

MINUTES

MAINLAND PLANNING COMMISSION

APRIL 7, 2009 - 6:00 P.M.

Historic Courthouse, 701 G Street

MEMBERS PRESENT: Gary Nevill, Chairman
Jason Counts
Buck Crosby
Alan Dixon
Julie Hunter
Buddy Hutchinson

ABSENT: Bill Brunson, Vice Chairman

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

ALSO PRESENT: Commissioner Don Hogan, BOC

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

March 17, 2009 Called Meeting

A motion was made by Mr. Buddy Hutchinson to approve the Minutes of the March 17th Called Meeting. The motion was seconded by Ms. Julie Hunter. Voting Aye: Mr. Alan Dixon, Ms. Julie Hunter, Mr. Buddy Hutchinson and Mr. Gary Nevill. Mr. Counts and Mr. Crosby did not attend the March 17th Meeting and therefore abstained from voting.

Agenda Items *ZM1474 (M)* and *ZM1507 (M)* are interrelated and were therefore read into the record and discussed simultaneously, but it was noted that they would require separate action.

ZM1474 (M) Spaulding Property

Consider a request to rezone from R-20 One-Family Residential to Mh-20 One-Family Residential, property consisting of 1.36 acres located on the east side of South Road, approximately 250 feet south of its intersection with Blythe Island Drive. The property has 175 feet of frontage on South Road and 175 feet on Blythe Island Drive. Parcel ID: 03-06866. Andrea Baird, agent for D. Eugene Spaulding, owner.

Attorney Andrea Baird and Mr. Spaulding were present for discussion.

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

This site is located in the Blythe Island Future Development Area and the designation is appropriate for single-family residential use.

According to the applicant, this property was approved for a temporary permit to allow mobile homes in the 1970's. This temporary permit has since expired and the property is to be used as zoned (R-20). Therefore, only a single-family home can be placed on this property. The applicant wishes to rezone the property in an effort to replace the previous mobile home.

Staff reviewed the surrounding zoning of the area and found that the most recent rezoning to allow a mobile home in this area occurred in 1982.

Engineering has requested a drainage easement on the south road frontage to include the ditch and a 15 ft. wide access shoulder to be included in this request.

The property has double frontage on South Road and Blythe Island Drive. However the current access shown is from South Road.

The site is not served by public water or sewer. The applicant will be required to obtain the necessary permits from the Department of Environmental Health to have a well and on-site disposal system on the site.

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 surrounding property is a mix of single-family homes and a few mobile homes. The majority of the properties in the area is zoned R-20.

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

The proposed zoning is not consistent with the development trend of this neighborhood. No zoning changes to allow mobile homes have occurred in the past 25 years.

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

Yes.

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

The proposed use will not impact existing county infrastructure.

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

This site is located in the Blythe Island Future Development Area. This designation is appropriate for residential 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.

There are few properties in this area that allow mobile homes. These properties were rezoned in the late 1970's and early 1980's. Since that time no zoning changes have been made to allow mobile home use.

ZM1507 (M) Spaulding Property 2

Consider a request to rezone from R-20 (One-Family Residential) to Mh-20 (One-Family Residential) property consisting of 0.988 acre located on the north side of Davenport Road, approximately 600 feet west of its intersection with Blythe Island Drive. The property has 220 feet of frontage on Davenport Road. Parcel ID: 03-06859. Andrea Baird, agent for D. Eugene Spaulding, owner.

Attorney Andrea Baird and Mr. Spaulding were present for discussion.

According to the staff's report, this property identification number actually consists of two lots that were recorded in 1964. Therefore, this application is for lots 8 and 9 as shown on the plat. Also, according to the applicant, this property was approved for a temporary permit to allow mobile homes in the 1970's. This temporary permit has since expired and this property is to be used as zoned R-20. Therefore, only a single-family home can be placed on this property. The applicant wishes to rezone the property in an effort to replace the previous mobile home.

Staff reviewed the surrounding zoning of the area and found that the most recent rezoning to allow a mobile home in this area occurred in 1982.

The property has double frontage on Davenport Road. The proposed change will have no impact on existing infrastructure.

The site is not served by public water or sewer. The applicant will be required to obtain the necessary permits from the Department of Environmental Health to have a well and on-site disposal system on the site.

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 surrounding property is a mix of single-family homes and a few mobile homes. The majority of the properties in the area are zoned R-20.

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

The proposed zoning is not consistent with the development trend of this neighborhood. No zoning changes to allow mobile homes have occurred in the past 25 years.

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

Yes.

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

The proposed use will not impact existing county infrastructure.

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

This site is located in the Blythe Island Future Development Area. This designation is appropriate for residential 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.

There are few properties in this area that allow mobile homes. These properties were rezoned in the late 1970's and early 1980's. Since that time no zoning changes have been made to allow mobile home use.

Mr. Landon stated that staff recommends denial of both applications, *ZM1474 (M)* and *ZM1507 (M)* for Mh-20 rezoning.

Chairman Nevill asked if there had been any other applications for mobile home rezonings on Blythe Island since 1982. Mr. Landon stated that staff researched the south end of Blythe Island and 1982 was the last successfully approved mobile home rezoning. He stated that there may have been others that were applied for, denied or withdrawn.

Attorney Andrea Baird gave a brief presentation. She stated that Mr. Spaulding acquired the properties in the early 1970's and he obtained a temporary residential permit which allowed for mobile home uses. He has operated mobile homes on the properties and has made a living at this for over 30 years. She pointed out that he has come forth with this rezoning application in order to bring his lots into conformance. Ms. Baird stated that Mr. Spaulding was not notified of the expiration of the temporary rezoning and was under the impression that he was operating his property in compliance with county standards. She stated that he is now asking for the Planning Commission's consideration of his request.

Mr. Alan Dixon stated that it appears that there are no mobile homes pictured on the property and if this is the case, how could it be a source of income for Mr. Spaulding. Ms. Baird stated that the mobile homes had been removed by the people who owned them.

Mr. Jason Counts stated that during his site visit, he saw that there was one mobile home that looked as if it had been vacant for possibly years. Also, he received phone calls from concerned residents who stated that the mobile homes had been in disrepair for some time. Ms. Baird stated that Mr. Spaulding is willing to update the standards of the mobile homes and bring them into compliance.

Mr. Buddy Hutchinson wanted to know when the mobile home was moved off of the lot on South Road. Mr. Spaulding stated that it was moved four months ago.

It was noted that approximately 25 residents of Blythe Island were present to oppose this request. Mr. Johnny Dixon was the appointed spokesperson for the group. Mr. Dixon stated that requests for mobile home rezonings have been rejected for the last 25 years. As homeowners, he and the other residents would like for the property to remain in its current zoning for residential use only, and they are asking that this request be denied.

Mr. Wayne Stewart was also present to oppose this request. He spoke highly of Mr. Spaulding and his entire family but stated that every mobile home request on Blythe Island for at least 17 years has been denied. He stated that Blythe Island is in a transitional state and most of the existing mobile homes are leaving. Mr. Stewart feels that if this request is approved it would set a precedent and open the door for more of the same.

Ms. Ruby Jones pointed out that one of the mobile homes that Mr. Spaulding is asking to have rezoned has been empty for 7 years and it is a safety hazard. She stated that children use the mobile home to play in and it is possibly being used for drug activities. She stated that the Fire Marshall has condemned one of the mobile homes and the other one is uninhabitable. Ms. Jones pointed out that she has lived on Blythe Island since 1970 and she is proud of her neighborhood. She is asking the Planning Commission to help her to continue to be proud of her neighborhood by denying this request.

In rebuttal, Ms. Baird asked that the Planning Commission consider Mr. Spaulding's request based on the facts and not insinuations. She stated that she finds it ironic that most of the people who are against this request live in mobile homes or have trailers on their lots. Mr. Spaulding agreed with Ms. Baird. He stated that most of the people who are opposed to this request lived in trailers before they got their houses built and now that it is not convenient for them they are against it. He stated that he has had trailer space for about 40 years and he has never hurt anyone. He is only trying to make a living.

During discussion, it was the consensus of the Planning Commission that the trend on Blythe Island has been geared toward homes for many years. In fact, many of the mobile homes have been replaced with new homes. They also agreed that there could not be much revenue produced from one mobile home being vacant for 7 years and another for at least 4 years. Therefore, a motion was made by Mr. Buck Crosby to recommend denial of **ZM1474 (M)** for Mh-20 rezoning. The motion was seconded by Mr. Buddy Hutchinson and unanimously adopted. A motion was also made by Mr. Buck Crosby to recommend denial of **ZM1507 (M)** for Mh-20 rezoning. The motion was seconded by Mr. Jason Counts and unanimously adopted.

Mr. Spaulding was advised that the Planning Commission's recommendation would be forwarded to the Board of Commissioners for final action at its May 7th meeting beginning at 6:00 p.m.

SP1480 Zachary's Seafood

Consider approval of a site plan for a new restaurant. The project consists of a 7,107 square foot restaurant on 1.87 acre property. The property is located at 415 Palisade Drive approximately 1,100 feet east of its intersection with Martin Palmer Drive. The property is zoned Planned Development and is to be served by public water and sewer. Parcel ID: 03-12678, 03-12671. EMC Engineering Services, agent for Barbara Zachary owner.

Mr. Kip Goodbread was present for discussion.

Mr. Landon reported that this development will be accessed from Palisade Drive and will be served by public utilities provided by the Joint Water & Sewer Commission (JWSC). Planning staff would like to request the applicant to save the 28 inch Oak Tree on the eastern portion of the property that is shown on the plan to be removed. However, this is not a request to mandate that the tree is to be retained.

The applicant will be required to work with the Engineering Department regarding drainage issues during the permitting and construction process.

The proposed development will generate 402 daily trips based on the Institute of Transportation Engineers estimates.

Mr. Landon stated that staff recommends approval of **SP1480**, Zachary's Seafood, subject to meeting all requirements.

Mr. Alan Dixon agrees with staff's recommendation to save the 28 inch Oak Tree, but he asked what is the purpose of removing the other two trees in the rear of the property that seem to not be in any conflict with the development. Mr. Kip Goodbread,

representing the applicant, stated that the trees are being removed because they are 75% dead and they are a safety hazard. Also, removing the older trees and replacing them with Live Oaks will enhance the property. Regarding staff's recommendation to save the 28 inch Oak Tree, Mr. Goodbread stated that they would have to re-assess the situation because of the loading zone and the dumpster. Mr. Counts asked if the site plan includes any additional tree planting or landscaping if the tree has to be removed. Mr. Goodbread stated that if the tree has to be removed, it would be replaced with another Oak Tree and relocated on the other side of the loading zone.

Ms. Julie Hunter questioned the removal of a third Oak Tree which is 36 inches and appears to be in a landscaped area. Mr. Counts explained that the tree would probably have to be removed due to the proximity of the parking lot and the root zone of the tree.

There being no further discussion, a motion was made by Mr. Jason Counts for approval of *SP1480*, Zachary's Seafood, subject to meeting all requirements. The motion was seconded by Mr. Buddy Hutchinson and unanimously adopted.

SP1498 (M) M&B Commercial

Consider approval of a site plan for a liquor store with a drive-up window and with additional future retail or office space. The project consists of a 3,600 square foot Phase I building and in the future, a 2,400 square foot Phase II building on 1.22 acres. The property is located at 61 Candler Drive on the southeast quadrant of the intersection of Candler Drive and Southport Parkway, generally in the vicinity of US 82 and US 17 South. The property is zoned Planned Development. Parcel ID: 03-12698. Peter Schoenauer of Tidewater Engineering, Inc., agent for William Walker of Walker Chanclor Enterprise, Inc., owner.

Mr. Peter Schoenauer was present for discussion.

In presenting the staff's report, Mr. Phillips pointed out that the applicant is proposing to construct a new 3,600 sq. ft. liquor store with a drive-up window in Phase I of the project. The development will be accessed from Southport Parkway and will exit out onto Candler Drive. The exit drive will line up with a future driveway across Candler Drive.

The Phase II building is planned for either office or retail use and an appropriate area for parking set aside for future development.

The applicant will be required to work with the Engineering Department regarding water resources protection, drainage, and any access issues during the permitting and construction process. The site will be served by public utilities.

The proposed development was estimated as to the number of vehicle trips at peak hour on a weekday that would be expected by applying the use “Pharmacy Drugstore with Drive-Through Window” [use number 880] as the closest similar use. Eleven trips were generated for 1000 sq. ft. of Gross Floor Area, multiplied by 3.6 for a 3,600 gross square footage for the Phase I building resulting in a calculation of 39.6 trips at peak hour [based on the Institute of Transportation Engineers “Trip Generation Rates, Plots and Equations,” 7th Edition, Volume 3, site survey results].

Mr. Phillips stated that staff recommends approval of *SP1498 (M)*, M&B Commercial, subject to meeting all requirements.

Following review, a motion was made by Mr. Buddy Hutchinson to approve *SP1498 (M)*, M&B Commercial, subject to meeting all requirements. The motion was seconded by Mr. Buck Crosby and unanimously adopted.

In other business, the members were advised that the next joint workshop is scheduled for Tuesday, April 14th at 9:00 a.m., Third Floor of the Harold Pate Building. Mr. Hainley reported that all amendments associated with the Village District have cleared legal council. Also, there will be continued discussion on the proposed Tree Ordinance. Additional information has been included in the packages for review.

There being no further business to discuss, the meeting was adjourned at 6:45 p.m.