

MINUTES

MAINLAND PLANNING COMMISSION FEBRUARY 2, 2010 - 6:00 P.M. Historic Courthouse, 701 G Street

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

STAFF PRESENT: David Hainley, Community Development Director
York Phillips, Planning Manager
Eric Landon, Planner II
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 procedures and audience participation in discussing agenda items.

Minutes

January 5, 2010 Regular Meeting
January 12, 2010 Joint Meeting

A motion was made by Mr. Bill Brunson to approve the Minutes of the *January 5th Regular Meeting*. The motion was seconded by Mr. Buck Crosby. Voting Aye: Mr. Brunson, Mr. Crosby, Mr. Hutchinson, Mr. Lawrence, Ms. Martin and Mr. Nevill. Mr. Jason Counts did not attend the January 1st Meeting and therefore abstained from voting.

A motion was made by Mr. Jason Counts to approve the Minutes of the *January 12th Joint Meeting*. The motion was seconded by Mr. Buddy Hutchinson. Voting Aye: Mr. Brunson, Mr. Counts, Mr. Hutchinson, Mr. Lawrence, and Ms. Martin. Mr. Crosby and Mr. Nevill did not attend the January 12th Meeting and therefore abstained from voting.

ZM1707 4001-4005 Darien Highway

Consider a request to rezone from R-12 One-Family Residential to General Commercial, property consisting of 3.04 acres on the southwest corner of Highway 17 North and Fairway Road. The property has approximately 300 ft. of frontage on Highway 17 and approximately 420 ft. on Fairway Road. Parcel ID: 03-02331 and 03-02332. Greg Wilkes, agent for Charlie George and Lori Altimus, owners. *(This item continued from November 3rd and December 1st meetings.)*

Mr. Greg Wilkes and Charlie and Lori Altimus were present for discussion.

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

This request has been amended to General Commercial. The property is located on Highway 17, which is a mixed corridor of uses and zonings. The proposed use is consistent with the uses and zoning in this area. The nature of the requested development appears to have a minimal impact on the residential properties to the west. At time of site plan approval the type of buffer required will be approved. A type "A" buffer is required for this type of development.

The Future Land Use Map shows this location as Corridor Mixed-Use. The intent of this district is to recognize the important role of arterial corridors and acknowledge the "economic development and transportation benefits of effectively guiding the future development of the many vacant and underutilized properties along these corridors."

Access directly on Highway 17 will require approval from GDOT. This segment of Highway 17 currently has 17,040 daily trips based on data provided by GDOT. Access from Fairway Road will require coordination with County Engineering to meet distance requirements and to properly work with other developments. All development on this property will require the applicant to conform to the requirements of the Water Resources Protection Ordinance. The site will be served by JWSC utilities as required by the ordinance.

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 development is consistent with the existing use of the site and the development in the area.

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

The proposed development is consistent with the mixed corridor of Highway 17. The surrounding zoning and uses is a mixture of residential, commercial, and recreational facilities.

- 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 significantly impact existing county infrastructure. The property has frontage on a state highway and a local street.

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

This site is located in the Central Glynn Future Development Area, and as a Corridor Mixed-Use on the Future Land Use Map.

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

None.

Mr. Landon stated that staff recommends approval of application *ZM1707* to rezone from R-12 One Family Residential to General Commercial.

Mr. Greg Wilkes gave a brief presentation. He explained that his clients need to sell their property but feel that it is not marketable as residential because of Highway 17 road frontage. Surrounding properties are either Office Commercial or Highway Commercial and they feel that it would be in their best interest to have the property rezoned to General Commercial. This particular zoning would accommodate a small church or a lodge (among other uses) and he respectfully ask that it be approved.

Mr. Brunson asked Mr. Wilkes if he had given any consideration to a Local Commercial zoning change, which is less invasive. Mr. Wilkes stated that he briefly considered Local Commercial but felt that it was limited in its allowed uses. At this time, Chairman Nevill listed a number of uses that are allowed in Local Commercial and stated that Local Commercial does not allow truck or transportation terminals, but General Commercial does. Mr. Wilkes agreed to exclude truck or transportation terminals. He then asked for a few moments to confer with his clients about the possibility of selecting another type zoning. In the meantime, for the benefit of the Country Club Park residents

in attendance Chairman Nevill explained that there is nothing specifically planned for the property at this time. The drawing that the applicant submitted merely shows that a commercial building could be built on the property. After the property is rezoned and sold, the final details of what will be built will have to be approved during the site plan process.

After conferring with his clients, Mr. Wilkes stated that they would like to stay with the General Commercial zoning and disallow any of the invasive type uses, such as truck terminals, etc. They don't feel that anything major or a really big development is planned for the 3 acre site. Mr. Wilkes pointed out that if he were to choose the Local Commercial he needs assurance that the zoning will cover all of the possible uses that his clients might be considering.

At this time, the floor was opened for public comments. Several adjacent property owners were present to oppose this request; however, Mr. Keith Higgins of 66 Sunset Boulevard was selected as spokesperson for the group. He gave a brief history of the neighborhood dating back to 1927 and pointed out that Fairway Road, as well as the property in question, has always been used exclusively as residential property. On behalf of the Country Club Park residents, Mr. Higgins presented the following from a prepared statement:

“As a general principle, we do not oppose any possible development of the property in question. In fact, we feel that an appropriate, higher-density residential development or a mixed-use planned development that involves a substantial residential component that abuts our neighborhood with local commercial use along the property's frontage with Highway 17 would probably be the best possible use of the property.

“We do, however, oppose the current proposal because it does not preserve and protect the residential character of our neighborhood, and it permits many uses that will adversely impact our property and our quality of life. We also oppose the current proposal because it is contrary to the Recommended Development Pattern for the Central Glynn Area and the development guidelines for a Mixed-Use Corridor.

“We ask you to vote to recommend that the application be denied by the County Commission for the following reasons:

“Although a proposed or planned use is not currently before the Commission, a General Commercial zoning will allow the property to be used for the construction and operation of a funeral home, the very use that we have previously opposed. Under a General Commercial zoning, the property may be used for any business that involves the rendering of a personal service. Since a funeral home is specifically listed in another section of the zoning ordinances (i.e. ordinance for a Office Commercial District) as a business that involves the rendering of a personal service, any court will likely construe a General Commercial district to also permit the operation of a funeral home.

“The proposal will also permit other uses that are incompatible with the residential use of all of the adjacent property. Although it is impossible to exhaustively list all of the incompatible uses that would be permitted by the proposal, other unsuitable uses that would be permitted include a massage parlor, a tattoo parlor, a truck or transportation terminal, a repair garage, a bar that sells alcoholic beverages for consumption on the premises, and a retail or wholesale business that involves the open yard sale of merchandise.

“All of the adjacent property is being used for residential purposes. In light of these uses and the large residential component of the planned development to the immediate south of the Brunswick Country Club, the area in which the property is located has evolved into a residential node that separates the business development to its south from other business nodes along Highway 17.

“The property's current zoning is compatible with the continued evolution of this area as a residential node. The zoning proposal will alter this development and make the residential use of the property to its immediate north and south less desirable. This could then destroy the existing, mixed-use nature of the corridor by inevitably causing this area to become one hundred percent commercialized.

“The commercial use of this property will require Fairway Road to be widened to 24 feet. The ensuing commercial use of Fairway Road will increase the amount of traffic and congestion on the only means of ingress and egress for the residents of Country Club Park.

“Without knowing exactly what use will be made of the property, the additional impact upon Fairway Road and the adverse effect upon the residents of Country Club Park cannot be adequately assessed. We, therefore, ask that no rezoning for this property be approved unless there is a specific use that is proposed.”

In conclusion, Mr. Higgins stated that “should you decide, however, to recommend approval of the rezoning proposal, we ask you to protect our neighborhood by limiting the types of adverse uses that will be permitted. We ask you to condition your approval to specify that the property cannot be used for a funeral home, massage parlor, tattoo parlor, truck or transportation terminal, repair garage, automobile service station, retail or wholesale business that involves the open yard sale of merchandise, and any business that requires a license for the sale or consumption of alcoholic beverages.”

Chairman Nevill thanked Mr. Higgins for his comments. He stated that Highway 17 is a 4-lane divided highway and it simply “screams commercial.” He noted that the applicants previously came to the Planning Commission with a PD Text and he thought at the time that it was more of a gift because there were only two uses; one being a funeral home and the other was a residential use. There was nothing else that could have gone on the site at that time.

In a brief rebuttal, Mr. Wilkes stated that denying the rezoning in this case would strongly inhibit the ability of his clients to sell their property. There is not a high desire for residential use that fronts on a 4-lane highway. He stated that it is reasonable to assume that a truck terminal would not be appropriate for this site. Mr. Wilkes stated that any business that fits into the General Commercial that could be allowed on the site will have to go through the site plan process as well as engineering review. He respectfully asked that the request be approved for General Commercial with the disallowed invasive type uses, i.e. funeral homes and truck terminals.

Following discussion, a motion was made by Ms. Julie Martin recommending denial of application **ZM1707** to rezone property from R-12 One Family Residential to General Commercial. However, the motion died for lack of a second.

A motion was then made by Mr. Jason Counts recommending approval of application **ZM1707** to rezone the property from R-12 One Family Residential to General Commercial excluding funeral homes and truck terminals. The motion was seconded by Mr. Buddy Hutchinson. Mr. Brunson asked that the motion be amended to also restrict a massage parlor, tattoo parlor, repair garage, automobile service station, retail or wholesale business that involves the open yard sale of merchandise, and any business that requires a license for the sale or consumption of alcoholic beverages. Discussion continued, during which Mr. Counts reluctantly accepted the amendment and stated that excluding the alcoholic beverage license would put restrictions on a restaurant to do business. As opposed to the amendment restricting any business that requires a license for the sale or consumption of alcoholic beverages, Mr. Brunson added that bars and package stores would not be allowed. The amendment was accepted and the following vote was taken. Voting Aye: Mr. Bill Brunson, Mr. Jason Counts, Mr. Buck Crosby, Mr. Buddy Hutchinson, Mr. Ryan Lawrence and Mr. Gary Nevill. Voting Nay: Ms. Julie Martin.

Chairman Nevill advised that this request would be forwarded to the Board of Commissioners for final action at its March 4th meeting, beginning at 6:00 p.m.

There being no further business to discuss, the meeting was adjourned at 7:00 p.m.