

M I N U T E S

GLYNN COUNTY PLANNING COMMISSION
MAY 3, 1994 9:00 A.M.

MEMBERS PRESENT: Ira Moore, Vice Chairman
Jerome Clark
Georgia DeSain
Glenda Jones
Jack Kite
Richard Parker

ABSENT: Wayne Stewart, Chairman

STAFF PRESENT: Dan Reuter, Planning Official
Larry Taylor, Zoning & Dev. Review
Jennifer Detloff, Planner
Janet Loving, Admin. Secretary

Vice Chairman Ira Moore called the meeting to order and the invocation was given.

Vice Chairman Ira Moore introduced and welcomed Mr. Dan Reuter, Glynn County Planning Official. best of his ability.

**Site Plan Approval
Picric Park Apartments**

Located off Old Mill Tract, 1.98 acres zoned Medium Residential. Twenty-two units (Two-Family Dwellings) to be served by City of Brunswick Water and Sewer.

A. L. Flanagan and Associates, Owner/Developer.

Mr. Flanagan was present for discussion.

Mr. Larry Taylor presented the staff's report. He stated that this plan has been reviewed by county staff and it meets all the requirements for a multi-family development at a density of 11 units per acre. He explained that Medium Residential allows a maximum of 16 units per acre.

Mr. Taylor stated that staff recommends approval of this site plan subject to the following conditions:

1. Any disturbance to the stand of grass in the county right-of way shall be immediately repaired.
2. Proper soil erosion and sedimentation control practices shall be employed during construction.

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

Following review, a motion was made by Mr. Richard Parker to approve this request subject to the conditions stated by staff. The motion was seconded by Ms. Glenda Jones and unanimously adopted.

**Revisions to the Preliminary Plat of
Marsh Point Subdivision to increase
from 33 Lots to 35 Lots.**

William Larry Singleton, Owner/Developer.

No one was present to represent this request, therefore Vice Chairman Ira Moore stated this item would be discussed later in the meeting pending the arrival of a representative.

**Mecchella I Subdivision
Preliminary Plat**

Located at the north end of Peachtree Street, St. Simons Island, zoned R-6 One-Family Residential, .2947 acres. Two residential lots to be served by St. Simons Water and Sewer.

Ed Mecchella, Property Owner/Developer.

**Mecchella II Subdivision - 801 Plat Approval
Variance Request on Right-of-Way Width for
Private Access Easement.**

Located off Arnold Road, St. Simons Island, zoned R-6 One-Family Residential, 0.7701 acres. Three residential lots to be served by St. Simons Water and Sewer.

Ed Mecchella, Property Owner/Developer.

Mr. Ed Mecchella was present for discussion.

Mr. Larry Taylor presented the staff's report. He explained that this proposal was presented at the April 5th Planning Commission meeting as two requests. At that time, the applicant's request for Mecchella I was to create a two lot

subdivision by opening an unopened easement off Peachtree Street. The applicant submitted a plat for Mecchella II as a minor subdivision in accordance with Section 801.2 "Private Easement Serving 4 Lots or Less". Mr. Taylor stated that at that time, following staff's review, it was determined that several deficiencies existed and the development required approval of several variances on the private easement. Mr. Taylor further stated that at the April 5th meeting, staff recommended that the two subdivisions be resubmitted as one, no variance be permitted, all deficiencies be addressed, and that the necessary approvals be obtained from county departments. The Planning Commission deferred action at that time and suggested a site visit be conducted.

Mr. Taylor explained that the developer has resubmitted the application and engineering drawings with the two subdivisions combined. He stated the drawings have been approved by the County Engineer. Mr. Taylor pointed out that the following variances would be required per this design:

1. Section 801.2 states, "subdivision for 4 lots or less having direct access to an existing public or private street with a minimum right-of-way of 50 feet." The proposed private easement would have access off Arnold Road, which is a county road with only a 20 foot right-of-way.
2. Section 801.2 states, "private access easements which shall have a minimum width of 60 feet". The easement proposed is only 44.32 feet in width.
3. The Glynn County Zoning Ordinance, Section 701.5, Subsection 1, requires 6,000 square feet of development area. Development area, as defined by Section 302.28, is all areas not "utilized for streets, alleys or access easements". Lot 2 of Mecchella II (if a variance is granted for a 50 foot access easement rather than a 60 foot access easement as required) would only have 5,447 square feet. If a 60 foot easement is required, per the Zoning Ordinance, Lot 2 would only contain 5,149 square feet; both of which are short of what is required by the Zoning Ordinance and therefore requires a lot size variance from the Zoning Board of Appeals.

Mr. Taylor stated that according to Article IX Section 901 of the Glynn County Subdivision Regulations, variances shall be permitted as follows:

Article IX Section 901: When a peculiar shape or topography of a tract of land, or other unusual condition makes it impractical for a subdivider to comply with the literal interpretation of the design requirements of this Ordinance, the Planning Commission shall be authorized to vary such requirements; provided however, that in so doing, the intent and purposes of this Ordinance are not violated".

Mr. Taylor stated in staff's opinion, an unusual condition does not exist which makes it impractical for subdividing in accordance with the ordinance. Mr. Taylor pointed out that this request violates the intent of the ordinance. He stated that the area used for Mecchella II is a legal lot as exists for a single-family residence or it could be subdivided, using the 43 ft. wide access area as a county standard minor street with a right-of-way width of 40 ft. by providing curb and gutter on each side of the paving edge, or an equally acceptable engineering design method approved at the discretion of the

County Engineer and subject to the land area being great enough to meet the minimum lot area requirements. Mr. Taylor stated staff recommends that this land be developed in this manner in accordance with Section 60.4 "Design Standards for Paved Streets".

Mr. Taylor explained that Lots 1 and 2 of Mecchella I are to have access by opening an easement from Peachtree Street and Union Street subject to the following conditions:

1. Before the Preliminary Plat is considered, approved legal documentation should be presented by the developer which shows the unopened easement as being dedicated and an accepted unopened county easement and/or the County Attorney's approval of this unopened area as such.
2. Soil Erosion and Sedimentation Plan should be submitted and approved by the Soil Conservation Service.

Mr. Ed Mecchella gave a brief presentation. He explained that the three parcels only have 44 ft. for access to the property. He stated Arnold Road only has a 20 ft. access. He pointed out that he has a 44 ft. private drive and is willing to meet all specifications in order to maintain a private drive. Mr. Mecchella explained that he does not have enough access to his property. There is one road; however, one side of the road is 20 ft. and the other side is 40 ft. He reiterated that he is willing to meet all specifications.

Mr. Ira Moore asked Mr. Mecchella what is wrong with what staff has proposed. Mr. Mecchella replied that staff's proposal is unfeasible. He then stated he is being treated unfairly due to a personal conflict between his wife (Mr. Mecchella's wife) and Mr. Taylor regarding the "Save the Beach" issue.

Mr. Mecchella explained that this is his first subdivision and he applied in this manner because Mr. Taylor advised him to do so. He pointed out that if Mr. Taylor had told him differently he would not have applied in this manner. Mr. Mecchella stated to have 5 lots is "totally out of the question". He questioned why he was not properly advised by staff before he did the ground work. He stated he has a lot of money invested in this development. Mr. Mecchella stated that he spoke with several County Commissioners and he also spoke with the County Administrator who stated he would get to the bottom of this.

Mr. Mecchella stated the Army Corps of Engineers submitted a letter stating the development is not located in a wetlands area and also the Water and Sewer Commission approved his engineering drawings. He stated he has met the County Engineer's specifications and he has followed all of Mr. Taylor's instructions.

Mr. Ira Moore asked Mr. Mecchella how long had he owned the property. Mr. Mecchella replied that he recently purchased the property.

It was noted that several property owners were present to oppose this request.

Attorney Tom Lee was present to represent the residents of Ocean Breeze Subdivision. He presented a petition consisting of approximately 27 signatures of citizens who are opposed to this request.

Attorney Lee gave a brief presentation. He stated that Mr. Mecchella is not entitled to the variance as a matter of law. He further stated if this request is granted it would be in violation of the Glynn County Subdivision Regulations in that the request does not comply with the Ordinance. He also had questions regarding the outfall for the drainage ditch. He stated anything that is done in the area needs careful consideration so as not to impact drainage problems. Attorney Lee stated that Mr. Mecchella's project is "strictly a money-making venture" and he is trying to take away the property owners' land.

Mr. Ron Strahorn, St. Simons resident, stated he has lived in the area for 20 years. He explained that dump trucks would not be able to service the area because there is not enough room for dump trucks or fire trucks to maneuver. He also stated there is not enough parking. Mr. Strahorn stated he is opposed to this request. He further stated that Mr. Mecchella is "notorious for requesting variances".

Ms. Jane Sanders was present to speak in favor of this request. She stated that Peachtree Street is already a designated county right-of-way. She stated the existing right-of-way is what Mr. Mecchella is trying to open and he will meet all requirements to access the lot. Ms. Sanders stated that Mr. Mecchella did everything he was told and this request should be approved.

Mr. Mecchella stated that he spoke with the Fire Chief regarding this request and the Fire Chief had no problems; all standards were met.

In rebuttal to Mr. Mecchella's remarks regarding his not being treated fairly due to a personal conflict, Mr. Taylor stated Mr. Mecchella's wife has nothing to do with this request. He explained that he advised Mr. Mecchella that the only way he could file the application is to request a variance. Mr. Taylor stated that everyone has the right to request a variance; however, granting the variance is subject to the Planning Commission's approval.

Mr. Jack Kite asked how would piping the ditch affect drainage in the area. Attorney Tom Lee stated that water is now flowing in the ditch; however, once the ditch is closed by piping, it will no longer have the capacity to carry the water.

Ms. Lucy Baker, adjoining property owner, also expressed concern regarding drainage.

Mr. Mecchella stated the condition of the open ditch at this time is unsightly and loaded with trash. He stated piping will improve the water flow. Mr. Mecchella stated he would grant the easement to the county so that the county could get in and maintain the ditch. Mr. Wayne Baker stated the county is already maintaining the ditch.

Ms. Jane Sanders asked if Peachtree is in fact an existing right-of-way. Mr. Taylor replied that staff is unsure of this and this is why the conditions were placed on the request. He explained that the County Attorney needs to provide staff and the Planning Commission with information regarding the status of the right-of-way. Ms. Sanders stated that Peachtree is shown on the tax map as a right-of-way. She stated that is the only

access to the property and without that right-of-way, the owners are "landlocked". She also had questions regarding the easement. Mr. Taylor explained that tax maps are not the final determining factor of easement ownership. He stated if the county has abandoned the easement then the easement is no longer there. Ms. Sanders stated the county has not abandoned that right-of-way. Mr. Taylor stated that this is a legal question that needs to be addressed by the County Attorney. He also stated that determining whether or not property is "landlocked" is an issue for the courts to resolve.

Vice Chairman Ira Moore stressed that the County Attorney will have to determine the status of the right-of-way and the easement.

Mr. Mecchella remarked that there were three houses at the end of College Street when Mr. Edward Stelle (former county employee) requested a variance to build his house and the county had no problem granting that variance. Mr. Taylor explained that Mr. Stelle had a 40 ft. lot with a 7 ft. side yard, which was a 3 ft. reduction in side yard from 10 ft. to 7 ft.

Mr. Richard Parker stated he believes people should be allowed to use their property; however, there are too many variances and too many unanswered legal questions, therefore Mr. Parker made a motion to deny this request. The motion was seconded by Mr. Jack Kite. Further discussion ensued. It was noted by Mr. Kite that Mr. Edward Stelle and Mr. Larry Taylor had no bearing on whether this request would be approved or denied. The motion for denial was unanimously adopted. Mr. Mecchella stated that he would like to present his request to the Board of Commissioners and asked the Planning Commission for the proper procedure. Vice Chairman Ira Moore advised Mr. Mecchella that he would have to contact the County Administrator's office for that information. Ms. Jane Sanders commented that she does not understand what the legal questions are. She stated Mr. Mecchella is only asking for one variance.

**Preliminary Plat
Heidi Subdivision**

**Located off Green Swamp Road, 20.737 acres,
zoned Forest Agricultural, 10 residential
lots, individual septic tanks and individual
wells.**

Property owned by Doris Thomas.

Mr. Robert Strickland and Mr. Roger Purcell were present for discussion.

Mr. Larry Taylor presented the staff's report. He stated that this plat has been reviewed by county staff and staff recommends for approval subject to the following:

1. Soil Erosion and Sedimentation Plan to be submitted and approved;
2. Final acceptance by the County Engineer;
3. A 22 ft. wide by 24 ft. in length ramp pavement be installed at the intersection of the new proposed road with Green Swamp Road; and
4. Clarification shall be made as to the outfall ditch with respect to where or what it drains into, with the County Engineer's approval.

Mr. Robert Strickland gave a brief presentation and explained the layout of the property.

Following review, a motion was made by Ms. Georgia DeSain to recommend approval of this preliminary plat. The motion was seconded by Mr. Jerome Clark and unanimously adopted.

GC-12-94

Request to Rezone from R-6 One-Family Residential to General Commercial, Lots 32, 33 and 34, Block A, St. Simons Heights Subdivision, consisting of 18,000 square feet and frontage of 150 feet on Georgia Street.

Property owned by Doyle Watson Enterprises, Inc.

Mr. Doyle Watson was present for discussion.

Mr. Larry Taylor presented the staff's report. He stated that this request is to rezone three (3) residential lots in St. Simons Heights Subdivision to General Commercial in order to allow an off-street commercial parking lot.

Mr. Taylor stated that Lots 35, 36 and 37 of Block A (located immediately south of the property) were rezoned to Local Commercial in 1973. At that time, the proposed zoning was stated to be a logical buffer between commercial and residential but that further commercial use within the subdivision should not be recommended. It was noted that at that time, there was not a residential structure within one block.

Mr. Taylor stated that Lots 30 and 31 of Block A (located immediately north of the property) were rezoned to Medical in 1985 with the following conditions:

1. No access from Georgia Street;
2. An unbroken buffer strip or fence meeting the requirements of the Zoning Ordinance to be provided along the Georgia Street property line;
3. Deed restrictions must be filed prior to issuance of a construction permit; and
4. A stamp to be placed on the official zoning map indicating that restrictions exist on this zoning classification.

Mr. Taylor pointed out that Lots 30 and 31 were requested for off-street parking to accommodate a medical usage on the abutting lots that have frontage on Frederica Road.

Mr. Taylor explained that the concept plan submitted with this rezoning request shows the property having access by a twenty foot alley, not Georgia Street. He stated that the ordinance does not allow the only access to be by way of an alley. Access is required to be off a county street or easement or be incorporated as part of another development that has frontage on an open street. The property owner submitted documentation which states that the off-street parking area would accommodate the surrounding commercial uses. Mr. Taylor stated staff feels that the proposal submitted for an off-street parking lot could be supported with the same type conditions that were placed on the rezoning in 1985 (GC-20-85). He stated that in order to protect the residential neighborhood, staff recommends the following conditions:

1. No commercial structure or use allowed which would be independent from the commercial uses on Frederica Road or have a separate ownership due to having primary access via twenty foot alley. This would require the commercial use to be incorporated with the commercial uses on Frederica Road and remain a part thereof;
2. No access allowed from Georgia Street, which is a residential street;
3. An unbroken buffer strip or fence meeting the requirements of the Glynn County Zoning Ordinance to be provided along the Georgia Street property line;
4. Deed restrictions must be filed prior to issuance of a construction permit; and
5. A stamp shall be placed on the official zoning map indicating that restrictions exist on this zoning classification.

Mr. Taylor stated in order to further evaluate this request, the following matters were considered in developing staff's recommendation:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

Yes, with conditions to protect the residential subdivision.

2. Whether the zoning proposal will adversely affect the existing use of adjacent or nearby property;

No, if access from Georgia Street is prohibited and a buffer is provided.

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

Yes.

4. 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;

Yes, could have an excessive burden on the existing residential street if access were to be allowed.

5. Whether the zoning proposal is in conformance with the policy and intent of the Comprehensive Land Use Plan;

Yes, shown as residential.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

The area has been developed as commercial and single-family residential in recent years.

Mr. Taylor stated staff recommends approval of this request subject to the following conditions:

1. No commercial structure or use allowed which would be independent from the commercial uses on Frederica Road or have a separate ownership due to having primary access via twenty foot alley. This would require the commercial use to be incorporated with the commercial uses on Frederica Road and remain a part thereof;
2. No access allowed from Georgia Street;
3. An unbroken buffer strip or fence meeting the requirements of the Glynn County Zoning Ordinance to be provided along the Georgia Street property line;
4. Deed restrictions must be filed prior to issuance of a construction permit; and
5. A notation shall be placed on the official zoning map indicating that restrictions exist on this zoning change.

Mr. Taylor pointed out that a letter from the applicant, explaining his intentions, was submitted to the Planning Commission for their review.

Mr. Doyle Watson gave a brief presentation on the history of the property and elaborated on his intentions. He stated that he intends to leave the property as it is with the exception of parking. Mr. Watson stated that parking in this area will become deficient as the population grows and this zoning change will alleviate some of the parking problems.

Ms. Carol Strayer stated she doesn't mind the parking lot; however, she is concerned about buildings going up in her front door. Mr. Bob Fell also expressed concern regarding encroachment of commercial developments in residential areas. He stated in his opinion, the zoning change should be for Planned Commercial and not General Commercial. Mr. Fell stated he is also concerned about buffers. Mr. Taylor explained that for these reasons, staff added the conditions and if necessary, the Planning Commission could add another condition that states before a building permit is issued, the developer has to return to the Planning Commission for review. He then presented signatures of property owners who have no objections to this rezoning.

Mr. Richard Suratt, owner of the First Federal Plaza, stated that due to increase of business, parking has become of problem. He stated that 100% of his tenants requests approval of this rezoning.

Following discussion, a motion was made by Mr. Jack Kite to recommend approval of this request subject to the conditions stated by staff along with the condition that before a building permit is issued, the developer has to come back to the Planning Commission for review. The motion was seconded by Ms. Glenda Jones and unanimously adopted.

Upon a motion made by Ms. Georgia DeSain and seconded by Mr. Jerome Clark, the Minutes of the April 5, 1994 Planning Commission meeting were approved and unanimously adopted.

At this point, Mr. Taylor presented the Preliminary Plat of Marsh Point Subdivision. He explained that due to this being an approved preliminary plat, the owner/developer may not have been aware that he had to be present. Mr. Taylor then presented the following staff report and asked that the Planning Commission take action at this time.

Revisions to the Preliminary Plat of Marsh Point Subdivision to increase from 33 Lots to 35 Lots.

William Larry Singleton, Owner/Developer.

Mr. Taylor stated that this request is to increase the lot number by 2, from 33 lots to 35 lots with no change in road design or drainage. He stated that the plat meets all requirements for preliminary plat approval and staff recommends approval of the revised plat.

Following review, a motion was made by Mr. Jerome Clark to approve the revisions to the Preliminary Plat of Marsh Point Subdivision. The motion was seconded by Mr. Jack Kite and unanimously adopted.

STAFF ITEMS

**a) Section 727.7 Sea Turtle Protection Requirements
Beachfront Lighting, Glynn County Zoning Ordinance**

Mr. Taylor explained that on March 21st he received a memo from the County Administrator requesting an amendment to the Turtle Protection Ordinance which was advertised for today's Planning Commission meeting; however, at the April 12th pre-agenda meeting, Mr. Taylor stated he was informed not to process this matter.

It was pointed out by Mr. Taylor that a copy of this section of the ordinance is included in the Planning Commission packages for review and discussion. Vice Chairman Ira Moore stated that members of the Planning Commission need more time to

study the Turtle Protection Ordinance before making a decision. He recommended that the Planning Commission take no action at this time. Mr. Taylor pointed out that there are two conflicting ordinances regarding violators and enforcement procedures.

Following a brief discussion, it was the consensus of the Planning Commission to have a called meeting on May 19th at 9:00 a.m. in Room 234 of the Office Park Building to further discuss the Turtle Protection Ordinance.

STAFF ITEMS CONT.

b) Review Department Budget

Mr. Larry Taylor presented a FY 95 preliminary Planning and Zoning budget for review and discussion; however, Vice Chairman Ira Moore suggested that the Planning Commission study the budget and discuss it at the called meeting on May 19th.

COMMISSION ITEMS

Mr. Taylor presented current copies of the updated Glynn County Zoning Ordinance with amendments. He then elaborated on the process for amending the ordinance.

Also under Commission Items, Mr. Taylor informed the Planning Commission that he has filed a grievance regarding working conditions. He then issued copies for information purposes.

There being no further business to discuss, the meeting adjourned at 11:15 a.m.