

M I N U T E S

GLYNN COUNTY PLANNING COMMISSION
April 2, 1991 9:00 A.M.

PRESENT: Larry Evans, Chairman
Sidneye Henderson
Carolyn Hill
William Holland
Benjamin Jaudon
Lee Kicklighter
Dennie McCrary

STAFF PRESENT: Edward Stelle, Community Development
Rick Anderson, County Planner
Larry Taylor, Building Plans & Dev. Review
Deborah Chapman, Zoning Administrator
Jennifer Detloff, Planner
Janet Loving, Administrative Secretary

Chairman Larry Evans called the meeting to order and the invocation was given.

SUP-1-91

Request for a Special Use Permit in an M-6 One-Family Residential Mobile Home Zoning District for the location of a church. Subject property being Lots 2 and 4 of Arco Development Company Land, consisting of .287 acres located on the northeast corner of Pine Street and Ninth Street.

True Deliverance Tabernacle Church; John Shuman, Johnny Hardy and Ellis Miller, Jr., Trustees

Rev. James Bethea, agent and pastor of the True Deliverance Tabernacle Church, was present for discussion.

Ms. Deborah Chapman presented the staff's report. She stated that this request is for a Special Use Permit in an M-6 One-Family Residential Zoning District for the location of a church in the Arco area. She stated that the subject property is a portion of a 4.42 acre tract that was rezoned in 1987 from R-6 One-Family Residential to Mh-6 One-Family Residential Mobile Home. The rezoning was approved subject to the entire tract being improved in compliance with all the provisions of the Clean Community Ordinance. She further stated that the purchaser of the 4.42 acres, Brantley O'Quinn, improved the property and obtained permits to locate mobile homes on existing individual platted lots. Mr. O'Quinn sold two lots totaling 12,523 square feet to the current owners to construct a church. The owners are now requesting a special use permit to build a church.

Ms. Chapman stated that the surrounding area contains mixed uses - mobile homes on individual lots, mobile home park, multi-family residential, single-family homes, car wash, pool room, package store, motel and lounges.

Ms. Chapman stated that the property owner of the package store and the owner of a lounge in the area have expressed concern about a church being located within close proximity to their uses. She explained that the Ordinance has been reviewed and staff has found that allowing a church to locate adjacent to an existing package store or lounge should not have any negative effect on the surrounding property.

Everyone present was given the opportunity to speak for or against this request.

Mr. Harlan Skarpalezos stated that he was asked to represent the business owners in the area. He stated that he and the other owners were concerned that the church's presence in the area would prevent alcoholic beverage licenses from being granted to nearby businesses. He also stated that they were concerned about future liquor licenses. According to staff, there will be no more liquor licenses issued in the County. Mr. Skarpalezos further stated that he owns property near the proposed location of the church and questioned how the church could affect the future use of his property. He added that morally, he could not understand why anyone would want to locate a church near a drinking establishment or near a business with a liquor license. He is opposed to this request.

Mr. Edward Stelle explained that the current Alcoholic Beverage License of Glynn County requires that a package store, liquor store or a lounge must not be located closer than 600 feet from a church, school or residentially zoned property. However, the distance requirement does not apply to convenience stores selling alcoholic beverages in original containers to go, not to be consumed on the premises. He stated that in the case of a new alcoholic beverage license for a package/liquor store in the area, as long as the current Ordinance remains in effect with a separation from residentially zoned property, there will not be any additional licenses issued regardless of a church being located within the area.

Mr. Skarpalezos then questioned why he and the other property owners in the area were not notified in advance of this request.

Ms. Chapman stated that the Glynn County Zoning Ordinance does not require notification to property owners of a Special Use Permit.

Rev. James Bethea stated that it is not his intent to shut down the businesses in the area. He stated that a church is needed for the betterment of the community. He also stated that there is a serious drug problem in the area, especially among the young people. His chief goal is to upgrade the community and to give the young people a choice.

Ms. Gail Smith, resident of the nearby trailer park, expressed her concern for the children in the neighborhood. She stated that the day-care provided by the church will be beneficial to her children. She stated that the church will also serve as a refuge for the needy.

Mrs. Florence Bethea, the pastor's wife, stated that the youth department has numerous activities planned for the young people in the community. She explained that the church will strive to reach the parents through the hearts and minds of the children.

Mrs. Mary Calhoun stated she feels that the church will also be beneficial to the senior citizens in the neighborhood.

Ms. Betty Knight, owner of the Shipwreck Lounge, stated that she is not against the church, but at the same time she does not see how it would be a positive influence on children when they come out of the church and see the back of a lounge. She added that she has a religious background and attends church, but her lounge is how she makes her living.

Chairman Larry Evans questioned the origin of the neighborhood.

Ms. Chapman explained that in 1966 the area was zoned residential. It was an area that needed to be cleaned up. At that time a presentation was made to the County Commission for a rezoning request to allow a mobile home on the existing lots in the area. The zoning was changed to M-6 which is still residential.

Mr. Skarpalezos had questions concerning the zoning change in the area.

Ms. Chapman explained that the area is zoned M-6. The area is not zoned Mobile Home Park but zoned for individual mobile homes on individual lots.

Mr. Stelle stated that originally the area was zoned residential. The zoning was changed from single family conventional dwellings to allow mobile homes to be constructed.

Ms. Carolyn Hill had questions concerning the transferal of a liquor license.

Mr. Stelle explained that if the owner of an establishment elected to sell his business, the existing license would be transferable.

One business owner stated that she has been established in the area for approximately 18 years and wondered if this request, if approved, would affect her license in the future. Mr. Stelle stated that this request would not affect her license. She then asked if she decided to sell her business would the purchaser be allowed to apply for a liquor license. It was explained by Mr. Stelle that the purchaser would be allowed to apply for a license as long as the existing alcoholic beverage license does not lapse within a year.

Mr. Lee Kicklighter expressed his concerns on the affects of future business licenses. He stated that established businesses should be allowed to remain in business regardless to the existence of a church.

The following section of the Glynn County Alcoholic Beverage Ordinance was included in the packages for the Planning Commission's review -

All licenses granted hereunder shall expire on December 31 of each license year. Licensees who desire to renew their license shall file application together with the requisite fee with the Business License Officer on the form provided for renewal of a license for the ensuing year. Applications for renewal must be filed on or before November 1 of each year, otherwise no license except for good cause shown, shall be renewed. If a license is not renewed in a timely manner, the application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of license to the same extent as if no previous license had been held. If the application is filed prior to July 1 of a particular license year, the full license fee shall be paid. If the application is filed after July 1, the license fee shall be one-half the amount of the normal license fee charged for the entire year. The investigation fee shall not be prorated.

2-3-16 Required Distance of Place of Business from School, Schoolhouse or Church; Residential Area.

- (a) No license shall be issued where the property line of the proposed Licensed Premises for the sale, either at retail or wholesale, of alcoholic beverages is located within 200 yards of the property line of any school ground, college campus, church, or recognized place of worship, as measured along a straight line on the ground between the two property lines. A school referred to in this section shall mean a State or County school, or private school (including church schools) which normally teach the same subjects as commonly taught in public schools.
- (b) No license for a package store or for lounges shall be issued to a proposed location where the property line of the proposed Licensed Premises is located within 200 yards of any area zoned for residential uses under the Glynn County Zoning Ordinance. The prohibition of this section shall not apply to lounges which are operated as an integral part of a hotel, motel, bonafide full service restaurant or which is located within the boundaries of a golf course. (Amendment of 4-6-89; effective 4-6-89).
- (c) The Board of Commissioners may grant an exception to distance requirements as hereinbefore set forth to a proposed location for the sale of beer and wine in the original package and not for consumption on premises of not more than fifty percent, if the Board of Commissioners finds the following circumstances exist:
 - 1. The proposed site is located in an area of Glynn County where numerous establishments are licensed to sell malt beverages and wine and which were licensed prior to June 18, 1981; and
 - 2. The property line of the proposed site to be licensed is separated from the property line of a school, college, church or recognized place of worship by a public road having a right-of-way of not less than 100 feet in width; or
 - 3. The property line of the proposed site to be licensed is separated from the property line of a school, college, or church or recognized place of worship by a permanent, natural or physical barrier of such nature as to render it highly unlikely that the distance of travel on the ground, between the two property lines, would be less than 200 yards.

- (d) Nothing contained in this Section shall prohibit the issuance of a license to an existing Licensed Premises, licensed under this or any proceeding Ordinance during the preceding twelve (12) months.

2-3-17 Leased Premises.

In the event premises for which a license is sought is part of a larger parcel of land, which would not qualify for a license, because of the proximity to school, college, church or recognized place of a worship as defined in Section 2-3-16 of this Ordinance, a license may nevertheless be issued by the Commission, provided the applicant meets the following additional requirements:

- a) The owner of the larger tract of land does not own or have a direct or indirect financial interest in the business sought to be licensed (other than the payment of rents).

Mr. Benjamin Jaudon stated that he is not against the church and that it would not be fair to threaten an established business by locating a church nearby. But at the same time, he stated the church has a great mission to achieve. Thereby a motion was made by Mr. Jaudon to recommend approval of this request. Motion was seconded by Ms. Sidney Henderson and unanimously adopted.

GC-2-91 D

Consider Amending the Glynn County Zoning Ordinance - Section 727. Beach and Dune Protection District, add a new Subsection - 727.7 Sea Turtle Protection Requirements, Beachfront Lighting

Mr. Stelle issued a handout of the new Subsection 727.7 for the Planning Commission's review. He stated that the County started looking at the Turtle Protection Ordinance in conjunction with the Beach Renourishment Project.

Mr. Stelle explained that the artificial lights shining down on the beaches cause baby turtles to head inland instead of out to sea. He stated that when the turtles hatch, they are drawn to light across the horizon but if there are other brighter lights shining down on the beach, the turtles may head that way instead. As a result, the hatchlings are dying unnecessarily.

Mr. Stelle stated that by working with the Department of Natural Resources, County officials decided the best route for a Turtle Protection Ordinance was through the County's existing Zoning Ordinance, Section 727. Beach and Dune Protection. He stated that if the amendment is passed by the County Commission, the following criteria shall apply to all public and private artificial exterior lights within direct line of sight of the beach:

1. Such lights shall not directly illuminate areas of the beach seaward of the primary dune or seawall/revetment.
2. The bulb, fluorescent tube, lamp or other source of light from such lights shall be shielded so that it is not directly visible from the beach.

3. The use of safety and security lights shall be limited to the minimum number to achieve their functional roles and where practical shall be shielded from the beach. In those cases where safety and security lights cannot be shielded from the beach, low pressure sodium lamps or other light sources which have been shown through experiments not to attract sea turtle hatchlings shall be used with the concurrences of the County Building Inspector and property owner.
4. Property owners and lessees, if any, not in compliance with this Ordinance will be notified in writing by the County of the violation and the steps needed to achieve compliance. Property owners and lessees, if any, not in compliance thirty (30) days after receiving the second notice from the County, or within such longer period agreed to by the County, shall be subject to the enforcement provisions set out in Article IX, Section 907 of the Glynn County Zoning Ordinance or Chapter 2-1-10 of the Glynn County Code of Ordinance.

Mr. Stelle then introduced Mr. Mike Harris of the Georgia Department of Natural Resources.

The Planning Commission had several questions concerning public awareness.

Mr. Harris explained that the Department of Natural Resources is working with GA Power on promoting public education through news releases, the use of bumper stickers and brochures. He stated that volunteers will distribute information and conservation groups such as the Audobon Society will assist with educating the public.

Ms. Carolyn Hill had questions concerning the longevity of the educational process, whether the promotion will be short-term or long-term.

Mr. Harris stated that promoting public education will be an on-going process.

Following further discussion, a motion was made by Ms. Carolyn Hill to recommend approval of this amendment as written. Motion was seconded by Mr. Benjamin Jaudon and unanimously adopted.

GC-2-91 E

Consider Amending the Glynn County Zoning Ordinance - Section 704. FA Forest Agricultural District, 704.3 Special Uses, to allow the placement of an additional residential structure/mobile home on the same lot as an existing residential structure, when a documented medical hardship exist and requirements are met

Ms. Chapman stated that currently the Zoning Ordinance allows a hardship for a mobile home in a single-family residential district. She stated that staff have been receiving requests for mobile homes in the FA district, which allows a mobile home, but there might not be adequate lot width in which to subdivide the property.

Ms. Chapman stated that staff feels the Ordinance needs to be changed to allow a hardship trailer in the FA district, provided the applicant has documentation from a doctor confirming that a hardship does exist.

The Proposed Amendment To Read As Follows -

Section 704. FA Forest Agricultural District

704.3 Special Uses

To Be Added:

- 2) The placement of an additional residential structure/mobile home on the same lot as an existing residential structure, for a two (2) year period when a documented medical hardship exists, provided such lot has a minimum of forty thousand (40,000) square feet and a one hundred (100) foot lot width. The application procedure outlined in Section 904. shall be met. Renewal may be obtained for an additional two (2) year period at the discretion of the County Commission if the medical hardship continues to exist.

Following review, a motion was made by Mr. Lee Kicklighter to recommend approval of this amendment. Motion was seconded by Mr. Benjamin Jaudon and unanimously adopted.

CUP-2-91

Request for a Conditional Use Permit in the GC-Core General Commercial-Core Zoning District, Village Area St. Simons Island, for the expansion of an existing restaurant known as Sandcastle Cafe and Grill.

Paul and Arlene Courtemance, Property Owners;
Tim Wellford and Charlotte Mejia, Applicants;
William Hooker, Architect

Mr. William Hooker, Mr. Tim Wellford and Ms. Charlotte Mejia were present for discussion.

Ms. Deborah Chapman presented the staff's report. She stated that this request is for the expansion of an existing restaurant located at 117 and 119 Mallory Street. She stated that the expansion would provide a second floor oyster bar and food service area and additional improvements. The restaurant currently has an existing seating capacity of seventy-one (71). The expansion would increase the seating to a total of one hundred twenty-nine (129), an increase of fifty-eight (58) seats.

Ms. Chapman stated that the hours of operation are from 7:00 a.m. to 2:00 a.m., seven (7) days a week. She stated that the architect, William Hooker, has submitted a statement and plan addressing the proposed remodeling.

It was further stated by Ms. Chapman that according to the Glynn County Zoning Ordinance, Section 715.3 Conditional Uses, a restaurant or drinking establishment shall be permitted on a

conditional basis in a GC-Core District, subject to the conditions set forth in Section 904. Section 904 states that applications for a conditional use will be made to the Building Official and approved by him upon demonstration that the conditions of the various uses have been complied with prior to issuance of a Certificate of Acceptance. However, the Planning Commission shall review the request and make a recommendation to the Building Official. Therefore, the Building Official has forwarded the request to the Planning Commission, in conformance with Section 715.3.

Section 715.3 states the following - 2) Restaurants or drinking establishments, with parking requirements determined by the Planning Commission based upon location, hours of operation, available on-street parking and other general considerations.

Mr. William Hooker made a brief presentation and stated he was present to answer any questions the Planning Commission may have.

Mr. Dennie McCrary had questions concerning parking spaces.

Mr. Hooker stated that currently there are 130 parking spaces in the general area of the pier and that parking will not be increased at this time.

Ms. Sidneye Henderson stated that she is also concerned about the parking. She stated that as new businesses accrue into the Village perhaps some type of impact fee should be considered so that parking can be expanded in the future. She stated that there are several lots in the area that could be purchased by the County for the purpose of constructing parking lots. She also stated that she is concerned about the long-term affects of what these new businesses may have on the existing businesses and the accessibility of parking.

Mr. William Holland questioned the status of the Village Overlay Plan.

Mr. Larry Evans stated that last year the Village Overlay Plan was submitted to the County Attorney for review and since that time several letters have also been submitted. He stated that a lot of time and effort went into the Plan and the Planning Commission is still waiting to here from the Attorney.

Mr. Ed Stelle stated that a meeting has been scheduled with the County Attorney for Friday, April 5th to further discuss the Village Overlay Plan.

Ms. Charlotte Mejia stated that they have been in business for two years. She stated they have asked for this expansion because on the weekends they lose customers due to a lack of seating space, not because of parking. She also stated that the expansion is necessary to expose their customers and the people of St. Simons to a beautiful view.

Mr. Lee Kicklighter stated that in his opinion, the applicants have gone through a great deal to see that their restaurant and the expansion will be an asset to the Village. He stated that he feels the Planning Commission should support this request and that parking should not be the issue to override this request.

Mr. Larry Evans stated that he agrees with Mr. Kicklighter but that parking will have to be considered. He clearly stated that the parking problem is not going to go away and that the applicants of this request should not be held responsible for the problem.

Mr. Ed Stelle inquired about music in this portion of the restaurant, and if the applicants intend to serve alcoholic beverages.

Ms. Mejia stated that they had not planned on having music at this time but that they do have a beer and wine license.

Mr. Marcus Heron, a resident in the area, stated that parking needs to be addressed but that the applicants of this request should not be penalized. He stated he is in favor of this request.

Mr. Tony Armstrong was also present to speak for this request.

Ms. Karen Moore, County Commissioner, stated that the applicants or the architect should take under consideration the noise generated from this area.

Mr. William Hooker stated that in his plans he will try to utilize operable windows to help minimize the noise.

Mr. Larry Taylor stated that he has spoken with several people in the Village area and they are in favor of this request.

Following discussion, a motion was made by Mr. Dennie McCrary to recommend approval of this request. Motion was seconded by Mr. Benjamin Jaudon and unanimously adopted.

Upon a motion made by Mr. Benjamin Jaudon and seconded by Ms. Sidneye Henderson, the Minutes of March 5, 1991 Planning Commission meeting were approved and unanimously adopted.

Under Staff Items, Mr. Rick Anderson presented the Planning Commission with a draft of the Glynn County Capital Improvements Plan and a general discussion followed.

Also under Staff Items, Mr. Anderson invited the Planning Commission to look at the new computer mapping system located in Community Development Department, which was installed for the purpose of facilitating in the dissemination of information regarding the County.

Meeting Adjourned At 10:40 A.M.