shumate stated that nothing was overlooked. The problem came up when they added onto the building but he had already been approved for construction. For clarification, Mr. Phillips stated that the issue is the setback; otherwise, there is no problem with the use. The rear setback line is 20 ft. and by amending the zoning, it could be changed.

In addressing the drainage issue, Mr. Shumate stated that the ditch no longer exists thereby alleviating the drainage problem. The Hampton Inn owners spent approximately \$90,000 dollars to pipe the ditch in order to lower the retaining pond down by 5 ft. The ditch is now closed and maintained by the applicant. Mr. Schoenaur elaborated on these improvements.

Chairman Nevill stated that the zoning for this property is very restrictive and only allows one use. Mr. Schoenaur stated that the owners are aware of this. Chairman Nevill stated that his only suggestion would be to rezone the property and then modify the setback. Mr. Schoenaur pointed out that they met with two County Commissioners, Mr. Charlie Stewart, Mr. Hainley and members of the Appeals Board and he has tried to follow what was discussed at that meeting. Chairman Nevill asked Mr. Phillips if it is possible to restrict the property to having only one structure in the reduced setback. Mr. Phillips stated that he did not participate in the meeting that Mr. Schoenaur has referred to but he believes that the provision as written allows accessory buildings to be closer to the rear line; otherwise, it does not restrict the number of accessory buildings. However, anything built on the property would be subject to site plan review.

Mr. Dixon asked if this situation originated from the county's approval or from an oversight on the construction. Mr. Shumate replied that the county approved the plans. Mr. Phillips stated that he believes that the person who actually gave the approval, which occurred about a year and a half ago, did not notice the accessory building and was probably more focused on the principal building and some of the other site plan issues.

However, through an evolutionary process the building became larger and the issue was noticed. Mr. Dixon stated that he's concerned that this is a case of asking for forgiveness rather than for permission. Mr. Phillips stated that a variance process would be to overcome a conflict, but in this case, this is a zoning proposal to actually change a standard. Staff is suggesting that the proposed setback for an accessory building in this particular situation is an appropriate standard.

Chairman Nevill stated that the only change that he would like to see is restricting the accessory structures within the area in question to one structure. Mr. Shumate stated that the problem that he sees is that the building is completely finished. However, Chairman Nevill clarified that he is suggesting that only one structure be allowed within the reduced setback, to which Mr. Shumate concurred stating that there is no room to build anything else. Chairman Nevill explained that the restriction would be a means of protection in case the ownership changes in the future.

It was noted that no one from the public was present to oppose this request.

Following discussion, a motion was made by Mr. Buddy Hutchinson recommending that the Board of Commissioners approve application **ZM1484 (M)** The Hampton Inn for PD zoning, including the PD Text and Master Plan subject to revising the 4.33 ft. minimum to be limited to one accessory structure. The motion was seconded by Mr. Bill Brunson. Voting Aye: Mr. Bill Brunson, Ms. Julie Hunter, Mr. Buddy Hutchinson and Mr. Gary Nevill. Voting Nay: Mr. Alan Dixon.

SP1264 Mercedes Benz Center

Consider a request for approval of a revised site plan for property located on the south side of Highway 17 approximately 900 ft. east of SCM Road (GA Ports Authority). The project site is a total of 50 acres and consists of a parking lot and two principal buildings to be used for vehicle processing. The property is zoned Basic Industrial (BI). Parcel ID: 02-23255. Mercedes-Benz USA, LLC, owner.

Mr. Larry Bryson was present for discussion.

In presenting the staff's report, Mr. Phillips explained that this project was approved by the Mainland Planning Commission at the July 2008 regular meeting. The original approval included a 54,000 sq. ft. vehicle processing facility on a 50 acre property. The amended request is for 4 structures with a total square footage of approximately 103,000 sq. ft. The impervious surface of the property will not be changed from the original approval due to the fact that the remainder of the property will be paved for vehicle storage.

Mr. Phillips stated that staff's recommendation is for approval of *SP1264*, Mercedes Benz Center.

Mr. Larry Bryson gave a brief presentation and a general discussion followed. Afterward, a motion was made by Mr. Alan Dixon to approve *SP1264*, Mercedes Benz Center. The motion was seconded by Ms. Julie Hunter and unanimously adopted.

There being no further business to discuss, the meeting was adjourned at 9:45 a.m.
