

MINUTES
MAINLAND PLANNING COMMISSION
OCTOBER 5, 2010 - 6:00 P.M.
Historic Courthouse, 701 G Street

MEMBERS PRESENT: Gary Nevill, Chairman
Bill Brunson, Vice Chairman
Jason Counts
Buddy Hutchinson
Julie H. Martin

ABSENT: Buck Crosby
Ryan Lawrence

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

ALSO PRESENT: Commissioner Amy Callaway, 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

September 7, 2010 Regular Meeting

A motion was made by Mr. Bill Brunson to approve the Minutes of the September 7th MPC Regular Meeting. The motion was seconded by Mr. Buddy Hutchinson. Voting Aye: Mr. Bill Brunson, Mr. Buddy Hutchinson, Ms. Julie Martin and Mr. Gary Nevill. Mr. Jason Counts did not attend the September 7th meeting and therefore abstained from voting.

ZM1973 (M) Stutts Road Tract

Consider a request to rezone from Forest Agriculture (FA) to Planned Development (PD), property consisting of 42.71 acres of a 60.588 acre parcel, located generally north of Stutts Road and Angle Lane, approximately 1,200 ft. north of Fancy Bluff Road. The property lies on the east side of I-95 and south of the South Brunswick River. The property has approximately 2,200 ft. of frontage along I-95. Parcel ID: 02-00501 (part). Ray Richard of Cajun Properties, LLC, developer/owner.

Mr. Ray Richard was present for discussion.

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

The subject property is located along a major highway, near the South Brunswick River. Land around the property is being developed for single family, large lot, secluded homes.

The purpose of the request is to allow commercial and residential development. Due to the fact the site is just over 60 acres and the portion of the site to be rezoned is forty seven acres, the site will need to be subdivided.

Commercial uses are proposed to be in “Area One” situated along I-95; residential uses separated by buffers from commercial uses are proposed to be in “Area Two.” The general layout and planned development text work together to describe the proposed zoning. The Glynn County Zoning Ordinance contains a number of requirements for Planned Development rezoning requests. The text indicates that “current plans are to start the development process as soon as the rezoning is approved. Expected build-out is approximately 10-20 years.”

The application did not depict in sufficient detail on the layout plan the configuration and type of development [Section 723.3 (b) 1. a-m)]. Aspects of the proposal that need design clarification on the layout plan are (1) access, including location, number and type; (2) site lot layout in relation to adjacent existing development, such as lot sizes, locations, and orientation; (3) internal site layout to depict the relation of proposed commercial to residential; (4) public open spaces, parks, play fields, lakes, and recreational vehicle storage locations; and (5) circulatory system (for commercial, residential and pedestrian/bicycle traffic) within the district.

Presently the site is reached by exiting off of Highway 17 South onto Fancy Bluff or Andy Tostensen Roads, to Stutts Road. There is a railroad line that parallels Highway 17 that must be crossed on the way to and from the subject site. There is also a bridge with a maximum weight capacity - a potential barrier to large trucks transporting goods.

Environmental Health noted that no lot sizes were proposed for analysis, setbacks to lakes and wetlands must be observed, and marginal soil exists in the area, all of which will affect the type and capacity of utility systems.

Based on current county averages, this project could generate approximately 30 school age children at build-out of 55 proposed dwelling units.

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 proposal is very open, demonstrating maximum flexibility for the developer, but doesn't sufficiently describe, as well as coordinate the depiction of suitable uses and parameters for those uses. An apparent single access point and an absence of detail in layout design could prove critical to the overall outcome of implementing the proposed zoning when it comes to integrating proposed uses with existing residential uses.

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

The relative absence of general layout plan configuration and other information that is required for a planned development zoning request raises the prospect of possible adverse effects on adjacent or nearby property. A layout plan coordinated with the zoning text descriptive plan demonstrating either no or minimal adverse effect needs to be depicted.

- 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 one 70 ft. wide access way to the property depicted on Stutts Road, the length of roads leading to the subject property, combined with the fact that an active railroad line is temporary barrier to ingress and egress from the site at times, are issues.

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

The proposed uses are not in conformity with the Future Land Use Plan which calls for low density residential, but are in conformity with the Future Development Map. More detailed design configuration as is required for Planned Development would assist in assessing the request.

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

An existing observable condition near Exit #29 I-95 exchange is exhibited by several closed businesses such as gas stations and fast food restaurants. Businesses in this area represent commercially zoned property with superior access, location, and customer traffic to the proposed zoning request.

Mr. Phillips stated that the rezoning request is in conflict with the Future Land Use Map, but not with the Future Development Map. Staff recommends that the zoning request be deferred until such time as additional design information is submitted to support the request. The reason for deferral is based on concerns about the impact of the rezoning on surrounding properties including: (1) access; (2) site layout in relation to surrounding property; (3) internal site layout; (4) public spaces locations; and (5) transportation circulatory system.

Mr. Ray Richard gave a brief presentation. He explained that he attempted to rezone the property in a planned development to allow only five limited or light commercial uses. Four of the five uses that are currently allowed in the FA zoning district are telecommunications tower, child care facilities, marina/community dock, and churches, synagogues and other places of worship. The fifth use that's not allowed is outdoor advertising signs, which is what he is asking for; to be located only in Area One, parallel to the interstate. In an effort to be a good neighbor, Mr. Richard stated that in Area Two (approximately 33 acres) he removed several objectionable uses currently allowed in the FA zoning district, i.e. cemeteries, landfill, government facilities including a jail, wastewater treatment plant or any other government facility. He assured the neighbors that it probably would never happen, but these are allowed uses if the rezoning is approved.

Mr. Richard stated that there were only 10 people at the neighborhood meeting on October 1st but he explained everything in great detail. He actually thought that after the meeting most of the neighbors were very satisfied that their issues had been addressed. However, they were not satisfied with the issue of mobile homes/manufactured homes. These are allowed uses under the FA zoning district. He was asked specifically to not allow mobile homes but he refused to do so; for one reason he has no intentions of putting in a mobile home subdivision; and secondly, he cannot speak for the future. Mr. Richard stated that he cannot remove anything that could potentially be marketable in the future.

Mr. Richard pointed out the three accesses to the property and stated that one road has already been cleared. He built a berm along the interstate and built a 2 acre pond on the backside of the residences. This is being used as an internal drive. He also obtained a permit to impact some of the wetlands. One of the other access easements is actually private and does not belong to Mr. Richard and therefore he feels that he has no rights to the road nor does he have any intentions of using it, which means that he only has two access points.

For clarification, Mr. Richard explained that he is keeping the FA zoning just in Area One for single-family residential only. All other FA uses will not be allowed. He is only asking for the 10 acre site to allow the five uses, four of which are already allowed in FA. The only one that is not allowed is outdoor advertising signs.

At the end of Mr. Richard's presentation, Chairman Nevill opened the floor for public comments.

Mr. Dan Harrison of 361 Stutts Road stated that Mr. Richard has truly been a great neighbor and what he is proposing will not adversely affect the residents or their property. It is simply not feasible for a mobile home subdivision. Mr. Harrison stated that if this proposal is a way for Mr. Richard to keep his property, then the residents should support him; especially given the fact that it may increase their property value.

Mr. Joe Kirby of 388 Stutts Road agreed with Mr. Harrison about Mr. Richard being an excellent neighbor, but like others in the neighborhood, he's concerned about the size of the proposed area. The residents were told that Mr. Richard's only intention was to put in two 35 ft. restricted height signs within 10 ft. of the interstate. According to the regulations, he is required to have 6,000 sq. ft. per sign. Mr. Richard has about 10 acres, which in Mr. Kirby's opinion is a little overkill to get a commercial zoning if his sole intention is have two signs. He stated that Stutts Road is paved to a certain point, but basically it is a dirt road and this rezoning would greatly impact the neighbors. Mr. Kirby stated that he doesn't understand why Mr. Richard needs so much commercial space for two signs with very limited access, and therefore he is opposed to any further development in the area, especially on a road that he maintains.

Mr. Terry Thompson of 323 Stutts Road stated that he has worked very hard to be able to purchase a home in a neighborhood where there is no commercial. Mr. Thompson became very emotional during his presentation and stressed that he purchased his home two months ago and has not yet moved in. He stated that what Mr. Richard is proposing would be directly behind his house and even if he were to put up a 30 ft. high fence he would still be able to see the signs. He also expressed deep concerns about the possibility of Mr. Richard putting mobile homes in the area once this rezoning is approved.

Regarding the residents' concerns, Mr. Counts asked Mr. Richard what his motivation is for proposing the 10 acre parcel. Mr. Richard pointed out that from what he understands, there are two things that he needs to do in order to get a permit for two

outdoor advertising signs; 1) he has got to get the property rezoned through this body as well as the Board of Commissioners; and 2) he's got to get a DOT permit. In order to get the DOT permit, he cannot spot zone the property. The property has to be zoned for other commercial uses besides outdoor advertising signs. He explained that he pulled out three uses from the FA zoning - childcare, churches and telecommunication facilities, all of which are in the current zoning. He stressed that he is trying to offer some protection for the neighborhood. He cannot touch the jurisdictional wetlands; it is wooded and provides a visual buffer. He stated that he scaled the area and the closest existing house is in excess of 800 ft. from the sign. The next closest existing house is in excess of 1000 ft. from the sign. Mr. Richard stated that in his mind, the neighbors have more protection. He is still going to own the property around the signs and he doesn't want to do anything to jeopardize the property in the event he decides to sell it. At this time he pointed out the buildable property at the request of Ms. Julie Martin.

Mr. Hutchinson asked if there is enough room between the berm and I-95 to put up the signs. Mr. Richard replied no. The very bottom of the berm is about 8 to 10 ft. from the I-95 fence and according to DOT regulations the part of the sign that's closest to I-95 has got to be at least 10 ft. off of the fence. The anticipation is that if the outdoor advertising signs go in, the post will either go behind the berm (cantilevered over the berm up to the 10 ft. point) or the post will be built in the berm, but will stick up above it. Mr. Hutchinson asked how far behind the berm does the 10 acres go. Mr. Richard stated that the berm is right at 60 ft. in width from the fence to the backside of the berm and there is another 240 ft. to the commercial lot. Mr. Hutchinson then asked Mr. Richard if there is any way that he could cut down on the 10 acres and perhaps move in closer to I-95. Mr. Richard stated that he's concerned about getting the DOT permit. He had already been advised that if he were to propose two sign locations, the permit would be denied.

Mr. Richard explained that he realizes that he is asking for something, but he feels that he has already made a lot of concessions in an effort to satisfy the neighbors by removing the uses that could presently go on the property and by not asking for anything more than the additional signs.

Mr. Brunson asked Mr. Richard if he explained everything about the FA zoning to the residents at the neighborhood meeting. Mr. Richard replied yes. He stated that with the text in hand, he explained all of the different uses.

Regarding the access down the far end of Stutts Road, Chairman Nevill asked Mr. Richard if he proposes to use the easterly entrance to access the property. Mr. Richard replied yes, and for additional clarification, he stated that he has no intentions of using any portion of the road maintained by Mr. Kirby to access anything more than possibly one lot.

Chairman Nevill stated that it appears that Mr. Richard is trying to protect the residents by pushing the commercial all the way up to the interstate and by reducing the amount of other commercial uses.

Mr. Brunson pointed out that the FA zoning is a disaster waiting to happen and the things that would be allowed under this zoning are uses that residents would not want in their neighborhood. He has always felt that if certain uses are allowed within some parameters of this district and conducive to the neighborhood, then the residents would be better off; rather than having to live with undesirable uses.

It was noted that the residents were still concerned about the possibility of allowing mobile homes on the property in the proposed zoning district. Mr. Hutchinson stated that in the number of years that he has known Mr. Richard he has always been a man of his word. He asked Mr. Richard at this time if he would promise to only consider putting mobile homes on the property as a last alternative. Mr. Richard replied, "Absolutely."

At the end of discussion, a motion was made by Mr. Buddy Hutchinson to approve application **ZM1973 (M)** with the stipulation that Mr. Richard has promised to only consider putting mobile homes on the property as a last alternative. The motion was seconded by Mr. Jason Counts and unanimously adopted.

Staff advised that this request will be forwarded to the Board of Commissioners for final action at a Public Hearing on Thursday, November 4th beginning at 6:00 p.m.

ZM1975 (M) Brunswick and the Golden Isles CVB

Consider a request to rezone from Conservation Preservation (CP) to Freeway Commercial (FC) property consisting of approximately 123 acres located on the east side of I-95, approximately one mile south of the interchange with US 17 South. The purpose of the request is to permit a sign adjacent to the I-95 right-of-way welcoming visitors to the County and for other FC permitted uses. Parcel ID: 03-14382. Brunswick and the Golden Isles CVB, agent for Josephine H. Fendig, Joseph C. Fendig and Joe Fendig, owners.

Mr. Bill Tipton, Brunswick-Golden Isles CVB, was present for discussion.

The staff's report was included in the packages for review and was presented by Mr. Phillips as follows:

This site is located in the West Glynn Future Development Area - outside of a conceptual designated "Activity Center" based on its general proximity to Exit 29 off Interstate 95. Outside of the Activity Center is Low Density Residential. Because of the marsh in this area, the designation at this location is not generally considered appropriate for development. The site is shown as "water" on the Future Land Use Map, just outside of a Regional Center; a radius located in its majority on the northwest side of Exit 29 off I-95.

The existing land use is marsh with a small amount of upland and the proposed uses are commercial as allowed in the Freeway Commercial zoning district.

Brunswick and the Golden Isles CVB is requesting to rezone marshland to Freeway Commercial in order to place a welcome sign on upland near Interstate 95, and potentially to allow billboards in the future when an ordinance revision to allow more billboards takes effect. The submitted materials were revised to provide required information such as property boundaries, existing and proposed zoning, and a vicinity map.

Overall, the property is appropriately zoned Conservation Preservation. The purpose of the zoning request as stated in the application is to support signage.

An issue pertaining to rezoning the entire property is that of allowing all uses listed as permitted under the Freeway Commercial District. Plans were not provided for other commercial allowed uses, with the thought that no commercial development can occur in the marsh under State of Georgia Department of Natural Resources regulations. Support material in the form of a letter of information from the DNR has been obtained by the owner to add to the file for this request. The letter explains that Glynn County zoning does not apply to marsh area. Therefore, to avoid the possibility that someone at some future point in time would develop the upland within the range of potential Freeway Commercial zoning uses, a stipulation should be imposed to indicate that only the upland as illustrated in the general layout plan is to be developed, and that the upland shall be used exclusively for a few very limited uses that include the requested signage.

Allowed uses that the upland property is recommended to be limited to are: (a) public park or private commercial recreational area; (b) telecommunications facilities meeting the requirements of Article XIV of the Zoning Ordinance; (c) government owned or operated use, facility, or land; and (d) outdoor advertising sign meeting the requirements of Article VIII of the Zoning Ordinance.

Staff inquired about what would be done to the property on remaining upland area besides the welcome sign, permits for access and fill, and permits from Georgia Department of Transportation to access upland areas from I-95.

No transportation issues are associated as no roads are proposed. Also, no issues were raised pertaining to utilities and there were no life safety issues with the Police or Fire Departments.

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 use of signage allowed in the Freeway Commercial zoning district is suitable particularly along the highway.

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

The addition of the welcome sign or future billboard(s), telecommunications facilities, or other very limited uses along Interstate 95 as proposed is not anticipated to adversely affect the existing use or usability of adjacent or nearby property.

- 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 signage and other limited uses for the upland area only should not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

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

This area is just outside of an activity center and along a major transportation corridor. The property is not suitable for all Freeway Commercial zoning allowed uses; however, very limited uses including signage allowed within the Freeway Commercial zoning district is suitable, and the “Welcome” sign is desirable.

- 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, developing within the entire range of Freeway Commercial uses is not a suitable option in upland surrounded by marsh, therefore development of the property should be limited to a few very limited uses including Freeway Commercial allowed signage, located upon upland as depicted in the General Layout Plan submitted with the rezoning request.

Mr. Phillips stated that staff recommends that the Planning Commission recommend to the Board of Commissioners approval of this rezoning request with the stipulation that the only development allowed is for a few very limited uses. Allowed uses to be located on upland as defined by Georgia Department of Natural Resources, depicted on the General Layout Plan are:

- (a) Public park or private commercial recreational area;
- (b) Telecommunications facilities meeting requirements of Article XIV, Zoning Ordinance;
- (c) Government owned or operated use, facility, or land, including a depicted "Welcome..." sign; and
- (d) Signs meeting requirements of Freeway Commercial Zone, Article VIII, Zoning Ordinance.

During the course of discussion, several members of the Planning Commission expressed concerns about Freeway Commercial being a very broad zoning district and felt that a PD Text would perhaps be a better choice. Mr. Bill Tipton somewhat agreed but stated that he would have to confer with the owner. He is however willing to defer this request to allow the owner to consider a different zoning district.

At the end of discussion, a motion was made by Ms. Julie Martin to defer application **ZM1975 (M)** to the November 9th MPC Meeting beginning at 6:00 p.m. to allow the applicant to confer with the owner in order to consider an alternative zoning district. The motion was seconded by Mr. Buddy Hutchinson and unanimously adopted.

In other business, Chairman Nevill appointed Bill Brunson and Jason Counts as a committee to elect a Chairman and Vice Chairman of the MPC for 2011.

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