

BRUNSWICK - GLYNN COUNTY
JOINT PLANNING COMMISSION

NOVEMBER 6th, 1979

Present: Billy R. Gibson, Chairman
S. Gerald Atkinson
Johnie O. Boatright
Margaret A. Brown
W. W. Crosby
Harry I. Driggers
Andy Haman
Bill Hicks

Also Present: Edward H. Stelle, Executive Director
Roy Dudark, Assistant Director
Frank R. Kurchinski, Planner
Deborah B. Chapman, Administrative Assistant

Chairman Gibson called the meeting to order and invocation was given.

GC - 50 - 79

Request to rezone, from FA Forest - Agricultural to GI General Industrial a 8.85 acre tract located 2,783 feet northeast of the intersection of U.S. 84 and Emanuel Church Road

Mr. Robert Thomas was present to represent the above request submitted by the owners of the property, Cecil Shelf, Joseph Drawdy and Mrs. Virginia Drawdy.

Mr. Stelle pointed out the location of the subject property. He stated that the property is being requested for a rezoning to GI General Industrial in order that Mr. Thomas can locate a salvage yard and a single-family residence.

Mr. Stelle stated that the area is rural/residential and is not a good location for a basic industrial use. He pointed out that the area is rural in nature consisting of single-family homes, farms and a grocery store. He stated that there is no rail access and poor road access for such a proposed use as a salvage yard. He further stated that the Health Department has stated that a salvage yard could create a health hazard in the area, and the Building Inspector feels that such a rezoning to GI General Industrial would be a spot zoning and would set an unacceptable precedent in the area. He further stated that the proposed salvage yard would create an unpleasant entrance into Glynn County from the west.

Mr. Calvin Waye and seven (7) other property owners in the area were present to object to this rezoning request. Their objections were: 1) encroachment into their residential area; 2) would be an eye sore; 3) would

be a down-grading of the area; 4) traffic and noise nuisance; and 5) would be a health hazard.

Mr. Thomas, applicant, stated that he proposes to buffer the salvage yard from the residents in the area. He stated that the use of the property would be for recycling of materials and new materials, not just a salvage yard. He further stated that he would keep it clean and that it would not be a health hazard to the area. Mr. Thomas then stated that he does propose to locate his home on the subject property behind the salvage yard.

Mr. Stelle stated that the staff recommends denial of this request for the following reasons: 1) would be a spot zoning; 2) would be an encroachment into the residential area; and 3) would create a health hazard.

Motion was made by Mr. Atkinson, seconded by Mr. Crosby and unanimously adopted that this request be recommended for denial for the above so stated reasons by the JPC Staff.

CUP - 12 - 79

Request for a Conditional Use Permit for the location of an office and junk yard in a BI Basic Industrial District, located at the northwest intersection of 9th Street and the SCL Railroad

Mr. Richard Brazell was present to represent the above application submitted by Mr. Wray Avera and himself.

Mr. Stelle pointed out that the property is located on 9th Street adjacent to the SCL Railroad and private property. He stated that Mr. Brazell wishes to locate a salvage yard on the subject property as a conditional use. He explained that in a GI General Industrial area the minimum amount of property required for such a use is one (1) acre. However, this lot is a substandard lot of record.

Mr. Stelle then referred to a letter from Mr. Vernon Lewis, Glynn County Building Official, stating that it has been the policy of the Building Inspection Department to discourage the establishment of conditional uses on substandard lots of record, such as this request.

Mr. Stelle stated that this conditional use would not be able to meet the necessary set-back requirements for a GI General Industrial district due to the amount of property involved.

Mr. Brazell stated that he does not feel that this request should be denied on the basis that the property does not contain one (1) acre in that it was a lot of record prior to the Ordinance. He further stated that the property is properly zoned for this type of operation. He stated that the area is industrial in use and that the existing single-family residents in the area are non-conforming uses.

Mr. Brazell stated that the use of the property is for a salvage yard and office. However, he does not plan to sell parts, etc. and that the owner of the business proposes to crush automobiles and then send them off so therefore there will not be a lot of stored vehicles on the property.

Mrs. Dorothy Talton was present to object to this request. She stated that Mr. Brazell has leased this subject property for this type of operation in the past. She stated that the crushing of the automobiles were a noise and health hazard.

Also present to object was Mr. Willie Picken. He submitted a petition bearing the signature of 14 property owners stating that they object to this request.

Mr. Stelle pointed out that such a use of this type requires a conditional use permit and that the Planning Commission may review the request and determine if such a use would be detrimental to the area. He further stated that the Planning Commission has the right to refuse the granting of a conditional use permit.

Mr. Stelle then referred to the Zoning Ordinance, Section 710.3. Mr. Stelle stated that the proposed use would have to be located at least two hundred (200) feet away from any property line to meet the requirements of the Ordinance. He further stated that due to the size of the property this requirement cannot be met.

Mr. Stelle stated that the staff has reviewed this request and feels that it should be denied for the following reasons: 1) the proposed use would create adverse environmental conditions constituting a public nuisance and health hazard in a residential area; and 2) the lot is a substandard lot of record and adequate buffers could not be provided.

Following further discussion, motion was made by Mr. Hicks and seconded by Mr. Crosby that this request be denied for the reasons stated above by the Staff. Voting Aye: Mr. Atkinson, Mr. Boatright, Mrs. Brown, Mr. Crosby, Mr. Haman and Mr. Hicks. Abstaining from Voting: Mr. Driggers.

GC - 52 - 79

Request to rezone, from R-9 One-Family Residential to GR General Residential, a 5.5 acre tract consisting of 22 lots located on either side of Cornwall Avenue between Buckingham Place and Greenwood Avenue in Beverly Shores Subdivision

Mr. Malcolm Seckinger was present for review of the above application submitted by Mr. Joseph H. Roberts.

Mr. Stelle pointed out that this property is a portion of the platted Beverly Shores Subdivision. He stated that the proposed use of the subject property is for the construction of duplex housing units.

Mr. Stelle pointed out that the property abuts HC Highway Commercial property on Altama Avenue and would buffer the noise and commercial activities from the adjacent single-family homes to the east.

Mr. Stelle stated that the drainage and water & sewer are acceptable and that the staff recommends approval of this request.

Motion was made by Mr. Hicks, seconded by Mr. Driggers and unanimously adopted that this request be recommended for approval for the construction of multi-family development.

GC - 51 - 79

Request to rezone, from R-12 One-Family Residential to GC General Commercial, a 41.35 acre tract located northwest of the intersection of Glynn Marsh Drive and Altama Avenue, just south of Frederica Garden Apartments

Mrs. Mary Bryan Fields was present to represent the above application submitted by Ronald Adams, Deborah Adams, and Francis Casey.

Mr. Stelle pointed out the location of the subject property. He stated that the property adjacent to this subject property has been rezoned to GC General Commercial. He stated that this rezoning would combine the 2 tracts of land together in order that an enclosed mall shopping center can be constructed.

Mr. Stelle pointed out that the drainage plans for the property have not been submitted. He further stated that if this rezoning is recommended for approval that it should be subject to drainage plans being approved by the County Engineer.

Motion was made by Mr. Hicks, seconded by Mr. Atkinson and unanimously adopted that this rezoning be recommended to the County Commission for approval subject to the drainage plans being submitted and approved by the County Engineer.

Sea Palms West

Messrs. Robert L. Boone, John Bailey, Jerry McBride, Pat Garner, Richard Day, David Francis, Larry Phillips and Dr. Joe Edmiston were present for discussion of the above application.

Mr. Stelle explained that the Planning Commission had deferred action on Sea Palms West at the last JPC Meeting until such time as the County Attorney, Tom Lee, could render a legal interpretation as to the status of the zoning for the Sea Palms West tracts.

Attorney Lee was present to give his legal interpretation. Mr. Lee read portions of the Glynn County Zoning Ordinance, Section 713.3 pertaining to the question of reversion to previous zoning if significant development does not take place within a 2 year period. Mr. Lee stated that the Planning Commission has asked for his opinion as to whether Sea Palms Planned Development zoning has reverted back to previous zoning due to the above referenced section of the Ordinance. He stated that in trying to make his decision he looked at it from a legal and factual point of view. He stated that the law in Georgia gives a property owner a vested right to use his property as zoned and can not be interfered with by a subsequent amendment. He stated that making his decision from a factual point he looked at all the information received from Bay Colony Properties, Inc. He stated that the letter received from Attorney Larry Phillips dated October 30, 1979, stated that Bay Colony originally loaned Ashmore over 3 million dollars and when making the loans that each tract was appraised separately. The letter further stated that if the property had not been zoned Planned Development - General that Bay Colony would not have made the loan. Attorney Phillip's letter further stated that since that time that over \$225,000 has been spend on the subject property for surveys, clearing, engineering studies, utilities, legal costs,

etc. Attorney Lee stated that based on the information received from Attorney Phillips that it is his interpretation that the zoning is PD-G Planned Development - General.

Mr. Haman stated that he would like to clarify a motion adopted by the Planning Commission at it's meeting of July 24th which he made. He stated that there has been a mis-representation of the motion. He stated that the motion he had made was that Mr. Robert L. Boone, representative for Bay Colony Properties, Inc., be notified that it is the Planning Commission's opinion that the subject property, consisting of Stephens Tract and Horne Tract, has reverted back to the zoning classification of R-12 One-Family Residential. He stated that the Planning Commission does not have the authority to revert the zoning of a piece of property and would like to go on record as so stating in order to clarify communications.

Mr. Stelle pointed out that the legal opinion has been received from the County Attorney and that all tracts are zoned PD-G Planned Development - General. He then stated that the Planning Commission should proceed on this basis and work with Bay Colony on processing their plans.

Mr. Stelle pointed out that Bay Colony Properties, Inc., has submitted 3 subdivision plats which encompass portions of all 4 tracts - Horne, Stephens, Racquet Club and Deer Run. He stated that after review of these subdivision plats it has been found that there are some changes in the plans that need to be made. Mr. Stelle then read from the Glynn County Zoning Ordinance. He stated that it is his opinion that further development of the Planned Development - General property shall conform to the requirements of Section 713 of the Ordinance. He explained that therefore any changes should be treated as an amendment to the PD-G District. As such, an amendment should be submitted by Bay Colony, a hearing held, the Planning Commission's recommendation forwarded to the County Commission, and the item advertised for public hearing by the County Commission for their action. Mr. Stelle stated that he recommends that the applicant submit an application for an amendment prior to preliminary plats being approved.

Attorney Phillips stated that Bay Colony has been working with the Planning Commission on this matter for the past six (6) months. He stated that it is his opinion that when the zoning was changed in 1972 to Planned Development - General that the site plans were approved and that an amendment to make minor changes to the site plan should not have to be made by an amendment. Attorney Phillips stated that he feels the preliminary plats for Phase I, II and III were drawn to meet the requirements approved in the original plan.

Attorney Phillips pointed out that in May of 1979 an amendment to rezone a portion of the subject property was submitted to the Planning Commission for their review. Due to the problems created by this request, it was withdrawn and the three plats were submitted meeting the requirements of the original approved plan. Attorney Phillips pointed out that the 30 day time limit that the Planning Commission has to act on a preliminary plat has already elapsed, therefore he stated that they are requesting the Planning Commission to take action on the preliminary plats at this time.

A composite plan was then submitted by Bay Colony. Mr. Boone pointed out that this plan was drawn to meet the requirements that were originally approved in 1972. Mr. Boone stated that a traffic study, engineering study, etc. has been done by his firm. He further stated that they are not asking for any amendments and that they are proceeding with development according to PD-G Planned Development - General the original zoning that was approved.

Mr. Stelle pointed out that according to the plans approved by the Commission in 1972 and the composite plan Bay Colony has presented that changes were being proposed by these 3 plats. He stated that it is his opinion that prior to these changes being approved that an application for amendment should be made. Mr. Stelle stated that the main concern on this matter at the present time is procedural requirements. He stated that according to the Zoning Ordinance that an application for an amendment must be submitted prior to any changes being approved.

Attorney Phillips pointed out that they feel the only change to the original plan that has been made is the road system. He stated that he does not feel such a change would require an amendment.

Mr. Stelle pointed out that it is his opinion that any change would constitute an amendment.

Attorney Lee pointed out that the Planned Development - General area consists of 4 separate tracts of land which Bay Colony Properties states as being consolidated into 1 tract of land. Attorney Lee pointed out that in the letter dated October 30, 1979, Attorney Phillips requested him to determine if the property is 1 tract or is considered 4 tracts. Attorney Lee stated that separate plans had been submitted and that separate zoning actions had been taken on each of the 4 tracts and tying them together is a change.

Following lengthy discussion, Bay Colony Properties requested the Planning Commission to take action on the preliminary plats of Phase I, II and III, based on the original Planned Development zoning of 1972.

Attorney Phillips pointed out that if the staff would notify them of the changes that need to be made to the preliminary plats that such changes would be made. Mr. Stelle pointed to a change in access from Frederica Road and a proposed connector road linking the south area with the north area.

It was then suggested that a revised master plan be submitted to the Planning Commission for their adoption. However, Attorney Phillips stated that the applicants do not wish to spend the time and money that would be necessary in submitting such information. He further stated that he does not feel that it is necessary that the plans should meet the exact requirements of the approval of 1972 as to the road system.

Mr. Stelle pointed out that it is his opinion that the Planning Commission does not have the right to pass the subdivision plats due to the necessary procedural requirements involved.

Mr. Stelle pointed out that the purpose of making application for an amendment is to allow the Planning Commission to study the proposed amendment and submit it to the County Commission for their approval, if the Planning Commission feels it is within the best interest of the County.

Attorney Phillips stated that it is their understanding that under Planned Development - General that roads are not the main concern and that they can be developed as most feasible. He then stated that they are requesting that the Commission state the necessary changes that need to be made to the preliminary plats. Mr. Stelle placed the previous approved plans on the wall and pointed to the change in street design.

Motion was made by Mr. Hicks that the preliminary plats of Phase I, II and III be approved. Motion died due to a lack of a second.

Following further discussion, motion was made by Mr. Boatright and seconded by Mr. Haman to approve the Preliminary Plats of Phase I, II and III of Sea Palms West Subdivision.

Mr. Neptune Whing, Harrington Subdivision, was present to object to this proposed development. He then submitted a petition bearing the signatures of 54 property owners stating that they object to this development.

Mr. Boone pointed out that the entrance road on Frederica Road has been realigned upon the recommendation of the Planning Commission staff.

Following further discussion, motion was made by Mr. Haman and seconded by Mr. Hicks that an amendment be made to the above motion stating that it be noted that blanket approval is not being granted that all property in the Planned Development area that is not included in Phase I, II and III will have to be submitted to the Planning Commission for site plan approval. Mr. Driggers abstained from voting on this motion, all others voted in favor of the motion.

It was then noted that prior to taking a vote on the motion for approval the following conditions were stated and included in the motion: 1) turning lanes be 300 feet on each side of Wood Thrush Drive, at the developers' expense; 2) that the tennis courts be removed due to an encroachment on Thrush Drive; 3) realignment of the intersection of Brown Thrasher & Wood Thrush Drives to meet County requirements; 4) that such development does not imply the availability of sewerage; 5) to be developed in accordance with the drainage; 6) plat being signed by a registered engineer with date and equipment used being noted; 7) meet the requirements of Section 803.3 of the Subdivision Regulations as to street plans; 8) contours be placed in dashed lines at one foot intervals and based on mean sea level datum; 9) location of right-of-way or easement, parks, etc. on the property and adjoining property, Section 803.1.9; 10) two street names be changed, Osprey Drive and Wild Heron Court; 11) key maps shows entire tract but does not show subdivision, needs to show where the subdivision is located; 12) plans for water and sewer need to be submitted; and 13) area noted as "future development" needs to be described for what type of proposed use.

Mr. Rick Day with the firm of Wilber, Smith and Associates, was present to represent the traffic analyses that has been done for this area. He pointed out that the development has been looked at for the safety and adequate access.

Posting of the bond for improvements was then discussed. Mr. Boone stated that they would post a bond for these improvements or would make the necessary improvements.

Mr. Boatright then questioned the Executive Director as to whether the above conditions should be made prior to approval or could the approval be granted subject to the conditions being met. Mr. Stelle stated that he felt that if the Planning Commission wishes to grant preliminary approval that approval could be granted subject to the conditions being met. He further stated that he would like to see the proper plat with signatures prior to construction.

It was noted that these changes would be submitted to the Planning Commission staff for their review and that a called meeting with the Planning Commission Members would be held to review the plats.

Vote on the motion was then taken. Voting nay to the motion was Mr. Gibson. Mr. Driggers abstained from voting and Mr. Atkinson, Mr. Boatright, Mrs. Brown, Mr. Crosby, Mr. Haman and Mr. Hicks voted in favor of the motion to approve the preliminary plats subject to the above 13 conditions being met and further that all other property within the Planned Development - General area not included in the preliminary plats be submitted to the Planning Commission for site plan approval prior to development.

Oak Ridge Subdivision
Preliminary Plat
Driggers Construction Company, Developer

Mr. Joe Biletzskov, Surveyor and Engineer for the above development was present for review.

Mr. Driggers abstained from discussion due to a conflict of interest.

Mr. Stelle pointed out that this subject subdivision is located adjacent to Marshes of McKay Subdivision and is an extension of Oglethorpe Manor Subdivision.

It was noted that the subdivision contains 49 acres zoned FA Forest Agricultural and will consist of 52 lots with a minimum lot area of 20,000 square feet.

Mr. Stelle stated that the staff has reviewed the subject plat and recommends preliminary approval subject to the following: 1) the engineering design being certified by a registered engineer; and 2) drainage design approval by the County Hydrologist/Engineer, Mr. John McEvoy.

Motion was made by Mr. Hicks and seconded by Mr. Boatright that the above plat be granted Preliminary Approval subject to the above two reasons so stated by the staff. Voting Aye: Mr. Atkinson, Mr. Boatright, Mrs. Brown, Mr. Hicks, Mr. Crosby and Mr. Haman. Abstaining: Mr. Driggers.

Road Closure - Portion of Lucian Street, Glynn Heights Subdivision

Mr. Stelle pointed out that the applicant, A. G. Proctor Company, Inc. has requested the closing of a 370 foot portion of Lucian Street located between Cary Street and Crispen Boulevard, Glynn Heights Subdivision, for security reasons for the Best Western Hotel.

Mr. Stelle pointed out that there are other roads within this area that are unopened.

It was then noted that such closure would affect entry into lot 89, a single-family home, so therefore it was recommended by the staff that the applicants provide a cul-de-sac at the end of the subject lot for vehicular access in exchange for the closing of Lucian Street.

Mr. Hicks then stated that he feels the applicant should have to buy the road from the County for cash and that the County should not just give the property away.

Mr. Stelle stated that due to the one ownership surrounding the street and that the right-of-way is unopened or used for any thru access that it should be recommended to the County for closing subject to A. G. Proctor providing the above mentioned turn-around at the northern terminus and in this manner would be improving the property.

Motion was made by Mr. Atkinson, seconded by Mrs. Brown and unanimously adopted that this request be recommended to the County Commission for approval subject to the above turn-around being provided by the applicants.

Upon a motion made by Mr. Driggers and seconded by Mr. Atkinson the Minutes of September 11th were unanimously adopted.

Mr. Stelle then stated that he would like the JPC Members to adopt a motion to give the Chairman the authority to sign the Altamaha Canal Contract and the HUD Planning Grant Contract.

Thereupon, motion was made by Mr. Atkinson, seconded by Mr. Crosby and unanimously adopted that the Chairman be authorized to sign the 1979 - 80 HUD Planning Grant Contract and the Altamaha Canal Contract.

Mr. Stelle explained that a request has been submitted by Mr. Yoko Waldron Holmes to correct a scrivener's error on Lot 14 of L. M. Kinstle Subdivision. Mr. Stelle pointed out that the error exists on the northern boundary of Lot 14 adjacent to the "reserved" portion of Toledo Street. The dimension reads 217.51 feet and should read 247.51 feet according to the survey and deed.

Mr. Stelle stated that a motion to make this correction is needed by the Planning Commission in order to inform the County Engineer Department to make the necessary change on the subdivision plat.

Thereupon, motion was made by Mr. Hicks, seconded by Mr. Driggers and unanimously adopted that this scrivener's error be corrected.

Meeting Adjourned at 12:00 Noon


Deborah B. Chapman

Minutes of November 6th, 1979