

MINUTES

MAINLAND PLANNING COMMISSION

APRIL 5, 2011 - 6:00 P.M.

Historic Courthouse, 701 G Street

MEMBERS PRESENT: Bill Brunson, Chairman
Buddy Hutchinson, Vice Chairman
Aaron Carone
Julie Martin
Tim Murphy

ABSENT: Jim Burgess
Buck Crosby

STAFF PRESENT: David Hainley, Community Development Director
York Phillips, Planning Manager
Janet Loving, Admin/Recording Secretary

Chairman Bill Brunson 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 1, 2011 Regular Meeting

March 22, 2011 Called Meeting

Upon a motion made by Mr. Buddy Hutchinson and seconded by Mr. Tim Murphy, the Minutes of the *February 1st MPC Regular Meeting* were approved and unanimously adopted.

Upon a motion made by Ms. Julie Martin and seconded by Mr. Aaron Carone, the Minutes of the *March 22nd MPC Called Meeting* were also approved and unanimously adopted.

It was noted that *ZM2181* coincides with *CPA-2010-01* and would be read into the record, discussed simultaneously, but would require separate action. Chairman Brunson proceeded as follows:

ZM2181 Turtle River Global Logistics Park

Consider a request to amend the Planned Development Text and Master Plan for property consisting of 1376 acres located primarily on the north side of US 82, approximately 3.6 miles east of its intersection with SR 99. This site was originally rezoned as the Hopewell Creek Planned Development. The proposed uses are industrial and commercial. Parcel ID 02-01622 and 02-02811. St. Andrews Plantation, LLC, agent for Plum Creek Land Company and Plum Creek, owner.

CPA-2011-01 Turtle River Global Logistics Park

Comprehensive Plan Amendment and Future Land Use Plan Map Amendment - (1) Consider an amendment to the Adopted Glynn County Comprehensive Plan (adopted October 16, 2008), “Future Development Narrative,” “West Glynn Future Development Area,” by amending the text to provide for development of large scale industrial parks and by establishing guidelines for such parks. **(2)** Consider an amendment to the Future Land Use Map (adopted March 19, 2009) to show the area located primarily on the north side of US 82, approximately 3.6 miles east of its intersection with SR 99 as industrial.

Mr. Chris Amos was present for discussion.

According to the staff’s report for *ZM2181*, this property was originally rezoned August 3, 2006 for a residential planned development project known as Hopewell Creek (later Hopewell Island). This project, which anticipated 1,900 dwelling units and 193,000 square feet of commercial, was discontinued as the result of the economic downturn.

The current proposal seeks to continue the project with a commercial and industrial emphasis. The project would contain sites for manufacturing, warehouse, and distribution facilities to be served by road (US 82), rail, and water access. Current traffic volume on US 82 is 9,790. Projected traffic from this site at build-out is 14,496, and PM peak-hour trips will be 2,304.

A small amount of commercial, office, and limited residential (primarily short-term occupancy) would be included to serve the industrial uses.

The project is currently pending DRI review by the Coastal Regional Commission. This review will need to be completed before final action on the rezoning is taken. In addition, amendments are pending to the Adopted Comprehensive Plan to clarify the intent to accommodate this and similar projects. (The above referenced amendments are being reviewed concurrently with this rezoning request.)

Subsequently, subdivision and site plan reviews will be required and details of the design will be addressed during those reviews.

The developer will connect to a new well across US 82. The well is already permitted and can be constructed as a SPLOST project. Sewage will be collected and pumped back to the South Port Plant, which was recently expanded.

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 represents a change from the currently approved use of the property, but the changes do not adversely impact the potential for development of adjacent property.

- 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, although the current market will not support a project as envisioned by the existing 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. Impacts can be mitigated.

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

Yes. Amendments to the Plan to clarify its intent are pending.

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

No.

The proposed amendment, *CPA-2011-01*, establishes that large-scale industrial developments may be undertaken within the West Glynn Future Development Area where utilities and other public facilities are available and where good transportation might be available. The US 82 corridor is an ideal place to consider large scale industrial and employment uses, supported by good regional road transportation and proximity to potential residential development. In addition, the Turtle River Global Logistics Park site is served by rail and, potentially, water transportation. Development interest, as reflected by the pattern of development requests in recent years, indicates a crescent of development activity along US 82, SR 99, extending to the Sterling area.

Staff recommends approval of application *ZM2181* to revise the Planned Development Text and Master Plan to allow an industrial development. Staff also recommends approval of *CPA-2011-01*, the proposed Comprehensive Plan Amendment concerning the Turtle River Global Logistics Park.

Regarding the Comprehensive Plan Amendment, Chairman Brunson stated that the most concerns would probably pertain to the buffers. Mr. Phillips stated that the property in question abuts a very large undeveloped tract of land on the west side, which is currently zoned FA, but he is not sure at this time if there are any specific plans to develop the property. The assumption would be made that it could be residential and therefore the buffer would be whatever the maximum type of appropriate buffer would be. Under Section 613 there are alternative buffers based on the density of the land use. They could choose to have the wider but less developed buffer. There are smaller lots on the southeastern side and because of the shape of the boundary and the existence of the railroad those areas might actually be less utilized for activities that require a lot of traffic.

There being no further discussion on the Comprehensive Plan Amendment, a motion was made by Mr. Buddy Hutchinson to recommend approval of *CPA-2011-01*, the proposed Comprehensive Plan Amendment concerning the Turtle River Global Logistics Park. The motion was seconded by Ms. Julie Martin and unanimously adopted.

Mr. Chris Amos gave a brief presentation regarding application *ZM2181*. He explained that a lot of work was done on the property when it was being proposed as Hopewell Creek. He stated that they have a water supply facility that has been previously permitted directly across the street from the bulk of the project, and there has also been a fair amount of work on traffic generation issues on US 82.

Mr. Amos stated that they tried to address the buffers in order to have a little more flexibility so that as they go through each site plan they could either do an undisturbed buffer, or one of the other types of buffers listed on the site plan based on the individual plan and the use on the property. He pointed out that they are trying to make sure that the residential property is protected as much as possible while still developing the project.

Mr. Carone had questions about access to the water supply in relation to the river. Mr. Amos stated that they have not investigated the depth of the river but all of that will be permitted through the Coastal Resources Division and through the US Army Corps of Engineers. He stated that they would look into it more thoroughly when they identify a use that might require river access, which would then be included as part of the site plan approval and presented back to this Commission.

Ms. Julie Martin had questions about protecting the marshland pockets. Mr. Amos stated that some of the wetlands shown on the map were determined to be isolated and non-jurisdictional. Any wetlands will be permitting with the Corps of Engineers, but to the greatest extent they will try to avoid any wetlands impact.

Mr. Buddy Hutchinson expressed concerns about the possibility of heavy industrial being permitted in the area. Mr. Amos explained that they are not looking at any type of heavy industry, smoke stack industry or any kind of heavy ground water use. He stated that for the most part, there will be light industrial or manufacturing logistics warehousing. Mr. Carone wanted to know if they have any companies on board yet. Mr. Amos stated that they have been in discussions with several parties but nothing is definite or finalized as of today.

Mr. Ryan Martin, adjacent property owner, stated that he is not opposed to this request but he is concerned about the potential for heavy industrial uses or anything that is being proposed north of the Creek that borders the river, especially any kind of water use along the river. He then asked if changing the PUD would allow the applicant to do so without coming back to the Planning Commission for further approval. Chairman Brunson replied no, everything that is done under the Planned Development would come back to this Commission with another chance to review any kind of proposed development.

At the end of discussion, a motion was made by Mr. Tim Murphy recommending approval of application **ZM2181** to revise the Planned Development Text and Master Plan to allow an industrial development. The motion was seconded by Mr. Buddy Hutchinson. Voting Aye: Mr. Bill Brunson, Mr. Buddy Hutchinson, Ms. Julie Martin and Mr. Tim Murphy. Abstained From Voting: Mr. Aaron Carone.

It was noted that **ZM2190 (M)** coincides with **CPA-2011-02** and would be read into the record, discussed simultaneously, but would require separate action. Chairman Brunson proceeded as follows:

ZM2190 (M) Golden Isles Speedway

Consider a request to rezone from Forest Agricultural (FA) to Planned Development (PD) for property consisting of 235.51 acres located generally north of US 82 and east of Old Post Road. The site includes the Golden Isles Speedway and adjacent property. Parcel ID: 02-02026, 02-02788, and 02-02813. Property owned by Franklin F. and Jackie L. Lloyd.

CPA-2011-02 Golden Isles Speedway

Comprehensive Plan Amendment and Future Land Use Plan Map Amendment - (1) Consider an amendment to the Adopted Glynn County Comprehensive Plan (adopted October 16, 2008), “Future Development Narrative,” “West Glynn Future Development Area,” by amending the text to provide for development of large scale commercial recreation uses and by establishing guidelines for such uses. **(2)** Consider an amendment to the Future Land Use Map (adopted March 19, 2009) to show the area located generally north of US 82 and east of Old Post Road for commercial use.

Mr. Franklin Lloyd was present for discussion.

According to the staff’s report for **ZM2190 (M)**, the purpose of the proposed zoning change is to classify the primary use of a racetrack in a district more characteristic of its present use. The owner has stated that since 1967 the property has had the racetrack use and developed with storage area as well as mobile home units. By defining the existing uses and establishing potential uses for the property as a planned development, the owner can proceed to develop compatible uses in the future. The property as presently used has exceeded in part the uses allowed within a Forest Agricultural zone and therefore rezoning it and establishing these uses will bring it into compliance with its zoning and provide a strategy for future development.

The uses listed in the proposed Planned Development text are intended to be potential and compatible uses with the racetrack, which is believed, will continue to be a principal large scale commercial recreational use with the zone.

A master plan or conceptual plan was not submitted; however, the aerial view of the property is to be used as the basis for a conceptual plan inasmuch as it depicts the presence and location of the current racetrack, around which the other allowed uses would be developed over the course of time. A one-eighth of a mile drag strip is being contemplated for development.

The site is buffered from adjacent uses by the presence of land acreage surrounding it in a sparsely populated area (as compared to other areas within the county). Access is by way of Highway 82 turning northward on Old Post Road at the Glynn County/Brantley County jurisdictional line.

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 represents no substantial change from the existing use of the property, in part due to the amount of undeveloped acreage included in the request, as well as the fact that the request reflects existing uses.

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

No. The development of nearby property would not likely be adversely affected by the proposed zoning change, in view of the fact a racetrack already exists there and, according to the owner, has been there for as long as forty-four 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.

No. There is no evidence of a burdensome use of existing streets, transportation facilities, or utilities in this location.

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

Yes, and to further ensure this conformity, the Comprehensive Plan is being amended to reflect existing commercial recreational uses by naming large scale recreational uses as suitable uses for this area.

- 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, there are none in addition to those already discussed previously.

Application *CPA-2011-02* is a proposal to amend the adopted Glynn County Comprehensive Plan, which envisions development, including large scale development, in the western part of the county. The language adopted in the Plan, however, emphasizes residential development and does not address large scale commercial and commercial entertainment facilities that, by their nature, should be primarily located in sparsely populated rural areas.

The Golden Isles Speedway is a large-scale entertainment complex that is appropriately located in a sparsely settled rural area and should be reflected by the Plan. Location of this type of use in a sparsely settled area provides needed buffers to dissipate noise and ensures a better opportunity to dissipate event traffic.

Staff recommends approval of application *ZM2190 (M)* Golden Isles Speedway. Staff also recommends approval of *CPA-2011-02*, the proposed Comprehensive Plan Amendment concerning the Golden Isles Speedway.

Following review, a motion was made by Mr. Buddy Hutchinson to recommend approval of *CPA-2011-02*, the proposed Comprehensive Plan Amendment concerning the Golden Isles Speedway. The motion was seconded by Mr. Aaron Carone and unanimously adopted.

A motion was made by Ms. Julie Martin to recommend approval of application *ZM2190 (M)* Golden Isles Speedway. The motion was seconded by Mr. Tim Murphy and unanimously adopted.

SP2192 Brunswick Benton House

Consider approval of a site plan for a 58-bed assisted living facility located on the southeast corner of the intersection of Scranton Road and Chapel Crossing Road. The property is zoned Planned Development (PD) and is part of the Regional Mall Planned Development. Parcel ID 03-19931 (part). Phil Best, Sr., agent for Bryson and Thomas Properties, LLC, owner.

Mr. Phil Best, Sr., Mayor of Dublin, GA and CEO of Premier Construction Associates, 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 part of a 51-acre property that was rezoned in 2006 to provide for a neo-traditional residential development. That development did not take place due to the change in economic conditions. The property was rezoned to allow a range of additional uses consistent with an assisted living facility and related uses.

The more specific part of the current proposal is to develop an assisted living facility with 59 units on an 8.5 acre portion of the site in the northwestern part of the property (adjacent to the Scranton Road/Chapel Crossing Road intersection).

The portion of the site designated for assisted living will produce approximately 120 trips as compared with approximately 270 trips for the same area if developed as residential.

Under Section 619.4 (a) of the Zoning Ordinance, the Planning Commission's review shall be guided by the following standards and criteria:

- 1) The application, site plan, and other submitted information contain all the items required under this Section. **Staff Comment: The initial submission lacks some minor information. The list has been supplied to the applicant and can be addressed in the final submittal of the plan or in the building permit site plan.**
- 2) The proposed uses, buildings and structures are in accordance with the requirements of this Ordinance and other ordinances of Glynn County. **Staff Comment: Complies.**
- 3) Adequate provisions are made for ingress and egress, off-street parking, loading, and the flow of traffic, which may reasonably be anticipated. **Staff Comment: Complies subject to Engineering comment on entrance locations and sharing.**
- 4) Adequate provisions are made to control the flow of storm water from and across the site. **Staff Comment: Complies.**
- 5) Adequate provisions are made to protect trees that are selected to remain as depicted on the site plan. **Staff Comment: Complies, subject to identification of trees that might be preserved.**
- 6) Adequate provisions are made to buffer intensive uses and to screen all service areas from view of the adjacent properties and streets. **Staff Comment: Complies.**
- 7) Adequate provisions are made to control the location, intensity, and direction of all outdoor lighting so that it will not have an adverse effect upon adjoining properties. **Staff Comment: Complies.**
- 8) Open space, as required, has been provided and appropriate means are proposed to assure maintenance of common areas and facilities. **Staff Comment: Complies.**
- 9) Adequate provisions are made for water supply, fire protection, and sewage collection and treatment. **Staff Comment: Complies.**

Mr. Phillips stated that staff recommends approval of application *SP219*.

For the record, Mr. Aaron Carone abstained from the discussion and from voting on this item to avoid a conflict due to his firm's involvement with the project.

Following review, a motion was made by Mr. Tim Murphy to approve application *SP2192*. The motion was seconded by Mr. Buddy Hutchinson. Voting Aye: Mr. Bill Brunson, Mr. Buddy Hutchinson, Ms. Julie Martin, and Mr. Tim Murphy. Abstained From Voting: Mr. Aaron Carone.

TA1672 - RR Zoning District

Amendment to Section 705 of the Glynn County Zoning Ordinance concerning the Resort Residential (RR) Zoning District; to impose and identify certain uses and development standards for the district; and for other purposes.

Mr. Hainley reported that this is a proposal to revise the Resort Residential District provisions based on numerous workshop discussions by the two Planning Commissions. The changes adjust density for residential uses within the district based on sleeping rooms instead of "units." It also upgrades the review of uses accessory to hotels, such as restaurants and souvenir shops. Finally, it places additional requirements on parking for commercial and multi-family uses.

The Islands Planning Commission recommended approval of this amendment with minor changes. (These changes have been incorporated and included in this report.)

Mr. Hainley stated that staff recommends approval of *TA1672*, the amendment to revise the RR district regulations.

Following review, a motion was made by Mr. Aaron Carone, seconded by Ms. Julie Martin and unanimously adopted to recommend approval of *TA1672*, the amendment to revise the RR district regulations.

TA2168 - Parking

Amendment to Section 611.6(a) of the Glynn County Zoning Ordinance concerning the required number of parking spaces for hotels and for other purposes.

Mr. Hainley reported that this amendment is proposed as an adjunct to the proposal to amend the Resort Residential District. The Islands Planning Commission submitted a recommendation for approval. Staff also recommends approval of this amendment.

Following review, a motion was made by Mr. Buddy Hutchinson, seconded by Mr. Aaron Carone and unanimously adopted to recommend approval of **TA2168**, the amendment to revise the parking standards for hotels and other uses.

TA2169 - Conditional Uses and Special Uses

Amendment to Section 904 of the Glynn County Zoning Ordinance concerning the approval of conditional uses and special uses; and for other purposes.

Mr. Hainley reported that this amendment is a companion to the change to Section 1103 (**TA2170**). The principal change is to provide that the Planning Commission will hear and take action on conditional use permits. The Islands Planning Commission submitted a recommendation for approval. Staff also recommends approval of this amendment.

Following review, a motion was made by Mr. Aaron Carone, seconded by Ms. Julie Martin and unanimously adopted to recommend approval of **TA2169**, the amendment to revise the conditional use permit and special use permit regulations.

TA2170 - Conditional Use Permits

Amendment to Section 1103 of the Zoning Ordinance of Glynn County, Georgia; to provide that applications for a conditional use permit shall require a public hearing by the Planning Commissions only; and for other purposes.

Mr. Hainley reported that this amendment is a companion change to **TA2169** which provides procedures for approval of conditional use permits and special use permits. The Islands Planning Commission submitted a recommendation for approval. Staff also recommends approval of this amendment.

Following review, a motion was made by Mr. Aaron Carone, seconded by Ms. Julie Martin and unanimously adopted to recommend approval of **TA2170**, the amendment to revise provisions for approving conditional use permits.

CPA-2010-01

Comprehensive Plan Amendment and Future Land Use Plan Amendment:

(1) Consider an amendment to the Adopted Glynn County Comprehensive Plan (adopted October 16, 2008), “Future Development Narrative,” “St. Simons/Sea Island,” “Recommended Development Pattern,” by adding thereto the following provision: “No retail commercial, or restaurant uses shall be permitted in the area along the north side of Demere Road, between Plantation Village and the Observation Park adjacent to parcel 04-02256, currently occupied by the Waffle House.” (2) Consider an amendment to the Comprehensive Plan Appendix A: Future Land Use Text (adopted March 19, 2009), “Corridor Mixed Use Classification” and the “Community Mixed Use Center (Village Center) Classification” by adding to each classification description the following guideline: “No retail commercial, or restaurant uses shall be permitted in the area along the north side of Demere Road, between Plantation Village and the Observation Park adjacent to parcel 04-02256, currently occupied by the Waffle House.” (3) Consider an amendment to the Future Land Use Map (adopted March 19, 2009) referencing the amended guidelines.

At the January 18th IPC Meeting the Islands Planning Commission unanimously voted to recommend “**approval of the *Comprehensive Plan Amendment as written to include that no retail commercial or restaurant use shall be permitted in the area along the north side of Demere Road...***” This amendment was presented to the MPC at its February 1st Meeting with the following recommended change in the language: “***retail commercial or restaurant uses are not recommended in the area along the north side of Demere Road...***” The MPC disagreed with this language and took action to defer the item to a later date. The amendment is now being presented to the MPC with its original language as voted on by the IPC.

Chairman Brunson opened the floor for public comments at this time, beginning with Mrs. Berthenia Gibson who stated that she has been a resident in the area in question for over 70 years. She stated that over 20 years ago the residents were promised by the Glynn County Board of Commissioners that no more commercialization would be placed along the north side of Demere Road. She stressed that the citizens are not opposed to development or growth as long as it is residential and follows the guidelines of the current zoning. She pointed out that each time a development in that particular area was proposed (the shopping center and McDonalds) the residents were promised that there would be buffers in place; however, there are no buffers. Traffic is horrendous and the recently installed roundabout does not help.

Mrs. Gibson stated that when this amendment was presented at the Islands Planning Commission Meeting there were at least 30 citizens in attendance to support it. She is now pleading at this time for the Mainland Planning Commission to support the amendment as presented.

Mr. Gloster Lewis Buchanan, a 94 year old lifelong resident of St. Simons Island, was present to speak in favor of the proposed amendment. He asked that the residents of the area be left alone to live in peace in their residential neighborhood.

Attorney Taylor Haley was present to oppose this amendment on behalf of Lindsey Cordell who owns property to the west of the Waffle House. However, as a tax paying citizen of Glynn County, she also has grave concerns and stated that this proposed amendment is “an invitation for litigation.” She stated that it would essentially eliminate the property owner’s right to have full consideration of a rezoning.

Ms. Haley stated that the 20 year old promise, as referenced by Mrs. Gibson, was legally impermissible at the time; it was not allowed to be done by the Board of Commissioners and it never should have been made in that context. She pointed out a number of remedies that she feels the landowners could have availed themselves of. For instance, she stated that the property owners could have made covenants running with the land that would have restricted their property to be residential. She stressed that “it is not a government responsibility to limit people’s use of their property.”

Ms. Haley pointed out that the language in this proposed amendment (no retail, no commercial) is exceedingly harsh; it is an invitation for the county to be challenged and to have to defend itself over something that does not need to be done. She stated that we are not allowed to ultimately control what is done on someone else’s property. Therefore, she is asking this Commission to “strike down this amendment.” She stated that she understands that the MPC (as well as the IPC) is a recommending body and it is ultimately up to the Board of Commissioners to render a final decision, but she will continue to reiterate these concerns.

There was additional discussion regarding the procedure of adopting the Comprehensive Plan. Afterward, a motion was made by Mr. Buddy Hutchinson recommending that the Board of Commissioners approve the proposed Comprehensive Plan Amendment. The motion was seconded by Mr. Tim Murphy and unanimously adopted.

There being no further business to discuss, the meeting was adjourned at 7:15 p.m.